



Smoke-Free Ontario Act, 2017

How the Act Affects: Smoking and Vaping in Vehicles and Boats

The Basics

The Smoke-Free Ontario Act, 2017 prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Smoking Tobacco or Vaping in Motor Vehicles

To protect children from the harmful health effects caused by exposure to second-hand tobacco smoke and vapour in motor vehicles, it is against the law to smoke tobacco or vape in a motor vehicle if there is someone less than 16 years old in the vehicle.

Any person – driver or passenger – in a motor vehicle, who is smoking tobacco or vaping while someone else under the age of 16 is present, is committing an offence. This law applies to both moving and stationary vehicles, and applies to motor vehicles, regardless of whether any window, sunroof, rooftop, door, or other feature of the vehicle is open.

Consuming Cannabis in Vehicles and Boats

It is also against the law to consume cannabis in any manner (smoking, vaping, eating) in a motor vehicle, motorized snow vehicle or boat that is being driven or is at risk of being put in motion.

This prohibition does not apply to a medical cannabis user who is a passenger in the vehicle or boat and who is consuming medical cannabis in a non-smoking and non-vaping form (e.g., eating).

This prohibition also does not apply to the following residential boats and motor vehicles:

- A boat with permanent sleeping accommodations and permanent cooking and sanitary facilities (other than a boat used to carry passengers for hire), while the boat is at anchor or secured to a dock or land and is being used as a residence.
- A motor vehicle equipped with permanent sleeping accommodations and permanent cooking facilities, while it is parked in a place that is not a highway, road or driveway, and is being used as a residence.

Enforcement

Laws related to smoking or vaping in vehicles and boats are enforced by police officers. Ontario police have the authority to charge someone for violating the rules described above.

Penalties

Anyone convicted of smoking tobacco or vaping in a motor vehicle while a person under 16 years of age is present can face a maximum fine of \$250.

Anyone convicted of consuming cannabis in a motor vehicle, motorized snow vehicle or boat can face a maximum fine of \$1,000 (for a first offence) and \$5,000 (for any further offences).

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. (Eastern Standard Time)

For specific information on smoking, vaping and cannabis consumption laws in vehicles and boats, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/location.aspx>.

For more information on the Smoke-Free Ontario Act, 2017, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.