



Smoke-Free Ontario Act 2005

How the Act Affects: Aboriginal Peoples

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.

Exemption – Aboriginal Peoples

Despite the prohibition from smoking in an enclosed workplace or enclosed public place, an Aboriginal person has the right to use tobacco if it is being used for traditional Aboriginal cultural or spiritual purposes.

Aboriginal residents of hospitals (public and private), long-term care homes and psychiatric facilities have a right to be provided with an indoor area to use tobacco for traditional cultural or spiritual purposes.

Responsibilities of Operators

- At the request of an Aboriginal resident, the operator must set aside an indoor area for the resident to use tobacco for traditional cultural or spiritual purposes.
- This area must be separate from any designated controlled smoking area.

Enforcement

The government recognizes that there are unique issues with respect to application of this legislation on reserve. The government is committed to engaging First Nations communities to reduce exposure to second-hand smoke on reserve and to address the high rates of commercial tobacco use in these communities through culturally-appropriate tobacco education, cessation, and prevention activities.

Penalties

Any individual convicted of an offence under this section of the act could be subject to a fine. Any corporation convicted of an offence under this section of the act could also be subject to a fine.

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

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.