



Smoke-Free Ontario Act 2005

How the Act Affects: Hospitals

The Basics

- The Smoke-Free Ontario Act comes into force on May 31, 2006.
- The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.

Public, private, and psychiatric hospitals

Smoking is prohibited in any enclosed public place or enclosed workplace, as per section 9(1) of the Smoke-Free Ontario Act. A hospital is considered both an enclosed workplace and an enclosed public place under the act.

Smoking is also prohibited within a nine (9) metre radius of 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.

Further, the sale of tobacco is prohibited in the above facilities.

A hospital may choose to accommodate patients or employees who smoke by providing a smoking shelter outdoors. The hospital must ensure that the outdoor smoking shelter structure consists of *no more than two walls and a roof*.

Responsibilities of Hospitals as Employers

Every employer must:

- Ensure that employees, patients, and visitors are aware that smoking is prohibited.
- Remove ashtrays and any object that serves as one.
- Ensure that no one smoke in the workplace.
- Ensure a person who does not comply, does not remain in the enclosed workplace.
- Post *No Smoking* signs at all entrances, exits, washrooms and other appropriate locations in order to ensure that everyone knows that smoking is prohibited. For information on acquiring required signage, please contact your local public health unit.

Use of Tobacco for traditional Aboriginal cultural or spiritual purposes

At the request of an Aboriginal resident, the operator of a hospital must set aside an indoor area for the resident to use tobacco for traditional cultural or spiritual purposes.

Enforcement

Local public health units will carry out inspections and investigate complaints in hospitals in order to enforce the act.

Penalties

There is no maximum corporate fine listed for a contravention of this section of the act, meaning the fine amount would be left up to a justice of the peace. An individual could be subject to a maximum fine of \$5,000.

This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit at:



... because health matters!

Peterborough County-City Health Unit

10 Hospital Drive, Peterborough, ON K9J 8M1
(705) 743-1000 www.pcchu.ca

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30am - 5:00pm

For more information on the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion website: http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp.