

At-a-glance: Provincial restrictions on vaping products

August 2020

OVERVIEW OF FEDERAL AND PROVINCIAL REGULATIONS ON MARKETING OF ELECTRONIC CIGARETTES

| Regulatory measures to protect youth from initiating vaping | REC | CA | BC | AB | SK | MB | ON | QC | NB | NS | PEI | NFLD |
|---|-----|---------|--------|-----|----|----|----|----|----|--------|------|------|
| Price and Tax | | | | | | | | | | | | |
| Tax on vaping device/ liquid | ✓ | | | | | | | | | Sep 15 | | |
| Minimum price | | | | | | | | | | | | |
| Manufacturers' Licence Fee | | | | | | | | | | | | |
| Retail | | | | | | | | | | | | |
| Retail Licensing/Registration | ✓ | | Sep 20 | | | | | | | | | |
| Age 21 | ✓ | | | | | | | | | | | |
| Proof of age if under 25 | | | | TBD | | | | | | | | |
| Reduced retail density | ✓ | | | | | | | | | | | |
| Ban on ads in stores (excl. adult) | ✓ | | | TBD | | | | | | | | |
| Display ban (excl. adult stores) | ✓ | Sept 20 | | TBD | | | | | | | | |
| Ban on internet sales | | | | | | | | | | | | |
| Controls on non-tobacco flavours | | | | | | | | | | | | |
| 19+ vape stores for flavoured * | | | Sep 20 | | | | | | | | | |
| 19+ vape stores except menthol | | | | | | | | | | | | |
| No flavours allowed | ✓ | | | | | | | | | | 2021 | |
| Advertising and sale | | | | | | | | | | | | |
| Ban on broadcast advertising | ✓ | | | | | | | | | | | |
| Ban on billboards & outdoor signs | ✓ | | | TBD | | | | | | | | |
| Ban on lifestyle ads | ✓ | | | | | | | | | | | |
| Ban on sponsorships | ✓ | | | | | | | | | | | |
| Ban on youth-appealing ads | ✓ | | | | | | | | | | | |
| Product controls | | | | | | | | | | | | |
| Max nicotine levels (mg/ml) | ✓ | 66 | 20 | | | | | | | 20 | | |
| Higher nicotine in vape shops only | | | | | | | | | | | | |
| Ban on nicotine salts | ✓ | | | | | | | | | | | |
| Health warnings | ✓ | Jul 1 | | | | | | | | | | |
| Plain packaging | ✓ | | | | | | | | | | | |

- Legislation passed; date shown when measure came into force in 2020.
- Stated intention to implement
- Federal measures apply
- Measure recommended by the Council of Chief Medical Officers of Health, January 2020.














RECENT INNOVATIONS IN VAPING CONTROLS IN CANADA.

| | | | | | | | |
|--|--|---|--|--|---|--|--|
| August 2020 Prince Edward Island adopts regulations to ban vaping flavours as of March 2021 | July - September, 2020 British Columbia restricts sale of flavoured vaping to specialty stores and will limit nicotine concentration to 20 mg. Promotions are further restricted and packaging controls implemented | September 1, 2020 Nova Scotia will restrict nicotine levels in vaping liquids to 20 mg/ml, On Sept 15 it imposes a tax of \$0.50 per ml. | August-September 2020 Federal promotion restrictions come into effect | July 1, 2020 Ontario allows sale of nicotine over 20 mg/ml or with flavours other than tobacco, menthol or mint only in specialty vape shops. | April 1, 2020 Nova Scotia ban on the sale of all non-tobacco flavoured vaping products comes into effect | March 1, 2020 Prince Edward Island ban on the sale of vaping products except in specialty stores comes in force, as does new minimum age requirements of 21 years. Mar 1, 2021 PEI bans flavoured e-cigarettes | January 1, 2020 British Columbia imposes a 20% sales tax on vaping devices and liquids. |
|--|--|---|--|--|---|--|--|

Physicians *for a* Smoke-Free Canada

134 Caroline Avenue ♦ Ottawa ♦ Ontario ♦ K1Y 0S9
www.smoke-free.ca ♦ psc @ smoke-free.ca














OVERVIEW OF PLACES WHERE VAPING PRODUCTS MAY NOT BE SOLD*

| | BC | AB | SK | MB | ON | QU | NB | NS | PEI | NL | YK | NWT | NU |
|------------------------------|---|---|---|---|---|---|--|---|---|---|---|---|---|
| |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Non-specialty vape stores | | | | | | | | | | | | | |
| Hospitals | | | | | | | | | | | | | |
| Long term care | | | | | | | | | | | | | |
| Some other health facilities | | | | | | | | | | | | | |
| Pharmacy | | | | | | | | | | | | | |
| Post Secondary Campus | | | | | | | | | | | | | |
| Schools | | | | | | | | | | | | | |
| Child care settings | | | | | | | | | | | | | |
| Vending machines | | | | | | | | | | | | | |
| Government buildings | | | | | | | | | | | | | |
| Amusement Park/arcades | | | | | | | | | | | | | |
| Theatres | | | | | | | | | | | | | |
| Recreation Centres | | | | | | | | | | | | | |
| Library & Cultural Centres | | | | | | | | | | | | | |
| Casinos | | | | | | | | | | | | | |
| Bars and Restaurants | | | | | | | | | | | | | |
| Temporary facilities | | | | | | | | | | | | | |
| Internet Sales | | | | | | | | | | | | | |
| | Sales banned in these locations | | | | | | | | | | | | |
| | Sales of some flavours banned in these locations (Ontario, British Columbia) | | | | | | | | | | | | |

*Generally the same as for tobacco sales, other than BC and Ontario which restrict some types of e-cigarettes to specialty stores.

