

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Tobacco Manufacturers

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.

The SFOA, 2017 prohibits the display and promotion of tobacco products and tobacco product accessories at any place where tobacco products are sold.

Tobacco Product Manufacturers

A tobacco manufacturer is a person who:

- a) Manufacturers, fabricates, or produces tobacco products for distribution, sale, or storage in Ontario.
- b) Holds a manufacturer's registration certificate under the *Tobacco Tax Act*.

Exemption for Manufacturers

A manufacturer of tobacco products may be exempt from the display and promotion restrictions set out in the SFOA, 2017 subject to the following conditions:

1. The manufacturer must be registered with the Ministry of Health and Long-Term Care.
2. The manufacturer shall not permit a person who is less than 19 years old to enter the place other than an employee of the manufacturer or a support person accompanying a person with a disability who is at least 19 years old.
3. Promotions, tobacco and branded tobacco product accessories are not visible from outside the place.
4. Customers can enter the place only from the outdoors or from the areas of an enclosed shopping mall that are:
 - Open to the public;
 - Common to most of the retail establishments or other businesses within the mall; and
 - Not part of a retail establishment or other business within the mall.
5. The place cannot be a thoroughfare (e.g., passageway).

A manufacturer that fails to meet these conditions no longer has the benefit of the exemption, and must comply with the prohibition on display and promotion.

For greater clarity, a person who manufactures an electronic cigarette for use with a tobacco product (e.g., Heat-Not-Burn devices), but that is packaged without a tobacco product, is permitted to display and promote the electronic cigarette.

Signage for Manufacturers

“No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign must be posted at all entrances, exits and washrooms, in appropriate locations and in sufficient numbers, so that everyone knows that smoking and vaping is not permitted inside the manufacturer’s facility.

For information on where to get signs, please contact your local Public Health Unit.

Registration

A manufacture of tobacco products can register with the Ministry of Health and Long-Term Care by sending an email to SFOApplications@ontario.ca.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding manufacturers to enforce the SFOA, 2017.

Penalties

There are several penalties that a manufacturer could face for violating the SFOA, 2017. Manufacturers are advised to review the SFOA, 2017 to understand their responsibilities, and the fines that may result from failing to comply.

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 for manufacturers, 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.