



## Smoke-Free Ontario Act 2005

### How the Act Affects: Day Nurseries and Private Home Day Care

#### The Basics

- The Smoke-Free Ontario Act comes into force on May 31, 2006.
- The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.

#### Day Nurseries and Private Home Day Care

Smoking is prohibited in a day nursery licensed under the *Day Nurseries Act*. In addition, where private home day care is provided under the *Day Nurseries Act*, the entire premises must be smoke-free at all times whether children are present or not.

Licensed private home day care refers to day care provided in a private home under a licence issued by the Ministry of Children and Youth Services to a private-home day care agency. A private home day care agency provides, at more than one location, private home day care for five children or less who are under ten years of age in a private residence other than the home of the parent/guardian of the child. Homes are supervised and monitored by the agency.

For further information, the Ministry of Children and Youth Services website address is [www.children.gov.on.ca](http://www.children.gov.on.ca).

#### Responsibilities of Operators

- Ensure that everyone is aware that smoking is prohibited.
- Remove ashtrays and any object that serves as one.
- Ensure that no one smokes on the premises.
- Ensure a person who does not comply does not remain on the premises.
- Post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations. For information on acquiring required signage, please contact your local public health unit.

#### Enforcement

Local public health units will carry out inspections and investigate complaints in day nurseries and places where licensed private home day care is provided in order to enforce the Act.

## Penalties

There is no maximum corporate fine listed for contravention of this section of the Act, meaning the fine amount would be left up to a justice of the peace. An individual could be subject to a maximum fine of \$5,000.

This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30am - 5:00pm

For more information on the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion website: [http://www.mhp.gov.on.ca/english/health/smoke\\_free/legislation.asp](http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp).

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