OVERVIEW OF PLACES WHERE VAPING PRODUCTS MAY NOT BE USED

The general categories below do not capture all of the places in which smoking is banned or where exceptions are allowed under provincial or territorial law. Many municipalities have adopted more stringent restrictions.

| | BC | AB | SK | MB | ON | QU | NB | NS | PEI | NL | YK | NWT | NU |
|---------------------------------|--|---|---|---|---|---|--|---|---|---|---|---|---|
| |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Healthcare facilities | | | | | | | | | | | | | |
| Child care facilities | | | | | | | | | | | | | |
| School properties | | | | | | | | | | | | | |
| Post secondary | | | | | | | | | | | | | |
| Workplaces | | | | | | | | | | | | | |
| Indoor Public places* | | | | | | | | | | | | | |
| Restaurant and bar patios | | | | | | | | | | | | | |
| Public transit/vehicles | | | | | | | | | | | | | |
| Private vehicles with minors | | | | | | | | | | | | | |
| Playgrounds | | | | | | | | | | | | | |
| Outdoor recreational facilities | | | | | | | | | | | | | |
| Outdoor cultural events | | | | | | | | | | | | | |
| Parts of provincial parks | | | | | | | | | | | | | |
| Public beaches (some or all) | | | | | | | | | | | | | |
| | Use banned in these locations by provincial or territorial law. | | | | | | | | | | | | |
| | *Includes bars, restaurants, shops, casinos, theatres, recreation centres, retailers, etc. | | | | | | | | | | | | |

OVERVIEW OF MINIMUM AGE FOR LEGAL SALE OF VAPING PRODUCTS

| | BC | AB | SK | MB | ON | QU | NB | NS | PEI | NL | YK | NWT | NU |
|----------------------------|----|----|----|----|----|----|----|----|-----|----|----|-----|----|
| Minimum legal age for sale | 19 | 18 | 18 | 19 | 19 | 18 | 19 | 19 | 21 | 19 | 19 | 19 | 18 |

RELEVANT LEGISLATION AND REGULATION

| Jurisdiction | Legislation | Most recent Revision |
|---------------------------|--|----------------------|
| Canada (federal) | <p>Tobacco and Vaping Products Act https://laws-lois.justice.gc.ca/eng/acts/T-11.5/</p> <p>Regulations Excluding Certain Vaping Products Regulated Under the Food and Drugs Act from the Application of the Tobacco and Vaping Products Act (SOR/2018-133) https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-133/index.html</p> <p>Vaping products Labelling and Packaging Regulations (SOR/2019-353) https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-353/index.html</p> <p>Vaping products promotion regulations (SOR 2020-143) https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-143/index.html</p> | 2020 |
| Newfoundland and Labrador | <p>Smoke-Free Environment Act, 2005 https://assembly.nl.ca/Legislation/sr/statutes/s16-2.htm</p> <p>Smoke-Free Environment Regulations, 2005 https://www.assembly.nl.ca/Legislation/sr/regulations/rc050054.htm</p> <p>Tobacco and Vapour Products Control Act https://assembly.nl.ca/Legislation/sr/statutes/t04-1.htm https://www.cssd.gov.nl.ca/healthyliving/pdf/changes_smokefree_tobacco_acts.pdf</p> <p>Tobacco and Vapour Products Control Regulations, 2017 https://www.assembly.nl.ca/Legislation/sr/regulations/rc170055.htm</p> | 2018 |
| Prince Edward Island | <p>Tobacco and Electronic Smoking Device Sales and Access Act https://www.princeedwardisland.ca/sites/default/files/legislation/t-03-1-tobacco_and_electronic_smoking_device_sales_and_access_act.pdf</p> <p>Tobacco and Electronic Devices Sales and Access Act Regulations. https://www.princeedwardisland.ca/sites/default/files/legislation/t03-1g-tobacco_and_electronic_smoking_device_sales_and_access_regulations.pdf</p> <p>Smoke-free Places Act https://www.princeedwardisland.ca/sites/default/files/legislation/s-04-2-smoke-free_places_act.pdf</p> <p>Smoke-free Places Act General Regulations https://www.canlii.org/en/pe/laws/regu/pei-reg-ec279-03/139083/pei-reg-ec279-03.html</p> <p>Order in Council C2020-489 amending the Tobacco and Electronic Smoking Device Sales and Access Act Regulations. https://www.princeedwardisland.ca/sites/default/files/publications/20200811truwww.pdf</p> | 2020 |
| Nova Scotia | <p>Smoke-Free Places Act https://nslegislature.ca/sites/default/files/legc/statutes/smoke-free%20places.pdf</p> <p>Smoke-Free Places Regulations https://novascotia.ca/just/regulations/regs/sfpregs.htm</p> <p>Tobacco Access Act https://nslegislature.ca/sites/default/files/legc/statutes/tobacco%20access.pdf</p> <p>Tobacco Access Regulations https://novascotia.ca/just/regulations/regs/tobacc.htm#text</p> | 2019 |

