



Tobacco Use in Canada: Patterns and Trends

Supplement: Tobacco Control Policies in Canada

2019 EDITION



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HEALTH IMPACT

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About this Supplement

This supplement is intended to provide an overview of tobacco control policies that have been implemented in Canada at the federal and provincial levels. Note that **this summary does not include all tobacco control policies implemented in Canada**. This edition of the policy supplement updates the previous (2017) version.

Much of the policy information presented in this supplement has been drawn from other sources. We wish to thank Rob Cunningham of the Canadian Cancer Society, and the Non-Smokers' Rights Association, for providing source materials and allowing us to reproduce their tables and factsheets. We would also like to acknowledge Health Canada as the source for much of the text on federal regulations.

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1. GENERAL LEGISLATION AND POLICIES

1.1 THE TOBACCO ACT (S.C. 1997, C. 13)

The *Tobacco Act* replaced the *Tobacco Products Control Act* (S.C. 1988) and the *Tobacco Sales to Young Persons Act*. The *Tobacco Act* provides the basis for federal level tobacco regulations in Canada.

The *Tobacco Act*, passed in 1997, aims to protect the health of Canadians from the health risks of tobacco use; to protect young persons and others from inducements to use tobacco products and the consequent dependence on them; to protect the health of young persons by restricting access to tobacco products; and to enhance public awareness of the health hazards of using tobacco products.

Key regulations of the Act include:

- tobacco products must be manufactured in conformity with product standards;
- manufacturers of a tobacco product must provide information about the product and its emissions;
- tobacco products may not be furnished to a young person in a public place or in a place to which the public reasonably has access;
- retailers must post signs that inform the public that the sale or giving of a tobacco product to a young person is prohibited by law, or that contain a prescribed health message;
- retailers may not sell a tobacco product by means of a display that permits a person to handle the tobacco product before paying for it;
- manufacturers or retailers may not sell a tobacco product unless the package containing it displays information about the product and its emissions, and about the health hazards and health effects arising from the use of the product or from its emissions;
- tobacco products or tobacco product-related brand elements may not be promoted, except as authorized by this Act or the regulations; and,
- inspectors may enter any place in which they believe a tobacco product is manufactured, tested, stored, packaged, labelled or sold.ⁱ

The *Tobacco Act* (now the '*Tobacco Products and Vaping Act*' - see section 1.1.2) may be accessed in full at: <http://laws-lois.justice.gc.ca/eng/acts/T-11.5/>

A number of federal regulations have been enacted under the *Tobacco Act*, which are included in the topic-specific sections below.

1.1.1 Bill C-32: An Act to Amend the Tobacco Act (S.C. 2009, c. 27)

Bill C-32, An Act to amend the *Tobacco Act*, received Royal Assent on October 8, 2009. The bill amends existing provisions in the *Tobacco Act* and introduces new provisions relating to, among other things, little cigars, additives in tobacco products, and the advertising of tobacco products.

In addition to technical and consequential amendments, and the inclusion of new definitions, the bill:

- creates a schedule that lists a number of additives that are prohibited in certain tobacco products;
- prohibits the sale of certain tobacco products that contain certain additives (including flavourings, menthol excepted); (see section 2.1.4)
- amends the information that tobacco manufacturers must provide to the minister;

ⁱThis section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/federal/tobac-tabac-eng.php>

- amends packaging requirements relating to certain tobacco products (specifying the minimum number per package as 20 for cigarettes, little cigars or blunt wraps);ⁱⁱ
- repeals the provision that permits the promotion of a tobacco product by means of information advertising or brand-preference advertising in publications that have an adult readership of not less than 85%; and,
- establishes penalties relating to the new prohibitions.ⁱⁱⁱ

Bill C-32 may be accessed in full at:

http://www.parl.ca/Content/Bills/402/Government/C-32/C-32_4/C-32_4.PDF

1.1.2 Bill S-5: Tobacco and Vaping Products Act (S.C. 2018, c. 9)

Bill S-5, An Act to amend the *Tobacco Act* and the *Non-smokers' Health Act* and to make consequential amendments to other Acts (the '*Tobacco Products and Vaping Act*') received Royal Assent on May 23, 2018.^{iv} The bill amends the *Tobacco Act* to regulate the manufacture, sale, labelling and promotion of vaping products and changes the title accordingly, to the *Tobacco and Vaping Products Act* (TVPA). It also amends certain provisions of the Act relating to tobacco products, including with respect to product standards, disclosure of product information, product sale, sending and delivery, and product promotion; Schedule 1 is amended to add menthol and cloves as prohibited additives in all tobacco products. As well, it adds new provisions to the Act, including in respect of inspection and seizure.^{iv}

With respect to vaping, the TVPA creates a new legal framework for regulating vaping products to protect young persons from nicotine addiction and tobacco use, while allowing adults access to vaping products as a potentially less harmful alternative to smoking (see *section 6.1*).^v Prior to the TVPA, nicotine-containing e-cigarettes or those that made health claims required pre-market approval, and no products had received approval. As described in section 7 of this report, the TVPA permits the sale of nicotine-containing vaping products to adults and allows some marketing of e-cigarettes in Canada. The TVPA also provides new regulatory powers to support plain and standardized packaging for tobacco products (see *section 3.1.3*).^{vi}

Bill S-5 may be accessed in full at:

http://www.parl.ca/Content/Bills/421/Government/S-5/S-5_4/S-5_4.PDF

1.2 THE FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

Canada ratified the World Health Organization's Framework Convention on Tobacco Control (FCTC) in 2004. The FCTC came into force in 2005, and provides international guidelines in a range of policy areas. The FCTC may be accessed in full at: <http://www.who.int/fctc/en/>

ⁱⁱThe ban on sale of little cigars and blunt wraps packaged in <20 units came into effect at the manufacturer/importer and retail levels on April 6, 2010. Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Feb 1, 2011.

ⁱⁱⁱThis section excerpted from:

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/402LS648E

^{iv}Bill S-5, *An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts*. 42nd Parliament, 1st Session.

<http://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=S5&Language=E&Mode=1&Parl=42&Ses=1>

^vGovernment of Canada. (2018). *Tobacco and Vaping Products Act*. <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html>

^{vi}Norris S, Tiedemann M. (2016, Dec 14; revised 2017, Sept 17). Legislative Summary: *Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts*. Ottawa: Library of Parliament; Publication No. 42-1-S5-E.

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421S5E

Reports to the FCTC Conference of the Parties on implementation of the FCTC are made periodically. Implementation reports for Canada (2007; 2010; 2012; 2014; 2016; 2018) may be accessed at: <https://untobaccocontrol.org/impldb/canada/>

2. PRODUCT STANDARDS AND REGULATION

2.1 FEDERAL LEGISLATION AND REGULATIONS

2.1.1 Tobacco (Seizure and Restoration) Regulations (SOR/99-94)

The *Tobacco Act* contains enforcement powers that can be exercised by designated inspectors. Where, in the lawful exercise of those enforcement powers, an inspector seizes a tobacco product or other, its owner may apply to a court for a restoration of the seized product. These regulations outline the restoration procedure under the *Tobacco Act*.

Seizure and Restoration Regulations

Interpretation

1. In these Regulations, "Act" means the *Tobacco Act*.

Seizure

2. When an inspector seizes a tobacco product or other thing pursuant to subsection 39(1) of the Act, the inspector shall provide its owner or the person in charge of the place from which it was seized with a copy of these Regulations and of section 40 of the Act.

Application for Restoration

Service of Notice

3. A notice referred to in subsection 40(1) of the Act shall be served by registered mail on the Minister at Ottawa or on the regional manager of the Health Protection Branch, Department of Health, in the region in which the seizure occurred at least 15 clear days before the day on which the application for an order of restoration is to be made to the provincial court judge.

Contents of Notice

4. A notice referred to in subsection 40(1) of the Act must specify

- a) the provincial court judge to whom the application for an order of restoration is to be made;
- b) the time when and the place where the application is to be heard;
- c) the tobacco product or other thing seized in respect of which the application is to be made;
- d) the evidence on which the applicant intends to rely to establish that the applicant is entitled to possession of the product or other thing seized in respect of which the application is to be made.

Coming into Force

5. These Regulations came into force on February 11, 1999.^{vii}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-94/index.html>

2.1.2 Tobacco Reporting Regulations (SOR/2000-273)

Under these regulations, tobacco manufacturers and importers must provide Health Canada with annual reports which include their sales data, manufacturing information, tobacco product ingredients, toxic constituents, toxic emissions, research activities and promotional activities.

^{vii}This section excerpted from: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-94/index.html>

Canadian manufacturers and importers must provide Health Canada with information about their tobacco products and, where applicable, their emissions. In addition to information on sales, ingredients, manufacturing procedures, promotional activities and research activities, they must report on over 20 constituents and 40 emissions.

The regulations incorporate by reference a number of official methods that must be followed when dealing with the following:

- Mainstream smoke
- Sidestream smoke
- Whole tobacco
- Sample preparation
- Toxicity Test Methods

Consult the latest Tobacco Reporting Regulations - Regulation June 2000. The *Tobacco Reporting Regulations* were amended in 2005 by the *Regulations Amending the Tobacco Reporting Regulations* to require that three toxicity tests be performed on cigarette emissions annually and that the results be reported to the Minister of Health. These regulations were registered on June 7, 2005 and were published in the June 29, 2005 issue of the *Canada Gazette* Part II.

The Proposed Regulations Amending the Tobacco Reporting Regulations were reviewed by the Standing Committee on Health that made the following recommendation in their Sixth Report (38th Parliament, 1st Session):

"That all information to be submitted to Health Canada under these regulations be made public. If need be, the Minister of Health should authorize its disclosure in the public interest in accordance with Section 20 (6) of the Access to Information Act."

The Government Response to the report of the Standing Committee on Health on proposed regulations amending the Tobacco Reporting Regulations agrees fully with the spirit and intent of Standing Committee's recommendation. The government reiterates in the response that it is committed to protecting the health and safety of Canadians and, in particular, ensuring that Canadians have access to information that can help them make informed decisions on policies and practices that affect their well-being.^{viii}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-273/index.html>

2.1.3 Reduced Ignition Propensity Cigarettes (SOR/2005-178)

Fires started by smokers' materials are the leading known cause of fire-related death in Canada. To address this issue, Health Canada is requiring all cigarettes manufactured or imported for sale in Canada to have a reduced likelihood of igniting upholstered furniture, mattresses and bedding.

Regulations

The [Cigarette Ignition Propensity Regulations](#) require all cigarettes manufactured in or imported for sale into Canada on or after October 1, 2005 to meet an ignition propensity standard: all cigarettes manufactured in or imported into Canada must burn their full length no more than 25% of the time when tested using ASTM International method *E2187-04: Standard Test Method for Measuring the Ignition Strength of Cigarettes*. These regulations only apply to manufactured cigarettes, not to hand-rolled tobacco, tobacco sticks, cigars, bidis or kreteks. The associated [Regulations Amending the Tobacco Reporting Regulations](#) require three toxicity tests to be conducted on cigarette

^{viii}This section excerpted from: <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-regulations/tobacco-reporting-regulations.html>

emissions annually and that the results be reported to the Minister of Health. Both sets of regulations were registered in June 2005 and published in the *Canada Gazette* on June 29, 2005.

