

The *Tobacco Act* becomes more severe as of July 17, 2000

By Dominique L. L'Heureux

The *Tobacco Act* seeks to considerably restrict the use of tobacco in certain places, particularly the workplace. It was assented to by Quebec's national assembly on June 17, 1998 and its provisions came into force in stages starting in the fall of the same year and then in the winter of 1999.

Under the Act, **it became prohibited, in particular, to smoke in enclosed workplaces** not located in a dwelling. However, the operator of such a place can set aside **closed smoking rooms** which must be used solely for this purpose and must be equipped with a **ventilation system** to ensure that the air pressure is negative, allowing smoke to be evacuated directly to the outside of the building. These smoking rooms and ventilation systems must comply with the provisions of any regulations adopted by the government.



In addition, with regard specifically to workplaces, the Act provides for a transition period, permitting smoking in an unventilated smoking room until June 17, 2001 (and until December 17, 2003 for workplaces with fewer than fifty employees).

One has to bear in mind that the operator of a workplace has a legal obligation not to tolerate smoking by persons in an area where it is prohibited. Furthermore, inspections may be carried out in the workplace and the failure to comply with the provisions of the Act can result in penal proceedings.

Despite the coming into force of this Act, the Minister responsible for Health and Social Services, Mr. Gilles Baril, suspended the application of the sanctions contained in the Act with a view to create public awareness. However, in a ministerial statement made early last May, the Minister indicated that **the penal sanctions set out in the Act would be applied beginning next July 17.**

Are you ready?

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