

Ministry of Health



## **Smoke-Free Ontario Act, 2017**

# How the Act Affects: Hotels, Motels and Inns

### **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.

### **Hotels, Motels and Inns**

Smoking and vaping is prohibited everywhere in hotels, motels and inns – except in guest rooms designated for smoking or vaping (see below for details).

Smoking and vaping is also not permitted on children's playgrounds at hotels, motels, and inns, including all public areas within a 20 metre radius of the perimeter of a children's playground.

It is also against the law to smoke or vape on bar and restaurant patios and public areas within a nine metre radius of any point on the perimeter of the patio. This includes patios at a food service area at a hotel, motel and inn.

These areas have all been designated smoke-free and vape-free.

## Designated Guest Rooms for Smoking or Vaping

Guests of a hotel, motel or inn may smoke or vape in their room only if management has designated the room as a smoking or vaping guest room. The designated guest room must be fully enclosed by floor-to-ceiling walls, a ceiling, and doors that separate it from any neighbouring area in which smoking or vaping is not allowed.

Only registered guests of a hotel, motel or inn and their invited guests can smoke or vape in designated guest rooms.

## Responsibilities of Proprietors and Employers

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) requires proprietors or employers of hotels, motels and inns to make sure that smoking and vaping laws are followed on their property. A proprietor includes the owner, operator or person in charge.

In all smoke-free and vape-free areas of the hotel, motel or inn, the proprietor or employer must:

- Give notice to employees and guests that smoking and vaping is not allowed.
- Post "No Smoking" and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms of the place, in appropriate locations and in sufficient numbers, to ensure that the public is aware that smoking and vaping is not allowed, as well as in every guest room that has not been designated to accommodate smoking or vaping.
- Ensure that no ashtrays or similar items remain in the smoke and vape-free areas.
- Ensure that employees and guests do not smoke in the smoke-free or vape-free areas.
- Ensure that someone who refuses to comply with the SFOA, 2017 does not remain in the smoke-free or vape-free area.

## Enforcement

Local public health units will carry out inspections and respond to complaints about smoking or vaping in hotels, motels and inns.

## Penalties

An individual who violates the prohibition on smoking or vaping in the smoke-free or vape-free areas of a hotel, motel or inn may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An employer or 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 in hotels, motels and inns, 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](http://ontario.ca/smokefree).