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-178/index.html>

2.1.4 Amendments to the *Tobacco Act* that restrict additives (including flavours)

The amendments to the federal *Tobacco Act* in Bill C-32 included several related to product standards and information.^{ix} Bill C-32 banned flavours (except menthol) in cigarettes, cigarillos (little cigars weighing ≤ 1.4 g or having a cigarette filter), and blunt wraps; it came into force on April 6, 2010 at the manufacturer/importer level and on July 5, 2010 at the retail level.

The Schedule of prohibited additives, created in response to Bill C-32 above, was amended in June 2015 through the *Order Amending the Schedule to the Tobacco Act* (SOR/2015-126). This amendment applied the list of prohibited additives to additional types of cigars: cigars weighing >1.4 g and ≤ 6 g (excluding the weight of any mouthpiece or tip), cigars with tipping paper, and cigars with a wrapper that is not fitted in a spiral form. However, menthol was still excluded, as were additives imparting a flavour generally attributed to port, wine, rum or whisky in certain cigars (i.e., >1.4 g and ≤ 6 g, with spiral wrapper, no tipping paper). An exception was also made to allow certain colouring agents in cigar tipping paper or mouthpieces, in order to “maintain their ordinary look”.^x These amendments came into force on Dec. 14, 2015.^{xi} Cigars weighing more than 6g were exempt.

In April 2017, the Schedule of prohibited additives was further amended through the *Order Amending the Schedule to the Tobacco Act (Menthol)* to remove the exception for menthol (i.e., to add menthol, *l*-menthol and *l*-menthone to the Schedule). This amendment prohibited the use of menthol in the manufacture of cigarettes, blunt wraps, and most cigars (i.e., those noted above), as well as the sale of such products; promotion of menthol additives on tobacco product packaging was also prohibited. The Order came into force on October 2, 2017.^{xii}

In May 2018, amendments to the *Tobacco and Vaping Products Act* (see section 1.1.2), added “menthol including *l*-menthol, and menthone, including *l*-menthone” and “cloves” to the Schedule of prohibited additives in all tobacco products (except those that are manufactured or sold for export).^{iv} The prohibition on using menthol and cloves in all tobacco products came into force on November 19, 2018.^{xiii} Note that at the federal level, most other prohibited additives in the Schedule apply only to cigarettes, blunt wraps, and most cigars (i.e., those noted above).

The TVPA also prohibits the use of certain ingredients in the manufacture, promotion and sale of vaping products (listed in Schedule 2^{xiv}), and prohibits the promotion of particular flavours (dessert, confectionary, cannabis, soft drink, energy drink), effective November 19, 2018 (see section 7).^{v, xv}

The Schedule of prohibited additives for tobacco products may be accessed at:

<https://laws-lois.justice.gc.ca/eng/acts/T-11.5/page-12.html#h-26>

^{ix}Tiedemann M, Wall T. (2009, Jun 4; revised 2010, Feb 4). Legislative Summary: *Bill C-32: An Act to Amend the Tobacco Act*. Ottawa: Library of Parliament; LS-648E.

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/402LS648E

^xGovernment of Canada. (2015, Jun 5). Order Amending the Schedule to the Tobacco Act. *Canada Gazette*, Part II. 149 (12). <http://canadagazette.gc.ca/rp-pr/p2/2015/2015-06-17/html/sor-dors126-eng.php>

^{xi}Health Canada. Order Amending the Schedule to the Tobacco Act. <https://www.canada.ca/en/health-canada/services/health-concerns/consultations/order-amending-schedule-tobacco-act-health-canada.html>

^{xii}Government of Canada. (2017, Apr 5). Order Amending the Schedule to the Tobacco Act (Menthol). *Canada Gazette*, Part II. 151 (7): 665. <http://www.gazette.gc.ca/rp-pr/p2/2017/2017-04-05/pdf/g2-15107.pdf>

^{xiii}Health Canada. (2018, Nov 15). Health Canada Statement on Use of Vaping Products by Youth. <https://www.canada.ca/en/health-canada/news/2018/11/health-canada-statement-on-use-of-vaping-products-by-youth.html>

^{xiv}*Tobacco and Vaping Products Act*, Schedule 2. <https://laws-lois.justice.gc.ca/eng/acts/T-11.5/page-13.html#docCont>

^{xv}Health Canada. (2018, Jun 18). Restrictions related to the Promotion of Flavours and the Use of Other Ingredients in Vaping Products [Factsheet #2 of 4].

2.2 PROVINCIAL LEGISLATION AND REGULATIONS

2.2.1 Restrictions on Flavours

Prior to federal legislation, a number of provinces adopted bans on flavoured tobacco, including menthol. In May 2015, Nova Scotia became the first jurisdiction in the world to prohibit the sale of menthol-flavoured cigarettes and other tobacco products.^{xvi} To date, seven provinces have implemented bans on menthol tobacco as part of broader legislation banning flavoured tobacco. TABLE 1 below outlines the dates of implementation of flavoured tobacco bans in each province, as well as exemptions for certain flavours/products.

TABLE 1: IMPLEMENTATION DATES FOR PROVINCIAL FLAVOUR TOBACCO BANS INCLUDING MENTHOL^{xvi}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE	EXEMPTIONS
NOVA SCOTIA	MAY 31, 2015	Exemptions for non-menthol flavours apply to: pipe tobacco; waterpipe tobacco; cigars weighing ≥5g and costing ≥\$4 each, with rum, wine, whisky or port flavours
ALBERTA	NON-MENTHOL FLAVOURS JUNE 1, 2015; MENTHOL SEPT. 30, 2015	Exemptions (for all flavours) apply to: pipe tobacco; waterpipe tobacco; cigars weighing ≥5g and costing ≥\$4 each
NEW BRUNSWICK	JAN. 1, 2016	No exemptions
QUEBEC	AUG. 26, 2016 (MAY 26, 2016 manufacturer level)	No exemptions
ONTARIO	NON-MENTHOL FLAVOURS JAN. 1, 2016; MENTHOL JAN. 1, 2017	Exemptions (for all flavours) apply to: pipe tobacco; cigars weighing ≥6g (with spiral wrapper and no tipping paper or filter); cigars weighing >1.4g and ≤6g (with spiral wrapper, no tipping paper or filter), with rum, wine, whisky or port flavours
PEI	MAY 1, 2017	No exemptions
NEWFOUNDLAND & LABRADOR	JULY 1, 2017	Exemptions for non-menthol flavours apply to: pipe tobacco; cigars weighing ≥5g and costing ≥\$4 each, with rum, wine, whisky or port flavours

NOTES: In 2010, Saskatchewan adopted legislation to ban flavoured little cigars and to provide regulatory authority to prohibit other flavoured tobacco products, but this legislation was never proclaimed or implemented. In 2014 (assented to on June 12), Manitoba adopted legislation on flavoured tobacco (with exemptions for “snuff, chewing tobacco, pipe tobacco” and menthol tobacco products),^{xvii} but this legislation has not been proclaimed or implemented.

3. LABELLING

3.1 FEDERAL REGULATIONS

3.1.1 Tobacco Products Information Regulations (SOR/2000-272)

The *Tobacco Products Information Regulations* (TPIR) established the requirements for information that must be displayed on tobacco product packages that are for retail sale in Canada. The TPIR, adopted under the authority of the *Tobacco Act* in 2000, represented a major departure from previous labelling approaches. Not only were the TPIR the first regulations to require graphic health warnings to be displayed, they also mandated the inclusion of health messages containing information to help people quit smoking and expanded the requirements for presenting toxic emission/constituent levels.

^{xvi}Canadian Cancer Society. (2017, Oct). Overview Summary of Federal/Provincial/Territorial Tobacco Control Legislation in Canada. http://convio.cancer.ca/documents/Legislative_Overview-Tobacco_Control-F-P-T-2017-final.pdf

^{xvii}*The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)*. Bill 52, 3rd Session, 40th Legislature (S.M. 2014, c. 18). <https://web2.gov.mb.ca/laws/statutes/2014/pdf/c01814.pdf>

As of September 2011, the TPIR no longer applies to cigarettes and little cigars, but continues to apply to many tobacco products, such as kreteks, bidis, leaf tobacco, cigars, pipe tobacco, and smokeless tobacco products.^{xviii}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-272/index.html>

Regulations Amending the Tobacco Products Information Regulations

In September 2011, the [Regulations Amending the Tobacco Products Information Regulations](#) came into force. These regulations serve three main purposes:

- to remove the application of the [Tobacco Products Information Regulations](#) (TPIR) to cigarettes and little cigars;
- to respond to issues identified by Parliament's Standing Joint Committee on Scrutiny of Regulations (SJCSR); and,
- to remove the obligation to list numerical values for toxic emissions.

The [Tobacco Products Labelling Regulations \(Cigarettes and Little Cigars\)](#) (TPLR-CLC), which came into force on September 22, 2011, specified new labelling requirements for health warnings, health information messages and toxic emissions statements on cigarette and little cigar packages; the regulations amending the TPIR removed the applicability of the TPIR to those tobacco products.

The amendments to the TPIR also addressed issues that have been identified by the SJCSR with respect to redundant language, clarity and consistency and to errors in terminology. Furthermore, the numerical values for toxic emissions will be removed in response to research conducted for Health Canada that indicates that they are not clearly understood by some smokers.^{xviii}

The Regulations may be accessed at:

<http://www.gazette.gc.ca/rp-pr/p2/2011/2011-10-12/html/sor-dors179-eng.html>

3.1.2 Tobacco Products Labelling Regulations (Cigarettes and Little Cigars) (SOR/2011-177)

The [Tobacco Products Labelling Regulations \(Cigarettes and Little Cigars\)](#) (TPLR-CLC) are an important component of the Federal Tobacco Control Strategy, which aims to reduce the smoking rates in Canada. The TPLR-CLC, which came into force in September 2011, stipulate the requirements for the health-related labels that must be displayed on cigarette and little cigar packages. They replace the [Tobacco Products Information Regulations](#), in place since 2000, for cigarettes and little cigars.

The TPLR-CLC require 16 new health warning messages, 8 new health information messages and 4 new toxic emissions statements.

Important features of the TPLR-CLC include:

- new graphic health warning messages covering 75% of the front and back of cigarette and little cigar packages;
- new health information messages, enhanced with colours and graphics;
- a pan-Canadian toll-free quitline number and web address to inform tobacco users about the availability of smoking cessation services; and,
- easy-to-understand toxic emissions statements.

^{xviii}This section excerpted from previous and current version of: <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-regulations/tobacco-products-information-regulations.html>

Products Affected

- Cigarettes
- Little cigars - that is, rolls or tubular constructions that contain a filler of natural or reconstituted tobacco and have a wrapper, or binder and wrapper, of natural or reconstituted tobacco, and:
 - Weigh 1.4 g or less (excluding the weight of any mouthpiece or tip), or
 - Have a cigarette filter.

Transition Period

The regulations came into force on September 22, 2011. The regulations provided a transition period of up to 6 months for industry to introduce the new labels on packages, and a further 3 months for retailers to transition between existing packages and those displaying the new messages. As of March 21, 2012, manufacturers and importers of cigarettes and/or little cigars were prohibited from selling or distributing packages of cigarettes and little cigars that do not display the new health warnings. Retailers had up to June 18, 2012 to sell their inventory of cigarettes displaying the old health warnings. As of June 19, 2012, only packages of cigarettes and little cigars that display the new health warnings can legally be sold at retail. Individuals or entities that only package or only distribute tobacco products on behalf of a manufacturer were not affected by the coming into force of the provisions of the new regulations.^{xix}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-177/index.html>

3.1.3 New Health Labelling for Tobacco Packaging

Health Canada is currently exploring new health labelling for tobacco products. A public consultation was open from October 26, 2018 until January 4, 2019, seeking comments on considerations for new requirements for health-related labels on tobacco packaging, including on:

- cigarette health warnings;
- label content and design;
- label size and placement;
- labels for tobacco products that do not currently have them; and,
- rotation of labels.

