



## **ADMINISTRATIVE PROCEDURE – 407-1**

### **Smoke, Tobacco, and Vape Free Environment**

Area: Operations

Policy Reference: Smoke, Tobacco and Vape Free Environment (PO407)

Approved: February 10, 2014 (Interim); November 10, 2014

Revised: November 5, 2018 (Interim); May 6, 2019; July 17, 2024

#### **1. Purpose**

The purpose of this administrative procedure is to comply with the Smoke-Free Ontario Act, Policy/Program Memorandum 128: The Provincial Code of Conduct and School Board Codes of Conduct (PPM128), Smoke, Tobacco and Vape Free Environment Policy (PO407) and the Smoke-Free Schools Enforcement Protocol (the “Protocol”).

#### **2. Definitions**

**Electronic Cigarette** (*Smoke-Free Ontario Act, 2017*) – a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.

**Flavoured Tobacco Product** (*Smoke-Free Ontario Act, 2017*) – includes a tobacco product that is represented as being flavoured, that contains a flavouring agent or that is presented by its packaging, by advertisement or otherwise as being flavoured.

**Tobacco Product** (*Smoke-Free Ontario Act, 2017*) - any product that contains tobacco, and includes the package in which tobacco is sold.

**School** (*Education Act, RSO 1990, Chapter E.2*) -

- the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or
- the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario, and includes the teachers and other staff members associated with the unit or

institution and the lands and premises used in connection with the unit or institution.

### **3. Procedures**

3.1 Anyone smoking tobacco, using an e-cigarette to vape any substance, or smoking cannabis (medical and recreational) on school/board property or public areas within 20m of school/board property can be charged and may be subject to additional consequences in accordance with Board policies and/or procedures.

3.2 Anyone selling, buying for, or giving tobacco/vape products on and off school/board property, to anyone under 19, can be charged and may be subject to additional consequences in accordance with Board policies and/or procedures. This includes:

- parents/guardians/caregivers
- all staff
- students (including summer school and evening continuing education students), and
- visitors

3.3 Nothing in this procedure prohibits:

- a person from giving tobacco to an Indigenous person who is less than 19 years of age, if the gift is made for traditional Indigenous cultural or spiritual purposes;
- an Indigenous person from smoking tobacco or holding lighted tobacco, if the activity is carried out for traditional Indigenous cultural or spiritual purposes; and/or
- a non-Indigenous person from smoking tobacco or holding lighted tobacco, if the activity is carried out with an Indigenous person and for traditional Indigenous cultural or spiritual purposes.

NOTE: Where the smoking of tobacco for traditional Indigenous cultural or spiritual purposes includes students under the age of 18, parent/guardian/caregiver permission will be required.

3.3 The Smoke, Tobacco, and Vape Free Environment Policy (PO407) and school rules regarding student use, possession and distribution of tobacco, cannabis or e-cigarettes products on school property shall be communicated annually by the principal or designate in writing to students, staff and parents/guardians/caregivers via student/staff agendas, newsletters and on the school website, etc. This notification will serve as an informed act to support discipline if the policy is breached.

- 3.3.1 School administrators, school staff and Tobacco Enforcement Officers shall work collaboratively with the goal of eliminating smoking, tobacco and vape use on school property and reducing access to tobacco and vaping products.
- 3.3.2 All staff will work collaboratively with the Durham Region Health Department related to the enforcement of the Smoke-Free Ontario Act.
- 3.3.3 The Smoke-Free Ontario Act covers the use and/or distribution of tobacco, e-cigarettes, and the use of medical cannabis. Possession of tobacco, e-cigarettes and cannabis is referenced in the Board's Code of Conduct Administrative Procedure (AP610-1).
- 3.3.4 The principal/site supervisor or designate shall:
- a) enforce the 'Smoke-Free Ontario Act Enforcement Protocol' (see Appendix A) and PPM128;
  - b) ensure appropriate 'Smoke/Vape Free' signage is displayed;
  - c) in the case of infractions, advise the individual that use or distribution of tobacco is a violation of board policy and the Smoke-Free Ontario Act.
  - d) in the case of these substances being found in the possession of students:
    - i) notify parents/guardians/caregivers, and the student must surrender the item(s) to the educator or administrator. Any confiscated tobacco, e-cigarettes and/or cannabis products should be handled in accordance with the Board's Student Discipline Administrative Procedure (AP611-1) and will not be returned;
    - ii) apply consequences used as part of progressive discipline protocols up to and including suspension, in accordance with the Board's Student Discipline Administrative Procedure (AP611-1); and
    - iii) contact the parents/guardians/caregivers of students under 18 and advise them and the student about consequences and support services if appropriate.
  - e) include student possession of any tobacco or cannabis product as an infraction listed in the School's Code of Conduct;
  - f) in all other cases, advise the individual to immediately cease and desist and that failure to do so could result in fines, employee progressive discipline, or in the case of a visitor, prohibition of access to school/board premises. Repeat offences will not be tolerated;
  - g) ensure that the no-smoking/vaping area around school/board property is 20m from the periphery of the school/board property. The no-smoking/vaping zone includes tobacco and cannabis usage, and it applies to all members of the school community and broader community.

