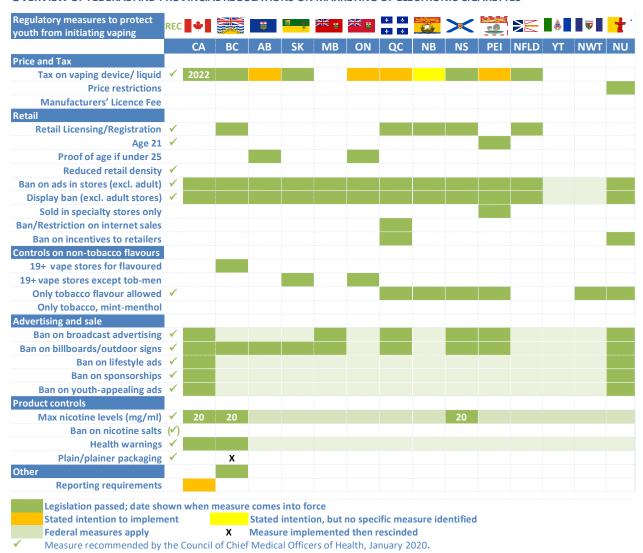
# At-a-glance: Provincial restrictions on vaping products

# **November 2023**

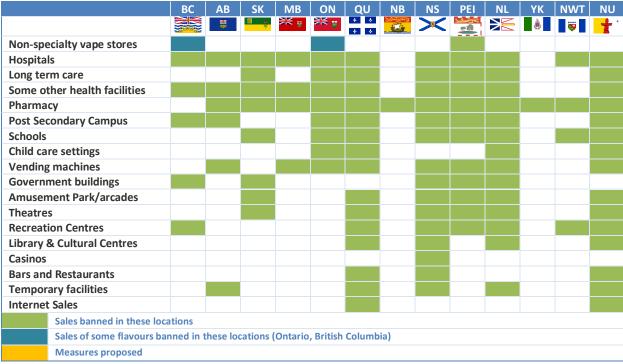
OVERVIEW OF FEDERAL AND PROVINCIAL REGULATIONS ON MARKETING OF ELECTRONIC CIGARETTES



### **O**VERVIEW OF MINIMUM AGE FOR LEGAL SALE OF VAPING PRODUCTS

	ВС	AB	SK	MB	ON	QU	NB	NS	PEI	NL	YK	NWT	NU
			<b>M</b> **	3K #	<b>≱</b> k #	+ + +		M		$\geq \leq$	ě	<b>*</b>	<b>+</b> .
Minimum legal age for sale	19	18	19	19	19	18	19	19	21	19	19	19	19
Ban on youth possession													

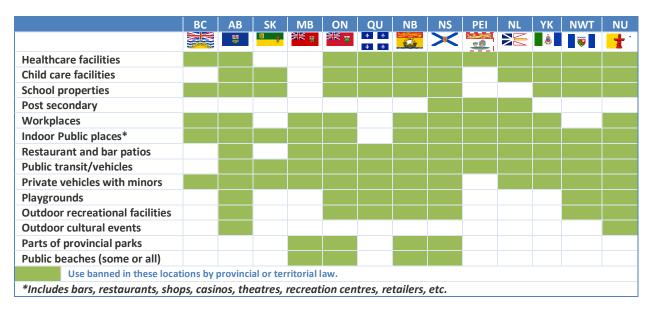
### OVERVIEW OF PLACES WHERE VAPING PRODUCTS MAY NOT BE SOLD\*



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

# **O**VERVIEW OF PLACES WHERE **V**APING 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.



### RECENT INNOVATIONS IN VAPING CONTROLS IN CANADA.

# November 2023 Saskatchewan

raises the minimum legal age from 18 to 19.

### August 2023 Quebec finalizes a ban on

flavours other than tobacco. Comes into force October 31, 2023.

