

Section 9. Regulating Smoking 16-9

Section 9. Regulating Smoking 16-9

This by-law amendment is promulgated under the authority granted to the Town pursuant to the provisions of Section six of Article 89 of the amendments to the Constitution of the Commonwealth and every other enabling authority as may be.

“Smoking is prohibited in all workplaces, restaurants, bars, and all enclosed or public places within the Town of Canton except as may be authorized in section F of this by-law.

A. Statement of Purpose: Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning cigarettes and cigars, causes the death of 53,000 Americans each year; and whereas in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco smoke as a known human carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997), now,

16-8 Inserted under article 102, ATM 1980. 16-9 Inserted under article 16, ATM 1994 and amended under article 39, ATM May 1, 2002. Section 9 replaced in its entirety under article 35, ATM May 5, 2004. 93

therefore, the voters of the Town of Canton in town meeting assembled, recognize the fight of those who wish to breathe smoke free air and establishes this bylaw to protect and improve the public health and welfare by prohibiting smoking in public places.

B. Authority: This bylaw amendment is promulgated under the authority granted to the town pursuant to the provisions of Section six of Article 89 of the amendments to the State Constitution and every other enabling authority as may be.

C. Definitions: For the purposes of this bylaw, the following words shall have the meanings respectively ascribed to them by this paragraph:

Board: The Board of Health of the Town of Canton

Bar: An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

Employee: Any person who performs services for an employer with or without compensation.

Employer: A person, business agent, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Canton, or any agency thereof, which utilizes the services of one (1) or more employees.

Enclosed Space: A space bounded by walls (with or without windows) and enclosed by doors, including, but not limited to, offices, rooms and halls. The term is intended to also include more than just rooms within a building or any other fully enclosed space and includes any area which has one or more sides or a roof or the exterior portion of a building which is covered by a roof (e.g, an entry or egress to the building) or places which provide screening from the wind by having one or more walls (e.g. a bus stop); the term is further intended to include vehicles owned by the Town and vehicles used in public transportation and the waiting areas adjacent to or in places where public transportation is provided.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

Public Place: Any building or facility owned, leased, operated or occupied by the municipality, including school buildings or grounds; any area open to the general public including, but not limited to, libraries, museums, theaters, auditoriums, indoor sports arenas and/or recreational facilities, inns, hotel and motel lobbies, educational facilities, stores, shopping malls, public restrooms, lobbies, 94

staircases, halls, exits, entrances, elevators accessible to the public, licensed child-care locations and bars.

Public Transportation: Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the Town of Canton including indoor platforms by which such means of transportation may be accessed.

Retail Tobacco Store: Any establishment whose primary purpose is to sell or offer for sale tobacco products and tobacco paraphernalia, in which the sale of other products is clearly incidental and neither possesses nor is required to possess a retail food permit.

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

Town: The Town of Canton

D. Smoking Prohibited: Smoking is prohibited in all workplaces, restaurants, bars, and all enclosed or public places within the Town of Canton except as may be authorized in section F of this bylaw.

E. Posting Notice of Prohibition: Every person having control of premises upon which smoking is prohibited by and under the authority of this bylaw shall conspicuously display upon the premises "No Smoking" signs using a clearly readable font with at least 2-inch highly contrasted lettering, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it at least 6 inches in diameter).

F. Exceptions: • Notwithstanding the provisions of Paragraph D of this bylaw, smoking may be permitted in the following places and/or circumstances:

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

Source: <https://www.town.canton.ma.us/DocumentCenter/View/13507/GENERAL-BY-LAWS-2025#page=93>