3.3.5 Tobacco Enforcement Officers are responsible for ensuring compliance with the Smoke-Free Ontario Act, 2017, by carrying out inspections, enforcing the Protocol (Appendix A) in partnership with schools and investigating complaints.

### 3.3.6 Education

- a) Board staff will utilize Catholic curriculum, programs, and activities to promote prevention and education related to the ill effects of using tobacco, cannabis, and e-cigarettes/vaping and being exposed to second hand smoke.
- b) The Board will work in collaboration with community partners such as, but not limited to, the Durham Region Health Department, clergy, and Ministry of Education staff to educate all members of our community about healthy living in order to improve physical, spiritual and mental health.
- c) Parents/guardians/caregivers are encouraged to discuss the dangers of using tobacco, cannabis, and e-cigarettes/vaping and being exposed to second hand smoke with their children at home. Collaboration between parents/guardians/caregivers and the school is essential in reinforcing the message that using tobacco, cannabis, e-cigarettes/vaping is prohibited and unacceptable.

## 4. Sources

- 4.1 [Smoke Free Ontario Act, 2017](#)
- 4.2 [Education Act](#)
- 4.3 [Municipal Freedom of Information and Protection of Privacy Act](#)
- 4.4 [Youth Criminal Justice Act](#)
- 4.5 [Policy/Program Memorandum 128: The Provincial Code of Conduct and School Board Codes of Conduct](#)
- 4.6 [Policy/Program Memorandum 145: Progressive Discipline and Promoting Positive Student Behaviour](#)

## 5. Appendices

- 5.1 Appendix A - Smoke-Free Schools Enforcement Protocol

## 6. Related Policies and Administrative Procedures

- 6.1 [Smoke and Tobacco Free Environment Policy \(PO407\)](#)
- 6.2 [Code of Conduct Policy \(PO610\)](#)
- 6.3 [Code of Conduct Administrative Procedure \(AP610-1\)](#)
- 6.4 [Student Discipline Policy \(PO611\)](#)
- 6.5 [Student Discipline Administrative Procedure \(AP611-1\)](#)

Durham Catholic District School Board

# Smoke-Free Ontario Act, 2017:

## Smoke-Free Schools Enforcement Protocol



Revised June 7, 2024

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The Smoke-Free Schools Enforcement Protocol outlines how schools can work in partnership with the Durham Region Health Department's (DRHD) Tobacco Enforcement Officers to ensure compliance with the Smoke-Free Ontario Act, 2017. This Act is part of a comprehensive strategy to prevent young people from the initiation and increased use of tobacco and vapour products; protect people from second-hand exposure to smoke and vapour; motivate and support people to successfully quit using tobacco and nicotine; and identify and reduce disparities in tobacco use and related harms.

### **Scope of the Smoke-Free Ontario Act: Schools**

This law applies to:

**Everyone:** Anyone who is caught smoking tobacco, using an e-cigarette to vape any substance, or smoking cannabis (medical and recreational) on school property or public areas within 20m of school property can be charged. Anyone who is caught selling, buying for, or giving tobacco/vapour products on and off school property, to anyone under 19 can be charged.

This includes:

- parents/guardians
- all staff
- students (including summer school and evening continuing education students)
- visitors

**Anytime:** 24 hours a day, 7 days a week, 365 days a year

**Anywhere:** Smoking, and/or holding lighted tobacco/cannabis or using an e-cigarette is not allowed at any time in school buildings, on school property or public areas within 20m of school property.

This includes:

- school parking lots
- cars in parking lots
- sports fields/playgrounds, and
- courtyards

This law applies to **all tobacco/vapour products**. Please refer to page 24.



## Responsibility of the Tobacco Enforcement Officers

The term “**Tobacco Enforcement Officer**” refers to:

- a person appointed as an inspector pursuant to Section 20(1) of the Smoke-Free Ontario Act, 2017 and appointed as a Provincial Offences Officer pursuant to the Ontario Provincial Offences Act.

## Enforcement

The Tobacco Enforcement Officers are responsible for ensuring compliance with the Smoke-Free Ontario Act, 2017 by carrying out inspections, enforcing the Protocol in partnership with schools and investigating complaints.

## Cessation

The Tobacco Enforcement Officers will also provide cessation referral and information to all interested students in collaboration with other DRHD programs.

## Charges Under the Smoke-Free Ontario Act, 2017

- Students **under 16 years of age** may be issued a ***Provincial Offences Summons*** and must answer to the charge in Provincial Offences Court.
- Students **16 years and over** may be issued a ***Provincial Offences Summons*** or a ***Provincial Offences Ticket***.
- **Repeat offenders** may be issued a ***Provincial Offences Summons***.

## Communication of the Smoke-Free Schools Enforcement Protocol

The principal should:

- ensure that the Protocol, including actions that will be taken if there is a violation, is communicated annually to all staff, students, parents/guardians, and visitors.
- include information concerning the SFOA Protocol in at least one form of communication (on websites, in school agendas, in the school newsletter, etc.).
- ensure applicable ***“No Smoking, No vaping signage is posted throughout the school. This includes indoor and outdoor spaces.***

Refer to page 20 for a *Communication Insert* for agendas, websites, or newsletters.



