

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

## May 2022

### 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	YT	NWT	NU	
<b>Price and Tax</b>																
Tax on vaping device/ liquid	✓	2022														
Price restrictions																TBD
Manufacturers' Licence Fee																
<b>Retail</b>																
Retail Licensing/Registration	✓							2022								
Age 21	✓															
Proof of age if under 25																
Reduced retail density	✓															
Ban on ads in stores (excl. adult)	✓															TBD
Display ban (excl. adult stores)	✓															TBD
Sold in specialty stores only																
Ban/Restriction on internet sales																
Ban on incentives to retailers																TBD
<b>Controls on non-tobacco flavours</b>																
19+ vape stores for flavoured *																
19+ vape stores except menthol																
Only tobacco flavour allowed	✓														2022	TBD
Only tobacco, mint-menthol																
<b>Advertising and sale</b>																
Ban on broadcast advertising	✓															TBD
Ban on billboards/outdoor signs	✓															TBD
Ban on lifestyle ads	✓															TBD
Ban on sponsorships	✓															TBD
Ban on youth-appealing ads	✓															TBD
<b>Product controls</b>																
Max nicotine levels (mg/ml)	✓	20	20							20						
High nicotine in vape shops only																
Ban on nicotine salts	✓															
Health warnings	✓															
Plain packaging	✓		X													
<b>Other</b>																
Reporting requirements																

- Legislation passed; date shown when measure comes into force
- Stated intention to implement
- Stated intention, but no specific measure identified
- Federal measures apply
- Measure implemented then rescinded
- Measure recommended by the Council of Chief Medical Officers of Health, January 2020.

### 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	19
Ban on youth possession													

**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													TBD
Long term care													TBD
Some other health facilities													TBD
Pharmacy													TBD
Post Secondary Campus													TBD
Schools													TBD
Child care settings													TBD
Vending machines													TBD
Government buildings													
Amusement Park/arcades													TBD
Theatres													TBD
Recreation Centres													TBD
Library & Cultural Centres													TBD
Casinos													
Bars and Restaurants													TBD
Temporary facilities													TBD
Internet Sales													TBD
	Sales banned in these locations												
	Sales of some flavours banned in these locations (Ontario, British Columbia)												
	Measures proposed												

\*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													TBD
Child care facilities													TBD
School properties													
Post secondary													
Workplaces													
Indoor Public places*													
Restaurant and bar patios													TBD
Public transit/vehicles													TBD
Private vehicles with minors													TBD
Playgrounds													TBD
Outdoor recreational facilities													TBD
Outdoor cultural events													TBD
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.													

