

1

Understanding the requirements of the *Smoke-free Places Act* and Regulation: Here is what you need to know

General responsibilities under the *Act*

Under the *Smoke-free Places Act (SFPA)* a business owner, employer or manager has a number of important responsibilities. To meet your obligations under the *Act* you must exercise due diligence and take reasonable steps to ensure people are not smoking in places where smoking is not allowed. By taking the following steps, you will have demonstrated your due diligence:

- Inform people where smoking is not permitted by posting “No Smoking” as required by the new Regulation which came into force **May 14, 2009**.
- Remove ashtrays from any place where smoking is prohibited including enclosed places and any area within **5 metres** of doorways, windows that open and air intakes.
- Notify any individual (employees, customers) who is smoking in a place where smoking is not permitted that they are violating the *SFPA* and ask them to stop.
- If an individual continues to smoke, you must refuse service to this person until they stop smoking. The Action Flowchart from Document 2 included in this package presents some practical steps you can take to successfully deal with these difficult situations.

Smoke-free inside and outside within 5 metres of doorways, windows and air intakes

All enclosed public places, workplaces, work vehicles carrying more than one person and any vehicle carrying a person under 18 years of age must remain smoke-free at all times. This includes all retail stores, restaurants, bars, lounges, public vehicles and the common areas of any hotel, motel and bed and breakfast (for a complete list of all smoke-free places please refer to Section 4 of the *SFPA*).

Under the new Regulation, anyone wishing to smoke outside these places must be at least **5 metres** from all doorways (includes overhangs and awnings), windows that open and air intakes. **Smoking is not permitted on patios or in any other outdoor eating or drinking area.**

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No smoking anywhere on school grounds

Smoking is not permitted anywhere on school grounds at any time. This includes when the school grounds are being used for things such as special events, sporting events or any other event held on school grounds **even when school is not in session**. Signs will be posted around the school grounds to remind everyone about this requirement.

Required posting of “No Smoking” signs

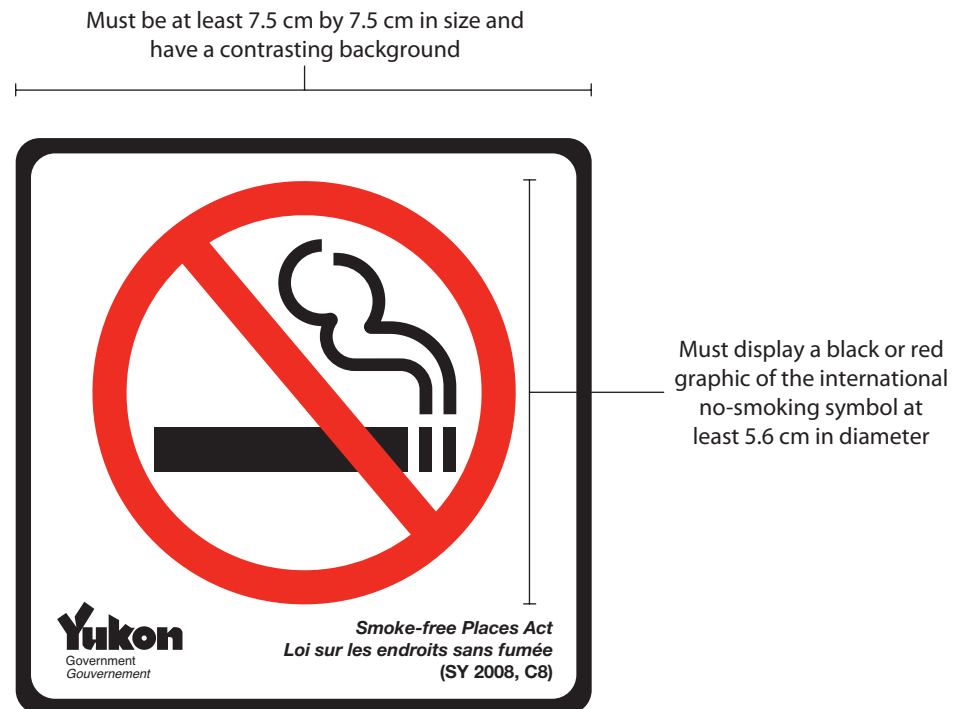
All smoke-free places

The Regulation requires that signs be posted inside all enclosed public places and work places, outside each doorway of these places, and in outdoor eating and drinking areas **in sufficient numbers and locations** to inform the public where smoking is prohibited. However, the Regulation is written to be flexible to take into account the different physical layouts and circumstances, and to avoid unnecessary posting of signs.

At a minimum, one sign must be posted (described in Figure 1) and most commercially available “No Smoking” signs meet these requirements.



Figure 1:



One sign is sufficient if it is clear to those inside or entering the building that smoking is not permitted in the building, or within **5 metres** of doorways, windows and air intakes, and there is no evidence that people are smoking in areas where smoking is not permitted. On the other hand, if the building you own or manage is large, and the public or employees are used to smoking in areas where it is not permitted you will need to post more signs. Also, it is **your responsibility to post additional signs** stating "No Smoking within 5 metres..." in areas where people congregate to smoke that are within the 5 metre distance requirement (See Figure 3).

Signs available for posting

The Yukon Government has designed three signs that are available in the formats described below. See Figure 2–3. This package contains examples of these signs you can use to meet the signage requirements and additional signs are available to you at no cost. To order these signs, use the contact information provided below.

Figure 2:

**3" x 3" or 6" x 6" solid white decal or clear decal,
one adhesive front, one adhesive back**



Figure 3:

6.5" x 8.5" solid white decal or coroplast sign





Hotels, motels and B&Bs

In addition to the signage described above, business owners or managers who operate a hotel, motel or B&B and offer one or more smoking rooms must display a “No-Smoking” sign in each non-smoking room. These signs must be clearly visible, have a contrasting background and display a black or red no smoking symbol or the text “No Smoking”. If the entire facility is smoke-free then these additional signs are not required.

Selling edible products that resemble tobacco products

The sale or supply of edible products that look like cigarettes, cigars, pipes, smokeless tobacco or any other tobacco product is banned. Products covered under the ban include such things as beef jerky packaged to look like smokeless tobacco, candy cigarettes and licorice pipes. **This Regulation will come into force on September 1, 2009 and will be progressively enforced with education first.**

Ensuring that everyone meets the requirements

With the information provided above you are ready to fulfill your obligations under the *Smoke-free Places Act* and eliminate the possibility of facing penalties associated with non-compliance.

Additional information

Additional information about implementing the Yukon *Smoke-free Places Act* and Regulation is included in this package. If you have any questions or require any further assistance please consult the Department of Health and Social Services public website at www.hss.gov.yk.ca or contact Benton Foster, Tobacco Education and Enforcement Officer at 867-667-8321 (toll-free from Yukon Communities: 1-800-661-0408, ext. 8321) or by email at benton.foster@gov.yk.ca