

Tobacco and Vapour Products Use on Health Board Properties

As of September 1, 2016, the province of British Columbia updated several laws that govern the sale and use of tobacco products, broadened the legislation to include vapour products and the use of both of these types of products on health board properties. The changes to legislation take effect September 1, 2016. The current *Tobacco Control Act* and Regulation is replaced with the *Tobacco and Vapour Products Control Act* and Regulation.

The Tobacco and Vapour Products legislation includes the following definitions:

- **Health Board** means a regional health board designated under the Health Authorities Act, and the board or other governing body of a prescribed Organization having as one of its purposes the delivery of health services.
- **Health Board Property** means a real property and improvements and/or personal property that is in whole or in part, owned or leased by, or operated under the authority of a health board.
- **e-cigarette** means the following:
 - (a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air;
 - (b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a);
- **Activated e-cigarette** means an e-cigarette in which an e-substance is being vapourized;
- **Tobacco** means tobacco leaves or products produced from tobacco in any form or for any use.

Use of Tobacco and Vapour Products on Health Board Property:

The legislation sets out requirements for the use of tobacco and vapour products on health board properties as follows:

Outdoor use of tobacco and vapour products on health authority property

- Tobacco and vapour products cannot be used on the grounds of a health authority site unless the health authority designates an area of use for tobacco, vapour products, and/or both.
- If the health authority designates an area of use for tobacco and or vapour products, the no smoking zone around doors, windows and air intakes of 6 metres must be followed. Due the Clean Air Bylaw, in the Capital Regional District (CRD), the no smoking zone around doors, windows and air intakes of 7 metres for tobacco products must be adhered to and signage must be posted.
- In the CRD, as per the Clean Air Bylaw, no smoking of tobacco is to occur in any location where either food or both food and beverages are served and/or consumed [for example an outdoor patio area].
http://www.viha.ca/mho/tobacco/clean_air_bylaw.htm

Ceremonial use of tobacco on health board property

- The ceremonial use of tobacco is permitted in or on health board property if the ceremonial use of tobacco is approved by the health board and it is performed in relation to a traditional aboriginal cultural activity or by a prescribed group for prescribed services.

South	Central		North
Victoria	Nanaimo	Courtenay	Campbell River
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Indoor use of tobacco or vapour products: Residents of a hospital or residential care facility

- For locations in the CRD, no smoking is permitted inside as per Clean Air Bylaw 3962.
- Outside of the CRD, only residents of a hospital or residential care facility can use tobacco or vapour products inside if there is a health board designated specially constructed room that meets the standards set by WorkSafeBC's Occupational Health and Safety Guidelines Part 4.
- Visitors and staff cannot use any indoor designated area.

For more information on the legislation

Please visit the Ministry of Health website for more detailed information:

<http://www2.gov.bc.ca/gov/content/health/keeping-bc-healthy-safe/tobacco-control/legislation>

RESOURCES AVAILABLE FOR DOWNLOAD

The following resources are available for download:

- Bill 14 – 2015: Tobacco Control Amendment Act, 2015
https://www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Flegacy%2Fweb%2F40th4th%2F1st_read%2Fgov14-1.htm
- Province of British Columbia Order of the Lieutenant Governor in Council 401
http://www.bclaws.ca/civix/document/id/oic/oic_cur/0401_2016
- Ministry of Health
<http://www2.gov.bc.ca/gov/content/health/keeping-bc-healthy-safe/tobacco-control/legislation>
- Island Health Tobacco Prevention and Control
<http://www.viha.ca/mho/tobacco>
- Capital Regional District Clean Air Bylaw 3962
http://www.viha.ca/mho/tobacco/clean_air_bylaw.htm