## RECENT INNOVATIONS IN VAPING CONTROLS IN CANADA.

<p><b>April 2022</b> <b>British Columbia</b> retracts its requirements for plainer packaging of e-cigarettes</p>	<p><b>April 2022</b> <b>Health Canada</b> drops proposals to regulate package and design elements.</p>	<p><b>February 2022</b> <b>Prince Edward Island</b> budget announces that a vaping tax will be applied. Details were not yet provided.</p>	<p><b>February 2022</b> <b>Northwest Territories</b> adopts regulation to ban all e-liquid flavours other than tobacco flavour, effective March 25, 2022.</p>	<p><b>July 31, 2021</b> <b>Alberta's</b> Tobacco, Smoking and Vaping Reduction Act and regulation came into force.</p>	<p><b>June 2021</b> <b>Federal government</b> finalizes regulations to limit nicotine to 20 mg/ml  Proposes ban on flavours other than tobacco, mint and menthol</p>	<p><b>June 2021</b> <b>New Brunswick</b> <b>passes</b> legislation to require retail licenses for vaping specialty shops. (Bill 55); and to ban flavours other than tobacco (Bill 17).</p>
<p><b>April 2021</b> <b>Saskatchewan</b> adopts regulations to restrict the sale of some flavoured vaping products to specialty stores. The measure comes into force on September 1, 2021</p>	<p><b>April 2021</b> <b>Federal budget</b> 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.</p>	<p><b>April 2021</b> <b>Saskatchewan</b> budget announces a 20% tax on vapour products, to be enforced along with licensing requirements, on September 1, 2021.</p>	<p><b>February 2021</b> <b>Health Canada's</b> forward regulatory plan includes reporting regulations, flavour restrictions, age verification requirements, package and design elements.</p>	<p><b>December 2020</b> <b>Federal</b> government proposed to limit nicotine to 20 mg/ml</p>	<p><b>December 2020</b> <b>Quebec</b> indicates it will ban vaping flavours and restrict nicotine to 20 mg</p>	
<p><b>October 2020</b> <b>Nunavut</b> proposes to ban flavours other than tobacco. <b>(Law is adopted in May 2021)</b></p>	<p><b>September 2020</b> <b>Newfoundland &amp; Labrador</b> plan 20% tax on vaping products, effective 2021</p>	<p><b>August 2020</b> <b>Prince Edward Island</b> adopts regulations to ban vaping flavours as of March 1, 2021</p>	<p><b>July - September, 2020</b> <b>British Columbia</b> restricts flavoured vaping to specialty stores and limited nicotine concentration to 20 mg. Promotions are further restricted and packaging controls implemented</p>		<p><b>September 1, 2020</b> <b>Nova Scotia</b> will restrict nicotine levels in vaping liquids to 20 mg/ml, On Sept 15 it imposes a tax of \$0.50 per ml.</p>	
<p><b>August-September 2020</b> <b>Federal</b> promotion restrictions come into effect</p>	<p><b>July 1, 2020</b> <b>Ontario</b> allows sale of nicotine over 20 mg/ml or with flavours other than tobacco, menthol or mint only in specialty vape shops.</p>	<p><b>April 1, 2020</b> <b>Nova Scotia</b> ban on the sale of all non-tobacco flavoured vaping products comes into effect</p>	<p><b>March 1, 2020</b> <b>Prince Edward Island</b> ban on the sale of vaping products except in specialty stores comes in force, as does new minimum age requirements of 21 years.</p>		<p><b>January 1, 2020</b> <b>British Columbia</b> imposes a 20% sales tax on vaping devices and liquids.</p>	

