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ONTARIO REGULATION 48/06

made under the

SMOKE-FREE ONTARIO ACT

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GENERAL

Interpretation

1. (1) In this Regulation,

“specialty tobacco products” includes tobacco products and tobacco product accessories, but does not include cigarettes within the meaning of the *Tobacco Tax Act* and the regulations under that Act; (“produits du tabac de spécialité”)

“tobacco product accessories” means products that may be used in the consumption of a tobacco product, including a humidor, pipe, cigarette holder, cigar clip, lighter and matches. (“accessoires de produits du tabac”)

(2) For the purposes of sections 13 and 14,

“roof” means a physical barrier of any size, whether temporary or permanent, that covers an area or place or any part of an area or place, and that is capable of excluding rain or impeding airflow, or both.

(3) For the purposes of section 14,

“wall” means a physical barrier of any size, capable of excluding rain or capable of impeding airflow, or both, including a moveable or temporary barrier.

Signs

2. All signs required to be posted under the Act and regulations shall be posted in a conspicuous manner and shall not be obstructed from view.

Identification of persons to be at least 19

3. (1) For the purposes of subsection 3 (3) of the Act, an item of identification is prescribed if it includes a photograph of the person, states his or her date of birth, and reasonably appears to have been issued by a government.

(2) Without limiting the generality of subsection (1), the item of identification may be any of the types prescribed in subsection (3).

(3) The following types of identification are prescribed for the purpose of subsection 3 (3) of the Act:

1. A driver’s licence issued by the Province of Ontario with a photograph of the

person to whom the licence is issued.

2. A Canadian passport.
3. A Canadian citizenship card with a photograph of the person to whom the card is issued.
4. A Canadian Armed Forces identification card.
5. A photo card issued by the Liquor Control Board of Ontario.

Display exemptions for tobacconists

4. (1) For the purposes of section 3.1 of the Act, a tobacconist is a retail establishment that is registered with the Ministry of Health Promotion as a tobacconist and where,

(a) at least 50 per cent of the establishment's total sales for the previous 12 months is from specialty tobacco products; or

(b) if the retail establishment has been in operation for less than 12 months, at least 50 per cent of the establishment's total inventory purchases for the time it has been in existence consists of specialty tobacco products or at least 50 per cent of the total sales for the time it has been in existence consists of specialty tobacco products.

(2) A retailer who sells tobacco products at a tobacconist is exempt from subsections 3.1 (1) and (2) of the Act only with respect to the display of specialty tobacco products at that tobacconist, subject to the following conditions:

1. The retailer shall not permit a person who is less than 19 years old to enter the tobacconist unless the person is accompanied by a person who is at least 19 years old. For the purposes of this paragraph, a person who appears to be less than 25 years old is deemed to be less than 19 years old unless the proprietor of the tobacconist has required the person to provide identification and is satisfied that the person is at least 19 years old.

2. Customers of the tobacconist can enter the tobacconist only from the outdoors or from the areas of an enclosed shopping mall that are,

- i. open to the public,
- ii. common to most of the retail establishments or other businesses within the mall, and
- iii. not part of a retail establishment or other business within the mall.

3. The tobacconist must not be a thoroughfare.

Display exemptions for duty free retailers

5. A retailer who sells tobacco products at a duty free shop as defined in subsection 2 (1) of the *Customs Act* (Canada) is exempt from subsections 3.1 (1) and (2) of the Act in respect of sales of tobacco products at the duty free shop, subject to the following conditions:

1. Tobacco products and tobacco product accessories are not visible from outside the duty free shop.

2. Customers of the duty free shop can enter the duty free shop only from the outdoors or from the areas of an enclosed shopping mall that are,
 - i. open to the public,
 - ii. common to most of the retail establishments or other businesses within the mall, and
 - iii. not part of a retail establishment or other business within the mall.
3. The duty free shop must not be a thoroughfare.

Display exemptions for manufacturers

6. (1) For the purposes of this section, a manufacturer of tobacco products is a person who,

- (a) manufactures, fabricates or produces tobacco products for distribution, sale or storage in Ontario; and
- (b) holds a manufacturer's registration certificate under section 7 of the *Tobacco Tax Act*.

