



BILL NO. 225

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act

CHAPTER 59
ACTS OF 2005

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 8, 2005**

The Honourable Rodney J. MacDonald
Minister of Health Promotion

*Halifax, Nova Scotia
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**An Act to Amend Chapter 12
of the Acts of 2002,
the Smoke-free Places Act**

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(e) of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, is amended by adding “Promotion” immediately after “Health” in the first line.

2 (1) Subsection 5(1) of Chapter 12 is amended by adding immediately after clause (n) the following clauses:

- (na) a restaurant;
- (nb) a lounge or beverage room;
- (nc) a private club;
- (nd) a cabaret, club or other place licensed to serve alcoholic beverages;
- (ne) a place that is being used for bingo;
- (nf) a facility as defined in the *Hospitals Act*;

(2) Subsection 5(3) of Chapter 12 is repealed and the following subsections substituted:

(3) No person shall smoke in the outdoor area of a restaurant or a place licensed to serve alcoholic beverages if that area is used for the serving or consumption of food or beverages.

(3A) No manager of an enclosed place referred to in subsection (1), of the grounds of a school or of an outdoor area referred to in subsection (3) shall permit any person to smoke in that place, on those grounds or in that area.

3 (1) Subsection 6(1) of Chapter 12 is amended by

- (a) striking out clauses (a) and (b);
- (b) adding “or” at the end of clause (c);
- (c) striking out clauses (d) to (f);
- (d) striking out “a facility as defined in the *Hospitals Act*” in the first and second lines of clause (g);
- (e) striking out “or” at the end of clause (g);
- (f) striking out clause (h); and
- (g) adding “a resident of that place” immediately after “except” in the fifth-last line.

(2) Subsections 6(2) to (9) of Chapter 12 are repealed and the following subsections substituted:

(2) No manager of an enclosed place referred to in subsection (1) shall permit any person to smoke in that place except as provided in that subsection.

(3) No person under the age of nineteen years shall enter or be in an enclosed place referred to in subsection (1) in which smoking is permitted by that subsection.

(4) No manager of an enclosed place referred to in subsection (1) shall permit any person under the age of nineteen years to enter or be in an area of that place in which smoking is permitted by that subsection.

4 Sections 7 and 8 of Chapter 12 are repealed and the following Section substituted:

7 (1) No person shall smoke in any place of employment except as permitted by Section 6.

(2) No employer shall permit any person to smoke in any place of employment except as permitted by Section 6.

5 Section 10 of Chapter 12 is repealed and the following Section substituted:

10 For greater certainty, Sections 43 to 46 of the *Occupational Health and Safety Act* apply to a place of employment under this Act.

6 Subsection 11(7) of Chapter 12 is amended by adding “except as provided by the regulations” immediately after “offence” in the last line.

7 Subsection 15(1) of Chapter 12, as amended by Chapter 30 of the Acts of 2002, is further amended by

- (a) striking out clauses (d) to (f);**
- (b) striking out “or place of employment” in the second line of clause (g);**
- (c) striking out “or place of employment” in the second line of clause (h);**
- (d) adding immediately after clause (l) the following clause:**

(la) providing that subsection 11(1) creates an offence and determining the fine or other penalty for such offence;

and

- (e) striking out clause (n).**

8 Section 17 of Chapter 12 is repealed.

9 (1) Subsection 18(1) of Chapter 12 is amended by striking out “, except Section 17,” in the first line.

(2) Subsection 18(2) of Chapter 12 is repealed.

10 This Act has effect on and after December 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.
