

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 191

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

First reading
Second reading
Third reading

M. HARRY BLANK

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTE

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

Bill 191

An Act to regulate the use of tobacco
in public places

HER MAJESTY, with the advice and consent of the Assemblée
nationale du 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, stall, counter, or any other place where goods are displayed or retailed;

(b) “public place” means retail stores, establishments where patients are treated, banks, credit unions and financial institutions, waiting rooms, public meetings, queues, restaurants, elevators, escalators and stairs, school buses and taxis;

(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 any other smoking equipment.

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 upon request from a passenger, and conversely.

When several passengers take seats in a vehicle, the same holds true between them.

In case of refusal, the driver or the passenger 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

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

7. The bills must indicate “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 bill, or with the background in the case of a transparent bill, and, considering the maximum distance at which they are directly visible, the letters must not be less than:

- (a) half an inch high — ten feet or less
- (b) one inch high — twenty feet or less
- (c) two inches high — forty feet or less
- (d) four inches high — eighty feet or less
- (e) six inches high — one hundred and sixty feet or less
- (f) eight inches high — two hundred and forty feet or less

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

- (a) four inches — ten feet or less
- (b) six inches — twenty feet or less
- (c) eight inches — forty feet or less
- (d) twelve inches — eighty feet or less
- (e) sixteen inches — one hundred and sixty feet or less
- (f) twenty-four inches — two hundred and forty feet 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, a pipe or any other smoking equipment.

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 administration of 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

APPLICATION

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 Ministre des affaires sociales a certified copy of the by-law with a certificate indicating the date of the passing of the said by-law. He shall do likewise if the by-law is repealed.

Such a by-law comes into force only after a delay of not less than three months from the date of its adoption.

CHAPTER VI

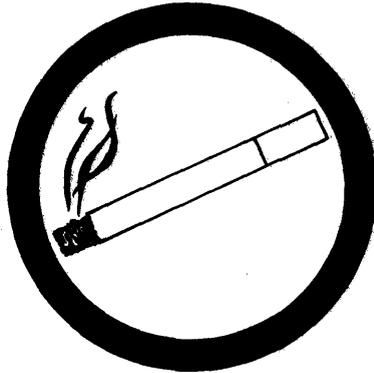
MISCELLANEOUS PROVISIONS

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:



on a white background, the colour of the circle being green.

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



on a white background, the colour of the circle and the transversal bar being red.