### May 2023 Nunavut's

Tobacco and Smoking Act comes into force.

# March 2023 Health

Canada removes flavour restrictions from its Departmental Plan.

### June 2022 Federal vapour

products tax is approved by Parliament. Rate is \$1 per 2ml for the first 10ml, and \$1 per additional 10 ml. The tax is

required at retail level on January 1, 2023.

### April 2022 British Columbia

columbia retracts its requirements for plainer packaging of e-cigarettes

# April 2022 Health

Canada drops proposals to regulate package and design elements.

# February 2022 Prince Edward Island budget announces that a vaping tax will be applied. Details were not yet provided.

# February 2022 Northwest Territories

adopts regulation to ban all e-liquid flavours other than tobacco flavour, effective March 25, 2022.

# July 31, 2021

Alberta's
Tobacco,
Smoking and
Vaping
Reduction Act
and regulation
came into force.

# June 2021 Federal

government finalizes regulations to limit nicotine to 20 mg/ml

Proposes ban on flavours other than tobacco, mint and menthol

# June 2021

New Brunswick passes legislation to require retail licenses for vaping specialty shops. (Bill 55); and to ban flavours other than tobacco (Bill 17).

# April 2021

Saskatchewan adopts regulations to restrict the sale of some flavoured vaping products to specialty stores. The measure comes into force on September 1, 2021

### April 2021

Federal budget announces a new category of excise taxes, with a single flat rate duty on every 10 ml or less, effectively implementing a \$1 minimum tax on vaping pods.

### April 2021

Saskatchewan budget announces a 20% tax on vapour products, to be enforced along with licensing requirements, on September 1, 2021.

### February 2021

Health Canada's forward regulatory plan includes reporting regulations, flavour restrictions, age verification requirements, package and design elements.

### December 2020 Federal

government proposed to limit nicotine to 20 mg/ml

### December 2020

Quebec indicates it will ban vaping flavours and restrict nicotine to 20 mg

### October 2020 Nunavut

Nunavut proposes to ban flavours other than tobacco. (Law is adopted in May 2021)

### September 2020

Newfoundland & Labrador plan 20% tax on vaping products, effective 2021

# August 2020

Prince Edward Island adopts regulations to ban vaping flavours as of March 1, 2021

# July - September, 2020

British Columbia restricts flavoured vaping to specialty stores and limited 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 nontobacco 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.

### January 1, 2020 British Columbia

imposes a 20% sales tax on vaping devices and liquids.

# **RELEVANT LEGISLATION AND REGULATION**

Jurisdiction	Legislation					
Canada (federal)	Tobacco and Vaping Products Act					
	https://laws-lois.justice.gc.ca/eng/acts/T-11.5/					
	Non-smokers' Health Act, RSC 1985, c 15 (4th Supp)					
	https://laws-lois.justice.gc.ca/eng/acts/n-23.6/					
	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					
	Vaping products Labelling and Packaging Regulations (SOR/2019-353)  https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-353/index.html					
	Vaping products promotion regulations (SOR 2020-143) https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-143/index.html					
	Nicotine Concentration in Vaping Products Regulations  https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-123/page-1.html					
	Forward Regulatory Plan 2022-2024 https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan.html					
Newfoundland and Labrador	Smoke-Free Environment Act, 2005 https://assembly.nl.ca/Legislation/sr/statutes/s16-2.htm					
	Smoke-Free Environment Regulations, 2005 https://www.assembly.nl.ca/Legislation/sr/regulations/rc050054.htm					
	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					
	Tobacco and Vapour Products Control Regulations, 2017  https://www.assembly.nl.ca/Legislation/sr/regulations/rc170055.htm					
	Amendment to Revenue Administration Act					
	https://www.assembly.nl.ca/HouseBusiness/Bills/ga49session1/bill2048.htm					
	Revenue Administration Regulations (Amendment), 2020 https://www.gov.nl.ca/dgsnl/files/NLG20201218.pdf					
Prince Edward Island	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					
	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					
	Smoke-free Places Act https://www.princeedwardisland.ca/sites/default/files/legislation/s-04-2-smoke-free_places_act.pdf					
	Smoke-free Places Act General Regulations https://www.canlii.org/en/pe/laws/regu/pei-reg-ec279-03/139083/pei-reg-ec279-03.html					
	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					