Input gathered through this consultation will be used to develop the elements of new health labelling for tobacco products, which include health warnings, health information messages and toxic statements.^{xx,xxi}

Further details are in the consultation document, which may be accessed at:

<https://www.canada.ca/en/health-canada/programs/consultation-tobacco-labelling/document.html>

3.1.4 Plain Packaging

Plain or standardized packaging is a measure that regulates the appearance of tobacco packages and products by restricting elements such as brand colours, logos and graphics, and could require that the package shape and format be standardized.^{vi} Plain packaging, first introduced in Australia in 2012, has been implemented in seven countries to date, with a number of others in the process.^{xxii}

^{xix}This section excerpted from: <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-regulations/tobacco-products-labelling-regulations-cigarettes-little-cigar.html>

^{xx}<https://www.canada.ca/en/health-canada/programs/consultation-tobacco-labelling.html>

^{xxi}Health Canada. (2018, Oct 26). New Health Labelling for Tobacco Packaging: Document for Consultation. <https://www.canada.ca/en/health-canada/programs/consultation-tobacco-labelling/document.html>

^{xxii}Canadian Cancer Society. (2018, Jun 28). Plain Packaging - International Overview. <http://nbatc.ca/en/uploads/PlainPackaging-CCS-2018.pdf>

In Canada, a public consultation on plain packaging was held in 2016,^{xxiii} and these comments were considered in the development of proposed regulations. The *Tobacco and Vaping Products Act*, which received Royal Assent on May 23, 2018 (see section 1.1.2), enables the federal government to apply plain and standardized appearance measures to all tobacco packages and certain tobacco products.^{xxiv} The federal government published the proposed *Tobacco Products Regulations (Plain and Standardized Appearance)* on June 23, 2018,^{xxv} for public consultation until September 6, 2018.^{xxiv} Final regulations are expected to be published in spring 2019.^{xxvi}

According to the *Tobacco Products Regulations (Plain and Standardized Appearance)*, the proposed measures for tobacco packages include the following:

- Standardize tobacco product packages' overall appearance (e.g. no "beveled" edge, embossing, raised lettering, foil stamping and other distinct visual or tactile features on the exterior or interior surfaces of tobacco product packages);
- Standardize the shape and specify the dimensions for cigarette packages (to only slide and shell format);
- Require a single ordinary colour (Pantone 448C — a matte, dark, drab brown) on all interior and exterior surfaces of tobacco product packages;
- Authorize the display of a brand name on the package, in a standard font style (Lucida Sans Serif), size, colour (Pantone Cool Gray 2C) and location;
- Prohibit the use of colour or filter technology in the brand name;
- Require a standard font style (Lucida Sans Serif), size and colour (Pantone Cool Gray 2C) for permitted information displayed on packages (e.g. name and address of the manufacturer, net quantity and common name of the product);
- Specify requirements for little cigar and cigar packages; and,
- Require plain and standardized packaging for cigarette cases/bags furnished by a tobacco manufacturer.

The proposed measures for the appearance of tobacco products include the following:

- Standardize the appearance by only allowing the use of standard colours (e.g. white or Pantone 448C with a matte finish) for cigarettes and other products that can be coloured (including cigarettes, tubes and a tobacco product that is intended for use with a device);
- Allow the display of an alphanumeric code on the tobacco product (e.g. cigarettes, little cigars, cigars and tobacco products made in whole or in part of tobacco, wrapped in paper and intended for use with a device) and standardize its colour, font style, size, letter combination and placement;
- Authorize the display of a standardized brand name on cigar bands in consideration of the fact that these tobacco products are sold or designed to be carried around unpackaged;
- Require standard colour and prohibit apparent designs (e.g. grooves, holes or recesses) on visible parts of cigarette filters;
- Require cigarettes to be one of two standard lengths, reflecting regular and king size cigarettes; and,
- Require a standard diameter for cigarettes and little cigars.

^{xxiii}Health Canada. (2017, Jan). Consultation summary: "Plain and standardized packaging" for tobacco products. <https://www.canada.ca/en/health-canada/services/publications/healthy-living/plain-standardized-packaging-tobacco-products-consultation-summary.html>

^{xxiv}<https://www.canada.ca/en/services/health/consultations/proposed-tobacco-products-regulations-plain-standardized-appearance.html>

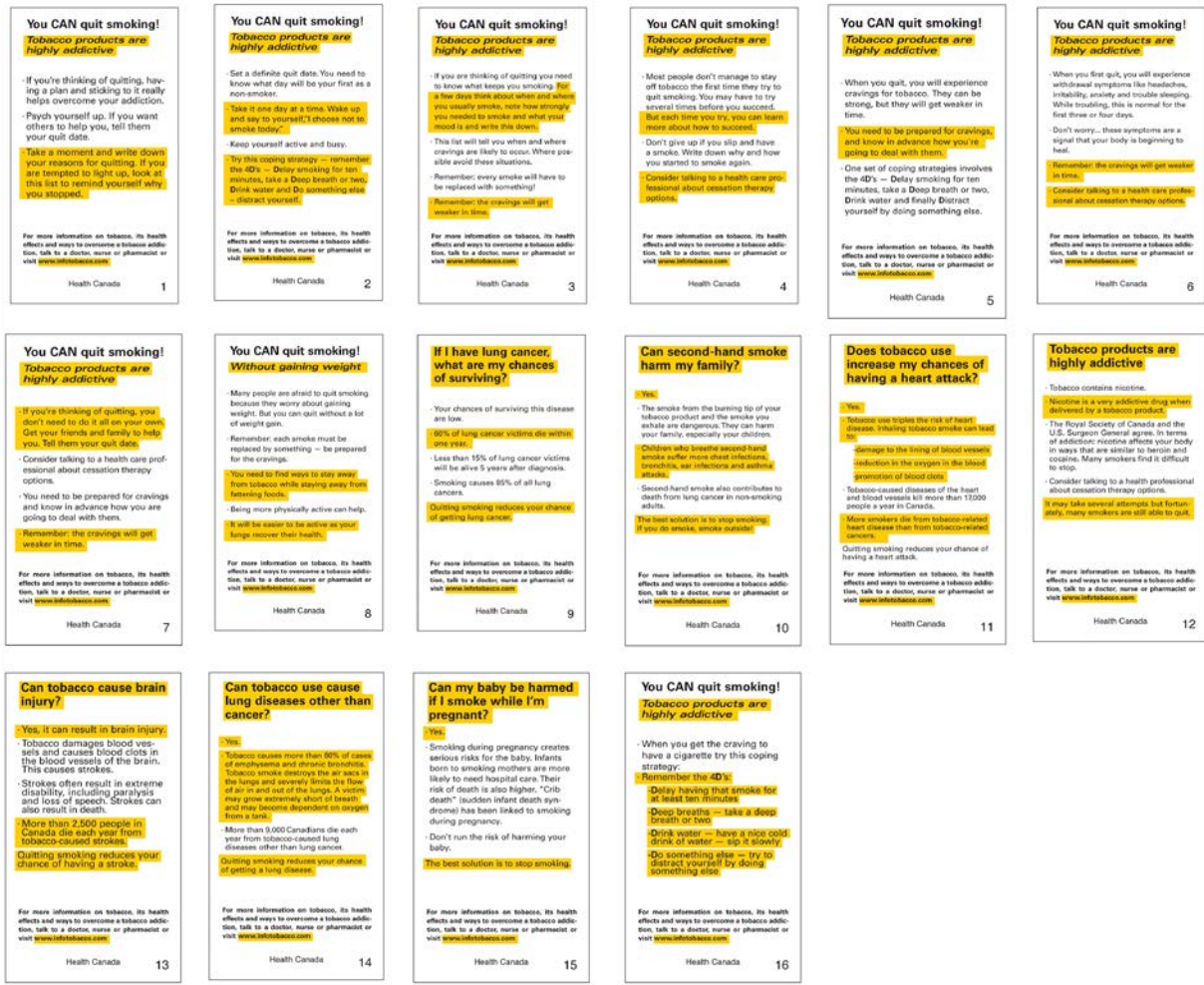
^{xxv}Government of Canada. (2018, Jun 23). Tobacco Products Regulations (Plain and Standardized Appearance). *Canada Gazette, Part I*, 152 (25). <http://gazette.gc.ca/rp-pr/p1/2018/2018-06-23/html/reg9-eng.html>

^{xxvi}Health Canada. Forward Regulatory Plan 2019-2021: Tobacco Products Regulations (Plain and Standardized Appearance) [updated 2019-04-01]. <https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/regulatory-initiative-promotion-tobacco-products-regulations-plain-standardized-packaging.html>

Information Messages

In addition to health warnings on the outside of packages, one of the following 16 messages^{xxviii} containing information to help people quit was required to appear in rotation, on the inside of each cigarette package, either on the slide or on an insert.^{xxviii}

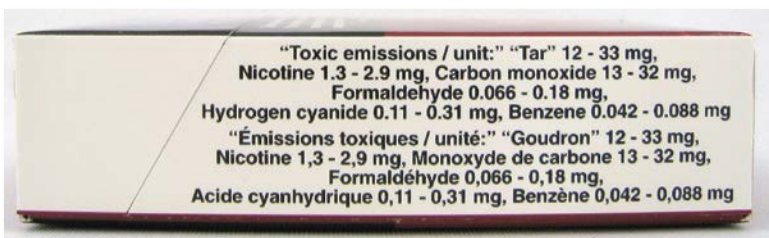
FIGURE 2: 16 ROTATING HEALTH INFORMATION MESSAGES INSIDE PACKAGES, JUNE 2001- MARCH 2012



Toxic Emissions

The TPIR expanded the requirements for presenting toxic emission/constituent levels, requiring tar, nicotine, carbon monoxide, formaldehyde, hydrogen cyanide and benzene emission numbers to appear on the side of packages. Two numbers appeared for each, as a range: one from the ISO and one from the Health Canada machine smoking method.^{xxviii}

FIGURE 3: EXAMPLE OF TOXIC EMISSION LABELLING, 2001-2012



3.2.2 Labelling Implemented following TPLR-CLC

Health Warnings

Beginning on March 21, 2012, all cigarette and little cigar packages in Canada were required to have a health warning covering 75% of the front and 75% of the back of the package. These health warnings also include a toll-free quitline number and web address. The following 16 graphic health warning messages are currently rotated on packages.^{xxx}

FIGURE 4: 16 ROTATING HEALTH WARNING MESSAGES FOR CIGARETTES, IMPLEMENTED MARCH 2012

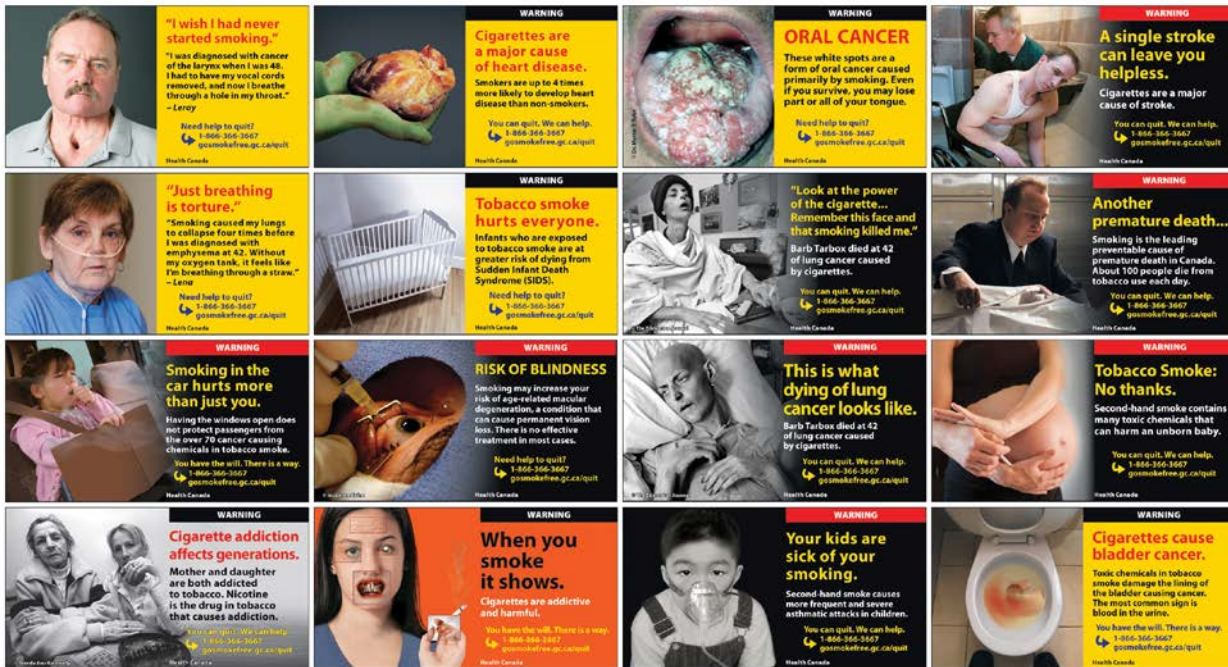


FIGURE 5: 16 ROTATING HEALTH WARNING MESSAGES FOR LITTLE CIGARS, IMPLEMENTED MARCH 2012



Information Messages

The following 8 health information messages are currently rotated inside packages.^{xxx}

FIGURE 6: 8 ROTATING HEALTH INFORMATION MESSAGES INSIDE PACKAGES, IMPLEMENTED MARCH 2012

<p>It's never too late...</p> <p>Quitting smoking increases life expectancy and improves quality of life.</p> <p>People who quit smoking increase their chances of living longer. They improve their general health, leading to a better quality of life.</p> <p>It's never too late to quit. No matter how old you are, you'll start to feel major and immediate health benefits and have more energy to help you live life to the fullest.</p> <p>Talk to a health care provider. Health Canada</p>	<p>Morning cough?</p> <p>Coughing is your lungs warning you it's time to quit.</p>  <p>When you quit smoking:</p> <ul style="list-style-type: none"> • Within the first few months, you'll cough and wheeze less and you'll be short of breath less often. • In the first 5 years, respiratory problems like bronchitis and pneumonia will decrease significantly. <p>You can quit and breathe easier! Health Canada</p>	<p>Never quit trying to quit.</p> <p>Most smokers try to quit several times before they succeed.</p> <p>Think of every attempt as a learning experience, not a failure. Never quit trying to quit.</p> <p>Pick a quit date, write it down or tell someone about it.</p>  <p>Nicotine is the drug in tobacco that causes addiction. Health Canada</p>	<p>"I had enough of feeling guilty..."</p> <p>"Quitting is hard and it takes a lot of will power." "I had enough of feeling guilty. I was ashamed of being a smoker." "When I was ready to quit, I called a quitline and, with their support, I made it through the first few days of cravings." "As the days went by, I was more and more proud of myself and my will to keep going got stronger." - Susan</p>  <p>1-866-366-3667 Tobacco products are highly addictive. Health Canada</p>
<p>They only last an average of a few minutes...</p> <p>For most, when cravings occur they usually last only a few minutes.</p> <p>When you quit smoking, you may get strong cravings. This is part of the quitting process.</p> <p>The brain gets used to not having nicotine. The more you resist, the fewer cravings you'll have.</p> <p>You've got what it takes to go smoke-free!</p>  <p>Nicotine is the drug in tobacco that causes addiction. Health Canada</p>	<p>Thinking of having a baby?</p> <p>Quitting smoking before pregnancy will increase your chances of having a healthy baby.</p> <p>You'll lower your risk of:</p> <ul style="list-style-type: none"> • Miscarriage • Stillbirth • Having a baby with serious health problems. <p>Although quitting is most beneficial before conception, there are some benefits to quitting at any time during your pregnancy.</p>  <p>Talk to a health care provider. Health Canada</p>	<p>Quitting... What's in it for me?</p> <p>WHY SHOULD I QUIT SMOKING?</p> <p>I want to regain control over myself by getting rid of my tobacco addiction...</p> <p>I want to be at my best with my activities...</p> <p>I want to be healthier and have more energy...</p> <p>I will reward myself with the money saved...</p>  <p>Health Canada</p>	<p>How can the quitline help me?</p> <p>WHEN YOU CALL THE TOLL-FREE QUITLINE 1-866-366-3667</p> <p>You'll speak one-on-one with a quit specialist who will help you:</p> <ul style="list-style-type: none"> • Create a quit plan that works for you. • Access information and tools to become smoke-free. • Cope with cravings and withdrawal symptoms. • Find services and resources in your community. <p>There are many reasons to quit. What's yours?</p>  <p>Tobacco is the single most preventable cause of premature death and disease. Health Canada</p>

Toxic Emissions

The current labelling removed the numerical values for toxic emissions, replacing it with text about constituents of cigarette smoke. The following 4 toxic emissions statements appear on packages.

FIGURE 7: FOUR ROTATING TOXIC EMISSION MESSAGES, IMPLEMENTED MARCH 2012^{xxx}

<p>Tobacco smoke contains more than 70 chemicals that can cause cancer. Health Canada</p> <p>La fumée du tabac contient plus de 70 substances chimiques qui peuvent causer le cancer. Santé Canada</p>	<p>Tobacco smoke contains hydrogen cyanide, a poisonous gas. Health Canada</p> <p>La fumée du tabac contient du cyanure d'hydrogène, un gaz toxique. Santé Canada</p>
<p>Tobacco smoke contains benzene, a chemical that causes cancer. Health Canada</p> <p>La fumée du tabac contient du benzène, un produit chimique qui donne le cancer. Santé Canada</p>	<p>Tobacco smoke contains fine particles that can damage the respiratory system. Health Canada</p> <p>La fumée du tabac contient des particules fines qui peuvent endommager le système respiratoire. Santé Canada</p>

^{xxx}<https://www.canada.ca/en/health-canada/services/publications/healthy-living/health-labels-cigarettes-little-cigars.html>

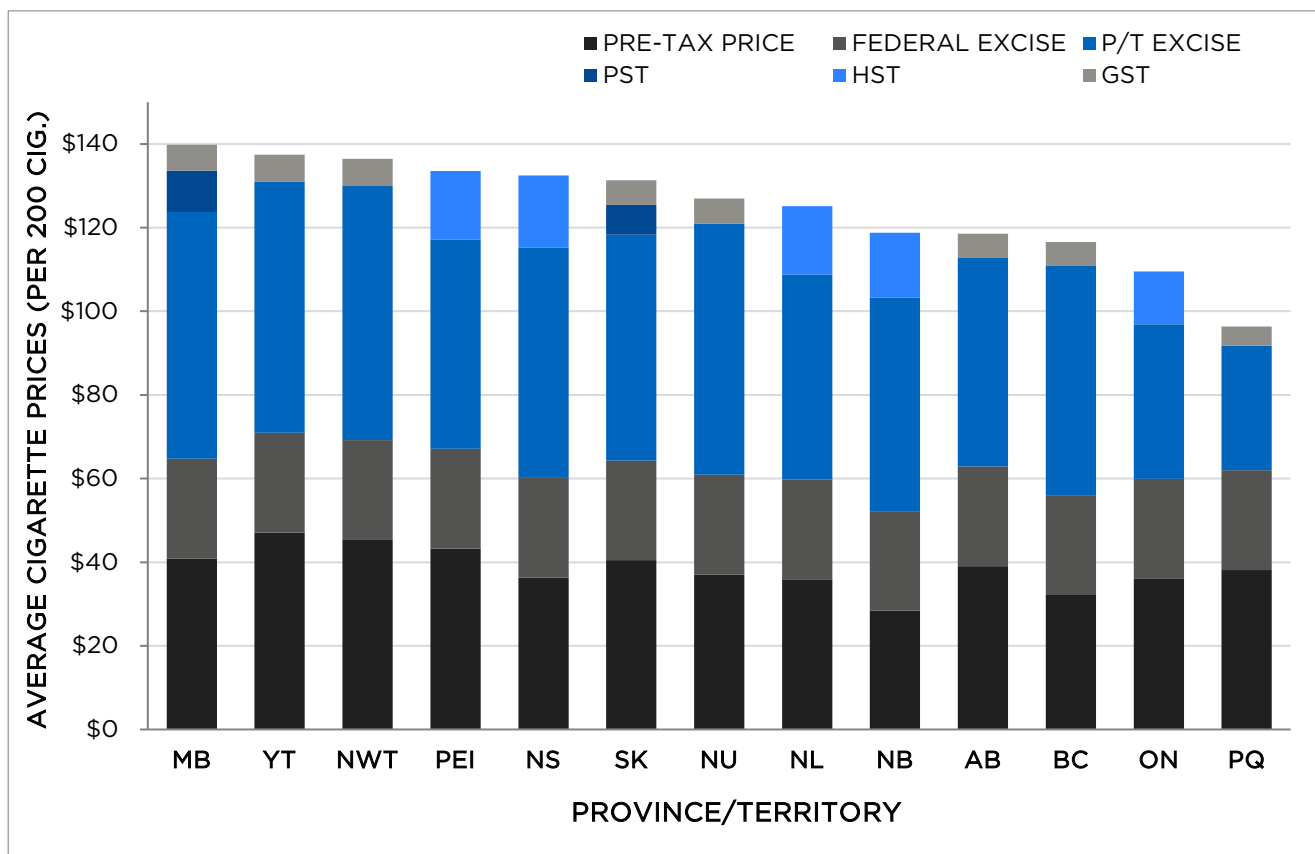
4. TAX AND PRICE

Increases in tobacco taxes that increase prices are among the most effective measures for reducing tobacco use.^{xxxii} In Canada, tobacco taxes are applied at the federal and provincial level.

4.1 TAX RATES AND AVERAGE PRICE

FIGURE 8 below displays the average price (per 200 cigarettes) in each province and territory as of April 4, 2018, as a function of the average base price plus applicable federal (*shown in grey*) and provincial (*shown in blue*) taxes. TABLE 2 (*next page*) shows the same estimates, providing figures for the tax rates for each province and territory, including the federal and provincial portions.