## RELEVANT LEGISLATION AND REGULATION

Jurisdiction	Legislation
Canada (federal)	<p><b>Tobacco and Vaping Products Act</b>  <a href="https://laws-lois.justice.gc.ca/eng/acts/T-11.5/">https://laws-lois.justice.gc.ca/eng/acts/T-11.5/</a></p> <p><b>Non-smokers' Health Act, RSC 1985, c 15 (4th Supp)</b>  <a href="https://laws-lois.justice.gc.ca/eng/acts/n-23.6/">https://laws-lois.justice.gc.ca/eng/acts/n-23.6/</a></p> <p><b>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)</b>  <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-133/index.html">https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-133/index.html</a></p> <p><b>Vaping products Labelling and Packaging Regulations (SOR/2019-353)</b>  <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-353/index.html">https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-353/index.html</a></p> <p><b>Vaping products promotion regulations (SOR 2020-143)</b>  <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-143/index.html">https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-143/index.html</a></p> <p><b>Nicotine Concentration in Vaping Products Regulations</b>  <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-123/page-1.html">https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-123/page-1.html</a></p> <p><b>Forward Regulatory Plan 2022-2024</b>  <a href="https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan.html">https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan.html</a></p>
Newfoundland and Labrador	<p><b>Smoke-Free Environment Act, 2005</b>  <a href="https://assembly.nl.ca/Legislation/sr/statutes/s16-2.htm">https://assembly.nl.ca/Legislation/sr/statutes/s16-2.htm</a></p> <p><b>Smoke-Free Environment Regulations, 2005</b>  <a href="https://www.assembly.nl.ca/Legislation/sr/regulations/rc050054.htm">https://www.assembly.nl.ca/Legislation/sr/regulations/rc050054.htm</a></p> <p><b>Tobacco and Vapour Products Control Act</b>  <a href="https://assembly.nl.ca/Legislation/sr/statutes/t04-1.htm">https://assembly.nl.ca/Legislation/sr/statutes/t04-1.htm</a>  <a href="https://www.ccsd.gov.nl.ca/healthyliving/pdf/changes_smokefree_tobacco_acts.pdf">https://www.ccsd.gov.nl.ca/healthyliving/pdf/changes_smokefree_tobacco_acts.pdf</a></p> <p><b>Tobacco and Vapour Products Control Regulations, 2017</b>  <a href="https://www.assembly.nl.ca/Legislation/sr/regulations/rc170055.htm">https://www.assembly.nl.ca/Legislation/sr/regulations/rc170055.htm</a></p> <p><b>Amendment to Revenue Administration Act</b>  <a href="https://www.assembly.nl.ca/HouseBusiness/Bills/ga49session1/bill2048.htm">https://www.assembly.nl.ca/HouseBusiness/Bills/ga49session1/bill2048.htm</a></p> <p><b>Revenue Administration Regulations (Amendment), 2020</b>  <a href="https://www.gov.nl.ca/dgsnl/files/NLG20201218.pdf">https://www.gov.nl.ca/dgsnl/files/NLG20201218.pdf</a></p>
Prince Edward Island	<p><b>Tobacco and Electronic Smoking Device Sales and Access Act</b>  <a href="https://www.princeedwardisland.ca/sites/default/files/legislation/t-03-1-tobacco_and_electronic_smoking_device_sales_and_access_act.pdf">https://www.princeedwardisland.ca/sites/default/files/legislation/t-03-1-tobacco_and_electronic_smoking_device_sales_and_access_act.pdf</a></p> <p><b>Tobacco and Electronic Devices Sales and Access Act Regulations.</b>  <a href="https://www.princeedwardisland.ca/sites/default/files/legislation/t03-1g-tobacco_and_electronic_smoking_device_sales_and_access_regulations.pdf">https://www.princeedwardisland.ca/sites/default/files/legislation/t03-1g-tobacco_and_electronic_smoking_device_sales_and_access_regulations.pdf</a></p> <p><b>Smoke-free Places Act</b>  <a href="https://www.princeedwardisland.ca/sites/default/files/legislation/s-04-2-smoke-free_places_act.pdf">https://www.princeedwardisland.ca/sites/default/files/legislation/s-04-2-smoke-free_places_act.pdf</a></p> <p><b>Smoke-free Places Act General Regulations</b>  <a href="https://www.canlii.org/en/pe/laws/regu/pei-reg-ec279-03/139083/pei-reg-ec279-03.html">https://www.canlii.org/en/pe/laws/regu/pei-reg-ec279-03/139083/pei-reg-ec279-03.html</a></p> <p><b>Order in Council C2020-489 amending the Tobacco and Electronic Smoking Device Sales and Access Act Regulations.</b>  <a href="https://www.princeedwardisland.ca/sites/default/files/publications/20200811truwww.pdf">https://www.princeedwardisland.ca/sites/default/files/publications/20200811truwww.pdf</a></p>