(2) For the purposes of this section, a manufacturer includes any entity that is associated with a manufacturer, including an entity that controls or is controlled by the manufacturer or that is controlled by the same entity that controls the manufacturer.

(3) A manufacturer of tobacco products is exempt from section 3.1 of the Act in respect of a place where tobacco products are manufactured, fabricated or produced by the manufacturer, subject to the following conditions:

1. The place is registered with the Ministry of Health Promotion for the purposes of the exemption.
2. The manufacturer shall not permit a person who is less than 19 years old to enter the place unless the person is accompanied by a person who is at least 19 years old. For the purposes of this paragraph, a person who appears to be less than 25 years old is deemed to be less than 19 years old unless the manufacturer has required the person to provide identification and is satisfied that the person is at least 19 years old.
3. Tobacco products and 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,
 - i. open to the public,
 - ii. common to most of the retail establishments or other businesses within the mall, and
 - iii. not part of a retail establishment or other business within the mall.
5. The place must not be a thoroughfare.

Promotion of tobacco products

7. For the purposes of subsection 3.1 (3) of the Act, a sign in any place where tobacco products are sold or offered for sale that refers to tobacco products or tobacco product accessories, or both, is “promotional material” if the sign is not required to be displayed in the place by the Act or this Regulation and one or more of the following applies:

1. The text of the sign is visible from outside the place where tobacco products are sold or offered for sale.
2. The size of the sign exceeds 968 square centimetres.
3. The background of the sign is a colour other than white, and the text of the sign is a colour other than black.
4. The sign includes text or a graphic that identifies or reflects a brand of tobacco or tobacco-related product, or of any element of such a brand.
5. The sign is one of more than three signs in the place that refer to tobacco products or tobacco product accessories or both and that are not required to be displayed in the place by the Act or this Regulation.

Prohibition of sale in designated places

8. For the purposes of paragraph 10 of subsection 4 (2) of the Act, premises licensed under the *Independent Health Facilities Act* are places that belong to a prescribed class.

Packaging requirements

9. For the purposes of subsection 5 (1) of the Act, tobacco must be packaged in accordance with the requirements under the *Tobacco Act* (Canada) and the regulations made under that Act and the package must bear or contain the information required under that Act and those regulations.

Signs — age restriction and health warning

10. (1) For the purposes of section 6 of the Act, a person who sells or offers to sell tobacco at retail shall post the sign described in subsection (2) at any location where tobacco is sold or supplied in a place where the sign is clearly visible to the person who sells or supplies the tobacco and to the person to whom the tobacco is sold or supplied.

(2) The sign referred to in subsection (1) shall,

- (a) be 18 centimetres in height and 35 centimetres in width;
- (b) have a red background with black text and white text;
- (c) bear the words “Tobacco products are addictive and kill 1 out of every 2 long-term smokers. It is illegal to sell or supply them to anyone under 19 years of age.” in English, or “Les produits du tabac créent une dépendance et tuent 1 fumeur sur 2 à long terme. Il est illégal de vendre ou de fournir des produits du tabac à des personnes de moins de 19 ans.” in French;
- (d) have the graphic and the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_9-2.pdf or

http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_9-2.pdf; and

(e) be in the format shown on the representation of the sign accessible through that website.

Signs — identification

11. (1) For the purposes of section 6 of the Act, a person who sells or offers to sell tobacco at retail shall post the sign described in subsection (2) at any location where tobacco is sold or supplied in a place where the sign is clearly visible to the person who sells or supplies the tobacco and to the person to whom the tobacco is sold or supplied.

(2) The sign referred to in subsection (1) shall,

(a) be 9 centimetres in height and 18 centimetres in width;

(b) have a red background with black text and white text;

(c) bear the words “Government I.D. with a photo and birth date must be shown when requested. You must be 19 or older to purchase tobacco products.” in English or “Une pièce d’identité avec photo et date de naissance fournie par le gouvernement doit être présentée sur demande. Vous devez avoir au moins 19 ans pour acheter des produits du tabac.” in French;

(d) have the graphic and the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_10-2.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_10-2.pdf; and

(e) be in the format shown on the representation of the sign accessible through that website.

