



Smoke-Free Ontario Act

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

The Basics

The *Smoke-Free Ontario Act* prohibits smoking tobacco in all enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from the hazards of second-hand smoke.

Outdoor Bar and Restaurant Patios

Starting January 1, 2015, it is illegal to smoke on all restaurant and bar patios, whether covered or not.

A restaurant or bar patio is defined as an area:

- the public can access to eat food or drink beverages, for a fee or at no cost.
- where food or drinks are served, sold or offered by employees.
- that is not a private home.

Exemption

Uncovered patios created by a branch of the Royal Canadian Legion before November 18, 2013, are exempt from this law. "Uncovered" means that the patio is not covered in whole or in part by any physical barriers, whether temporary or permanent, that protects from rain, the movement of air, or both. However, the new smoking law will apply to any patio created by a legion after November 18, 2013, and any covered or partially covered legion patio.

Owner Responsibilities

Restaurants and bar owners or employers are required to ensure that the smoking laws are respected.

Every owner and employer of a restaurant or bar must:

- Give notice to staff and patrons that smoking is not allowed in the smoke-free areas.
- Post 'no smoking' signs:
 - at entrances and exits to the smoke-free areas
 - in washrooms

- in appropriate other locations
- in sufficient numbers to ensure that staff and customers are aware that smoking is not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free areas.
- Ensure that workers and customers do not smoke in the smoke-free areas.
- Ensure that someone who refuses to comply with Ontario's smoking laws does not remain in the smoke-free area.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding the smoking of tobacco inside restaurants and bars, and on their patios.

An individual who violates the prohibition on smoking inside a restaurant or bar, or on a restaurant and bar patio may be charged with an offence, and if convicted, could face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An employer or owner of a restaurant or bar who fails to fulfill their responsibility under the law may be charged with an offence and if convicted, could face a maximum fine:

- For individuals: \$1,000 (for a first offence) or \$5,000 (for any further offence)
- For corporations: \$100,000 (for a first offence) or \$300,000 (for any further offence).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local [Public Health Unit](#)

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m.

For specific information on smoking laws on bar and restaurant patios, contact your local [Public Health Unit](#).

For more information on the *Smoke-Free Ontario Act*, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree