



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **SMOKE-FREE PLACES ACT GENERAL REGULATIONS**

## PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**SMOKE-FREE PLACES ACT**  
**Chapter S-4.2**

**GENERAL REGULATIONS**

Pursuant to section 20 of the *Smoke-free Places Act* Stats. P.E.I. 2002(2nd), c.25, Council made the following regulations:

**1. Definitions**

- (1) In these regulations
- (a) “**Act**” means the *Smoke-free Places Act* R.S.P.E.I. 1988, Cap. S-4.2;
  - (b) “**door**” includes an air curtain, if the door gives access to a patio.

**Definitions**

- (2) In the Act and these regulations,
- (a) “**elementary, intermediate or secondary school**” includes
    - (i) any building or structure that is located on the grounds of such a school, and
    - (ii) the grounds of such a school, including any parking lot;
  - (b) “**hospital**” means a hospital as defined in the *Hospitals Act*, R.S.P.E.I. 1988, Cap. H-10.1 and includes
    - (i) any building or structure that is located on the grounds of the hospital, and
    - (ii) the grounds of the hospital, including any parking lot.

**Room free from second-hand smoke**

- (3) For the purposes of these regulations, a designated smoking room in which smoking has occurred is deemed to be free from second-hand smoke after the ventilation system for the room has completed five full air changes after smoking in the room has ceased. (*EC279/03; 289/06; 493/09*)

**2. Designation of a smoking area**

- (1) Where, in the circumstances permitted under the Act and these regulations, an owner of a public place or workplace, or an employer at a workplace, wishes to designate
- (a) an outdoor area of the place; or
  - (b) a room of the place, if it is a long-term care facility,

as a designated smoking area, the owner or employer shall effect the designation by conspicuously posting, near each entrance to the outdoor area or room, as the case may be, a sign that identifies the area or room as a designated smoking area.

#### **Restrictions on location**

- (2) An outdoor area in a public place or workplace may not be designated as a designated smoking area under subsection 8(1) of the Act if the area, or any part of the area, is
- (a) within either
    - (i) 4.5 m or 15 feet of any entrance to the indoor non-smoking areas of the place where no part of the outdoor area is used as a patio, or
    - (ii) 2.4 m or 8 feet of any entrance to the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio; or
  - (b) within either
    - (i) 4.5 m or 15 feet of any outdoor air intake for the indoor non-smoking areas of the place, where no part of the outdoor area is used as a patio, or
    - (ii) 4.5 m or 15 feet of any outdoor air intake for the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio.

#### **Exception for existing patios**

- (3) The restriction set out in subclause (2)(b)(ii) does not apply in respect of any outdoor area that is used as a patio and that was so used before the day this section comes into force.

#### **Measurement of distance**

- (4) For the purposes of determining whether an outdoor area has been designated as a designated smoking area in compliance with subsection (2), the distance of the designated smoking area, or any part of that area, from an entrance or an outdoor air intake shall be measured from the side of the entrance or intake that is closest to the designated smoking area or any part of that area.

#### **Patio, restricted hours of designation**

- (5) A patio may not be designated as a smoking area except between the hours of 10:00 p.m. through 3:00 a.m. the following day.

#### **Patio signage requirements**

- (6) Where the owner of an eating establishment or licensed premises wishes to designate a patio as a designated smoking area under subsection (1), the sign posted to effect the designation under subsection (1) shall include the hours during which the patio is designated as a designated smoking area. *(EC279/03; 493/09; 489/15)*

### **3. Floor area, restrictions**

Revoked by EC493/09. *(EC279/03; 493/09)*

### **4. Signs where no designated smoking area**

- (1) Where a public place or workplace has no designated smoking area, a sign indicating that smoking is not permitted in the public place or workplace shall be posted conspicuously near every entrance to the public place or workplace.



**Idem**

- (2) A sign posted in accordance with subsection (1) shall be as depicted in the Schedule to these regulations, which forms part of these regulations.

**Signs where designated smoking area**

- (3) Where a public place or workplace has a designated smoking area, a sign indicating that smoking is not permitted outside the designated smoking area shall be posted conspicuously near every entrance to the public place or workplace.

**Idem**

- (4) Revoked by EC489/15. (EC279/03; EC489/15)

**5. Minimum dimensions of signs**

- (1) A sign posted in accordance with these regulations shall measure at least 21 cm or 8 1/2 inches in width and at least 28 cm or 11 inches in height.

**Obstruction, replacement**

- (2) The owner of a public place, and the employer at a workplace, shall ensure that the signs required to be posted under the Act and these regulations
- (a) are not obstructed by other signs, advertisements or other things; and
  - (b) are replaced, as soon as is reasonable, if defaced or damaged.

**Bilingual signs**

- (3) The information required to be displayed on a sign posted in accordance with these regulations may also be displayed on the sign in such additional language as is preferred by the owner or employer who posts the sign or causes it to be posted. (EC279/03; 489/15)

**6. Independent ventilation system**

- (1) A room in a long-term care facility may not be designated as a designated smoking area under section 9 of the Act unless the room is equipped with a ventilation system that
- (a) is a fan and a direct vent exhaust system that provides a ventilation rate of not less than 15 air changes per hour;
  - (b) prevents the movement of smoke from the room into the non-smoking areas of the facility; and
  - (c) complies with all relevant provincial and municipal laws.

**Operation**

- (2) During the hours that a designated smoking room is open for use in a long-term care facility, the owner of the long-term care facility shall ensure that the ventilation system for the room is in operation.

**Window**

- (3) A room in a long-term care facility may not be designated as a designated smoking area under section 9 of the Act unless it has a window, in a wall or a door, that
- (a) is made of clear glass, plexiglass or plastic; and
  - (b) is at least 0.6 m or 2 feet in width and 0.6 m or 2 feet in height. (EC279/03; 493/09)

**7. Long-term care facility — ventilation system**

Revoked by EC493/09. (EC279/03; 493/09)

**8. Employees working in or entering designated smoking room**

An owner of a long-term care facility or an employer at a long-term care facility, may permit an employee to enter or work in a designated smoking room in the long-term care facility if

- (a) the employee
  - (i) volunteers to enter or work in the room, and
  - (ii) spends no more than 20%, in total, of any workday or shift of the employee in the room;
- (b) the employee is entering the room to respond to an emergency that endangers a person's life or health or property; or
- (c) the room is free from second-hand smoke. (EC279/03; 493/09)

**9. Inspectors**

The following persons are deemed to be inspectors by virtue of their office:

- (a) liquor control inspectors appointed under the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14;
- (b) occupational health and safety officers appointed under the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1. (EC279/03)



SCHEDULE



489/15