Jurisdiction	Legislation
Nova Scotia	<b>Smoke-Free Places Act</b> <a href="https://nslegislature.ca/sites/default/files/legc/statutes/smoke-free%20places.pdf">https://nslegislature.ca/sites/default/files/legc/statutes/smoke-free%20places.pdf</a>
	<b>Smoke-Free Places Regulations</b> <a href="https://novascotia.ca/just/regulations/regs/sfpregs.htm">https://novascotia.ca/just/regulations/regs/sfpregs.htm</a>
	<b>Tobacco Access Act</b> <a href="https://nslegislature.ca/sites/default/files/legc/statutes/tobacco%20access.pdf">https://nslegislature.ca/sites/default/files/legc/statutes/tobacco%20access.pdf</a>
	<b>Tobacco Access Regulations</b> <a href="https://novascotia.ca/just/regulations/regs/tobacc.htm#text">https://novascotia.ca/just/regulations/regs/tobacc.htm#text</a>
	<b>Revenue Act Regulations</b> <a href="https://www.novascotia.ca/JUST/REGULATIONS/regs/revregs.htm">https://www.novascotia.ca/JUST/REGULATIONS/regs/revregs.htm</a>
New Brunswick	<b>Tobacco and Electronic Cigarette Sales Act</b> <a href="http://laws.gnb.ca/en/showfulldoc/cs/T-6.1//20150713">http://laws.gnb.ca/en/showfulldoc/cs/T-6.1//20150713</a>
	<b>Regulations 94-286</b> <a href="http://laws.gnb.ca/en/showfulldoc/cr/94-57//20190722">http://laws.gnb.ca/en/showfulldoc/cr/94-57//20190722</a>
	<b>Regulation 94-57</b> <a href="https://www.canlii.org/en/nb/laws/regu/nb-reg-94-57/latest/nb-reg-94-57.html">https://www.canlii.org/en/nb/laws/regu/nb-reg-94-57/latest/nb-reg-94-57.html</a>
	<b>Smoke-Free Places Act</b> <a href="http://laws.gnb.ca/en/showdoc/cs/2011-c.222">http://laws.gnb.ca/en/showdoc/cs/2011-c.222</a>
Quebec	<b>Tobacco Control Act</b> <a href="http://legisquebec.gouv.qc.ca/en/showdoc/cs/L-6.2">http://legisquebec.gouv.qc.ca/en/showdoc/cs/L-6.2</a>
	<b>Regulation under the Tobacco Control Act.</b> <a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/L-6.2,%20r.%201/">http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/L-6.2,%20r.%201/</a>
Ontario	<b>Smoke-Free Ontario Act, 2017, SO 2017, c 26, Sch 3</b> <a href="https://www.ontario.ca/laws/statute/17s26">https://www.ontario.ca/laws/statute/17s26</a>
	<b>General, O Reg 268/18</b> <a href="https://www.canlii.org/en/on/laws/regu/o-reg-268-18/latest/o-reg-268-18.html">https://www.canlii.org/en/on/laws/regu/o-reg-268-18/latest/o-reg-268-18.html</a>
Manitoba	<b>The Smoking and Vapour Products Control Act</b> <a href="https://web2.gov.mb.ca/laws/statutes/ccsm/s150e.php">https://web2.gov.mb.ca/laws/statutes/ccsm/s150e.php</a>
	<b>Documentation for Verifying Age Regulation</b> <a href="https://www.canlii.org/en/mb/laws/regu/man-reg-170-2002/latest/man-reg-170-2002.html">https://www.canlii.org/en/mb/laws/regu/man-reg-170-2002/latest/man-reg-170-2002.html</a>
	<b>Smoking and Vapour Products Control Regulation</b> <a href="https://www.canlii.org/en/mb/laws/regu/man-reg-174-2004/latest/man-reg-174-2004.html">https://www.canlii.org/en/mb/laws/regu/man-reg-174-2004/latest/man-reg-174-2004.html</a>
	<b>Park Activities Regulation, Man Reg 141/96</b> <a href="https://www.canlii.org/en/mb/laws/regu/man-reg-141-96/146880/man-reg-141-96.html">https://www.canlii.org/en/mb/laws/regu/man-reg-141-96/146880/man-reg-141-96.html</a>
Saskatchewan	<b>The Tobacco Control Act, Chapter T-14.1</b> <a href="http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/t14-1.pdf">http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/t14-1.pdf</a>
	<b>Tobacco Control Regulations</b> <a href="http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/t14-1r1.pdf">http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/t14-1r1.pdf</a>
	<b>The Tobacco and Vapour Products Control Amendment Regulations, 2021</b> <a href="https://publications.saskatchewan.ca/api/v1/products/112636/formats/126674/download">https://publications.saskatchewan.ca/api/v1/products/112636/formats/126674/download</a>
Alberta	<b>Tobacco and Smoking Reduction Act</b> <a href="https://open.alberta.ca/publications/t03p8">https://open.alberta.ca/publications/t03p8</a>
	<b>Tobacco and Smoking Reduction Regulation</b> <a href="https://open.alberta.ca/publications/t03p8#related">https://open.alberta.ca/publications/t03p8#related</a>