### **Involving Parents/Guardians:**

#### **a) Parent/Guardian Notification**

- Under the Education Act, parents/guardians receive notification of the incident if the student is under the age of 18.
- Once the student reaches 18 years of age, the student receives notification.

#### **b) Parent/Guardian Education**

- Resources for parents/guardians/community can be obtained by visiting *Durham.ca/tobacco*; or by calling the *Durham Health Connection Line 905 -668- 2020 or 1-800-841-2729*.

Information for parents on the Smoke-Free Ontario Act, 2017 is included on page 23, *Information Sheet for Parents/Guardians*.

### **Inspection by the Tobacco Enforcement Officer**

The Tobacco Enforcement Officer will inspect secondary schools annually and respond to any complaints received regarding elementary schools as required.

### **When conducting an inspection, the Tobacco Enforcement Officer will:**

- contact the Principal/Designate who is responsible for enforcing the SFOA at the school;
- inspect signage;
- review implementation of the Protocol; and
- inspect for smoking on school property.

### **Inspection: Signage**

#### **Minimum Sign Requirements**

Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” signs at entrances, exits and washrooms of the smoke-free and vape-free areas, in appropriate locations and in sufficient numbers, to ensure that staff, students and visitors are aware that smoking and vaping is not allowed.

### **Roles and Responsibilities with Respect to Signage (under the SFOA, 2017)**

The Durham Catholic District School Board will:

- make school property boundary drawings available as required; and
- post No Smoking/Vaping signs at all entrances/exits and washrooms to the school buildings and at access points to school property. \*

*\* Additional ‘stick on’ No Smoking/Vaping signs may be obtained from DRHD at 905-668-2020*

**The principal will:**

- ensure that signs are conspicuously posted and always remain posted.

**The Tobacco Enforcement Officer will:**

- ensure compliance with the signage requirements under the SFOA.

**Smoke-Free Ontario Act Fines: Employers/Proprietors**

Employers/Proprietors may be fined for not posting mandatory 'No Smoking/Vaping' signs **or** if the employer permits smoking in a prohibited area.

**Smoking on School Property: Staff, Visitors and/or Community Members**

**Enforcement Inspection**

If a Tobacco Enforcement Officer receives a complaint regarding staff, visitors or community members smoking or holding lighted tobacco/cannabis, using an e-cigarette to vape any substance or selling/supplying tobacco/vapour products on school property:

The Tobacco Enforcement Officer will:

- respond to the complaint in a timely manner;
- notify the Principal/Designate (via e-mail or phone call) of the complaint, and ask the Principal/Designate to take action; and
- conduct an inspection.

Based on the evidence gathered, the Tobacco Enforcement Officer may:

- issue a warning letter, offence notice or summons depending on the age of the person and whether they have any prior convictions for the same offence.

The Principal/Designate will:

- acknowledge the complaint; and
- provide the Tobacco Enforcement Officer with information regarding action in response to the complaint.

A Tobacco Enforcement Officer is available, if requested, as a resource to the Principal/Designate and will visit the school for an enforcement inspection.

**Student(s) under 16 years of age**

**Step 1 – The Principal/Designate**

- completes the **Notice of Offence** (clearly identifying the name of the school clearly);
- sends, by FAX\*, a copy to the DRHD Tobacco Enforcement Officer; and
- holds the original report at the school as potential evidence for court (must surrender it to the DRHD when requested by the prosecutor).

\* *Notice of Offence forms can be sent by confidential FAX to (905) 666-1887*

**Step 2 – The Principal/Designate**

Following the Officer's verification of evidence and decision to lay a charge (see below):

- sends a **Notification of Legal Action** letter and a copy of the **Notice of Offence** to parents/guardians notifying them that a Summons has been issued;
- sends, by FAX\*, a copy of the **Notification of Legal Action** letter to the DRHD Tobacco Enforcement Officer.

\* *Notification of Legal Action forms can be sent by confidential FAX: (905) 666-1887*

**Tobacco Enforcement Officer – Collection and Verification of Evidence from School Officials**

**If the Weight of Evidence Is Accurate/Adequate**

If the Tobacco Enforcement Officer determines that the weight of evidence received is accurate/adequate, they:

- may issue a **Warning Letter** to the student (copied to the school, parents); or
- may serve the student with a **Provincial Offences Summons** (the student answers to the charge in Provincial Offences Court); and
- provide the parent/guardian with a **Notice to Parent** (pursuant to Section 96 of the Provincial Offences Act) which contains information on the Summons.

**If the Weight of Evidence is Not Accurate/Adequate**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is not accurate/adequate, they:

- may issue a *warning letter* (copied to the student, the school, and parents) instead of laying a charge.

**Student(s) under 16 years of age  
(Cont'd)**

**Repeat Offenders**

- may be issued a ***Provincial Offences Summons***.

**Related Fines**

For a ***Provincial Offences Summons*** (for students 16 years of age and under):

- the student, accompanied by a parent/guardian, **must attend** and answer to the charge in **Provincial Offences Court** on predetermined date(s); and
- a fine is set by the Justice of the Peace up to a maximum of \$305.00 for a first offence.

**For Student(s) 16 years up to, and including,  
17 years of age**

**Step 1 – The Principal/Designate**

- completes the **Notice of Offence** (clearly identifying the name of the school);
- sends, by FAX\*, a copy to the DRHD Tobacco Enforcement Officer; and
- holds the original **Notice of Offence** at the school as potential evidence for court (must surrender it to the Durham Region Health Department when requested by the prosecutor).