Areas where smoking prohibited

12. For the purposes of paragraph 7 of subsection 9 (2) of the Act, an area within a nine metre radius surrounding any entrance or exit of any of the following places is prescribed:

1. A hospital within the meaning of the *Public Hospitals Act*.
2. A private hospital within the meaning of the *Private Hospitals Act*.
3. A psychiatric facility within the meaning of the *Mental Health Act*.
4. A nursing home as defined in the *Nursing Homes Act*.
5. An approved charitable home for the aged under the *Charitable Institutions Act*.
6. A home as defined in the *Homes for the Aged and Rest Homes Act*.
7. An independent health facility licensed under the *Independent Health Facilities Act*.

Bar and restaurant patios

13. For the purposes of paragraph 7 of subsection 9 (2) of the Act, a place or area is prescribed if it meets all of the following conditions:

1. The public is ordinarily invited or permitted access to the place or area, either expressly or by implication, whether or not a fee is charged for entry, or the place or area is worked in or frequented by employees during the course of their employment whether or not they are acting in the course of their employment at the time.
2. The place or area has a roof.
3. Food or drink is served or sold or offered for consumption in the place or area, or the place or area is part of or operated in conjunction with a place or area where food or drink is served or sold or offered.
4. The place or area is not primarily a private dwelling.

Smoking shelters

14. For the purposes of paragraph 7 of subsection 9 (2) of the Act, a place or area is prescribed if it meets all of the following conditions:

1. The public is ordinarily invited or permitted access to the place or area, either expressly or by implication, whether or not a fee is charged for entry, or the place or area is worked in or frequented by employees during the course of their employment whether or not they are acting in the course of their employment at the time.
2. The place or area has a roof and more than two walls.
3. The place or area is not primarily a private dwelling.

Employer obligations

15. (1) For the purposes of clause 9 (3) (c) and section 10 of the Act, an employer shall place the sign described in subsection (2) at each entrance and exit of the enclosed workplace in appropriate locations and in sufficient numbers to ensure that employees and the public are aware that no smoking is permitted in the enclosed workplace.

(2) The sign referred to in subsection (1) shall,

- (a) be 10 centimetres in height and 10 centimetres in width;
- (b) have a white background and have a graphic of the international no smoking symbol;
- (c) have the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_intl.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_intl.pdf; and
- (d) be in the format shown on the representation of the sign accessible through that website.

(3) For the purposes of clause 9 (3) (f) of the Act, an employer must ensure that any room that is designated under paragraph 2 of subsection 9 (7), (8) or (9) of the Act or paragraph 3 of subsection 9 (10) of the Act meets the requirements for the room set out in the Act and section 18 of this Regulation.

Procedure for employees

16. For the purposes of subsection 9 (5) of the Act, subsections 50 (2) to (8) of the *Occupational Health and Safety Act* apply with necessary modifications when an employee complains that subsection 9 (4) of the Act has been contravened.

Proprietor obligations

17. (1) For the purposes of clause 9 (6) (c) and section 10 of the Act, a proprietor shall place the sign described in subsection (2) at each entrance and exit of the enclosed public place, place or area in appropriate locations and in sufficient numbers to ensure that the public are aware that no smoking is permitted in the enclosed public place, place or area.

(2) The sign referred to in subsection (1) shall,

(a) be 10 centimetres in height and 10 centimetres in width;

(b) have a white background and have a graphic of the international no smoking symbol;

(c) have the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_intl.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_intl.pdf; and

(d) be in the format shown on the representation of the sign accessible through that website.

(3) For the purposes of clause 9 (6) (f) of the Act, the proprietor must ensure that any room that is designated under paragraph 2 of subsection 9 (7), (8) or (9) of the Act or paragraph 3 of subsection 9 (10) of the Act meet the requirements for the room set out in the Act and section 18 of this Regulation.

Controlled smoking areas

18. (1) For the purposes of subsections 9 (7), (8) and (9) of the Act, the following are the requirements for a controlled smoking area if a proprietor or employer chooses to operate a controlled smoking area:

1. The controlled smoking area must be enclosed and separated from the rest of the building and must not be a thoroughfare.