Jurisdiction	Legislation
British Columbia	<p><b>Tobacco and Vapour Products Control Act, RSBC 1996, c 451</b>  <a href="https://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-451/latest/rsbc-1996-c-451.html">https://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-451/latest/rsbc-1996-c-451.html</a></p> <p><b>Tobacco and Vapour Products Control Regulation</b>  <a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_232_2007">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_232_2007</a></p> <p><b>Park, Conservancy and Recreation Area Regulation.</b>  <a href="https://www.canlii.org/en/bc/laws/regu/bc-reg-180-90/latest/bc-reg-180-90.html">https://www.canlii.org/en/bc/laws/regu/bc-reg-180-90/latest/bc-reg-180-90.html</a></p> <p><b>E-substances Regulation OIC 426/2020</b>  <a href="https://www.bclaws.ca/civix/document/id/oic/oic_cur/0426_2020">https://www.bclaws.ca/civix/document/id/oic/oic_cur/0426_2020</a></p> <p><b>Regulation rescinding packaging requirements. OIC 184/2022</b>  <a href="https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0184_2022/">https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0184_2022/</a></p>
Yukon	<p><b>Tobacco and Vaping Products Control and Regulation Act</b>  <a href="http://www.gov.yk.ca/legislation/acts/tovapcr.pdf">http://www.gov.yk.ca/legislation/acts/tovapcr.pdf</a></p>
Northwest Territories	<p><b>Tobacco and Vapour Products Control Act</b>  <a href="https://www.justice.gov.nt.ca/en/files/legislation/tobacco-and-vapour-products/tobacco-and-vapour-products.a.pdf">https://www.justice.gov.nt.ca/en/files/legislation/tobacco-and-vapour-products/tobacco-and-vapour-products.a.pdf</a></p> <p><b>Tobacco Control Regulations</b>  <a href="https://www.justice.gov.nt.ca/en/files/legislation/tobacco-control/tobacco-control.r1.pdf">https://www.justice.gov.nt.ca/en/files/legislation/tobacco-control/tobacco-control.r1.pdf</a></p> <p><b>Tobacco and Vapour Products Control Regulations, amendment</b>  <a href="https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2022/02_2.pdf">https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2022/02_2.pdf</a></p> <p><b>Smoking Control and Reduction Act</b>  <a href="https://www.canlii.org/en/nt/laws/stat/snwt-2019-c-29/latest/snwt-2019-c-29.html">https://www.canlii.org/en/nt/laws/stat/snwt-2019-c-29/latest/snwt-2019-c-29.html</a></p> <p><b>Smoking Control and Reduction Regulations</b>  <a href="https://www.justice.gov.nt.ca/en/files/legislation/smoking-control-and-reduction/smoking-control-and-reduction.r1.pdf">https://www.justice.gov.nt.ca/en/files/legislation/smoking-control-and-reduction/smoking-control-and-reduction.r1.pdf</a></p> <p><b>Occupational Health and Safety Regulations</b>  <a href="https://www.justice.gov.nt.ca/en/files/legislation/safety/safety.r8.pdf?t1446244135517">https://www.justice.gov.nt.ca/en/files/legislation/safety/safety.r8.pdf?t1446244135517</a></p>
Nunavut	<p><b>Tobacco Control and Smoke-Free Places Act</b>  <a href="https://www.nunavutlegislation.ca/en/download/file/ffd/10725">https://www.nunavutlegislation.ca/en/download/file/ffd/10725</a></p> <p><b>Tobacco Control Regulations</b>  <a href="https://www.nunavutlegislation.ca/en/download/file/ffd/10591">https://www.nunavutlegislation.ca/en/download/file/ffd/10591</a></p> <p><b>Bill 57: Tobacco and Smoking Act 2020.</b> (pending Royal Assent)  <a href="https://assembly.nu.ca/sites/default/files/Bill-57-Tobacco-and-Smoking-Act-EN.pdf">https://assembly.nu.ca/sites/default/files/Bill-57-Tobacco-and-Smoking-Act-EN.pdf</a></p>

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