FIGURE 8: AVERAGE CIGARETTE PRICES (PER 200 CIGARETTES), BY PROVINCE/TERRITORY, AS OF APRIL 4, 2018^{xxxii}



P/T=PROVINCIAL/TERRITORIAL; PST=PROVINCIAL SALES TAX; HST=HARMONIZED SALES TAX; GST=GOODS & SERVICES TAX

¹THIS AVERAGE ESTIMATE OF “PRE-TAX PRICE” FOR EACH PROVINCE/TERRITORY IS CALCULATED BY USING THE CONSUMER PRICE INDEX AND THE CPI INTERCITY INDEX FROM STATISTICS CANADA FOR A CARTON OF 200 CIGARETTES IN MAY 2017.

²PST IS CALCULATED ON THE TOTAL OF PRE-TAX PRICE + FEDERAL EXCISE DUTY + PROVINCIAL EXCISE TAX.

³GST/HST IS CALCULATED ON THE TOTAL OF PRE-TAX PRICE + FEDERAL EXCISE DUTY + PROVINCIAL EXCISE TAX.

^{xxxii}IARC. (2011). *Effectiveness of tax and price policies for tobacco control*. IARC Handbooks of Cancer Prevention.

^{xxxiii}Non-Smokers' Rights Association/Smoking and Health Action Foundation. *Cigarette prices in Canada: A map and table comparing cigarette prices in Canada (April 2018)*.

https://nsra-adnf.ca/wp-content/uploads/2018/04/180401_map_and_table.pdf

TABLE 2: FEDERAL AND PROVINCIAL/TERRITORIAL TOBACCO TAX RATES (PER 200 CIGARETTES), AS OF APRIL 4, 2018^{xxxii}

	AVG. PRE-TAX PRICE (2017) ¹	FEDERAL EXCISE DUTY ²	P/T EXCISE TAX	P/T SALES TAX ³ OR HST	FEDERAL GST 5% ⁴	TOTAL TOBACCO TAXES	TOTAL PRICE
BRITISH COLUMBIA	\$32.15	\$23.85	\$55.00 ⁵	No PST	\$5.55	\$84.40	\$116.55
ALBERTA	\$39.04	\$23.85	\$50.00	No PST	\$5.64	\$79.49	\$118.53
SASKATCHEWAN	\$40.48	\$23.85	\$54.00 ⁶	PST 6%=\$7.10	\$5.92	\$90.87	\$131.35
MANITOBA	\$40.89	\$23.85	\$59.00	PST 8%=\$9.90	\$6.19	\$98.94	\$139.83
ONTARIO	\$36.11	\$23.85	\$36.95 ⁷	HST 13%=\$12.60	See HST	\$73.40	\$109.51
QUÉBEC	\$38.12	\$23.85	\$29.80	No PST	\$4.59	\$58.24	\$96.36
NEW BRUNSWICK	\$28.38	\$23.85	\$51.04	HST 15%=\$15.49	See HST	\$90.38	\$118.76
NOVA SCOTIA	\$36.31	\$23.85	\$55.04	HST 15%=\$17.28	See HST	\$96.17	\$132.48
PEI	\$43.27	\$23.85	\$50.00	HST 14%=\$16.40	See HST	\$90.25	\$133.52
NFLD. & LABRADOR	\$35.93	\$23.85	\$49.00	HST 15%=\$16.32	See HST	\$89.17	\$125.10
YUKON TERRITORY	\$47.08	\$23.85	\$60.00 ⁸	No PST	\$6.55	\$90.40	\$137.48
NWT	\$45.32	\$23.85	\$60.80 ⁹	No PST	\$6.50	\$91.15	\$136.47
NUNAVUT	\$37.08	\$23.85	\$60.00	No PST	\$6.05	\$89.90	\$126.98

¹This average estimate of “pre-tax price” for each province/territory is calculated by using the Consumer Price Index and the CPI Intercity Index from Statistics Canada for a carton of 200 cigarettes in May 2017.

²Canada tobacco tax increase effective 28 February 2018 (<https://www.budget.gc.ca/2018/docs/plan/budget-2018-en.pdf>)

³PST/HST is calculated on the total of pre-tax price + federal excise duty + provincial excise tax.

⁴GST is calculated on the total of pre-tax price + federal excise duty + provincial excise tax.

⁵BC tobacco tax increase effective 1 April 2018 (http://bcbudget.gov.bc.ca/2018/bfp/2018_Budget_and_Fiscal_Plan.pdf)

⁶Saskatchewan tobacco tax increase effective 23 March 2017 (<http://finance.gov.sk.ca/budget17-18/2017-18Budget.pdf>.)

⁷Ontario tax increase effective 29 March 2018 (<http://budget.ontario.ca/2018/budget2018-en.pdf>)

⁸Yukon tobacco tax increase effective 1 April 2018 (http://www.finance.gov.yk.ca/pdf/budget/201718_Budget_address.pdf)

⁹NWT tobacco tax increase effective 1 April 2017 (http://www.fin.gov.nt.ca/sites/default/files/documents/2017-18_budget_address_and_papers_final_pdf.pdf)

TABLE 3 below shows average cigarette prices for each province and territory, from 2006 to 2018.

TABLE 3: AVERAGE CIGARETTE PRICES (PER 200 CIGARETTES), BY PROVINCE/TERRITORY, 2006-2018^{xxxiii}

	Mar. 31, 2006	May 1, 2007	Apr. 24, 2008	Apr. 17, 2009	Apr. 1, 2010	Apr. 13, 2011	Apr. 24, 2012*	Apr. 17, 2013*	Apr. 1, 2014*	Apr. 9, 2015*	Apr. 19, 2016**	Apr. 28, 2017**	Apr. 4, 2018***
BC	\$79.84	\$86.34	\$86.34	\$87.40	\$87.40	\$93.23	\$95.35	\$97.37	\$104.96	\$104.96	\$100.09	\$100.64	\$116.55
AB	\$75.78	\$87.61	\$87.61	\$90.55	\$90.55	\$90.55	\$88.70	\$88.70	\$92.94	\$98.19	\$101.09	\$101.65	\$118.53
SK	\$84.15	\$91.30	\$91.30	\$90.12	\$97.06	\$97.06	\$96.99	\$105.79	\$110.22	\$110.22	\$118.94	\$125.04	\$131.35
MB	\$84.15	\$91.13	\$91.13	\$92.23	\$97.71	\$102.19	\$111.56	\$120.16	\$125.80	\$125.80	\$134.79	\$135.40	\$139.83
ON	\$67.97	\$74.57	\$74.57	\$74.49	\$74.49	\$80.16	\$80.41	\$80.41	\$84.96	\$88.64	\$97.12	\$99.98	\$109.51
PQ	\$63.58	\$70.23	\$70.23	\$70.18	\$70.18	\$70.81	\$72.75	\$76.95	\$81.19	\$85.39	\$88.12	\$88.67	\$96.36
NB	\$71.67	\$78.83	\$78.83	\$78.81	\$78.81	\$90.67	\$79.57	\$84.09	\$88.65	\$88.65	\$112.99	\$123.10	\$118.76
NS	\$80.34	\$89.71	\$89.71	\$89.59	\$100.89	\$102.67	\$102.80	\$107.40	\$112.03	\$116.63	\$128.49	\$129.10	\$132.48
PEI	\$78.88	\$85.38	\$90.68	\$95.70	\$95.70	\$101.89	\$100.71	\$102.73	\$107.32	\$107.32	\$116.95	\$117.56	\$133.52
NL	\$84.89	\$93.08	\$93.08	\$92.93	\$95.19	\$95.19	\$93.68	\$97.07	\$108.40	\$108.40	\$119.26	\$119.86	\$125.10
YT	\$69.79	\$76.37	\$76.37	\$92.65	\$92.65	\$92.65	\$88.77	\$88.77	\$93.00	\$93.00	\$100.10	\$100.65	\$137.48
NWT	\$86.48	\$92.91	\$92.91	\$104.83	\$106.09	\$108.61	\$113.39	\$113.39	\$117.86	\$117.86	\$123.89	\$128.23	\$136.47
NU	\$74.92	\$92.91	\$92.91	\$92.65	\$92.65	\$92.65	\$97.17	\$97.17	\$101.40	\$101.40	\$112.99	\$124.05	\$126.98

NOTE THAT BEGINNING IN 2012, THE TOTAL PRICES ARE CALCULATED USING ACTUAL AVERAGE PRE-TAX PRICES IN EACH PROVINCE/TERRITORY, RATHER THAN A NATIONAL AVERAGE PRE-TAX PRICE, AS WAS USED IN PREVIOUS YEARS; *2012-2015 USE PRICE CALCULATED FROM THE 2011 CPI; **2016 AND 2017 USE PRICE CALCULATED FROM THE 2016 CPI; ***2018 USES PRICE CALCULATED FROM THE 2017 CPI AND CPI INTERCITY INDEX.

4.2 TAX INCREASES

TABLE 4 (next page) outlines the tax increases that have been implemented, federally and provincially, since December 2003.

^{xxxiii}Non-Smokers' Rights Association/Smoking and Health Action Foundation. *Tobacco Tax Maps*. <http://nsra-adnf.ca>

TABLE 4: PROVINCIAL/TERRITORIAL AND FEDERAL TOBACCO TAX INCREASES, DECEMBER 2003 TO DECEMBER 2018, FOR 200 CIGARETTES AND FOR 200 ROLL-YOUR-OWN CIGARETTES (100G), BY EFFECTIVE DATE OF THE INCREASE^{xxxiv}

DATE	PROVINCE/ TERRITORY	200 CIG.	200 RYO (100G)	NOTES
DEC. 20, 2003	BRITISH COLUMBIA	\$3.80	\$1.90	
MAR. 17, 2004	NOVA SCOTIA	\$5.00	\$2.26	
MAR. 31, 2004	NFLD. & LABRADOR	\$2.00	\$5.00	
MAR. 31, 2004	PEI	\$5.00	\$2.26	
APR. 1, 2004	SASKATCHEWAN	\$3.00	\$1.50	
APR. 20, 2004	MANITOBA	\$4.00	\$2.00	
MAY 19, 2004	ONTARIO	\$2.50	\$1.25	
JAN. 19, 2005	ONTARIO	\$1.25	\$0.625	
MAR. 22, 2005	NFLD. & LABRADOR	\$2.00	\$5.00	
FEB. 1, 2006	ONTARIO	\$1.25	\$0.625	
MAR. 31, 2006	NFLD. & LABRADOR	\$1.00	\$2.50	
JULY 1, 2006	FEDERAL	\$0.56	\$0.19	Adjustment for GST decrease from 7% to 6%
OCT. 28, 2006	SASKATCHEWAN	\$1.60	\$0.80	Adjustment for PST decrease from 7% to 5%
DEC. 15, 2006	NUNAVUT	\$10.80	\$5.40	
MAR. 24, 2007	NOVA SCOTIA	\$2.00	\$1.00	
APR. 20, 2007	ALBERTA	\$5.00	\$2.50	
JAN. 1, 2008	FEDERAL	\$0.59	\$0.195	Adjustment for GST decrease from 6% to 5%
APR. 24, 2008	PEI	\$5.00	\$2.01	
JULY 1, 2008	YUKON	\$15.60	\$16.32	
FEB. 18, 2009	BRITISH COLUMBIA	\$1.20	\$0.60	
MAR. 26, 2009	MANITOBA	\$2.00	\$1.00	
APR. 1, 2009	NWT	\$11.60	\$2.80	
APR. 8, 2009	ALBERTA	\$3.00	\$11.50	
JUN. 23, 2009	NOVA SCOTIA	\$10.00	\$5.00	
MAR. 24, 2010	MANITOBA	\$4.00	\$2.00	
MAR. 25, 2010	SASKATCHEWAN	\$5.40	\$2.70	
MAR. 30, 2010	NFLD. & LABRADOR	\$2.00	\$2.00	
APR. 1, 2010	NWT	\$1.20	\$0.60	Decrease in NWT RYO tax rate
JULY 1, 2010	ONTARIO	-\$5.00	-\$2.00	Not a change to tobacco tax; implementation of the 8% provincial portion of HST
JULY 1, 2010	BRITISH COLUMBIA	-\$6.00	-\$2.40	Not a change to tobacco tax; implementation of the 7% provincial portion of HST
JULY 1, 2010	NOVA SCOTIA	-\$1.54	-\$0.69	Not a change to tobacco tax; increase in provincial portion of HST from 8% to 10%
JAN. 1, 2011	QUÉBEC	\$0.60	\$0.30	Increase to coincide with QST increase from 7.5% to 8.5%, given that QST does not apply to tobacco products
MAR. 23, 2011	NEW BRUNSWICK	\$10.50	\$5.25	
APR. 1, 2011	NWT	\$2.40	\$3.00	
APR. 7, 2011	PEI	\$5.90	\$6.58	
APR. 13, 2011	MANITOBA	\$4.00	\$2.00	
JAN. 1, 2012	QUÉBEC	\$0.60	\$0.30	Increase to coincide with QST increase from 8.5% to 9.5%, given that QST does not apply to tobacco products
FEB. 23, 2012	NUNAVUT	\$8.00	\$6.00	
APR. 18, 2012	MANITOBA	\$5.00	\$2.50	