\* **Notice of Offence forms can be sent by confidential FAX to (905) 666-1887**

**Step 2 – The Principal/Designate – After a Charge has been Laid**

- sends a **Parent Notification of Legal Action** letter to the parents/guardians notifying them that a ticket has been issued;
- sends, by FAX\*, a copy to the Tobacco Enforcement Officer.

\* **Parent Notification of Legal Action forms can be sent by confidential FAX: (905) 666-1887**

**Verification of Evidence by the Tobacco Enforcement Officer**

The Tobacco Enforcement Officer:

- collects and verifies evidence from school officials.

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is **accurate/adequate**, they:

- serve the student with a **Provincial Offences Summons** (the student answers to the charge in Provincial Offences Court); or
- issue the student a **Provincial Offences Ticket**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is **not accurate/adequate**, they:

- may issue a **Warning Letter** (copied to the student, the school, and parents) instead of laying a charge.

**For Student(s) 16 years up to, and including,  
17 years of age.  
(Cont'd)**

### **Repeat Offenders**

- may be issued a ***Provincial Offences Summons***

### **Related Fines for a *Provincial Offences Ticket***

For holding/smoking lighted tobacco on school property:

- the fine is \$305.00 for each offence.

For selling/supplying tobacco to a person who is less than 19 years of age:

- the fine is \$490.00 for each offence.

|  |
|--|
| <b>Student(s) 18 years of age and over</b> |
|--|

**Step 1 – The Principal/Designate**

- completes a **Notice of Offence** sends, by FAX at any time \*, a copy of the **Notice of Offence** to DRHD Tobacco Enforcement Officer.
- holds the original **Notice of Offence** at the school as potential evidence for court (**must** surrender it to the Durham Region Health Department when requested by the prosecutor).

\* *Notice of Offence forms can be sent by **confidential FAX to (905) 666-1887***

**Step 2 – The Principal/Designate**

Following the Officer's verification of evidence and decision to lay a charge (see below):

- delivers the letter, **Student Notification of Legal Action**, to the student.

**Verification of Evidence by the Tobacco Enforcement Officer**

The Tobacco Enforcement Officer:

- collects and verifies evidence from school officials

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is **accurate/adequate**, they:

- issue the student a **Provincial Offences Ticket** or
- issue a **Provincial Offences Summons**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is **not accurate/adequate**, they:

- may issue a *warning letter* (copied to the student, the school, and parents) instead of laying a charge.

**Student(s) 18 years of age and over  
(Cont'd)**

**Repeat Offenders**

- may be issued a ***Provincial Offences Summons***

**Related Fines for a *Provincial Offences Ticket – For Students 18 Years and Over***

For smoking/holding lighted tobacco/e-cigarettes on school property:

- the fine is \$305.00 for each offence.

For selling/supplying tobacco/e-cigarettes to a person who is less than 19 years of age:

- the fine is \$490.00 for each offence.

Refer to page 19 for *Set Fines for Offences*



|   |   |                                       |
|---|---|---------------------------------------|
| <b>Smoke-Free Schools Enforcement Protocol: <i>Notice of Offence</i></b><br>(Please print clearly or type)          |   |                                       |
| <b>School Information</b>   |   |                                       |
| <b>School:</b>  | <b>Address:</b>   | <b>Tel. #:</b>                        |
| <b>Principal/Designate: (print)</b>   |   | <b>Principal/Designate Signature:</b> |
| <b>Student Information</b>  |   |                                       |
| <b>Student Name:</b>  |   |                                       |
| <b>Address:</b>   |   | <b>Postal Code:</b>                   |
| <b>Age:</b>   | <b>DOB:</b>   | <b>Tel. #:</b>                        |
| <b>Parent/Guardian Information</b><br>(If student is under 18 years of age)   |   |                                       |
| <b>Parent/Guardian Name:</b>  |   |                                       |
| <b>Address:</b>   |   | <b>Postal Code:</b>                   |
| <b>Res #:</b>   | <b>Bus/Cell #:</b>  |                                       |
| <b>Type of Alleged Offence</b>  |   |                                       |
| <input type="checkbox"/> <b>Hold/Smoke lighted tobacco/cannabis in a prohibited place</b>                           | <input type="checkbox"/> <b>Supply tobacco to a person who is less than 19 years old</b>        |                                       |
| <input type="checkbox"/> <b>Use electronic cigarette in a prohibited place</b>                                      | <input type="checkbox"/> <b>Supply vapour product to a person who is less than 19 years old</b> |                                       |
| <b>Date of Offence:</b>   |   | <b>Time:</b>                          |
| <b>Comments:</b> Include details, type of product, location (i.e., on the steps of the east entrance of the school) |   |                                       |
|   |   |                                       |
|   |   |                                       |
| <b>Witness Information</b>  |   |                                       |
| <b>Name: (print)</b>  |   | <b>Title:</b>                         |
| <b>Tel #:</b>   |   |                                       |
| <b>Witness Signature:</b>   |   |                                       |

**FAX to:** Tobacco Enforcement Officer, Durham Region Health  
Department **Confidential Fax:** (905) 666-1887; Phone: (905)  
668-2020

Personal information contained on this form is collected under the authority of the Smoke-Free Ontario Act, 2017. It will be used for enforcement of the Act. Questions about this collection can be directed to the Director of Health Protection Division, Durham Region Health Department at 1-888-777-9613.

