



SMOKE-FREE PLACES REGULATIONS

Regulations made pursuant to the

**Smoke-free Places Act
Statutes Of Nova Scotia
2002, Chapter 12**

Province of Nova Scotia
Halifax, Nova Scotia

NOTE

This edition is prepared for convenience only. Descriptive headings have been included to help the reader. For an accurate reference, please refer to the Royal Gazette.

Smoke-free Places Regulations

made under Section 15 of the

Smoke-free Places Act

S.N.S. 2002, c. 12

O.I.C. 2002-536 (Nov. 28, 2002, effective Jan. 1, 2003), N.S. Reg. 144/2002
as amended by O.I.C. 2006-467 (Nov. 6, 2006, effective Dec. 1, 2006), N.S. Reg.
206/2006

Citation

1 These regulations may be cited as the Smoke-free Places Regulations.

Interpretation

2 (1) In these regulations,

- (a) “Act” means the Smoke-free Places Act;
- (b) “ASHRAE Standard 62-2001” means the document entitled “Ventilation for Acceptable Indoor Air Quality” published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.;
- (ba) “ashtray” means any receptacle for tobacco ashes or cigar or cigarette butts, whether originally designed for that purpose or not;
Clause 2(1)(ba) added: O.I.C. 2003-510, N.S. Reg. 206/2003.
- (c) “casino complex” means a casino complex as defined in the operating contract between the Nova Scotia Gaming Corporation and the Metropolitan Entertainment Group, dated May 31, 1995, or any successor operating contract;
Clause 2(1)(c) amended: O.I.C. 2006-467, N.S. Reg. 206/2006.
- (d) “designated smoking room” means a structurally separate room in which smoking is permitted by subsection 6(1) of the Act and that is located and ventilated in accordance with these regulations;
Clause 2(1)(d) replaced: O.I.C. 2006-467, N.S. Reg. 206/2006.
- (e) “engineer” means an engineer who is registered pursuant to the Engineering Professions Act to practice engineering;
- (f) “make-up air” means air that originates from outside of an enclosed place, or outside of a designated smoking room;
- (g) “owner” means an owner of
 - (i) an enclosed place, or
 - (ii) a place of employment that contains a designated smoking room;
- (h) “structurally separate”, in relation to a room, means having contiguous walls and an adjoining ceiling; and

- (i) “ventilation system” means a system used in a designated smoking room to provide the separate exhaust ventilation required by subsections 6(1) and 8(5) of the Act.
- (2) For the purposes of the Act and these regulations,
- (a) “beverage room” means an establishment operating under a current beverage room licence issued in respect of it pursuant to the Liquor Control Act;
 - (b) “lounge” means an establishment operating under a current lounge licence issued in respect of it pursuant to the Liquor Control Act and includes an enclosed place at a community college or university where alcoholic beverages are served in accordance with a licence issued pursuant to the Liquor Control Act;
Clause 2(2)(b) replaced: O.I.C. 2003-510, N.S. Reg. 206/2003.
 - (c) “restaurant” means an establishment that is
 - (i) operating under a current eating establishment licence issued in respect of it pursuant to the Health [Protection] Act and for which a current liquor licence has not been issued pursuant to the Liquor Control Act, or
 - (ii) operating under a current eating establishment liquor licence issued in respect of it pursuant to the Liquor Control Act and for which a current lounge licence has not been issued pursuant to that Act.
- (3) For the purposes of the Act and these regulations, “enclosed place” is further defined as including a casino complex.
Subsection 2(3) replaced: O.I.C. 2006-467, N.S. Reg. 206/2006.
- (4) For the purposes of subsection 11(8) of the Act, “ensuring compliance with any enactment” includes the evaluating by Health Canada of compliance with the enactment.
- (5) For the purposes of clause 5(1)(nc) of the Act, “private club” means an enclosed place or that part of an enclosed place out of which a society incorporated under the Societies Act operates for a social purpose according to the society’s memorandum of association, if
- (a) the society has a fixed membership list;
 - (b) each member of the society pays mandatory annual or periodic membership dues; and
 - (c) a non-member of the society cannot enter the enclosed place for the purpose of consuming food or beverages unless accompanied by a member.

Subsection 2(5) added: O.I.C. 2003-510, N.S. Reg. 206/2003; amended: O.I.C.

2006-467, N.S. Reg. 206/2006.

Subsection 2(6) repealed: O.I.C. 2006-467, N.S. Reg. 206/2006.

