

# The Tobacco and Vaping Products Act

Section	Current text	Proposed text
<b>Title</b>	An Act to regulate the manufacture, sale, labelling and promotion of tobacco products and vaping products	An Act respecting the protection of human health and the environment from the harms of tobacco and nicotine use.
<b>Short Title</b>	This Act may be cited as the <i>Tobacco and Vaping Products Act</i> .	This Act may be cited as the <i>Tobacco, Vaping and Nicotine Products Act</i>
<b>Interpretation</b>	2 The definitions in this section apply in this Act ....	2 The definitions in this section apply in this Act ....  <b>Nicotine Product</b> means any nicotine-containing product which is defined in Schedule 4.
<b>Purpose</b>	<p><b>Purpose of Act</b></p> <p>4 (1) The purpose of this Act is to provide a legislative response to a national public health problem of substantial and pressing concern and to protect the health of Canadians in light of conclusive evidence implicating tobacco use in the incidence of numerous debilitating and fatal diseases.</p> <p><b>Tobacco products</b></p> <p>(2) The purpose of this Act with respect to tobacco products is to support the objectives set out in subsection (1) and, in particular,</p> <p>(a) to protect young persons and others from inducements to use tobacco products and the consequent dependence on them;</p> <p>(b) to protect the health of young persons by restricting access to tobacco products;</p> <p>(c) to prevent the public from being deceived or misled with respect to the health hazards of using tobacco products; and</p> <p>(d) to enhance public awareness of those hazards.</p> <p><b>Vaping products</b></p> <p>(3) The purpose of this Act with respect to vaping products is to support the objectives set out in subsection (1), to prevent vaping product use from leading to the use of tobacco products by young persons and non-users of tobacco products and, in particular,</p>	<p><b>Purpose of Act</b></p> <p>3. The primary purpose of this Act is to contribute to the elimination of the harms to human and environmental health caused by commercial tobacco and nicotine products.</p>

- (a) to protect young persons and non-users of tobacco products from inducements to use vaping products;
- (b) to protect the health of young persons and non-users of tobacco products from exposure to and dependence on nicotine that could result from the use of vaping products;
- (c) to protect the health of young persons by restricting access to vaping products;
- (d) to prevent the public from being deceived or misled with respect to the health hazards of using vaping products; and
- (e) to enhance public awareness of those hazards.

## Duties of the Minister

### Binding on Her Majesty

3 This Act is binding on Her Majesty in right of Canada or a province.

### Review of the Act

60.1 (1) The Minister must, three years after the day on which this section comes into force and every two years after that, undertake a review of the provisions and operation of this Act.

(2) The Minister must, no later than one year after the day on which the review is undertaken, cause a report on the review to be tabled in each House of Parliament.

### Binding on Her Majesty

4.1 This Act is binding on Her Majesty in right of Canada or a province.

### Duties of the Minister

4.2. (1) In the administration of this Act, the Minister shall, having regard to the Constitution and laws of Canada,

(a) exercise their powers in a manner that

- (i) protects human health and the environment
- (iii) promotes reconciliation with the Indigenous Peoples of Canada

(b) develop and implement a Canadian Strategy to Reduce Nicotine Use (“the strategy”) which

- (i) is informed by and respectful of the perspectives of federal, provincial and municipal health authorities and civil society health charities.
- (ii) establishes specific, measurable and time-bound targets for reducing and phasing out commercial tobacco, vaping and other nicotine use in the general populations and in sub-populations.
- (iii) includes measures to effectively protect young people from initiating use of commercial tobacco, vaping or nicotine products.
- (iv) includes measures which support individual and population-wide recovery from tobacco and nicotine addiction.
- (v) includes measures to reduce the use of commercial tobacco, vaping and nicotine products among First Nations communities which are informed by and supportive of traditional non-commercial tobacco use in these communities.

(vi) is designed to fully implement the Framework Convention on Tobacco Control.

(vii) engages and supports action by provincial and municipal governments, the research community and community groups in the achievement of the purposes of this act.

(viii) informs Canadians about and engages them in achieving the purpose of the Act.

(viii) includes measures to reduce the environmental damage associated with the use of tobacco, vaping or nicotine products.

(ix) is flexible and able to adapt quickly to changes in the tobacco and nicotine marketplace

(c) undertake a review of the strategy at least once every three years and table a report on this review in each House of Parliament by March 31st of the following year.

(d) administer a cost-recovery system which finances the strategy through mandatory contributions from the manufacturers of tobacco, vaping or nicotine products.

(e) establish and maintain regulatory control of the manufacture and distribution of tobacco products, vaping products and other nicotine products and exercise this control in support the purposes of this Act and the duties of the Minister.

(e)(1) this section does not apply to products that are regulated under the *Food and Drugs Act*.

## Considerations

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4.2 (2) When designing and implementing the measures in paragraph 3.2 (1) the Minister shall:

(a) ensure that public health measures adopted across Canada are protected from tobacco industry interference.

(b) seek to reduce disparities in nicotine use among Canadians

(c) respect and safeguard the traditional, non-commercial use of tobacco among Indigenous communities in Canada.

(d) apply the precautionary principle, which provides that the lack of full scientific certainty shall not be used as a reason for postponing measures which are, in the opinion of the Minister, likely to prevent or reduce harm to human health or the environment.



(e) confer, co-operate and support the work of other federal and provincial agencies to advance a comprehensive approach to reducing commercial tobacco and nicotine use.