

3

Frequently asked questions about the Yukon *Smoke-free Places Act* and Regulation

No Smoking in Enclosed Places/Prescribed Distance

1. I am a smoker. Apart from my home, where else can I smoke?

You can smoke outdoors but you must be at least 5 metres away from doorways, air intakes and windows that open.

2. The 5 metre distance requirement applies to all doorways, air intakes, and windows, under the new Regulation. How are the terms “doorway” and “window” defined?

A “doorway” means any doorway directly between the inside and the outside of a building and includes the roof or awning or any protective structure that restricts air circulation. For example, if a doorway leads to an outdoor area covered by a roof, the 5 metres is measured from the end of the roof, not the door itself.

A “window” means any window that can be opened to allow air to enter the building.

3. My business has an outdoor patio where food or drinks are served. Are people permitted to smoke on patios?

No. Under the *Act* smoking is not allowed in any “outdoor eating or drinking area”. An “outdoor eating or drinking area” is any outdoor area under the control of a person who provides food or drink to members of the public for consumption the same day within that area. Remember that no-smoking signs must be posted in these locations (See Question 8). Individuals may only smoke if they are at least 5 metres away from “outdoor eating or drinking areas”.

4. Can I set up a smoking area to encourage individuals to move to areas where smoking is permitted?

Yes. There is nothing in the *Act* or Regulation that prevents you from setting up a smoking area provided that:

- It is outdoors
- It is at least 5 metres away from all doorways, windows that open, and air intakes
- It is not in an outdoor eating or drinking area; and
- It is not a substantially or fully enclosed shelter

On peut obtenir la version française de ce document en communiquant avec notre bureau au 667-8321 (sans frais, au 1-800-661-0408, poste 8321) ou en la téléchargeant à partir du site www.hss.gov.yk.ca/programs/health_promotion/smokefree_places_act/.

Acceptable Shelters

A shelter is permitted in an outdoor smoking area provided that the shelter is not fully or substantially enclosed. A shelter is not considered fully or substantially enclosed if it has a roof or other type of covering, and less than 50% of the wall space is enclosed with any material that does not permit air to easily flow through it (See Figures 1+2 below). **Before you build you should consult with the Tobacco Education and Enforcement Officer to ensure that the design and location of the shelter does not violate any provision of the Act.**

**Figure 1:
Example of acceptable
enclosed shelter**



**Figure 2:
Example of unacceptable
enclosed shelter**



Remember that any ashtray made available to your employees or the public must be located at least 5 metres away from all doorways, windows, and air intakes.

5. How can I obtain a copy of the *Smoke-free Places Act* and Regulation?

Copies of the *Smoke-free Places Act* and Regulation are available for download on our website at: www.hss.gov.yk.ca

A paper copy of the *Smoke-free Places Act* is available on request using the contact information above.

6. What if I want to go beyond the requirements of the *Act* and Regulation?

As a building owner, manager or employer, you are free to establish policies that are more restrictive than the *Act* or the Regulation. For example, if you own a tourist accommodation, you are free to make all sleeping rooms smoke-free. Another example concerns vehicles used for employment. The *Act* allows smoking in work vehicles where there is a single occupant. As an employer, you can prohibit smoking in work vehicles at all times. You may wish to discuss other ideas you have with the Tobacco Education and Enforcement Officer (TEEO); *however, enforcement of any policies that are more restrictive than the Act is the responsibility of the establishment that created them.* The TEEO can only enforce the requirements of the *Act* and Regulation, not additional restrictions you may put in place.

Signage

7. What signs are required and where should I post these signs?

The Regulation requires that signs be posted inside enclosed public places (including work places, restaurants and lounges, and public vehicles — see section 4(1) of the Act for a complete listing), outside each doorway, 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. 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 that open and air intakes, and there is no evidence that people are smoking in areas where smoking is prohibited. On the other hand, if the building you own or manage is large, and the public or employees are used to smoking inside the building or within 5 metres of doorways, windows that open and air intakes, you will need to post more signs.

8. What “No Smoking” signs are available? How do I order them and what is the cost?

The Yukon Government has designed three signs that are available at no cost. See Figure 1–3. To order these signs, use the contact information provided below.