(Place on School Letterhead)  
**Parent/Guardian Notification of Legal Action**

Date: \_\_\_\_\_

Dear: \_\_\_\_\_  
(Parent/Guardian Name)

**Re: Smoke-Free Schools Enforcement Protocol**

Please be advised that on \_\_\_\_\_ **(date)** your son/daughter \_\_\_\_\_  
**(student's name)** was observed, on the property of the school, and/or public areas within the  
20m perimeter of school property, to be in violation of the Smoke-Free Ontario Act, 2017 by:

- Holding/smoking lighted tobacco/cannabis, **and/or** using an electronic cigarette
- Selling/supplying tobacco/vapour products to a person who is less than 19 years old

A **Notice of Offence** will remain on file at the school. A copy has been forwarded to the Durham Region Health Department's Tobacco Enforcement Officer for legal action.

**Pursuant to Board Protocol, the Tobacco Enforcement Officer may issue:**

- **to students under 16 years** - a *Provincial Offences Summons*
- **to students 16 years and older** - a *Provincial Offences Summons/Provincial Offences Ticket*
- **to repeat offenders (any age)** - a *Provincial Offences Summons*

Please note: Students who receive a *Provincial Offences Summons* answer to the charge in Provincial Offences Court.

**Fines:**

- Smoking or holding lighted tobacco/cannabis, and/or using an electronic cigarette on school property (or public areas within 20m of school property) carries a **minimum fine of \$305**, up to a **maximum fine of \$1000** for a first offence.
- Selling/supplying tobacco products to a person who is less than 19 years old carries a **minimum fine of \$490**, up to a **maximum fine of \$8000** for a first offence.
- Selling/supplying vapour products to a person who is less than 19 years old carries a **minimum fine of \$490**, up to a **maximum fine of \$4000** for a first offence.

To avoid further legal action, please discuss the legal requirements of the Smoke-Free Ontario Act with your child. Refer to the information sheet attached, **Smoke-Free Ontario Act Information Sheet for Parents/Guardians**. If you require additional information, please contact the **Durham Region Health Department**, Tobacco Enforcement Officer, at **(905) 668-2020 or 1-800-841-2729** or go to [www.durham.ca](http://www.durham.ca).

Yours truly,

Principal

cc: Durham Region Health Department, Tobacco Enforcement Officer

(Place on School Letterhead)  
**Student Notification of Legal Action**

Date: \_\_\_\_\_

Dear: \_\_\_\_\_  
(Student Name)

**Re: Smoke-Free Schools Enforcement Protocol**

Please be advised that on \_\_\_\_\_ **(date)** you were observed, on the property of the school, and/or public area within the 20m perimeter of school property, to be in violation of the Smoke-Free Ontario Act, 2017 by:

- holding lighted tobacco/smoking tobacco/cannabis, **and/or** using an electronic cigarette
- selling/supplying tobacco/vapour products to a person who is less than 19 years old

A **Notice of Offence** will remain on file at the school. A copy has been forwarded to the Durham Region Health Department's Tobacco Enforcement Officer for legal action.

**Pursuant to Board Protocol, the Tobacco Enforcement Officer may issue:**

- to students **16 years and older** - a *Provincial Offences Summons/Provincial Offences Ticket*
- to **repeat offenders (any age)** - a *Provincial Offences Summons*

Please note: Students who receive a *Provincial Offences Summons* answer to the charge in Provincial Offences Court.

**Fines:**

- Smoking or holding lighted tobacco/cannabis, and/or using an electronic cigarette on school property (or public areas within 20m of school property) carries a **minimum fine of \$305** up to a **maximum fine of \$1000** for a first offence.
- Selling/supplying tobacco products to a person who is less than 19 years old carries a **minimum fine of \$490** up to a **maximum fine of \$8000** for a first offence.
- Selling/supplying vapour products to a person who is less than 19 years old carries a **minimum fine of \$490** up to a **maximum fine of \$4000** for a first offence.

To avoid further legal action please review the legal requirements of the Smoke-Free Ontario Act. If you require additional information, please contact the **Durham Region Health Department**, Tobacco Enforcement Officer, at **(905) 668-2020 or 1-800-841-2729** or go to [www.durham.ca](http://www.durham.ca).

Yours truly,

Principal

cc: Durham Region Health Department, Tobacco Enforcement Officer

**Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol  
Action Checklist for Schools**

**Student under 16 years of age**

- Complete the **Notice of Offence** (hold it at the school);
- Send the **Parent/Guardian Notification of Legal Action** letter and a copy of the **Notice of Offence** to the parents/guardians.
- Attach the *Smoke-Free Ontario Act Information Sheet for Parents/Guardians*
- Send, by FAX\*, a copy of the **Notice of Offence and a copy of the Parent/Guardian Notification of Legal Action** to the Durham Region Health Department's Tobacco Enforcement Officer

\*Notice of offence forms can be sent by **confidential FAX to 905) 666-1887**.