| Jurisdiction | Legislation | Most recent Revision |
|------------------|---|----------------------|
| New Brunswick | Tobacco and Electronic Cigarette Sales Act http://laws.gnb.ca/en/showfulldoc/cs/T-6.1//20150713 | 2015 |
| | Regulations 94-286 http://laws.gnb.ca/en/showfulldoc/cr/94-57//20190722 | |
| | Smoke-Free Places Act http://laws.gnb.ca/en/showdoc/cs/2011-c.222 | 2019 |
| Quebec | Tobacco Control Act http://legisquebec.gouv.qc.ca/en/showdoc/cs/L-6.2 | 2015 |
| | Regulation under the Tobacco Control Act. http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/L-6.2,%20r.%201/ | |
| Ontario | Smoke-Free Ontario Act, 2017, SO 2017, c 26, Sch 3 https://www.ontario.ca/laws/statute/17s26 | 2020 |
| | General, O Reg 268/18 https://www.canlii.org/en/on/laws/regu/o-reg-268-18/latest/o-reg-268-18.html | |
| Manitoba | The Smoking and Vapour Products Control Act https://web2.gov.mb.ca/laws/statutes/ccsm/s150e.php | 2018 |
| | Documentation for Verifying Age Regulation https://www.canlii.org/en/mb/laws/regu/man-reg-170-2002/latest/man-reg-170-2002.html | |
| | Smoking and Vapour Products Control Regulation https://www.canlii.org/en/mb/laws/regu/man-reg-174-2004/latest/man-reg-174-2004.html | |
| | Park Activities Regulation, Man Reg 141/96 https://www.canlii.org/en/mb/laws/regu/man-reg-141-96/146880/man-reg-141-96.html | |
| Saskatchewan | The Tobacco Control Act, Chapter T-14.1 http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/t14-1.pdf | 2019 |
| | Tobacco Control Regulations http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/t14-1r1.pdf | |
| Alberta | Tobacco and Smoking Reduction Act http://www.qp.alberta.ca/1266.cfm?page=T03P8.cfm&leg_type=Acts&isbncIn=9780779805112 | 2020 |
| | Tobacco and Smoking Reduction Regulation http://www.qp.alberta.ca/1266.cfm?page=2007_240.cfm&leg_type=Regs&isbncIn=9780779808076 | |
| | Bill 19. Tobacco and Smoking Reduction Amendment Act, 2020 (not proclaimed) https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_30/session_2/20200225_bill-019.pdf | |
| British Columbia | Tobacco and Vapour Products Control Act, RSBC 1996, c 451 https://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-451/latest/rsbc-1996-c-451.html | 2020 |
| | Tobacco and Vapour Products Control Regulation http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_232_2007 | |
| | Park, Conservancy and Recreation Area Regulation. https://www.canlii.org/en/bc/laws/regu/bc-reg-180-90/latest/bc-reg-180-90.html | |
| | E-substances Regulation OIC 426/2020 https://www.bclaws.ca/civix/document/id/oic/oic_cur/0426_2020 | |
| Yukon | Tobacco and Vaping Products Control and Regulation Act http://www.gov.yk.ca/legislation/acts/tovapcr.pdf | 2019 |

| Jurisdiction | Legislation | Most recent Revision |
|------------------------------|---|----------------------|
| Northwest Territories | <p>Tobacco and Vapour Products Control Act https://www.justice.gov.nt.ca/en/files/legislation/tobacco-and-vapour-products/tobacco-and-vapour-products.a.pdf</p> <p>Tobacco Control Regulations https://www.justice.gov.nt.ca/en/files/legislation/tobacco-control/tobacco-control.r1.pdf</p> <p>Smoking Control and Reduction Act https://www.canlii.org/en/nt/laws/stat/snwt-2019-c-29/latest/snwt-2019-c-29.html</p> <p>Smoking Control and Reduction Regulations https://www.justice.gov.nt.ca/en/files/legislation/smoking-control-and-reduction/smoking-control-and-reduction.r1.pdf</p> <p>Occupational Health and Safety Regulations https://www.justice.gov.nt.ca/en/files/legislation/safety/safety.r8.pdf?t1446244135517</p> | 2019 |
| Nunavut | <p>Tobacco and Vapour Products Control Act https://www.nunavutlegislation.ca/en/download/file/fid/10725</p> <p>Tobacco Control Regulations https://www.nunavutlegislation.ca/en/download/file/fid/10591</p> | 2014 |