



Smoke-Free Ontario Act

How the Act Affects: Hospitals and Hospital Properties

The Basics

The *Smoke-Free Ontario Act* prohibits smoking tobacco in all enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from the hazards of second-hand smoke.

Public and Private Hospitals and Psychiatric Facilities

Under the Act, public and private hospitals and psychiatric facilities are considered to be enclosed workplaces and enclosed public places, and smoking is prohibited inside these facilities.

Smoking is also not permitted on the outdoor grounds and within a nine (9) metre radius surrounding any *entrance* or *exit* of a hospital as defined in the *Public Hospitals Act*, the *Private Hospitals Act*, or a psychiatric facility as defined in the *Mental Health Act*.

The proprietor of a hospital or psychiatric facility may provide a designated smoking area on the grounds for patients, employees and visitors who smoke as long as the area:

- Is not within a nine (9) metres of any entrance or exit;
- Is identified as a smoking area with one or more signs posted on or around the designated area;
- Follows the rules laid out in the *Smoke-Free Ontario Act*; and
- Has not been set aside for the use of electronic cigarettes as per requirement, when the prohibition set out in the *Electronic Cigarettes Act, 2015* is proclaimed.

Please note that hospitals or psychiatric facilities can only create outdoor designated smoking areas for a limited time. The grounds of hospitals and psychiatric facilities must be completely smoke-free by January 1, 2018.

The sale of tobacco is prohibited in hospitals and psychiatric facilities.

Responsibilities of Hospitals as Employers / Proprietors

Proprietors (owners, operators, and / or persons in charge) / employers of hospitals and

psychiatric facilities must make sure that smoking laws are complied with. They must:

- Give notice to staff, patients and visitors that smoking is not allowed in the smoke-free areas.
- Post 'no smoking' signs:
 - at entrances and exits to the smoke-free areas,
 - in washrooms,
 - in appropriate other locations,
 - in sufficient numbers to ensure that patients, staff and visitors are aware that smoking is not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free areas.
- Ensure that employees, patients and visitors do not smoke in the smoke-free areas.
- Ensure that someone who refuses to comply with the ban on smoking does not remain in the smoke-free areas.

Use of Tobacco for Traditional Aboriginal Cultural or Spiritual Purposes

The proprietor of a hospital, long-term care home, home for special care, or independent health facility must, at the request of an Aboriginal resident, set aside an indoor area in the facility for the use of tobacco for traditional Aboriginal cultural or spiritual purposes. This area must be separate from any area where smoking is otherwise permitted (e.g. controlled smoking area). The restriction on smoking or holding lighted tobacco on the outdoor grounds of a public hospital, a private hospital or a psychiatric facility does not apply to tobacco used for traditional Aboriginal cultural or spiritual purposes.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding the sale of tobacco and smoking in hospitals and psychiatric facilities. Inspectors will also respond to complaints regarding smoking on the outdoor grounds of the hospitals and psychiatric facilities where smoking has been prohibited.

Penalties

Failing to comply with prohibition on smoking tobacco

An individual found to be smoking in the smoke-free area (indoor or outdoor) of a hospital or psychiatric facility 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 or employer of a hospital or psychiatric facility that fails to fulfill their responsibility under the law may be charged with an offence, and if convicted, could face a maximum fine:

- For individuals: \$1,000 (for a first offence) or \$5,000 (for any further offence),
- For corporations: \$100,000 (for a first offence) or \$300,000 (for any further offence).

Failing to comply with prohibition on selling tobacco

Any individual convicted of selling tobacco in a hospital or psychiatric facility could face a maximum fine ranging from \$2,000 to \$50,000, depending on the individual's number of prior convictions.

Any corporation convicted of selling tobacco in a hospital or psychiatric facility could face a maximum fine ranging from \$5,000 to \$75,000, depending on the corporation's number of prior convictions.

Failing to accommodate right of Aboriginal residents

Any operator of a hospital that fails to meet an Aboriginal resident's request for an indoor area to use tobacco for traditional Aboriginal cultural or spiritual purposes may be charged with an offence, and if convicted, could face a maximum fine of \$1,000 (in the case of an individual) or \$10,000 (in the case of a corporation).

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.

For specific information on smoking laws in hospitals, contact your local [Public Health Unit](#).

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