**Student 16 years up to 18 years**

- Complete the **Notice of Offence** (hold it at the school)
- Send the **Parent/Guardian Notification of Legal Action** letter and/or the *Student Notification of Legal Action* letter and a copy of the **Notice of Offence** to the student/parents/guardians
- Attach the *Smoke-Free Ontario Act Information Sheet for Parents/Guardians*
- Send, by FAX\*, a copy of the **Notice of Offence and a copy of the Parent/Guardian Notification of Legal Action** to the Durham Region Health Department's Tobacco Enforcement Officer

\*Notice of Offence forms can be sent by **confidential FAX to (905) 666-1887**

**Student 18 years of age and over**

- Complete the **Notice of Offence** (hold it at the school);
- Send, by FAX\*, a copy of the **Notice of Offence** and a copy of the *Student Notification of Legal Action* letter to the Durham Region Health Department's Tobacco Enforcement Officer
- Deliver the letter, **Student Notification of Legal Action**, to the student.

**Smoke-Free Ontario Act 2017**

3(1) No person shall sell or supply any of the following to a person who is less than 19 years old:

1. A tobacco product.
2. A vapour product.
3. A prescribed product or substance.

12 (1) Subject to any exceptions that may be provided for in the regulations, no person shall do any of the following in a place mentioned in subsection (2):

1. Smoke or hold lighted tobacco.
2. Smoke or hold lighted cannabis.
3. Use an electronic cigarette.
4. Consume a prescribed product or substance, in a prescribed manner

12(2) 3. A school within the meaning of the *Education Act*.

**Smoke-Free Ontario Regulation 268/18**

11. (1) The following are prescribed areas for the purposes of paragraph 10 of subsection 12 (2) of the Act:

1. Public areas within 20 meters of any point on the perimeter of a school described in paragraph 3 of that subsection.

14 (1) Every employer shall, with respect to an enclosed workplace or other place or area mentioned in subsection 12 (2) over which the employer exercises control,  
(c) post any prescribed signs respecting the prohibitions under subsection 12 (1) throughout the enclosed workplace, place or area, including washrooms, in the prescribed manner.

**Inspectors**

**20** (1) The Minister may appoint inspectors for the purposes of this Act.

**Inspection**

(2) Subject to subsection (4), for the purpose of determining whether this Act is being complied with, an inspector may, without a warrant or notice, and at any time, enter and inspect,

- (a) any place where a prohibition under section 5, 6 or 12 applies;
- (b) the establishments of the manufacturers, wholesalers, distributors, and retailers of anything to which this Act applies; and
- (c) any place where the inspector has reasonable grounds to believe that an activity regulated or prohibited under this Act is taking place.

**Restricted appointments**

(3) The Minister may, in an appointment, restrict the inspector's powers of entry and inspection to specified places or kinds of places.

**Identification**

(6) An inspector conducting an inspection shall produce, on request, evidence of their appointment.

**Powers of inspector**

(7) An inspector conducting an inspection may

- (a) examine a record or other thing that is or may be relevant to the inspection;
- (b) demand the production for inspection of a record or other thing that is or may be relevant to the inspection;
- (c) remove for review and copying a record or other thing that is or may be relevant to the inspection;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (e) remove a sample of a substance or any other thing that is or may be relevant to the inspection or take a specimen that is or may be relevant to the inspection;
- (f) question a person on any matter that is or may be relevant to the inspection, including questioning a person separate and apart from others;
- (g) if he or she finds that an employer is not complying with subsection 14 (1), direct the employer or a person whom the inspector believes to be in charge of the enclosed workplace, place or area to comply with the provision and may require the direction to be carried out forthwith or within such period of time as the inspector specifies; and
- (h) if he or she finds that a proprietor is not complying with section 15, direct the proprietor or a person whom the inspector believes to be in charge of the enclosed public place, place or area to comply with the provision and may require the direction to be carried out forthwith or within such period of time as the inspector specifies.

Ontario Court of Justice

**SCHEDULE 83.0.1**

*Smoke-Free Ontario Act, 2017*

| <b>Smoke Free Ontario Act, 2017 Offences</b>                    | <b>Section</b> | <b>Total Fine</b> |
|---|----------------|-------------------|
| Sell tobacco to a person who is less than 19 years old          | 3(1)           | \$490             |
| Supply tobacco to a person who is less than 19 years old        | 3(1)           | \$490             |
| Sell vapour product to a person who is less than 19 years old   | 3(1)           | \$490             |
| Supply vapour product to a person who is less than 19 years old | 3(1)           | \$490             |
| Smoke tobacco in prohibited place                               | 12(1)          | \$305             |
| Hold lighted tobacco in prohibited place                        | 12(1)          | \$305             |
| Smoke cannabis in prohibited place                              | 12(1)          | \$305             |
| Hold lighted cannabis in prohibited place                       | 12(1)          | \$305             |
| Use electronic cigarette in prohibited place                    | 12(1)          | \$305             |
| Failure of proprietor to post prescribed signs                  | 15(c)          | \$305             |
| Fail to provide an indoor area for traditional Indigenous use   | 19(4)          | \$240             |

Fines subject to change Re: Ontario Court of Justice

The set fines listed in the chart above are used when charges are laid using an Offence Notice under Part 1 of the Provincial Offences Act.