^{xxxiv}Canadian Cancer Society. (2017, Oct). Overview Summary of Federal/Provincial/Territorial Tobacco Control Legislation in Canada, Appendix 1 - *Tobacco Tax Increases, 2004-2017*. http://convio.cancer.ca/documents/Legislative_Overview-Tobacco_Control-F-P-T-2017-final.pdf; Rob Cunningham, Canadian Cancer Society. Personal communication, Mar 23, Feb 22 & 27, 2018; Mar 21 & 28, 2018.

DATE	PROVINCE/ TERRITORY	200 CIG.	200 RYO (100G)	NOTES
NOV. 21, 2012	QUEBEC	\$4.00	\$2.00	
MAR. 21, 2013	SASKATCHEWAN	\$8.00	\$4.00	
MAR. 22, 2013	FEDERAL	--	\$4.84	
MAR. 27, 2013	NEW BRUNSWICK	\$4.00	\$5.26	
MAR. 27, 2013	NFLD. & LABRADOR	\$3.00	--	
APR. 1, 2013	BRITISH COLUMBIA	\$5.60	\$2.80	Increase to adjust for elimination of HST (7% provincial portion)
APR. 1, 2013	PEI	-\$5.80	-\$3.60	Decrease to adjust for implementation of the 9% provincial portion of HST
APR. 1, 2013	PEI	-\$7.50	-\$2.83	Not a change to tobacco tax; implementation of the 9% provincial portion of HST
APR. 5, 2013	NOVA SCOTIA	\$4.00	\$2.00	
APR. 17, 2013	MANITOBA	\$8.00	\$4.00	
JULY 1, 2013	NWT	--	\$1.20	
JULY 1, 2013	MANITOBA	-\$0.98	-\$0.44	Not a change to tobacco tax; increase in PST from 7% to 8%
OCT. 1, 2013	BRITISH COLUMBIA	\$2.00	\$1.00	
FEB. 1, 2014	NWT	--	\$6.60	
FEB. 12, 2014	FEDERAL	\$4.03	\$5.04	
MAR. 28, 2014	NFLD. & LABRADOR	\$6.00	\$6.00	
APR. 1, 2014	BRITISH COLUMBIA	\$3.20	\$1.60	
MAY 2, 2014	ONTARIO	\$3.25	\$1.625	
JUNE 5, 2014	QUEBEC	\$4.00	\$2.00	
MAR. 27, 2015	ALBERTA	\$5.00	\$3.75	
APR. 10, 2015	NOVA SCOTIA	\$4.00	\$2.00	
MAY 1, 2015	MANITOBA	\$1.00	\$0.50	
JUNE 20, 2015	PEI	\$5.00	\$4.00	
OCT. 28, 2015	ALBERTA	\$5.00	\$3.75	
FEB. 3, 2016	NEW BRUNSWICK	\$6.52	\$3.26	
FEB. 26, 2016	ONTARIO	\$3.00	\$1.50	
APR. 15, 2016	NFLD. & LABRADOR	\$2.00	\$2.00	
APR. 20, 2016	NOVA SCOTIA	\$4.00	\$2.00	
JULY 1, 2016	NEW BRUNSWICK	\$1.77	\$0.80	Not a change to tobacco tax; increase in provincial portion of HST from 8% to 10%
JULY 1, 2016	NFLD. & LABRADOR	\$1.85	\$1.15	Not a change to tobacco tax; increase in provincial portion of HST from 8% to 10%
FEB. 1, 2017	NEW BRUNSWICK	\$6.52	\$3.26	
MAR. 15, 2017	NUNAVUT	\$10.00	\$20.00	
MAR. 23, 2017	SASKATCHEWAN	\$4.00	\$2.00	
MAR. 23, 2017	SASKATCHEWAN	-\$0.98	-\$0.45	Not a change to tobacco tax; increase in PST from 5% to 6%
APR. 1, 2017	NWT	\$3.60	\$0.60	
APR. 1, 2017	FEDERAL	\$0.53	\$0.33	Increase intended to offset elimination of surtax on tobacco manufacturer profits
APR. 28, 2017	ONTARIO	\$2.00	\$1.00	
JULY 1, 2017	YUKON	\$8.00	\$4.00	
JAN. 1, 2018	BRITISH COLUMBIA	\$1.60	\$0.80	
FEB. 28, 2018	FEDERAL	\$2.29	\$1.43	
MAR. 13, 2018	MANITOBA	--	\$16.50	
MAR. 29, 2018	ONTARIO	\$4.00	\$2.00	
APR. 1, 2018	BRITISH COLUMBIA	\$5.60	\$12.80	
APR. 1, 2018	YUKON	\$10.00	\$5.00	

RYO=ROLL-YOUR-OWN; GST=GOODS & SERVICES TAX; PST=PROVINCIAL SALES TAX; HST=HARMONIZED SALES TAX; QST= QUÉBEC SALES TAX

In addition to the tax increases outlined above, the federal government indexes tobacco tax rates to inflation (note: Yukon and Ontario also planned to index tax rates). The federal government was to index every five years, with the first inflationary increase to take effect December 1, 2019; the 2018 budget^{xxxv} revised this to annual inflationary increases, with the first increase (of \$0.525 per 200 cigarettes and \$0.328 per 100 grams of roll-your-own tobacco) set to take effect on April 1, 2019.^{xxxvi} In its 2017 budget, the Yukon implemented annual indexation, with the first inflationary increase to take effect January 1, 2019; however, no increase is yet reflected in 2019 tax rates.^{xxxvii} In its 2016 budget, Ontario also implemented annual indexation to inflation for a period of five years (2% per year, to take effect each June 1). However, in the 2017 budget, this indexation was replaced with a larger increase of \$10.00 per carton over three years: \$2.00 on April 28, 2017, and \$4.00 per carton in each of 2018 and 2019^{xxxiv}—the 2018 increase was implemented as of March 29, but the 2019 increase was cancelled.^{xxxviii}

5. SMOKE-FREE SPACES

In Canada, smoke-free legislation exists at three levels of government: federal, provincial/territorial and municipal. When regulations exist at multiple levels, the strongest measures are generally enforced.^{xxxix} Smoke-free regulations have been implemented in a variety of settings, including workplaces, bars and restaurants, vehicles carrying children, multi-unit dwellings, and some outdoor areas. This supplement focuses on federal and provincial/territorial levels, although municipal-level by-laws and policies also exist in a number of areas. Additional detail on smoke-free laws may be found at: <http://database.nonsmokersrights.ca/>

5.1 FEDERAL LEGISLATION AND REGULATIONS

The federal legislation and regulations outlined below were created with respect to smoking tobacco. However, in response to the emergence of new products, definitions have been made more inclusive. As of May 23, 2018, Bill S-5 expanded the definition of smoking under the *Non-smokers' Health Act* to include vaping “using a vaping product,”^{xi} with wording that would also apply to heated tobacco products.^{xvi} This definition of smoking was further amended to include smoking cannabis, as of October 17, 2018.^{xi}

Workplaces and Federal Buildings

At the federal level, the *Non-smokers' Health Act*^{xi} (1985, passed in 1988) restricts smoking in federally-regulated workplaces such as federal government offices, banks and inter-provincial transportation. The *Act* requires that, “Every employer, and any person acting on behalf of an employer, shall ensure that persons refrain from smoking in any work space under the control of the employer.” The *Act* allowed for designated smoking rooms and designated smoking areas.^{xxxix} However, in 2007, the *Non-smokers' Health Regulations* were amended to eliminate designated smoking rooms, effectively banning smoking from most workplaces under federal control.^{xli}

In addition to the *Non-smokers' Health Act*, the Treasury Board of Canada (the primary employer for the federal government) further restricts smoking in federal government buildings, allowing for designated smoking rooms in limited situations - for example buildings built prior to 1989 do not

^{xxxv}Department of Finance Canada. (2018, Feb 27). <https://www.budget.gc.ca/2018/docs/plan/budget-2018-en.pdf>

^{xxxvi}Government of Canada. Excise Duty Rates [updated 2019-02-15]. https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/edrates/excise-duty-rates.html#_Toc527013626

^{xxxvii}Yukon Government. Tobacco Tax [updated 2019-02-28]. <http://www.finance.gov.yk.ca/tobaccotax.html#tobaccotaxrates>

^{xxxviii}Ontario Ministry of Finance. Tobacco Tax Rate Increases. <https://www.fin.gov.on.ca/en/tax/tt/rateincreases.html>

^{xxxix}Excerpted from: <http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/cop-cdp/part-section3-eng.php> [Note: at time of publication, this URL was no longer active]

^{xi}*Non-smokers' Health Act*: <http://laws-lois.justice.gc.ca/eng/acts/N-23.6/page-1.html>

^{xli}Non-Smokers' Rights Association. (2007, Nov 14). *Smoking Rooms Eliminated in Workplaces Under Federal Jurisdiction*. <http://nsra-adnf.ca/key-issue/smoking-rooms-eliminated-in-workplaces-under-federal-jurisdiction/>

have to have separately ventilated smoking rooms. The Treasury Board also suggests that departments take measures to reduce the effects of tobacco smoke at building entrances.^{xxxix}

In 2003, Bill C-45 (S.C. 2003, c.21)^{xlii} amended the *Criminal Code of Canada* to include a new provision requiring employers and managers to take “reasonable steps to prevent bodily harm” to their employees as a result of their work. This places a legal obligation on employers to provide a safe (i.e., smoke-free) work environment, or risk being charged with an offence.^{xliii}

Since 2008, Correctional Services Canada prohibits smoking in all federally regulated prisons,^{xxxix} including private family visiting units and outdoors within the perimeter of correctional facilities.^{xliiv}

The *Non-smokers’ Health Regulations* (SOR/90-21) may be accessed at:
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-90-21/index.html>

Transportation

Due to a combination of the *Non-smokers’ Health Act* and voluntary restrictions on the part of public transportation providers, Canadians are largely protected from secondhand smoke on almost all public transportation which is under federal regulations.^{xxxix}

5.2 PROVINCIAL/TERRITORIAL LEGISLATION

In most settings, provincial/territorial legislation is stronger than federal regulations and establishes a higher standard. The following sections describe provincial/territorial legislation as it applies to tobacco products; however, many provinces and territories have amended their legislation to include other products, as outlined below.

