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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 45  
(2001, chapter 42)

## **An Act to amend the Tobacco Act**

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**Introduced 25 October 2001**  
**Passage in principle 6 November 2001**  
**Passage 20 November 2001**  
**Assented to 22 November 2001**

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## **EXPLANATORY NOTES**

*This bill amends the Tobacco Act to clarify the application of the Act to private residences where home childcare is provided and to enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration.*

*The bill extends the non-smoking prohibition set out in the Tobacco Act to state-owned casinos but provides that smoking areas may be set aside in the casino's gaming areas.*

# Bill 45

## AN ACT TO AMEND THE TOBACCO ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 2 of the Tobacco Act (R.S.Q., chapter T-0.01), amended by section 22 of chapter 10 of the statutes of 2000, is again amended

(1) by replacing “, for the time during which childcare is provided if the facility is situated in a dwelling” in the third and fourth lines of paragraph 4 by “and private residences where home childcare within the meaning of that Act is provided, during the hours during which home childcare is provided”;

(2) by replacing “tourist establishments” in the first line of paragraph 8 by “tourist accommodation establishments”;

(3) by inserting the following paragraph after paragraph 8:

“(8.1) enclosed spaces specially laid out where meals for consumption on the premises are ordinarily offered to the public in return for remuneration, except rooms used by a natural person to hold a private reception for personal purposes;”.

**2.** Section 4 of the said Act is amended

(1) by inserting the following paragraph after paragraph 1 :

“(1.1) the gaming areas of a state-owned casino;”;

(2) by striking out paragraph 5.

**3.** Section 5 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) for any person except an employee in a tourist accommodation establishment or on premises described in paragraph 8.1 of section 2.”

**4.** Section 6 of the said Act is amended by replacing “number of the rooms or, in a tourist establishment, the number of the rooms or” in the first and second lines of the first paragraph by “number of rooms or, on premises described in paragraph 8.1 of section 2, the number of”.

**5.** Section 7 of the said Act, amended by section 22 of chapter 10 of the statutes of 2000, is again amended by replacing “a place or business of 35 seats or more who holds a permit for the operation of a restaurant establishment under the Act respecting tourist accommodation establishments (chapter E-15.1) must, when setting aside areas where smoking is permitted,” in the first three lines by “premises described in paragraph 8.1 of section 2 containing 35 seats or more must, when setting aside areas where smoking is permitted,”.

**6.** Section 8 of the said Act is replaced by the following section :

**“8.** The operator of a place or business to which the admission of minors is prohibited pursuant to the Act respecting offences relating to alcoholic beverages (chapter I-8.1) and the operator of a bingo hall may permit smoking anywhere in such place, business or hall.

However, if the place, business or hall includes 35 seats or more where meals for consumption on the premises are ordinarily offered to the public in return for remuneration, the provisions applicable to premises described in paragraph 8.1 of section 2 apply to the area where the meals are offered.

Where the place, business or hall referred to in the second paragraph is situated within premises described in paragraph 8.1 of section 2 and the establishments are operated by the same operator, the area where meals are offered in the place, business or hall and the premises described in paragraph 8.1 of section 2 are deemed to constitute one and the same place, and the provisions that apply to premises described in paragraph 8.1 of section 2 thus apply thereto.”

**7.** Section 69 of the said Act is amended by adding the following paragraph :

“As concerns premises not covered by section 7 as it read before 1 December 2001, the date of 17 December 2001 specified in the first paragraph shall be replaced by the date of 17 December 2002.”

**8.** The provisions of this Act come into force on 1 December 2001.