The fine imposed by the court may be lower than the set fine if the person charged requests a trial or if he or she pleads guilty and requests the court to impose a lower fine.

**Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol**

**Communication Insert**

**Please use the following write up for your school agenda, website, memos, and notices to parents etc.:**

**Smoke-Free Ontario Act, 2017**

Under the Smoke-Free Ontario Act, it is **illegal to smoke or hold lighted tobacco/cannabis or use an e-cigarette to vape any substance** anywhere on school property and public areas within 20m of school property which includes, but is not limited to, school parking lots, school driveways, or inside schools located on school property.

The Smoke-Free Ontario Act also makes it **illegal to sell or supply tobacco/vapour products to anyone under the age of 19** anywhere in Ontario, including school property, regardless of the age of the supplier.

This law **applies to everyone** including students, staff, parents, and visitors.

Tobacco Enforcement Officers of the DRHD deal with violations.

**A first offence:**

- of smoking or holding lighted tobacco/cannabis or using an e-cigarette carries a maximum fine of \$1,000.00 for a first offence.
- of selling/supplying tobacco to a person who is less than 19 years old carries a maximum fine of \$8000 for a first offence.
- of selling/supplying vapour products to a person who is less than 19 years old carries a maximum fine of \$4000.

This law is in effect 24 hours a day, 7 days a week and 365 days a year.



| <b>SAMPLE</b><br><b>Smoke-Free Schools Enforcement Protocol: <i>Notice of Offence</i></b><br><b>(Please print clearly or type)</b> |   |
|--|---|
| <b>School Information</b>  |   |
| School: <b>ABC School</b>  | Address: <b>123 Education Lane, Whitby</b> Tel. #: <b>905-123-4567</b>                          |
| Principal/Designate: (print) <b>Mr. Learn</b>  | Principal/Designate Signature: <b>Mr. Learn</b>   |
| <b>Student Information</b>   |   |
| Student Name: <b>Lawson Breaker</b>  |   |
| Address: <b>111 Rules Ave., Whitby</b>   | Postal Code: <b>1A1 A1A</b>   |
| Age: <b>16</b>   | DOB: <b>November 30, 2010</b> Tel. #: <b>905-765-4321</b>                                       |
| <b>Parent/Guardian Information</b><br>(If student is under 18 years of age)  |   |
| Parent/Guardian Name: <b>Mr. and Mrs. Breaker</b>  |   |
| Address: <b>same as student</b>  | Postal Code:  |
| Res #: <b>905-765-4321</b>   | Bus/Cell #: <b>905-111-2222</b>   |
| <b>Type of Alleged Offence</b>   |   |
| <input checked="" type="checkbox"/> <b>Hold/Smoke lighted tobacco/cannabis in a prohibited place</b>                               | <input type="checkbox"/> <b>Supply tobacco to a person who is less than 19 years old</b>        |
| <input type="checkbox"/> <b>Use electronic cigarette in a prohibited place</b>   | <input type="checkbox"/> <b>Supply vapour product to a person who is less than 19 years old</b> |
| Date of Offence: <b>December 1<sup>st</sup>, 2023</b>  | Time: <b>8:45am</b>   |
| <b>Comments:</b> Include details, type of product, location (i.e., on the steps of the east entrance of the school)                |   |
| <b>Lawson was smoking a lit cigarette on the school property at the north entrance on the steps</b>                                |   |
| <b>Witness Information</b>   |   |
| Name: (print) <b>Mr. Book</b>  | Title: <b>Teacher</b>   |
| Tel #: <b>905-123-4567</b>   |   |
| Witness Signature: <b>Mr. Book</b>   |   |

**FAX to:** Tobacco Enforcement Officer, Durham Region Health  
Department **Confidential Fax:** (905) 666-1887; Phone: (905)  
668-2020

Personal information contained on this form is collected under the authority of the Smoke-Free Ontario Act, 2017. It will be used for enforcement of the Act. Questions about this collection can be directed to the Director of Health Protection Division, Durham Region Health Department at 1-800-841-2729.

## **Smoke-Free Ontario Act Information Sheet for Parents/Guardians**

The Smoke-Free Ontario Act, 2017 says it's against Provincial law for anyone to:

- sell tobacco/vapour products to youth under 19 years old.
- supply or give tobacco/vapour products (**even one**) to youth under 19 years old.
- hold/smoke lighted tobacco/cannabis or use e-cigarette to vape any substance anywhere on school property and public areas within 20m of school property (including sports fields, playgrounds, courtyards, driveways, parking lots and in cars in the parking lots).

### **1. Why does the *Smoke-Free Ontario Act, 2017* prohibit smoking/vaping on school property?**

This Act is part of a provincial, comprehensive strategy to prevent young people from: the initiation and increased use of tobacco and vapour products; protect people from second-hand exposure to smoke and vapour; motivate and support people to successfully quit using tobacco; and identify and reduce disparities in tobacco use and related harms.

By making school property smoke-free province wide, 24 hours a day, 7 days a week, 365 days a year, a clear message is sent that smoking/vaping is unhealthy and young people need to be protected from second-hand smoke/vapour.