The eight provinces and one territory with e-cigarette legislation (see section 7.2) also prohibit using **e-cigarettes** where smoking is banned: British Columbia, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, PEI, Newfoundland & Labrador, and Nunavut.^{xvi,xlv,xlvi} These provinces (BC, MB, ON, PQ, NB, NS, PEI, NL) and territory (NU), as well as Alberta, have legislated wording that would apply to **heated tobacco products** (note: Alberta legislation is awaiting proclamation).^{xvi}

Five provinces and one territory prohibit smoking of **all waterpipe products**, including non-tobacco waterpipe products (i.e., herbal shisha), in places where smoking is prohibited: New Brunswick, Nova Scotia, PEI, Newfoundland & Labrador, Quebec (with limited exceptions), and Nunavut.^{xlvii,xlviii} The Alberta legislation awaiting proclamation would also apply to waterpipe products.^{xlviii}

All provinces now prohibit smoking **cannabis** where smoking tobacco is prohibited, through amendments to existing tobacco legislation and/or cannabis-specific legislation. Prior to federal cannabis legalization on October 17, 2018, some provinces had already implemented bans on smoking any substance—including Quebec (as of July 24, 2008, with limited exception for medical use; vaping included November 26, 2015),^{xvi} Nova Scotia (as of May 31, 2015),^{xvi} and New Brunswick

^{xlii}Goetz, D. (2003, Jul 3). Legislative Summary: *Bill C-45: An Act to Amend the Criminal Code (Criminal Liability of Organizations)*. http://publications.gc.ca/collections/collection_2016/bdp-lop/lp/YM32-3-372-C45-eng.pdf

^{xliii}Physicians for a Smoke-Free Canada. (2003, Dec 8). *Exposing workers to cigarette smoke could be a criminal offence* [press release]. http://www.smoke-free.ca/eng_home/news_press_Dec9-03-c-45.htm

^{xliiv}Correctional Service Canada. *Exposure to Second Hand Smoke*. <http://www.csc-scc.gc.ca/politiques-et-lois/259-cd-eng.shtml>

^{xlv}Legislative Assembly of Nunavut. *Bill 3 - Cannabis Statutes Amendment Act* (S.Nu. 2018,c.7,s.72, S.Nu. 2018,c.8,s.8). <https://www.assembly.nu.ca/sites/default/files/Bill-3-Cannabis-Statutes-Amendment-Act-EN-FR.pdf>

^{xlvi}Ontario Regulation 268/18: *General*. <https://www.ontario.ca/laws/regulation/180268>

^{xlvii}Non-Smokers’ Rights Association. (2018, Mar). *Waterpipe Legislation*. https://database.nonsmokersrights.ca/wp-content/uploads/2018/03/waterpipe_march_-31_18.pdf

^{xlviii}Smoking and Health Action Foundation. (2018, Mar). *Provincial and Territorial Smoke-Free Legislation Summary*. <https://nsra-adnf.ca/wp-content/uploads/2018/03/shaf-p-t-sf-leg-summary-table-march-2018-final.pdf>

(as of December 16, 2016)^{xvi}—or on smoking cannabis specifically (Manitoba, as of April 1, 2018).^{xlix} As of October 17, 2018, cannabis was specifically prohibited in Quebec,^l Nova Scotia,^{li} and New Brunswick,^{lii} as well as in all other provinces (British Columbia,^{liii} Alberta,^{liv,lv} Saskatchewan,^{lvi} Ontario,^{lvii} PEI,^{lviii} and Newfoundland & Labrador^{lix}). All three territories also prohibit smoking cannabis in many or all places where smoking tobacco is prohibited.^{xlv, lx, lxi}

5.2.1 Indoor Public Places and Workplaces (Restaurants and Bars)

All Canadian provinces and territories have implemented legislation requiring 100% smoking bans inside enclosed restaurants and bars (with no allowances for smoking rooms).^{xvi, lxii} TABLE 5 below outlines the dates of implementation of these bans in each province/territory.

TABLE 5: IMPLEMENTATION DATES FOR 100% SMOKE-FREE INDOOR PUBLIC PLACE AND WORKPLACE LEGISLATION (INCLUDING RESTAURANTS AND BARS)^{lxii}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE
NORTHWEST TERRITORIES	MAY 31, 2004
NUNAVUT	MAY 31, 2004
NEW BRUNSWICK	OCT. 1, 2004
MANITOBA	OCT. 1, 2004
SASKATCHEWAN	JAN. 1, 2005 (PUBLIC PLACES); MAY 31, 2009 (WORKPLACES)
NEWFOUNDLAND & LABRADOR	JULY 1, 2005
ONTARIO	MAY 31, 2006
QUÉBEC	MAY 31, 2006
NOVA SCOTIA	DEC. 1, 2006
ALBERTA	JAN. 1, 2008
BRITISH COLUMBIA	MAR. 31, 2008
YUKON TERRITORY	MAY 15, 2008
PRINCE EDWARD ISLAND	SEPT. 15, 2009

^{xlix}The Legislative Assembly of Manitoba, 2nd Session, 41st Legislature. *Bill 25: The Cannabis Harm Prevention Act (Various Acts Amended)*. SM 2017, c22. Part 5. <https://web2.gov.mb.ca/bills/41-2/b025e.php>; Proclamation: [https://web2.gov.mb.ca/laws/statutes/proclamations/2017c22\(2018-04-01\).pdf](https://web2.gov.mb.ca/laws/statutes/proclamations/2017c22(2018-04-01).pdf)

^lQuébec. *C-5.3: Cannabis Regulation Act*. <http://www.legisquebec.gouv.qc.ca/en/pdf/cs/C-5.3.pdf>

^{li}Nova Scotia Legislature, Assembly 63, Session 1. *Bill 108: Cannabis Control Act*. <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-63-session-1/bill-108>

^{lii}Legislative Assembly of New Brunswick. *Bill 16: Cannabis Control Act*. SNB 2018, c 2. <https://www.gnb.ca/legis/bill/FILE/58/4/Bill-16-e.htm>

^{liii}Government of British Columbia. *Cannabis Control and Licensing Act* (SBC 2018). Chapter 29. <http://www.bclaws.ca/civix/document/id/complete/statreg/18029>; Table of Legislative Changes (3rd Edition). <http://www.bclaws.ca/civix/document/id/complete/statreg/e3tlc18029>

^{liv}The Legislative Assembly of Alberta, 3rd Session, 29th Legislature. (2017). *Bill 26: An Act to Control and Regulate Cannabis*. http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_29/session_3/20170302_bill-026.pdf

^{lv}Government of Alberta. Proclamations (updated Jan 22, 2019). <http://www.qp.alberta.ca/514.cfm>

^{lvi}Statutes of Saskatchewan, 2018. Chapter C-2.111. *The Cannabis Control (Saskatchewan) Act*. <http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/C2-111.pdf>

^{lvii}Government of Ontario. *Smoke-Free Ontario Act, 2017*. S.O. 2017, c. 26, Sch. 3. <https://www.ontario.ca/laws/statute/17s26>

^{lviii}Province of Prince Edward Island, 3rd Session, 65th General Assembly. *Bill 29, An Act to Respond to the Legalization of Cannabis*. Schedule 4. http://www.assembly.pe.ca/bills/pdf_chapter/65/3/chapter-20.pdf; Proclamation: <http://www.assembly.pe.ca/bills/onebill.php?session=3&generalassembly=65&number=29>.

^{lix}House of Assembly, Newfoundland and Labrador, 3rd Session, 48th General Assembly. (2018). *Bill 22: An Act to Amend the Smoke-Free Environment Act, 2005*. <https://assembly.nl.ca/HouseBusiness/Bills/ga48session3/bill1822.htm>; Proclamation: https://www.servicentl.gov.nl.ca/printer/gazette/extraordinary_issues/2018/NLG181016_EXTRA.pdf

^{lx}3rd session, 18th Legislative Assembly of the Northwest Territories. (2018). *Bill 6: Cannabis Legalization and Regulation Implementation Act*. Schedule B: Cannabis Smoking Control Act. https://www.assembly.gov.nt.ca/sites/default/files/bill_6_0_0.pdf

^{lxi}Yukon Legislative Counsel Office. *Cannabis Control and Regulation Act* (SY 2018, c.4). http://www.gov.yk.ca/legislation/acts/cacore_c.pdf

^{lxii}Smoking and Health Action Foundation. (2018, Mar). *Provincial and Territorial Smoke-Free Legislation*. <https://nsra-adnf.ca/wp-content/uploads/2018/03/combined-2018-leg-tables.pdf>

5.2.2 Outdoor Spaces

Patios

To date, six provinces and two territories, as well as many municipalities, have extended or enacted legislation (or bylaws) to include 100% smoke-free patios for restaurants and bars. TABLE 6 below outlines the dates of implementation of these smoking bans in each province/territory.

TABLE 6: IMPLEMENTATION DATES FOR 100% SMOKE-FREE PATIOS FOR RESTAURANTS AND BARS^{xvi}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE
NEWFOUNDLAND & LABRADOR*	JULY 1, 2005
NOVA SCOTIA	DEC. 1, 2006
ALBERTA	JAN. 1, 2008
YUKON TERRITORY	MAY 15, 2008
ONTARIO*	JAN. 1, 2015
NEW BRUNSWICK	JULY 1, 2015
QUEBEC	MAY 26, 2016
NUNAVUT ^{xiii}	SEPT. 4, 2018

*WITH SPECIFIC EXEMPTIONS (FOR SPECIAL EVENT LICENCES IN NL, FOR LEGION BRANCHES IN ON)

NOTE: PEI AND NWT HAVE EXTENSIVE RESTRICTIONS ON PATIOS, BUT ARE NOT 100% SMOKE-FREE

Parks and Recreation Areas

Many municipalities prohibit smoking in parks, playgrounds and recreational areas, and in January 2015, Ontario became the first province to do so. Four provinces and one territory have now banned smoking in parks and playgrounds; implementation dates are shown in TABLE 7 below.

TABLE 7: IMPLEMENTATION DATES FOR SMOKE-FREE OUTDOOR PUBLIC RECREATION AREAS

PROVINCE	EFFECTIVE IMPLEMENTATION DATE	AREAS COVERED
ONTARIO ^{xvi}	JAN. 1, 2015	<ul style="list-style-type: none"> on or within 20m of playgrounds on or within 20m of public sports fields and surfaces on or within 20m of spectator areas adjacent to sporting areas
NEW BRUNSWICK ^{lxiv}	JULY 1, 2015	<ul style="list-style-type: none"> on or within 20m of playground equipment and sports areas on or within 9m of a public walking or jogging trails within the boundaries of provincial parks (except within the boundaries of rented campsites, golf courses and designated areas within the park)
QUEBEC ^{xvi}	MAY 26, 2016	<ul style="list-style-type: none"> on sports fields and playgrounds in outdoor parks for children on the grounds of summer camps
NUNAVUT ^{xiii}	SEPT. 4, 2018	<ul style="list-style-type: none"> on or within a 9m perimeter of playgrounds on or within a 9m perimeter of sports or playing fields on or within a 9m perimeter of a parade, concert or other public event
NOVA SCOTIA ^{lxii, lxv}	OCT. 17, 2018	<ul style="list-style-type: none"> on or within 20m of playgrounds on or within 20m of a publicly owned sport and recreation venue or event on or within 9m of a public trails

^{lxiii}Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Nov 2, 2018.