2. The controlled smoking area must be set aside specifically for the purpose of smoking.

3. The controlled smoking area must be registered with the Minister by the proprietor of the controlled smoking area and by the employer of the workers who maintain the controlled smoking area.

4. The proprietor of the controlled smoking area and the employer of the workers who maintain the controlled smoking area shall ensure that maintenance checks of the controlled smoking area are conducted in accordance with Schedule 1.

5. The controlled smoking area shall comply with all the applicable codes and standards, and, where the requirements of the applicable codes and standards conflict with the requirements in this Regulation, the requirements of the applicable codes and

standards shall prevail. The existing fire separations and other life safety systems shall be maintained or upgraded as required based on the new usage of the space.

6. The controlled smoking area must be cleaned daily. There shall be no smoking in the controlled smoking area for two hours before custodial staff enter the controlled smoking area and while custodial staff are cleaning the controlled smoking area. A sign shall be posted outside the controlled smoking area indicating the hours during which smoking is not permitted in the controlled smoking area.

7. The controlled smoking area must be equipped with a separate ventilation system that supplies a minimum ventilation rate of 30 litres per second per person for the maximum permitted occupancy of the controlled smoking area and that exhausts to the exterior of the building.

8. The controlled smoking area must meet the requirements set out in Schedule 2.

(2) If a controlled smoking area in the facility is set aside for the purpose of smoking and for the purpose of carrying on another activity, there must be another area in the facility that is of a size equal to or greater than the area of the controlled smoking area and in which smoking is not permitted and in which the other activity may be carried on.

(3) If a controlled smoking area in the facility is set aside for the purpose of smoking, the proprietor of the facility and the employer of the workers in the facility shall post the sign described in subsection (4) and the sign described in subsection (5) outside any entrance to the controlled smoking area.

(4) The first sign referred to in subsection (3) shall,

(a) be 10 centimetres in height and 10 centimetres in width;

(b) have a white background with a red border and black text;

(c) bear the words “You have to live here to smoke here. And due to the grave health effects of second-hand smoke, employees are not required to enter.” in English or “Vous devez vivre ici pour fumer ici. En raison des effets négatifs de la fumée secondaire sur la santé, les employés ne sont pas tenus d’entrer.” in French;

(d) have the graphic and the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_17-4.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_17-4.pdf; and

(e) be in the format shown on the representation of the sign accessible through that website.

(5) The second sign referred to in subsection (3) shall indicate the maximum permitted occupancy of the controlled smoking area.

(6) Subject to subsection (7), the requirements of paragraphs 4 and 8 of subsection (1) do not apply to a controlled smoking area before June 30, 2006.

(7) The requirements of paragraphs 4 and 8 of subsection (1) do not apply to a controlled smoking area until December 31, 2006, if the proprietor of the controlled smoking area has submitted plans to the Minister on or before June 30, 2006, indicating that the

proprietor shall meet those requirements on or before December 31, 2006.

Supportive housing residence

19. For the purposes of subparagraph 1 v of subsection 9 (7) of the Act, “supportive housing residence” includes homes for special care licensed under the *Homes for Special Care Act*.

Psychiatric facilities

20. For the purposes of paragraph 1 of subsection 9 (8) of the Act, the following psychiatric facilities are designated:

1. A psychiatric facility that is designated under the *Mental Hospitals Act* as a facility to which that Act applies.
2. A psychiatric facility under the *Mental Health Act* that was formerly designated under the *Mental Hospitals Act* as a facility to which the *Mental Hospitals Act* applies and that became a division or other part of another facility as a result of the implementation of a plan for the restructuring of hospital services.

Facilities for veterans

21. For the purposes of paragraph 1 of subsection 9 (9) of the Act, the following facilities for veterans are designated:

1. The Parkwood Hospital site of St. Joseph’s Health Care London.
2. The Kilgour wing (K wing) and the George Hees wing (L wing) of the Sunnybrook and Women’s College Health Sciences Centre.

Signs — hotels, motels, inns

22. (1) For the purposes of clauses 9 (3) (c) and (6) (c) and section 10 of the Act, the employer and the proprietor shall post the sign described in subsection (2) in every guest room that has not been designated under paragraph 3 of subsection 9 (10) of the Act and in every washroom associated with the guest room.

