

Lighting Up? Not so fast! The Smoke-Free Ontario Act is now in force

On October 17, 2018, the same day marijuana officially became legal across Canada, Ontario passed *Bill 36 – The Cannabis Legislation* (“Bill”) and set in force the new *Smoke-Free Ontario Act, 2017* (“SFOA”). You may recall from previous e2r® Alerts that SFOA was scheduled to come into force on July 1, 2018 and was later paused. Both SFOA and the Bill have now been updated and adjusted based on the legalization of recreational marijuana.

Bill 36, among other things, has expanded where people are permitted to consume recreational and medical cannabis from private dwellings to anywhere that smoking cigarettes is permitted under the *Smoke Free Ontario Act*. This includes public places such as parks and sidewalks but specifically excludes the workplace. The Bill permits municipalities to pass their own bylaws restricting the public consumption of cannabis and we have seen cities in the Greater Toronto Area ban cannabis smoking in public outright; employers should be aware of any further restrictions at the municipal level that may exist.

Posting Requirements for Employers

The updated SFOA requires employers to post signs in a conspicuous manner “at each entrance and exit of the enclosed workplace, place or area in appropriate locations and in sufficient numbers to ensure that employees and the public are aware that smoking and the use of electronic cigarettes is prohibited in the enclosed workplace, place or area.”

Employers can choose to post as per one (1) of the following options:

Option 1

Post BOTH the “Tobacco Sign for Employers” AND the “Electronic Cigarette Sign for Employers”, both of which are dated January 1, 2018 and must be at least 10 centimeters in height and 10 centimeters in width.

Option 2

Post the “Tobacco and Electronic Cigarette Sign for Employers” (dated January 1, 2018) that is at least 15 centimeters in height and at least 20 centimeters in width.

The signs are to be made available on the Ontario government website.

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Please note that proprietors, retail locations, hotels, motels, inns and other locations will have specific posting requirements specific to their industry.

If you have any questions about the *Smoke-Free Ontario Act*, please contact an e2r® Advisor for further information.

e2rsolutions.com

70 The Esplanade, Suite 401, Toronto, Ontario M5E 1R2

📞 416-867-3093 📠 416-867-1434 📞 1-866-327-7657

