

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Waterpipe Use in Enclosed Public Places, Enclosed Workplaces, and Other Places or Areas

The Basics

The *Smoke-Free Ontario Act, 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.

Use of a Waterpipe in Enclosed Public Places, Enclosed Workplaces, and Other Places or Areas

The use of a waterpipe (or a hookah) to smoke shisha that contains tobacco is prohibited in enclosed workplaces and enclosed public places, as well as other designated places in Ontario. This includes bars, restaurants and the outdoor patios of these establishments.

The use of a waterpipe to smoke herbal shisha is not prohibited under the *Smoke-Free Ontario Act, 2017* (SFOA, 2017).

Inspectors appointed under the SFOA, 2017 have the authority to remove a sample of a substance or any other thing that is relevant to the inspection or take a specimen that is relevant to the inspection. This includes taking a sample of shisha product from a waterpipe that is being used or offered for use to confirm the presence or absence of tobacco.

Flavoured Waterpipe Tobacco

It is against the law to sell, offer to sell, distribute and offer to distribute flavoured tobacco products, including flavoured tobacco used in a waterpipe.

Responsibilities of Proprietors Who Offer Waterpipe Use

Proprietors (owners, operators, and/or persons in charge) of enclosed public places must make sure that smoking laws are complied with. Tobacco shisha cannot be smoked inside enclosed public places or enclosed workplaces, such as bars and lounges, or smoked in other prohibited places such as a restaurant or bar patio.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding the smoking and vaping in prohibited places such as restaurants, bars, and on their patios. The inspection may include taking a sample of a shisha product to confirm the presence or absence of tobacco in order to confirm compliance with the Act.

Penalties

An individual found to be smoking or vaping in a prohibited place may be charged with an offence, and if convicted, could face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

A proprietor that fails to fulfill their responsibility under the law may be charged with an offence, and if convicted, could 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 and vaping laws, 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.