(2) The sign referred to in subsection (1) shall,

- (a) be 10 centimetres in height and 10 centimetres in width;
- (b) have a white background and have a graphic of the international no smoking symbol;
- (c) have the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_intl.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_intl.pdf; and
- (d) be in the format shown on the representation of the sign accessible through that website.

Home health-care worker

23. (1) For the purposes of subsection 9.1 (3) of the Act, a home health-care worker

who has exercised his or her right to leave must phone his or her employer within 30 minutes of leaving, or as soon as is reasonably possible after that, and inform the employer,

- (a) that the worker has left;
- (b) whether an appropriate person is present and available to care for the person to whom the health-care services were being provided or were to be provided;
- (c) if the person to whom the health-care services were being provided or were to be provided would require care in the next 24 hours;
- (d) in what situation the person to whom the health-care services were being provided or were to be provided was when the worker left; and
- (e) whether there are any unusual circumstances and if so, what they are.

(2) The home health-care worker shall also follow any guidelines provided by the employer that are reasonably aimed at ensuring that the person to whom the health-care services were being provided or were to be provided is kept safe and provided with a reasonable level of care.

Traditional use of tobacco

24. For the purposes of paragraph 8 of subsection 13 (4) of the Act, premises licensed under the *Independent Health Facilities Act* are places that belong to a prescribed class.

Automatic prohibition

25. (1) For the purposes of section 18 of the Act, any person who is convicted of a tobacco sales offence under section 15 of the Act for contravening section 5, 6 or 7 of the Act, or subsection 16 (4) of the Act, or section 8 or 29 of the *Tobacco Tax Act*, and who is subject to a prohibition under section 16 of the Act, shall for the duration of the prohibition post the sign described in subsection (2) at every location where tobacco was sold or supplied immediately before the day the prohibition came into effect.

- (2) The sign referred to in subsection (1) shall,
 - (a) be 18 centimetres in height and 35 centimetres in width;
 - (b) have a red background with black text and white text;
 - (c) bear the words “We cannot sell tobacco products. We were convicted of tobacco sales offences.” in English or “Nous ne pouvons vendre de produits du tabac. Nous avons été reconnus coupables d’avoir commis une infraction liée à la vente de tabac.” in French;
 - (d) have the graphic and the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_24-2.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_24-2.pdf;
 - (e) have spaces for the inspector to fill in the address of the location and the period of the prohibition; and
 - (f) be in the format shown on the representation of the sign accessible through the website mentioned in clause (d).

(3) For the purposes of section 18 of the Act, any person who is convicted of a tobacco sales offence under section 15 of the Act for contravening subsection 3 (1) or (2) of the Act, and who is subject to a prohibition under section 16 of the Act, shall for the duration of the prohibition post the sign described in subsection (4) at every location where tobacco was sold or supplied immediately before the day the prohibition came into effect.

(4) The sign referred to in subsection (3) shall,

- (a) be 18 centimetres in height and 35 centimetres in width;
- (b) have a red background with black text and white text;
- (c) bear the words “We cannot sell tobacco products. We were convicted of tobacco sales to minors.” in English or “Nous ne pouvons vendre de produits du tabac. Nous avons été reconnus coupables d’en avoir vendu à des mineurs.” in French;
- (d) have the graphic and the Trillium and Smoke-Free Ontario logos shown on the representation of the sign accessible through the website of the Ministry of Health Promotion at http://www.mhp.gov.on.ca/english/health/smoke_free/sign_24-4.pdf or http://www.mhp.gov.on.ca/french/health/smoke_free/affiche_24-4.pdf
- (e) have spaces for the inspector to fill in the address of the location and the period of the prohibition; and
- (f) be in the format shown on the representation of the sign accessible through the website mentioned in clause (d).