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Jurisdiction	Legislation
Nova Scotia	Smoke-Free Places Act
	https://nslegislature.ca/sites/default/files/legc/statutes/smoke-free%20places.pdf
	Smoke-Free Places Regulations
	https://novascotia.ca/just/regulations/regs/sfpregs.htm
	Tobacco Access Act
	https://nslegislature.ca/sites/default/files/legc/statutes/tobacco%20access.pdf
	Tobacco Access Regulations
	https://novascotia.ca/just/regulations/regs/tobacc.htm#text
	Revenue Act Regulations
	https://www.novascotia.ca/JUST/REGULATIONS/regs/revregs.htm
<b>New Brunswick</b>	Tobacco and Electronic Cigarette Sales Act
	http://laws.gnb.ca/en/showfulldoc/cs/T-6.1//20150713
	Regulations 94-286
	http://laws.gnb.ca/en/showfulldoc/cr/94-57//20190722
	Regulation 94-57
	https://www.canlii.org/en/nb/laws/regu/nb-reg-94-57/latest/nb-reg-94-57.html
	Smoke-Free Places Act
	http://laws.gnb.ca/en/showdoc/cs/2011-c.222
Quebec	Tobacco Control Act
	http://legisquebec.gouv.qc.ca/en/showdoc/cs/L-6.2
	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
	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
	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.htmlp
	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
	Tobacco Control Regulations
	http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/t14-1r1.pdf
	The Tobacco and Vapour Products Control Amendment Regulations, 2021
	https://publications.saskatchewan.ca/api/v1/products/112636/formats/126674/download
Alberta	Tobacco and Smoking Reduction Act
	https://open.alberta.ca/publications/t03p8
	Tobacco and Smoking Reduction Regulation
	https://open.alberta.ca/publications/t03p8#related

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Jurisdiction	Legislation						
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						
	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						
	Regulation rescinding packaging requirements. OIC 184/2022						
	https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0184_2022/						
Yukon	Tobacco and Vaping Products Control and Regulation Act  http://www.gov.yk.ca/legislation/acts/tovapcr.pdf						
Northwest	Tobacco and Vapour Products Control Act						
Territories	https://www.justice.gov.nt.ca/en/files/legislation/tobacco-and-vapour-products/tobacco-and-vapour-products.a.pdf						
	Tobacco Control Regulations						
	https://www.justice.gov.nt.ca/en/files/legislation/tobacco-control/tobacco-control.r1.pdf						
	Tobacco and Vapour Products Control Regulations, amendment						
	https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2022/02_2.pdf						
	Smoking Control and Reduction Act						
	https://www.canlii.org/en/nt/laws/stat/snwt-2019-c-29/latest/snwt-2019-c-29.html						
	Smoking Control and Reduction Regulations						
	https://www.justice.gov.nt.ca/en/files/legislation/smoking-control-and-reduction/smoking-control-and-reduction.r1.pdf						
	Occupational Health and Safety Regulations https://www.justice.gov.nt.ca/en/files/legislation/safety/safety.r8.pdf?t1446244135517						
Nunavut	Tobacco Control and Smoke-Free Places Act						
Nullavut	https://www.nunavutlegislation.ca/en/download/file/fid/10725						
	Tobacco Control Regulations						
	https://www.nunavutlegislation.ca/en/download/file/fid/10591						
	Tobacco and Smoking Act 2020.						
	https://www.nunavutlegislation.ca/en/statutes/tobacco-and-smoking-act-c20						

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