

Smoke-Free Ontario Act



Northeastern
PUBLIC HEALTH
SANTÉ PUBLIQUE
du Nord-Est

Responsibilities, Offences and Progressive Enforcement 2026–2027 Schools

Dear Principal:

The Northeastern Public Health are sharing a reminder of roles and responsibilities under the Smoke-Free Ontario Act, 2017 (SFOA), and seeking to collaborate with school officials in a more efficient process for responding to offences under the SFOA.

As you are aware, it has been an offence to smoke on school property since the passing of the Tobacco Control Act in 1994. With the enactment of the SFOA, smoking tobacco or cannabis and vaping has been banned on school properties, as well as public areas 20 metres from the property boundaries.

Role of the School/School Board

As per the SFOA, proprietors and employers of public and private schools must ensure that smoking and vaping laws on school property are followed. A proprietor includes the owner, operator, or person in charge.

Every proprietor and employer of a school must:

- Give notice to staff, students, and visitors that smoking and vaping are prohibited on school buses, school property, and public areas within 20 metres of school grounds.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign, 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 are not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free and vape-free areas.
- Ensure that staff, students, and visitors do not smoke or vape in the smoke-free and vape-free areas.
- Ensure that someone who refuses to comply with Ontario’s smoking and vaping laws does not remain in the smoke-free and vape-free areas.

Offences

As per the SFOA, smoking and vaping are not permitted:

- in schools (as defined under the Education Act),
- on school property,
- in public areas within 20 metres of school property and,
- on school buses.

It is also illegal to sell or offer to sell tobacco and vapour products in schools. Note that simply possessing a vape device or product is not an offence. This includes holding a vape device that is not activated.

Any individual who violates the prohibition on smoking and vaping in schools or on and around school grounds may be charged and if convicted, face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence). Any individual convicted of selling tobacco or vapour products on school grounds could face a fine ranging from \$2,000 to \$50,000, depending on the individual's number of prior convictions.

For a complete list of offences, please refer to the SFOA and the applicable sanctions.

Effective September 2024, the health units are requesting that schools follow the below process when any of the following SFOA offences are identified:

- smoke tobacco or cannabis on school property
- hold lit tobacco or cannabis on school property
- use an electronic cigarette (vape)
- hold an activated electronic cigarette anywhere on school property
- Smoke, vape, or hold lit tobacco or cannabis in public areas within 20 metres of school property including streets and roads

1st offence

First offence committed by someone **15 years of age or younger**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- The school will be contacted by a Smoke-Free Ontario Act Inspector (SFOAI) to discuss the incident.
- Based on consultation with the SFOAI, where the offender meets certain criteria, a warning letter will be sent to the school by closing the next business day for issuing to the offender and the parent/guardian as soon as practical.
- This letter is to be reviewed by the school administrator with the offender and parent/guardian as soon as practical. The letter is to be signed and dated by the student and school official and a copy is faxed or emailed back to the local health unit. The original is given to the student or parent and a copy is retained by the school at their option.

First offence committed by someone **16 years of age and older**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- School will be contacted by a SFOAI to discuss the incident.
- Based on consultation with the SFOAI, where the offender meets certain criteria, a warning letter will be sent to the school by closing the next business day for issuing to the offender and the parent/guardian as soon as practical.

- The letter is to be reviewed with the offender as soon as practical. The letter is to be signed and dated by the student and school official and a copy is faxed or emailed back to the local health unit. The original is then given to the student and a copy is retained by the school at their option.
- If the school wishes for the parent/guardian to be present, that is the school's option.

Repeat offence (i.e. The offender has previously received a warning letter or been charged).

Repeat offence committed by someone **15 years of age or younger**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- The school will be contacted by a SFOAI to discuss the incident.
- Based on the discussion, the SFOAI may charge the offender at their discretion at the school. Because the person being charged is a minor, a parent or guardian must be present when the charge is laid. The school will be requested to make arrangements with the parent, guardian, or next of kin to attend.

Repeat offence committed by someone **16 years of age or older**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- The school will be contacted by a SFOAI to discuss the incident.
- Based on the discussion, a SFOAI may charge the offender at their discretion at the school.
- If the school wishes for the parent/guardian to be present, that is the school's option.

Effective September 2024, the health units are requesting that schools follow the below process when the following SFOA offence is identified:

As per the SFOA, it is an offence to sell tobacco or vaping products to anyone 18 and under.

Sales offence committed by someone **15 years of age or younger**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- The school will be contacted by a SFOAI to discuss the incident.
- Based on the discussion, a SFOAI may charge the offender at the school. Because the person being charged is a minor, a parent or guardian must be present when the charge is laid. The school will be requested to make arrangements with the parent, guardian or next of kin to attend.

Sales offence committed by someone **16 years of age or older**:

- The witness must complete the witness report fully.
- Fax the completed witness report to your local health unit:
 - Northeastern Public Health: Fax to 705.360.7324 or scan and email it to inspections@neph.ca
- The school will be contacted by a SFOAI to discuss the incident.
- Based on the discussion, a SFOAI may charge students at the school.
- If the school wishes for the parent/guardian to be present, that is the school's option.

SFOA Witness Reports

When any offence under the SFOA has occurred on school property a witness report is required. The following must be part of the witness report to ensure completeness and the ability to prosecute an offence at the Ontario Courts.

- All identifiers are complete and accurate including names, dates of birth and addresses.
- A full and thorough statement. In the Offence noted portion the statement **MUST** include the elements of the offence and be detailed.
- If this is a first offence.
- If there was a previous offence – what and when (there is a section near the bottom of the second page for this).
- Level of co-operation by the offender and their attitude towards the offence.
- Parent or guardian notified, level of co-operation, and name of notified party.
- Whether the school applied any other sanctions? (List).
- Whether video surveillance exists of the offence (include video footage if so)

Detail is essential as this document will aid your notes in court should a trial occur. This document will also assist in securing a guilty plea. Incomplete witness reports will be returned, and no action can be taken until complete.