### **2. Who is responsible for enforcing *Smoke-Free Ontario Act, 2017*?**

The Smoke-Free Ontario Act is enforced by Durham Region Health Department's Tobacco Enforcement Officers who are responsible for inspecting establishments such as schools, tobacco retail stores, restaurants, workplaces, and hospitals.

### **3. What are the consequences of breaking the law?**

#### **Individuals:**

- **Supplying or selling** tobacco to anyone under 19 years old, can be fined up to **\$8000**.
- Supplying or selling vapour products to anyone under 19 years old can be fined up to \$4000.
- **Smoking or holding** a tobacco/cannabis or using an e-cigarette to vape any substance on school property, can also be fined (this includes smoking in any vehicles on school property).

#### **Retailers:**

- **Supplying or selling** tobacco to anyone under 19 years old, can be fined up to \$20,000 and can lose their ability to sell tobacco.
- Supplying or selling vapour products to anyone under 19 years old can be fined up to **\$10,000**.

### **4. Is it illegal for me to give cigarettes to my son/daughter who is under 19 years old?**

**Yes!** A section of the Smoke-Free Ontario Act makes it an offence to sell or supply tobacco and vapour products (vapes) to anyone under the age of 19 years. Parents have been found guilty and fined for this offence.

**5. My son/daughter, who is under 16, was issued a summons for smoking/vaping on school property. What happens next?**

When a **youth is under 16 years old**, provincial law does not allow the Tobacco Enforcement Officer to issue a 'ticket'. The offence must be dealt with by the courts. The youth may be issued a summons to appear in court at a specific time, date, and location. Parents/guardians will be notified by means of a parent summons to attend court with their son/daughter.

**Youth 16 years of age and over** may be ticketed **or** may be summoned to appear in court. Their parents/guardians may not be notified by the Tobacco Enforcement Officer.

**For additional information on tobacco/vaping, cessation and/or the Smoke-Free Ontario Act**, please visit the Durham Region website: [durham.ca](http://durham.ca) or call the Tobacco Enforcement Officer at the Durham Region Health Department - 905-668-2020.

Additional Resources: [ontario.ca/smokefree](http://ontario.ca/smokefree); [ontario.ca/cannabis](http://ontario.ca/cannabis); [canada.ca/cannabis](http://canada.ca/cannabis).

### **What is a Tobacco Product?**

Products that contain, or are made from tobacco, are called “tobacco products”.

Tobacco products include but are not limited to:

- Cigarettes
- Cigars
- Cigarillos (small, thin cigars)
- Pipe tobacco
- Beedi/Bidis (a thin Indian cigarette)
- Loose tobacco (sold in pouches)
- Snuff (dry or moist tobacco leaves)
- Snus (Swedish type of smokeless tobacco)
- Any flavoured tobacco product

### **Smokeless Tobacco:**

- Is also called spit tobacco, chewing tobacco, chew, dip and plug.
- Is placed inside the mouth to suck and chew on or is sniffed up the nose.

### **Smokeless Tobacco Enforcement:**

#### **Supplying/Selling**

If any staff observes the supplying/selling of any type of smokeless tobacco product on school property, it must be documented on the **Notice of Offence** form and faxed to the Durham Region Health Department at (905) 666-1887.

#### **Possession or Use**

The possession and/or use of smokeless tobacco would be dealt with under Administrative Procedure AP407-1 Smoke and Tobacco Free Environment.

### **Electronic Cigarettes:**

- Other names used: vapes, vape pens, mods, tanks, hookah pens, ehookah, they may also be known by various brand names. (Health Canada)
- E-cigarettes(vapes) devices come in a variety of shapes and sizes, and some resemble a USB flash drive; (Health Canada)
- Liquids can have high levels of nicotine and come in a variety of flavours (Health Canada)
- These battery-powered devices heat the liquid solution to form an aerosol. This solution contains vegetable glycerin, propylene glycol, chemical flavourings and sometimes different forms of nicotine, such as nicotine salts. Nicotine salts contain higher concentrations of nicotine but produce a “smoother feel” on the throat. (Public Health Ontario, 2018)

### **Health Risks of vapour products:**

The long-term health effects of vaping are currently unknown and will not be fully understood for decades. However, at present we do know there are several health harms associated with vaping.

- Nicotine alters adolescent brain development and can affect memory and concentration.
- Vaping has been linked to poor mental health outcomes including worsening symptoms of depression and anxiety, as well as higher odds of depression.
- Vaping liquid and aerosol contain several chemicals with known toxicity.
- E-liquid can negatively impact cells in the mouth, nose, lungs, heart, and blood vessels.
- Emerging evidence suggests dual use (the most common pattern of use in Canada) of both vapes and cigarettes is linked to higher risk of disease (stroke and heart attack).
- Emerging evidence indicates that there is potential for vaping to be a gateway to tobacco, and cannabis use.
- A research review found that teenagers who used e-cigarettes have four times higher odds of future tobacco use.
- Although vaping lacks the decades of studies of cigarettes, there are still negative health effects associated, as well as concern with the health impact it stands to have on developing young minds.
- It is associated with increased heart rate and blood pressure, lung disease and chronic bronchitis.

For more information about the health effects of vaping, see:

**[Durham.ca/tobacco](http://Durham.ca/tobacco)**