Location requirement for a designated smoking room

- 2A (1) A designated smoking room must be located so that a person is not required to enter into it to access an area where smoking is prohibited by the Act.

Subsection 2A(2) repealed: O.I.C. 2006-467, N.S. Reg. 206/2006.

Ventilation requirements for a designated smoking room

- 3 (1) A designated smoking room may have wall or ceiling openings as long as the minimum velocity required by subclause (2)(b)(ii) for make-up air flowing into the room is maintained.
- (2) A ventilation system must
- (a) be designed to have sufficient capacity for the occupancy level of the designated smoking room as determined by the owner, but not exceeding the maximum occupancy level permitted by law;
 - (b) during all hours of operation of the enclosed place, maintain the flow of make-up air into the designated smoking room at
 - (i) a minimum rate of 15 liters per second per occupant of the designated smoking room, based on the number of occupants averaged over any 15-minute period during the hours of operation; and
 - (ii) a minimum velocity of 0.36 metres per second through each opening.

Ventilation system design, operation and maintenance documentation

- 4 (1) Prior to using a ventilation system for the first time, an owner shall ensure that an engineer
- (a) prepares the physical and mechanical design specifications for the ventilation system;
 - (b) prepares an operation and maintenance plan for the ventilation system, which shall include written procedures for the operation, inspection, testing, cleaning, calibration, and maintenance of the ventilation system;
 - (c) conducts a functional performance test of the ventilation system and prepares a report of the test results; and

- (d) prepares a certificate stating that the ventilation system
 - (i) has been designed and installed in conformance with ASHRAE Standard 62-2001,
 - (ii) at the time of the functional performance test conducted pursuant to clause (c), was operating in conformance with ASHRAE Standard 62-2001, and
 - (iii) is capable of operating at the occupancy level for which it was designed.
- (2) The written procedures required by clause (1)(b) must
 - (a) be adequate to ensure that the ventilation system is monitored properly and maintained in conformance with its physical and mechanical design specifications;
 - (b) specify the manner of operation of the ventilation system, including the hours of operation;
 - (c) specify the nature and frequency of inspections, testing, cleaning, calibration, and maintenance of the ventilation system; and
 - (d) be reviewed by an engineer, and amended if necessary,
 - (i) if the ventilation system is modified so as to materially affect its ability to ventilate the designated smoking room in conformance with its mechanical and design specifications,
 - (ii) if an inspection of the ventilation system identifies non-conformance with its physical and mechanical design specifications so as to require changes to its operation and maintenance, or
 - (iii) at least every 5 years.
- (3) An owner shall keep the documents referred to in subsection (1) available for inspection.
- (4) If a document referred to in subsection (1) is amended in accordance with clause (2)(d), the owner is required to keep only the most current version of the document for the purposes of subsection (3).

Records

- 5 (1) An owner must ensure that a record is made of each inspection, testing, cleaning, calibration, and maintenance activity respecting the ventilation system, as required by the written procedures established pursuant to clause 4(1)(b).

- (2) A record required by subsection (1) must specify
 - (a) the date and type of activity performed;
 - (b) the name of the person who performed the activity and their employer;
 - (c) the components of the ventilation system involved; and
 - (d) the test results, observed deficiencies, and any remedial action taken,and must be kept for at least 2 years.

Maximum size of a designated smoking room

- 6 The maximum size of a designated smoking room must be
 - (a) 92.9 m² for a place with an area less than 929 m²; or
 - (b) 10% of the total area for a place with an area greater than 929 m².

Section 6 replaced: O.I.C. 2006-467, N.S. Reg. 206/2006.

Signage

- 7 (1) An owner must display a "Designated Smoking Room" sign in the form set forth in Schedule "A" measuring at least 21 cm in width and at least 30 cm in height.
- (2) A "Designated Smoking Room" sign must be
 - (a) placed immediately above or in close proximity to each entrance of a designated smoking room; and
 - (b) unobstructed by other signs, advertisements or promotions.
- (3) An owner must assume any costs associated with the signage required by this Section.
- (4) An inspector may order the removal of a sign that the inspector finds to be in violation of these regulations.

Section 8 to 11 repealed: O.I.C. 2006-467, N.S. Reg. 206/2006.

Schedule A
(21 cm x 30 cm)

DESIGNATED SMOKING ROOM

ONLY RESIDENTS PERMITTED

NO PERSONS UNDER 19 PERMITTED

**MAXIMUM OCCUPANCY = [figure determined by owner in
accordance with Provincial laws]**