Revocation

26. Ontario Regulation 613/94 is revoked.

Commencement

27. This Regulation comes into force on May 31, 2006.

SCHEDULE 1

MAINTENANCE REQUIREMENTS FOR CONTROLLED SMOKING AREAS

For the purposes of paragraph 4 of subsection 18 (1) of the regulation, a qualified person shall perform the following maintenance checks on the controlled smoking area and systems in the controlled smoking area, and correct any thing that is not in compliance with the requirements for the controlled smoking area:

1. A monthly visual inspection of the controlled smoking area to ensure that it is operating in compliance with the regulation, and in particular that,
 - i. the systems in the controlled smoking area are operating,
 - ii. the temperature conditions set out in paragraph 8 of Schedule 2 in the controlled smoking area are maintained,
 - iii. the doors are closing properly,
 - iv. there is no unusual accumulation of smoke in the controlled smoking area, and
 - v. there is no accumulation of smoke outside the controlled smoking area.

2. A quarterly routine maintenance or maintenance as recommended by the equipment manufacturer, whichever is more frequent, and further maintenance as appropriate given the use of the system, including but not limited to changing the filter, checking and maintaining the motors, refrigeration system, heating system, and control system, and cleaning the coils and heat recovery system.
3. An annual engineering inspection including air flow testing.

SCHEDULE 2

ADDITIONAL REQUIREMENTS FOR CONTROLLED SMOKING AREAS

The following are additional requirements for controlled smoking areas under paragraph 8 of subsection 18 (1) of the regulation:

STRUCTURE AND FURNISHINGS

1. The controlled smoking area shall be constructed with smoke sealed floor to slab partitions or sealed partitions with gypsum board ceilings. Floor to ceiling partitions with any permeable material, including but not limited to acoustic tiles, shall not be used.
2. The controlled smoking area shall be provided with a pressurized vestibule, having minimum dimensions of 1.8 metres in width and 2.4 metres in length, with two sets of doors with electric operators and door sweeps.
3. The controlled smoking area shall not contain soft fabric window coverings, carpets, ceiling tiles or soft fabric cover furniture.
4. The furniture in the controlled smoking area shall be of non-combustible, non-permeable, durable and easily cleanable surface material.

VENTILATION

5. The controlled smoking area shall be isolated from the other areas of the building and shall have a separate ventilation system that operates at all times. No air from the controlled smoking area shall be circulated to the rest of the building.
6. The ventilation system shall provide separate and filtered supply air to the controlled smoking area at a minimum ventilation rate of 30 litres per second per person for the maximum permitted occupancy of the controlled smoking area. The ventilation system shall heat or cool the supply air to maintain the temperature conditions set out in paragraph 8.
7. The controlled smoking area shall be maintained at a pressure that is 5 to 7 Pascals less than the pressure in any adjoining non-smoking area. The rate of air exhausted from the controlled smoking shall be 10 per cent greater than the rate at which air is supplied to the controlled smoking area.
8. The controlled smoking area shall be maintained at a temperature of at least 22°C and shall be increased, where appropriate, to a maximum of 25.5°C.
9. Thermal displacement ventilation shall supply the air at a low level close to the entrance of the controlled smoking area at a maximum velocity of 0.20 metres per second.

10. The air from the controlled smoking area shall be collected at ceiling level at the end of the area opposite the entrance and exhausted to the outside with a minimum velocity of 0.36 metres per second through each exhaust air discharge opening.
11. The exhaust air discharge openings for the air that is removed from the controlled smoking area shall be located at least 3.6 metres above ground and 6 metres from any opening windows, balconies and air intakes.
12. Supply air intakes and exhaust air discharge openings shall be separated horizontally by a minimum of 6 metres.
13. All the equipment for the controlled smoking area must be located in accessible locations. Switches and thermostats for the controlled smoking area that are in public areas shall be provided with lockable cages that shall be kept locked, and to which only authorized persons have access.
14. All duct work shall be of rigid material. Balancing dampers shall be provided on all branch ducts.
15. The ventilation system shall be provided with an interlock between air supply and exhaust to ensure continuous operation of both systems.
16. The ventilation system shall incorporate a heat recovery system to capture the heat from the exhaust air flows.
17. The proper installation of the systems in the controlled smoking area must be verified before the controlled smoking area is used. All systems shall be balanced by a balancing contractor who is affiliated with the Associated Air Balance Council or National Environmental Balancing Bureau and who is not associated with the contractor who built the controlled smoking area, the employer of the employees who maintain or clean the controlled smoking area, or the proprietor of the controlled smoking area.

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