Most commercially available “No Smoking” signs will meet the requirements of the Regulation. If you already have signs posted they satisfy the minimum signage requirement if they:

- are at least 7.5 cm by 7.5 cm in size
- display a black or red graphic of the international no-smoking symbol at least 5.6 cm in diameter; and
- have a contrasting background

Figure 1:

3" x 3" solid white decal or clear decal, one adhesive front, one adhesive back — shown at actual size



Figure 2:

**6" x 6" solid white decal or clear decal,
one adhesive front, one adhesive back —
shown at 50% of actual size**



Figure 3:

**6.5" x 8.5" solid white decal or coroplast sign —
shown at 50% of actual size**



9. I have posted the required signs but people are still smoking in places where it is not allowed, what should I do?

In some cases posting the minimum required signs will not be enough to get people to move beyond the 5 metre distance. Additional signage is required at these “problem areas”. These signs are larger in size and contain text to provide more information about the places where smoking is prohibited (See Question 8, Figure 3).

If you have fulfilled all of your responsibilities under the Act including the posting of sufficient signs and you are still having problems with people smoking in smoke-free places or within 5 metres of the building, you may want to discuss your situation with the Tobacco Education and Enforcement Officer.

10. The provided signs do not meet my needs; can I design my own sign?

Some building owners, managers and employers will want to design their own signs. Under the Act, alternative sign designs are allowed as long as they are approved by the department. Alternative sign design must be reasonably similar to the required signs and display an international no-smoking symbol that meets the minimum size requirement for the sign it is replacing (5.6 cm or 10 cm in diameter)

11. I own / manage a hotel, motel or B&B, what signage is required?

No-smoking signs must be placed in sufficient numbers and locations to ensure that persons who are in the common areas of the hotel, motel or B&B (for example, the corridors, lobbies, stairwells, elevators, eating areas and washrooms) are aware that smoking is not allowed. In addition to these signs, if your establishment offers one or more smoking rooms, a no-smoking sign must be displayed in each non-smoking room. Signs placed in non-smoking rooms must:

- be displayed so that they are clearly visible
- display a black or red graphic of the international no-smoking symbol or the text “No Smoking”; and
- have a contrasting background

12. I own / operate a taxi (or other public vehicle) what signage is required?

A minimum of one sign (See Question 8, Figure 1) must be displayed in a location that will clearly inform all passengers that smoking is not allowed.

13. I have posted signs; can I be requested to post additional signs?

Yes. If people are observed smoking in locations where it is not permitted and the Tobacco Education and Enforcement Officer considers the displayed signage inadequate, you may be required to post additional or different signs in that area. Remember that you are required to post signs in sufficient numbers and locations to inform people where smoking is prohibited.



Edible Products that Resemble Tobacco Products

14. I am currently selling licorice pipes and beef jerky packaged to resemble chewing tobacco, what do I do?

Under the new Regulation, the sale and supply of edible products that look like cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco product are banned. **This Regulation will come into force on September 1, 2009 and will be progressively enforced with education first.**

Enforcement and Penalties

15. How will the *Smoke-Free Places Act* be enforced?

A progressive enforcement approach will be used to help building owners, managers and employers comply with the *Smoke-free Places Act*. Most people will want to comply with the *Act* but may have questions about how the *Act* applies to their circumstances. The Tobacco Education and Enforcement Officer is available to answer questions, and assist owners in finding solutions to problems they may encounter.

In most cases, education, assistance and warnings will be sufficient to ensure compliance. However, tickets may be issued, or charges laid, if owners, managers or employers do not take reasonable steps to comply with the *Act*.

16. What are the penalties for violating the *Smoke-Free Places Act*?

Any person who violates provisions of the *Act* is guilty of an offence and liable to a voluntary fine of \$150 upon issuance of a ticket. If the offence is prosecuted under the *Smoke-free Places Act* and Regulation, a fine of up to \$5,000 for a first offence and up to \$10,000 for a second or subsequent offence can be levied.

The Yukon *Smoke-Free Places Act* came into effect on May 15, 2008. The Yukon Smoke-Free Places Regulation was developed to address key components of the *Act*. This fact sheet provides answers to commonly asked questions about the new Regulation. If you have any further questions about issues related to the implementation and enforcement of the *Smoke-Free Places Act* and Regulation please feel free to 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 e-mail at benton.foster@gov.yk.ca

