



INFORMATION BULLETIN

December 10, 2007

Liquor Control and Licensing Branch

SMOKING REGULATIONS

VICTORIA – On November 27, 2007, Health Minister George Abbott announced new regulations that will ban smoking in all indoor public spaces and workplaces. See [Ministry of Health news release](#).

The new rules take effect on March 31, 2008 and will be enforced by Tobacco Enforcement Officers employed by the Health Authorities, not Liquor Inspectors. Liquor Control and Licensing Branch is posting this notice for the information of licensees.

New tobacco regulations will ban smoking:

- In all indoor public spaces and work places;
- Within three metres of public and workplace doorways, open windows or air intakes; and
- In universities and colleges.

With respect to the ban on smoking within three metres of public and workplace doorways, open windows or air intakes, an establishment owner is not liable for **patrons** smoking within these areas if these areas are public property, such as a municipal sidewalk. However, owners are legally liable for **employees** smoking in these areas. Licensees should also know that if any of the three-metre area is on establishment property then owners will be liable for patrons smoking in that space.

There will also be changes in the way that tobacco can be displayed and advertised. Under the new regulations tobacco and tobacco products cannot be easily visible to a minor, from inside or outside an establishment, regardless of whether or not the minor is accompanied by a parent or guardian (such as in a licensee retail store or agency store).

Agency and licensee retail stores that sell tobacco have three options:

- Allow minors to enter the store, in which case they will no longer be able to have tobacco products in open sight;
- Allow minors to enter the store, but exclude them from areas where tobacco is sold; or
- Do not allow minors to enter the store at all.

DESIGNATED SMOKING ROOMS

Under the new Health regulations designated smoking rooms will no longer be permitted.

As a result Liquor Control and Licensing will automatically amend all affected floor plans and licences to reflect this at no cost or effort to the licensee. Former smoking room space will become a regular part of the overall establishment.

Licenses who currently have designated smoking rooms can expect to receive their amended liquor licence and official validated floor plan shortly after March 31, 2008, when the new tobacco regulations come into effect.

If, at any time, licensees would like to make a structural change, such as taking down walls that enclose existing smoking rooms, they will need to submit a structural change application to Liquor Control and Licensing. Applications for structural changes are found here: www.pssg.gov.bc.ca/lclb/publications/index_forms.htm

PATIOS

Unless prohibited by municipal regulations, smoking will still be allowed on outdoor patios of restaurants and bars provided they are not substantially enclosed.

Under the new Health Regulations patios cannot be used as a smoking area if they have a roof or other covering and more than 50% of the wall space enclosed by a material that does not permit air flow easily through it.

Doorways to patios must be closed, other than to enter and exit, and windows and air intakes opening to patios must be closed at all times while the patio is in use.

MINISTRY OF HEALTH'S TOBACCO CONTROL PAGE

For further information on the Ministry of Health's new tobacco and smoking initiative please visit: <http://www.health.gov.bc.ca/tobacco/index.html>

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