



Bill 40: Smoking Control and Reduction Act

FAQs

The *Smoking Control and Reduction Act* Bill was introduced in the Legislative Assembly on February 27, 2019. After 1st and 2nd reading the Bill will be examined by the Standing Committee on Social Development.

What does the *Smoking Control and Reduction Act* Bill intend to do?

The proposed *Smoking Control and Reduction Act* Bill intends to protect the public, particularly children and youth, from a variety of second hand smoke exposure and vaping effluent. The Bill proposes to restrict public areas where smoking is permitted to deter uptake and reduce the normalization of smoking.

The new Act would align the NWT with smoking reduction efforts that are taking place across Canada.

What will happen to the *Cannabis Smoking Control Act*?

A new *Smoking Control and Reduction Act* would repeal the *Cannabis Smoking Control Act* and replace it with comprehensive legislation that addresses the general act of smoking, including cannabis. To protect the public, enforcing prohibitions on the general act of smoking in public places aims to be more effective than trying to distinguish between which product is being used.

Why didn't the Department take this approach in the first place?

Due to the conflicting timing of the federal government's amendments to the *Tobacco Act* (Canada), the introduction of the proposed *Cannabis Act* (Canada), and the urgency for provinces and territories to respond to the requirements of cannabis legalization, tackling smoke free legislation while working to regulate smoking cannabis in public places was not an achievable option.

It was determined that moving forward with the Department's task to regulate the smoking of cannabis in public places, ahead of the changes to the *Tobacco Control Act*, was the best approach in the interim.

Where will people be able to smoke?

The Bill proposes to prohibit smoking in a public place as defined in the Bill, and in a motor vehicle while another person who is a minor is present in the motor vehicle.

Public places would be further defined in the Regulations and would include but are not limited to, health facilities, schools, outdoor playgrounds, courts and rinks.

Smoking would be permitted on private property and, unless further restricted by community governments, residents would be permitted to smoke on trails, sidewalks and alleyways.

How will people be informed about where they can and cannot smoke?

The Department will provide this information is provided to the public to ensure that individuals are aware of the areas where smoking is and is not allowed.

Will there be penalties associated with smoking in places where smoking is prohibited?

Yes. Individuals that break the law would be subject to being ticketed and paying a fine.

The proposed penalty for smoking in a public place and smoking in a motor vehicle while another person who is a minor is present in the motor vehicle is up to \$500 for a first offence and up to \$1000 for any subsequent offences.

Is there an exception for Indigenous use of tobacco?

The Bill proposes an exception to the prohibition on smoking in a public place for smoking, while the place is being used for traditional Indigenous spiritual or cultural practices or ceremonies, if the smoking is an integral part of those practices or ceremonies and the consent of the manager of the public place is given.

Why is there an exception to the prohibition on smoking in a public place for family home day care facilities?

An exception is proposed for a family home day care facility during a period when day care is not being provided in the facility, similar to the current *Tobacco Control Act*. A consequential amendment to the *Child Day Care Standards Regulations* would require an operator to notify parents if smoking is permitted in the facility during a period when day care is not being provided. These regulations also prohibit an operator from smoking while preparing food for use in the child day care program.

Will community governments be able to make bylaws governing smoking?

The Bill proposes to recognize the authority of any community in the NWT that can enact their own by-laws respecting smoking. If a provision of another Act, regulation or bylaw is more restrictive in respect of smoking, then the more restrictive provision would prevail.

How will signage be rolled out for public places where smoking is prohibited? How many signs will be required and who will be responsible for posting the signs?

Signs that inform people about public places where smoking is prohibited would be rolled out upon recommendation by Environmental Health Officers (EHOs), as a result of an area deemed problematic based on the volume of complaints received in that area. Communities can also request to EHOs that a sign be placed in a certain area.

What will the health risk signs at stores say and who will post them?

The signs that would be required to be posted in retail stores in the NWT would include fact-based messaging and information that informs people who are purchasing cannabis, tobacco, electronic cigarettes and accessories of the risks and harms associated with smoking. Any health risk messaging for these purposes would be approved by the Chief Public Health Officer prior to publication and distribution.

The Department would provide these signs to retail stores to post. Stores would be required to post signs in accordance with the Regulations.

Will there be signs to indicate where smoking is prohibited in public places?

Signs that will inform people about public places where smoking cannabis is prohibited would be rolled out upon recommendation by Environmental Health Officers (EHOs), as a result of an area deemed problematic based on the volume of complaints received in that area. Communities could also request to EHOs that a sign be placed in a certain area.

Will the government be doing more public education on smoking and health risks?

Public education and awareness is critical to ensuring that residents have the information they need to make informed decisions, and to discourage smoking in prohibited areas. The Department will ensure that the public is informed of areas where smoking is and is not allowed through a variety of communication channels.

Will I be able to vape in my home?

Yes. The Bill does not restrict smoking in places that are not public places.

Will smoking in vehicles be banned?

To protect children and youth from second hand smoke exposure and vaping effluent, smoking is proposed to be prohibited in a motor vehicle while another person who is a minor is present in the motor vehicle.

Will there be regulations under the Act?

Yes, the Department is currently developing the regulations that will include details about:

- Other places where smoking is prohibited,
- Inspectors appointed in the Act, and,
- Sign requirements

Who will enforce this Act?

The inspectors would be named in the Regulations. The primary inspectors that would be designated to enforce the provisions of this Act would be the Environmental Health Officers within the Department of Health and Social Services, who are also designated as inspectors under the existing *Tobacco Control Act*, *Cannabis Smoking Control Act* and *Public Health Act*. The Department of Industry Tourism and Investment's Park Officers will be responsible for enforcement within territorial parks. The Royal Canadian Mounted Police would be named, but would only be responsible for enforcing the prohibition on smoking in a motor vehicle while another person who is a minor is present in the motor vehicle.

How do I share my feedback on the proposed legislation?

Once the Bill is introduced, the Standing Committee on Social Development will examine the Bill in detail. The Committee has the opportunity to engage the public and recommend amendments as part of their review. There will be opportunities to comment on this Bill as part of this process.

When will the legislation come into force?

Before the legislation comes into force, the Standing Committee must complete their review, and the Department must finalize the required regulations, provide training and develop signs. The Department will ensure the public and stakeholders are made aware of when the legislation is coming into force.