

TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health / CEO

DATE: 2018 June 21

ENACTMENT OF THE NEW SMOKE-FREE ONTARIO ACT, 2017

Recommendation

It is recommended that Report No. 038-18 re: “The Enactment of the New Smoke-Free Ontario Act, 2017” be received for information.

Key Points

- In the spring of 2017, the Minister of Health and Long-Term Care and the Government of Ontario committed to modernization of the provincial Smoke-Free Ontario Strategy. This was [publicly released](#) in April 2018.
- To address emerging smoking products and help fulfill its commitment to having the lowest smoking prevalence rate in Canada, Ontario updated its smoking and vaping laws.
- Effective July 1, 2018, the new [Smoke-Free Ontario Act, 2017](#) will take effect, regulating the sale, supply, use, display, and promotion of tobacco and vapour products (e-cigarettes), and the smoking and vaping of medical cannabis.

Background

The *Smoke-Free Ontario Act* (SFOA) came into effect in May 2006 and imposed regulatory changes that led to significant reductions in smoking and tobacco use across Ontario. Smoking rates have decreased in Ontario, from 24.5% in 2000 to 16% in 2016 (CCHS 2014). In the spring of 2017, the Minister of Health and Long-Term Care and the Government of Ontario committed to modernization of a provincial Smoke-Free Ontario Strategy and to update Ontario’s smoking and vaping laws to address emerging smoking products, which continue to come into the market. In April 2018, the government released its report, “[Smoke-Free Ontario: The Next Chapter – 2018](#)” and announced a date for updated smoking and vaping laws to come into effect in Ontario. Effective July 1, 2018, the [Smoke-Free Ontario Act, 2017](#) (SFOA 2017) regulations will repeal the existing SFOA and the *Electronic Cigarettes Act, 2015* (ECA). The SFOA 2017 will regulate the sale, supply, use, display, and promotion of tobacco and vapour products (e-cigarettes), and the smoking and vaping of medical cannabis.

Places of Use

The SFOA 2017 will prohibit the smoking of tobacco, the use of e-cigarettes, and the smoking and vaping of medical cannabis in all enclosed public spaces and workplaces, as well as additional prohibited places, such as children’s playgrounds, sport fields and spectator areas, and bar and restaurant patios (which were already prohibited under the former SFOA). The SFOA 2017 will further protect Ontarians from second-hand smoke and vapour by prohibiting the smoking of tobacco, the use of e-cigarettes, and the smoking and vaping of medical cannabis in additional places not previously prohibited under the SFOA. A summary of these prohibitions, and a comparison to the previous version and municipal bylaws, can be found in the table attached as [Appendix A](#).

Sales Restrictions and Rules Regarding Display and Promotion

The SFOA 2017 will prohibit the display and promotion of tobacco products, branded tobacco product accessories, and vapour products at places where they are sold or offered for sale. While these regulations were in place for tobacco products under the previous legislation, the regulations related to electronic cigarettes and vaping products, including e-substances/e-liquids, are new and specific to SFOA 2017.

The regulation mandates exemptions for “Tobacconists and Specialty Vape Stores” to display these products with in-store promotion if specific conditions are met, including a requirement to ensure that people under the age of 19 are not permitted to enter the store. These exemptions require business owners to register annually with the Board of Health and to comply with the following conditions:

- **Tobacconists:** permitted to display and promote specialty tobacco products if a minimum of 85% of the store’s revenues or inventory is dedicated to speciality tobacco products. These requirements have been expanded from the 50% required under the previous SFOA.
 - The remaining 15% of a store’s revenue/inventory must be dedicated to the sale of cigarettes, items associated with tobacco, or items branded with the name of the tobacconist or a brand of tobacco.
- **Specialty vape stores:** permitted to display and promote vapour products if a minimum of 85% of the store’s revenues or inventory is dedicated to vapour products.
 - Specialty vape stores are not permitted to sell tobacco products, and the remaining 15% of the store’s revenues or inventory must be dedicated to items associated or branded with the name of the vape store or a brand of vape product.

Efforts to Promote the New Legislation

Over the next few months, the Health Unit will reach out to affected stakeholders to promote the new regulations. Tobacco Enforcement Officers will deliver tobacco and e-cigarette retail vendor information sessions and will conduct educational visits at retail locations to promote the new regulations. They will also reach out to bar and restaurant owners, as well as fair and festival organizers, to notify them of the restrictions on smoking within nine metres of patios. The Health Unit will continue to work with school board staff and principals to provide education and enforcement expertise regarding smoke-free and vape-free spaces within twenty metres of school property, and will continue to work with municipal partners to educate them on the impacts that SFOA 2017 will have on recreational facilities, sporting areas, and playgrounds, and how best we can work together to support the distribution of signage and information to businesses operating within each municipality. The Health Unit plans to implement a communication campaign over the summer and fall to promote the new regulations and to support voluntary compliance with the SFOA 2017. The Health Unit will continue to work in partnership with the Southwest Tobacco Control Area Network to ensure consistent application and interpretation of the law and to share resources.

This report prepared by the Chronic Disease Prevention and Tobacco Control Team, Healthy Living Division.



Christopher Mackie, MD, MHSc, CCFP, FRCPC
Medical Officer of Health / CEO