



Smoke-Free Ontario Act

How the Act Affects: Bars and Restaurants (including Patios)

Revised July 2011

The Highlights

- The Smoke-Free Ontario Act (the Act) came 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.
- In July 2009, the Act's Regulation was amended to clarify the requirements as it pertains to outdoor bar and restaurant patios.
- **The Act prohibits smoking on an outdoor patio if any portion of a patio is covered or partially covered by a roof.**

It is possible for a restaurant to have more than one patio, where one patio would prohibit smoking and the other patio would permit it.

If you operate a bar or restaurant and are not sure if your patio is within the rules permitting smoking, please contact your local public health unit for guidance.

Bars and Restaurants

Smoking is prohibited in any enclosed public place and enclosed workplace, including restaurants and bars. Designated Smoking Rooms (DSRs) are prohibited.

Outdoor Bar and Restaurant Patios

The operator of a restaurant or bar must prohibit smoking on an outdoor patio if:

1. The patio is fully or partially covered by a roof.
 - A roof includes an awning, tarp, canvas sheeting or other permanent or temporary covering that is capable of excluding rain or impeding airflow, or both;
 - A stand-alone umbrella covering a single table would not be considered a roof, however, if umbrellas are used in such a way so as to serve as a roof, an inspector may view it as such and act accordingly; or
2. The patio is adjacent to a smoke-free patio (partially or fully covered by a roof) or is a section of a smoke-free patio (partially or fully covered by a roof). For example, if an L-shaped patio has a section that is covered, smoking is prohibited on both the covered and uncovered sections of the patio. However:
 - If there are adjacent patios in an establishment that are separated by at least one-half storey (1.37 meters), and one is covered by a roof and the other uncovered, smoking is permitted on the uncovered patio.



- Patios in an establishment that are not adjacent must be evaluated separately.

Decorative awnings and small overhangs are permitted provided that seating is not placed beneath the area and the area does not permit smoking.

Duties of Owners and Employers

Proprietors or persons in charge must:

- Ensure that patrons are aware that smoking is prohibited;
- Remove ashtrays and any object that serves as one;
- Ensure that members of the public and employees do not smoke in their establishments;
- Ensure that a person who does not comply leaves the establishment; and
- Post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations, including patios in order to ensure that everyone knows that smoking is prohibited. For information on acquiring the required signage, please contact your local public health unit.

Duties of the Public

No person may smoke in a bar or a restaurant or on a patio where smoking is prohibited.

Enforcement

Local public health units will carry out inspections and look into complaints relating to bars and restaurants in order to enforce the Act. Public Health Unit inspectors are permitted to routinely enter premises to ensure compliance with the Act or to enforce the Act.

Penalties

The maximum corporate fine listed in the Smoke-Free Ontario Act for contravention of this section of the Act (permitting smoking and not fulfilling relevant employer / proprietor obligations) can be up to \$300,000 for someone with multiple convictions. An individual could be subject to a maximum fine of \$5,000 for smoking in an area where smoking is not permitted.

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, 8:30 a.m. - 5:00 p.m.

For more information about the Smoke-Free Ontario Act, please visit the [Ontario Ministry of Health Promotion and Sport website](#).