

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Community Recreational Facilities

The Basics

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Community Recreational Facilities

Smoking and vaping is not permitted on the outdoor grounds of community recreational facilities or in public spaces within 20 metres of the perimeter of the grounds.

A community recreational facility is an enclosed public place or an enclosed workplace where:

1. The place is owned or operated by a charity, non-profit or government.

2. The place is primarily used for the purposes of providing athletic or recreational programs or services to the local community, including children and youth, whether or not a fee is paid for the use.

For example:

- a) Sports programs;
- b) Children's play programs; or
- c) Fitness programs.

3. The public is normally allowed access.
4. The place is not primarily a private dwelling.

Owner Responsibilities

It is the responsibility of the owner, operator or the person in charge of the place to ensure that smoking and vaping laws are followed.

They are required to:

- Give notice to the public that smoking is prohibited in the smoke-free and vape-free areas.
- Post "No Smoking", and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms of the smoke and vape-free area, in appropriate locations and in sufficient numbers, to ensure the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free and vape-free areas.
- Ensure that no one smokes or vapes in the smoke-free and vape-free areas.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the smoke-free and vape-free areas.

Enforcement

Local public health units will carry out inspections and respond to complaints of smoking and vaping on the outdoor grounds and public spaces within 20 metres of the perimeter of the grounds of community recreational centres.

Penalties

Any individual who violates the prohibition on smoking or vaping in smoke-free and vape-free areas may be charged and if convicted, may face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An owner that fails to fulfill their responsibilities under the law may be charged and if convicted, may face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking or vaping laws applicable to community recreational centres, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health website: ontario.ca/smokefree.