

## Ontario Government Announces Indefinite Postponement of New Smoking and Vaping Legislation

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Ontario's provincial government recently announced that the coming into force of the new *Smoke-Free Ontario Act, 2017* (SFOA) has been postponed indefinitely to allow time for the new government to re-examine the regulation of vaping.

The SFOA, which was due to come into force on July 1, 2018, is part of Bill 174, the *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*. This omnibus legislation outlines the provincial framework for the regulation of cannabis once it becomes legal in Ontario under the federal *Cannabis Act*.

The SFOA was intended to replace both the *Smoke-Free Ontario Act* and the *Electronic Cigarettes Act, 2015* with a single legislative framework. These existing acts will remain in force until further decisions are made with respect to the SFOA, and accordingly, employers in Ontario should ensure that they comply with their existing obligations.

The *Smoke-Free Ontario Act* continues to require employers to:

- post prescribed "No Smoking" signs throughout an enclosed workplace, including at all entrances, exits, washrooms and anywhere signs can be easily placed and seen;
- ensure that no one smokes or holds lighted tobacco in an enclosed workplace, public place, or area where smoking is banned;
- ensure that a person who refuses to comply with these prohibitions leaves the premises;
- remove ashtrays (or any object that serves as an ashtray) from an enclosed workplace; and
- notify employees in an enclosed workplace that smoking is prohibited.

If proclaimed into force, the SFOA will expand the prohibitions on use found in the *Smoke-Free Ontario Act* to include medical cannabis and e-cigarettes. Additional substances could be made subject to the SFOA by regulation.

We will be monitoring any developments with respect to the SFOA and its impact on employers in Ontario, and will provide further updates as they become available.