

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Post-Secondary Institutions

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.

Residences on Post-Secondary Institutions

Smoking and vaping is not permitted in the indoor common areas of college and university residences. This includes elevators, stairwells, hallways, parking garages, laundry facilities, lobbies, exercise areas and party or entertainment rooms.

Note: Additional restrictions on smoking and vaping may exist in school policies.

Tobacco and Vapour Product Sales on Campuses of Post-Secondary Institutions

It is prohibited to sell tobacco or vapour products on all college and university campuses. This applies to:

- A college of applied arts and technology;
- A university or other institution that receives funding from the Ontario government for the purpose of providing post-secondary education; and
- An institution offering post-secondary education programs that is affiliated with a university.

It covers buildings that are owned or areas that are leased by colleges, universities or student unions that are used to provide educational programs or recreational or residential services, to students.

Responsibilities of Proprietors

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) requires that proprietors of colleges and universities make sure that smoking and vaping laws are followed. A proprietor includes the owner, operator or person in charge of the place.

Every proprietor must:

- Give notice to the residents and visitors that smoking and vaping 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-free and vape-free areas, in appropriate locations, and in sufficient numbers to ensure that staff and residents are 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 persons do not smoke or vape 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 area.

Enforcement

Local public health units will carry out inspections and respond to complaints to enforce the SFOA, 2017 at Ontario colleges and universities.

Penalties

Any individual convicted of an offence for selling tobacco or vapour products on a college or university campus could be subject to a maximum fine ranging from \$2,000 to \$50,000, depending on the individual's number of prior convictions.

Any corporation convicted of an offence for selling tobacco or vapour products on campus could be subject to a maximum fine, ranging from \$5,000 to \$75,000, depending on the corporation's number of prior convictions.

An individual who violates the prohibition on smoking and vaping in a smoke-free or vape-free area 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).

A proprietor of a university or college residence that fails to fulfill their responsibility 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 the law regarding the sale of tobacco or vapour products on university and college campuses, 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.