

At-a-glance: Provincial restrictions on vaping products

May 2023

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
Price and Tax															
Tax on vaping device/ liquid	✓	2022													
Price restrictions															
Manufacturers' Licence Fee															
Retail															
Retail Licensing/Registration	✓														
Age 21	✓														
Proof of age if under 25															
Reduced retail density	✓														
Ban on ads in stores (excl. adult)	✓														
Display ban (excl. adult stores)	✓														
Sold in specialty stores only															
Ban/Restriction on internet sales															
Ban on incentives to retailers															
Controls on non-tobacco flavours															
19+ vape stores for flavoured															
19+ vape stores except tob-men															
Only tobacco flavour allowed	✓														
Only tobacco, mint-menthol															
Advertising and sale															
Ban on broadcast advertising	✓														
Ban on billboards/outdoor signs	✓														
Ban on lifestyle ads	✓														
Ban on sponsorships	✓														
Ban on youth-appealing ads	✓														
Product controls															
Max nicotine levels (mg/ml)	✓	20	20							20					
Ban on nicotine salts	✓														
Health warnings	✓														
Plain/plainer packaging	✓		X												
Other															
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 Federal measures apply X Measure implemented then rescinded
✓ Measure recommended by the Council of Chief Medical Officers of Health, January 2020.¹

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													
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)												
	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													
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.												
<i>*Includes bars, restaurants, shops, casinos, theatres, recreation centres, retailers, etc.</i>													

RECENT INNOVATIONS IN VAPING CONTROLS IN CANADA.

<p>May 31, 2023 Nunaavut Tobacco and Smoking Act comes into force</p>	<p>April 2023 Quebec releases draft regulation to ban flavours other than tobacco</p>	<p>March 2023 Health Canada removes flavour restrictions from its Departmental Plan.</p>	<p>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.</p>	<p>April 2022 British Columbia retracts its requirements for plainer packaging of e-cigarettes</p>	<p>April 2022 Health Canada drops proposals to regulate package and design elements.</p>
<p>February 2022 Prince Edward Island budget announces that a vaping tax will be applied. Details were not yet provided.</p>	<p>February 2022 Northwest Territories adopts regulation to ban all e-liquid flavours other than tobacco flavour, effective March 25, 2022.</p>	<p>September 2021 New Brunswick flavour ban comes into force</p>	<p>July 31, 2021 Alberta's Tobacco, Smoking and Vaping Reduction Act and regulation came into force.</p>	<p>June 2021 Federal government finalizes regulations to limit nicotine to 20 mg/ml</p> <p>Proposes ban on flavours other than tobacco, mint and menthol</p>	<p>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).</p>
<p>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</p>	<p>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.</p>	<p>April 2021 Saskatchewan budget announces a 20% tax on vapour products, to be enforced along with licensing requirements, on September 1, 2021.</p>	<p>February 2021 Health Canada's forward regulatory plan includes reporting regulations, flavour restrictions, age verification requirements, package and design elements.</p>	<p>December 2020 Federal government proposes to limit nicotine to 20 mg/ml</p>	<p>December 2020 Quebec indicates it will ban vaping flavours and restrict nicotine to 20 mg</p>
<p>October 2020 Nunavut proposes to ban flavours other than tobacco. (Law is adopted in May 2021)</p>	<p>September 2020 Newfoundland & Labrador plan 20% tax on vaping products, effective 2021</p>	<p>August 2020 Prince Edward Island adopts regulations to ban vaping flavours as of March 1, 2021</p>	<p>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</p>	<p>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.</p>	
<p>August-September 2020 Federal promotion restrictions come into effect</p>	<p>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.</p>	<p>April 1, 2020 Nova Scotia ban on the sale of all non-tobacco flavoured vaping products comes into effect</p>	<p>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.</p>	<p>January 1, 2020 British Columbia imposes a 20% sales tax on vaping devices and liquids.</p>	

RELEVANT LEGISLATION AND REGULATION

Jurisdiction	Legislation
Canada (federal)	<p>Tobacco and Vaping Products Act https://laws-lois.justice.gc.ca/eng/acts/T-11.5/</p> <p>Non-smokers' Health Act, RSC 1985, c 15 (4th Supp) https://laws-lois.justice.gc.ca/eng/acts/n-23.6/</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> <p>Nicotine Concentration in Vaping Products Regulations https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-123/page-1.html</p> <p>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</p>
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> <p>Amendment to Revenue Administration Act https://www.assembly.nl.ca/HouseBusiness/Bills/ga49session1/bill2048.htm</p> <p>Revenue Administration Regulations (Amendment), 2020 https://www.gov.nl.ca/dgsnl/files/NLG20201218.pdf</p>
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>

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
New Brunswick	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/
	Draft egulation under the Tobacco Control Act. https://www.publicationsduquebec.gouv.qc.ca/fileadmin/gazette/pdf_encrypte/lois_reglements/2023A/106216.pdf
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.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
	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

Jurisdiction	Legislation
British Columbia	<p>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</p> <p>Tobacco and Vapour Products Control Regulation http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_232_2007</p> <p>Park, Conservancy and Recreation Area Regulation. https://www.canlii.org/en/bc/laws/regu/bc-reg-180-90/latest/bc-reg-180-90.htm</p> <p>E-substances Regulation OIC 426/2020 https://www.bclaws.ca/civix/document/id/oic/oic_cur/0426_2020</p> <p>Regulation rescinding packaging requirements. OIC 184/2022 https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0184_2022/</p>
Yukon	<p>Tobacco and Vaping Products Control and Regulation Act http://www.gov.yk.ca/legislation/acts/tovapcr.pdf</p>
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>Tobacco and Vapour Products Control Regulations, amendment https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2022/02_2.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>
Nunavut	<p>Tobacco and Smoking Act https://www.nunavutlegislation.ca/en/statutes/tobacco-and-smoking-act-c20</p> <p>Tobacco and Smoking Regulation https://www.nunavutlegislation.ca</p>

¹ Council of Chief Medical Officers of Health. Statement from the Council of Chief Medical Officers of Health on Nicotine Vaping in Canada
<https://www.canada.ca/en/public-health/news/2020/01/statement-from-the-council-of-chief-medical-officers-of-health-on-nicotine-vaping-in-canada.html>

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