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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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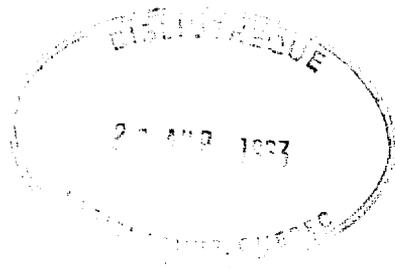
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Bill 190

**An Act to regulate the use of tobacco  
in public places**

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First reading



Introduced by  
Mr Harry Blank

**EXPLANATORY NOTE**

*This bill provides for the prohibition of smoking in certain public places or certain areas thereof.*

# Bill 190

An Act to regulate the use of tobacco  
in public places

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

## CHAPTER I

### INTERPRETATION

**1.** In this Act, unless the context indicates otherwise,

(a) “retail store” means a building or part of a building, a stall, a counter or any other place where goods are displayed or retailed;

(b) “public place” means a retail store, an establishment that provides care to the sick, a bank, credit union or financial institution, a waiting room, a public meeting, a queue, a restaurant, an elevator, escalator or stairway, a school bus or a taxi;

(c) “queue” means any line, inside a building, of at least two persons waiting for service related but not restricted to the field of sales, transactions, or transfers of property or of money, whether or not a monetary transaction is involved;

(d) “to smoke” means to hold in one’s hand a lighted cigar, cigarette, pipe or other thing used for smoking.

## CHAPTER II

### PROHIBITION OF SMOKING

**2.** Smoking is prohibited in public places.

**3.** The owner, director or manager of a public place or an authorized person may, however, designate areas or sections of a public place where smoking is permitted.

**4.** The driver of a taxi must refrain from smoking in the taxi at the request of a passenger, and conversely.

When several passengers are seated in a vehicle, the same rule applies between them.

If the driver or a passenger refuses to comply, he is guilty of an offence and is liable to the fine contemplated in section 12.

**5.** Any person who observes another person infringing this Act may, as the case may be, request him to stop smoking or suggest that he go to an area or section where smoking is permitted.

If the latter person persists in smoking in a place where it is prohibited, the owner, director or manager of the public place or any other authorized person may refuse him service, ask him to leave the premises immediately and, if need be, notify a peace officer and give him the necessary information.

## CHAPTER III

### POSTING OF SIGNS

**6.** Except in taxis, signs or symbols conforming to sections 7 to 11 must be posted up in sufficient number in public places and areas or sections thereof where smoking is prohibited.

**7.** The signs must bear the words “DÉFENSE DE FUMER”, or “DÉFENSE DE FUMER” and “NO SMOKING”, in capital letters.

**8.** The colour of the letters must contrast with the rest of the sign, or with the background in the case of a transparent sign, and, considering the maximum distance at which they are directly visible, the letters must not be less than:

(a) 1,25 cm high — 3 m or less

(b) 2,5 cm high — 6 m or less

(c) 5 cm high — 12 m or less

(d) 10 cm high — 24 m or less

(e) 15 cm high — 48 m or less

(f) 20 cm high — 72 m or less

**9.** Signs may be replaced by the graphic symbols illustrated in the schedule; the diameter of the circle thereof must not be less than the length in centimetres indicated hereunder, considering the maximum distance at which they are directly visible:

- (a) 10 cm — 3 m or less
- (b) 15 cm — 6 m or less
- (c) 20 cm — 12 m or less
- (d) 30 cm — 24 m or less
- (e) 40 cm — 48 m or less
- (f) 60 cm — 72 m or less

**10.** Other appropriate symbols, such as arrows indicating direction, may be added to these two symbols.

**11.** Notwithstanding the fact that the symbol used represents a cigarette, it applies equally to a cigar, pipe or other thing used for smoking.

## CHAPTER IV

### OFFENCES AND PENALTIES

**12.** Every person who infringes this Act is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one hundred dollars.

**13.** A person found guilty in accordance with section 12 is liable to any fine prescribed by the court that is levied in accordance with that section, but that person is deemed not to have been found guilty of an offence under the terms of an Act of Québec.

**14.** No person may produce or reproduce for another person or authority a court document or record relating to the arrest, trial or conviction of a person who is found guilty pursuant to section 12, or to the payment of a fine by that person, except as may be necessary for the payment of the fine and the accounting thereof.

Every person who produces or reproduces a court document or record in contravention of the first paragraph is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

CHAPTER V

APPLICABILITY

**15.** This Act applies to any municipality which so decides by by-law.

The clerk or secretary-treasurer, by registered or certified mail, shall immediately transmit to the Minister of Social Affairs a certified copy of the by-law with a certificate indicating the date of the passing of the by-law. He shall do likewise if the by-law is repealed.

No such by-law may come into force before the expiry of three months or more from the date of its adoption.

CHAPTER VI

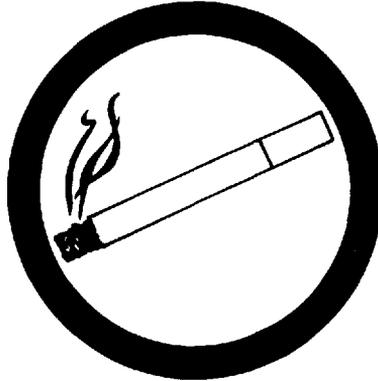
MISCELLANEOUS PROVISIONS

**16.** This Act does not, on the other hand, prevent the prohibition, by by-law or otherwise, of smoking in public transport vehicles or in public places not contemplated in this Act.

**17.** This Act comes into force on the day of its sanction.

## SCHEDULE

— The following graphic symbol may be used to indicate the places where smoking is permitted:



green circle on a white background.

— The following graphic symbol may be used to indicate the places where smoking is prohibited:



red circle and transversal bar on a white background.