^{lxiv}New Brunswick. *Smoke-free Places Act*, Chapter 222. <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.222.pdf>

^{lxv}Nova Scotia. *Smoke-free Places Act*. <https://novascotia.ca/smoke-free-places/>;

Province of Nova Scotia. (2018, Apr 1). *Smoke-free Places Act*. 2002, c. 12, s. 1.

<https://nslegislature.ca/sites/default/files/legc/statutes/smoke-free%20places.pdf> [Further amended by *Bill 108: Cannabis Control Act*. <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-63-session-1/bill-108>]

Several provinces have restrictions on smoking in provincial parks and on beaches: New Brunswick prohibits smoking on and within 20m of beaches (as a “sports area”) and in provincial parks (except on occupied campsites, golf courses, and designated smoking areas); Nova Scotia prohibits smoking on beaches and in provincial parks (except on an occupied campsite or designated smoking area); Manitoba has a smoke-free policy for provincial parks, including beaches and playgrounds.^{xvi, lxii, lxv}

School Grounds

Most provinces and territories (BC, NB, NS, ON, PEI, PQ, SK, YT, NU) prohibit smoking on elementary and secondary school grounds.^{xvi, lxiii} Alberta’s legislation prohibits use by minors (under age 18) on school grounds.^{xvi} All schools and/or school divisions/districts in Manitoba and Newfoundland & Labrador have prohibited smoking on school grounds through policies.^{xvi}

5.2.3 Vehicles

Vehicles Carrying Children

All ten provinces and one territory have adopted laws prohibiting smoking in vehicles carrying children. TABLE 8 below outlines the dates of implementation and applicable ages for these bans, in each province/territory.^{xvi}

TABLE 8: IMPLEMENTATION DATES FOR LEGISLATION PROHIBITING SMOKING IN VEHICLES CARRYING CHILDREN^{xvi}

PROVINCE/TERRITORY	APPLICABLE AGE*	EFFECTIVE IMPLEMENTATION DATE
NOVA SCOTIA	19	APR. 1, 2008
YUKON TERRITORY	18	MAY 15, 2008
ONTARIO	16	JAN. 21, 2009
BRITISH COLUMBIA	16	APR. 7, 2009
PRINCE EDWARD ISLAND	19	SEPT. 15, 2009
NEW BRUNSWICK	16	JAN. 1, 2010
MANITOBA	16	JULY 15, 2010
SASKATCHEWAN	16	OCT. 1, 2010
NEWFOUNDLAND & LABRADOR	16	JULY 1, 2011
ALBERTA	18	NOV. 13, 2014
QUEBEC	16	MAY 26, 2016

*APPLICABLE AGE REFERS TO UNDER THE AGE (I.E., “19” MEANS SMOKING IS PROHIBITED IN A VEHICLE CARRYING SOMEONE UNDER THE AGE OF 19).

Public Transportation

All provinces and territories prohibit smoking on public transport.^{xxxix} Several also prohibit smoking in public transit shelters and stations, including Manitoba, Nova Scotia, Quebec, and Northwest Territories.^{lxii}

5.2.4 Hospitals

As workplaces, all provinces/territories prohibit smoking inside hospitals, with some exceptions for designated smoking rooms in specific types of facilities (e.g., psychiatric facilities, palliative care).^{xvi} Three provinces have provincial legislation banning smoking on hospital property (including psychiatric facilities), including on outdoor grounds: PEI (as of Sept. 15, 2009; with an exception for one psychiatric hospital that permits an outdoor smoking area), New Brunswick (as of Dec. 16, 2016;

all regional health authority property), and Ontario (as of Jan. 1, 2018).^{lxvi, lxvii} Between Jan. 1, 2015 and Jan. 1, 2018 in Ontario, and effective September 1, 2016 in BC, smoking is prohibited on the grounds of hospitals and psychiatric facilities (ON) or health authority facilities (BC), unless in a designated smoking area.^{xvi} In Quebec, effective November 26, 2017, “health and social services institutions must adopt a tobacco control policy geared to establishing a smoke-free environment”, but are not required to have a 100% smoke-free outdoor environment.^{xvi} In addition, many individual hospitals have banned smoking on hospital grounds on a voluntary basis in the absence of legislation.^{xvi}

5.2.5 Multi-Unit Dwellings (MUDs)

Smoke-free policies for multi-unit dwellings (such as apartments, condominiums, housing co-ops, etc.) are an emerging issue in tobacco control policy. Currently, most restrictions on smoking in MUDs are at the level of the individual building, landlord, or housing provider, although a few are at the regional/municipal level. Province-wide policies are in place for the Yukon Housing Corporation, which became 100% smoke-free (with smoking only allowed on private balconies or patios, and outside at least 5m from a shared entrance in the multi-unit buildings) on January 1, 2012,^{xvi} and Saskatchewan, where all social housing units became smoke-free on August 1, 2018.^{lxvii}

For more information on smoke-free housing, visit www.smokefreehousing.ca.

5.2.6 Provincial/Territorial Smoke-Free Legislation Summaries

The following summaries (originally compiled by the Non-Smokers' Rights Association, and updated with recent developments) outline the legislation in each province and territory regarding smoke-free spaces.^{lxviii} More detailed summaries for each province and territory may be found at: <https://nsra-adnf.ca/wp-content/uploads/2018/03/combined-2018-leg-tables.pdf>

British Columbia

The *Tobacco Control Act*, which came into force on March 31, 2008, assures a gold standard of protection in indoor public places and workplaces. Smoking is permitted on patios provided they are not fully or substantially enclosed. As of September 1, 2016, smoking is prohibited within 6m (increased from the previous 3m by the *Tobacco Control Amendment Act (2015)*) of any doorway, open window or air intake of a public place or workplace, as well as on school property and in transit shelters. In addition, smoking is prohibited in private vehicles with children under the age of 16 (*Motor Vehicle Amendment Act, 2008*), and in foster care homes and cars (*Smoke-Free Environment Policy*, Ministry of Children & Family Development, 2008). The *Tobacco Control Amendment Act* (renamed *Tobacco and Vapour Products Control Act*) also added e-cigarettes to the list of products prohibited, as of September 1, 2016.^{lxix} The *Cannabis Control and Licensing Act*, which prohibits smoking or vaping cannabis anywhere that smoking or vaping tobacco is prohibited (as well as other places), came into force on October 17, 2018.^{liii}

Alberta

The *Smoke-Free Places (Tobacco Reduction) Amendment Act, 2007*, which came into force on January 1, 2008, assures a gold standard level of protection in public places and workplaces, both inside and out. Smoking is prohibited on patios, as well as within 5m of entranceways, windows that open and air intakes of all workplaces and public places. The *Tobacco Reduction (Protection of*

^{lxvi}Province of Prince Edward Island. Chapter S-4.2, *Smoke-Free Places Act*. http://www.assembly.pe.ca/bills/pdf_chapter/63/2/chapter-86.pdf

^{lxvii}Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Jul 30, 2018.

^{lxviii}Excerpts from: Non-Smokers' Rights Association. (Winter 2011). *Compendium of Smoke-free Workplace and Public Place Bylaws*. Updated using the Non-Smokers' Rights Association's *Smoke-Free Laws Database* at <http://database.nonsmokersrights.ca/> and other supporting documents, as cited.

^{lxix}British Columbia. *Tobacco and Vapour Products Control Act*. RSBC 1996, Chapter 451. http://www.bclaws.ca/civix/document/id/lc/statreg/96451_01

Children in Vehicles) Amendment Act, 2012, banned smoking in private vehicles with children, but was never proclaimed. The *Tobacco Reduction Amendment Act, 2013*, which repeals the 2012 amendment, received Royal Assent on December 11, 2013, but has not yet been fully implemented; on November 13, 2014, two aspects came into effect: banning smoking in private vehicles with minors (under the age of 18) present, and prohibiting “the selling, giving, lending or supplying of tobacco products to minors.”^{lxxvi,lxx} The part of the legislation prohibiting smoking of “tobacco-like products” in the same places where smoking is prohibited has not yet been implemented.^{lxx} The *Tobacco and Smoking Reduction Regulation* was set to expire in 2018,^{lxxxi} but was given a new expiry date (of October 31, 2021), though still not in force.^{lxxxii} The *Act to Control and Regulate Cannabis*, which prohibits smoking or vaping cannabis anywhere that smoking is prohibited by the *Tobacco Reduction Amendment Act* (as well as other places), came into force on October 17, 2018.^{liv,lv}

Saskatchewan

The *Tobacco Control Act*, which was amended and came into force in October 2010, prohibits smoking in private vehicles with children under the age of 16 and in common areas of multi-unit dwellings. This is in addition to existing provisions: smoke-free public places and workplaces that are classified as public places, and all provincial government work sites including crown corporations, boards, commissions or other agencies. In addition, the *Occupational Health and Safety Amendment Regulations, 2008* prohibit smoking in virtually all other workplaces. In terms of outdoor provisions, the *Tobacco Control Act* also prohibits smoking within 3m of doorways, windows or air intakes of enclosed public places, as well as on school grounds. The *Cannabis Control (Saskatchewan) Act*, which came into force on October 17, 2018, prohibits cannabis consumption in public places (as well as specific other places), but does not amend or reference the *Tobacco Control Act*.^{lvi}

Manitoba

The *Non-Smokers Health Protection Act (Various Acts Amended)*, which came into force on October 1, 2004, assures a gold standard level of protection in enclosed workplaces and public places. Smoking is prohibited on bar and restaurant patios if more than 25% of the floor area is covered by a roof and more than 50% of its perimeter is more than 50% enclosed. In addition, the *Highway Traffic Amendment Act* bans smoking in private vehicles with children under the age of 16 present. In 2014, Manitoba became the first province to ban smoking on provincial beaches and playgrounds, through a provincial parks regulation.^{xvi,lxxiii} The *Non-Smokers Health Protection Amendment Act (E-cigarettes)*, which came into effect on October 1, 2017, banned use of e-cigarettes where smoking is banned (with an exception for sampling in vape shops).^{lxxiii,lxxiv} The *Cannabis Harm Prevention Act* extended the ban to include smoking or vaping cannabis, as of April 1, 2018.^{xlix} As of October 17, 2018, the *Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)* was further amended to extend the ban on cannabis use in outdoor spaces, and was renamed the *Smoking and Vapour Products Control Act*.^{lxxv}

^{lxx}Province of Alberta. *Tobacco Reduction Amendment Act, 2013*: Statutes of Alberta, 2013, Chapter 24.

http://www.qp.alberta.ca/documents/Acts/2013ch24_unpr.pdf;

Province of Alberta. *Tobacco and Smoking Reduction Act*: Statutes of Alberta, 2005, Chapter T-3.8 (current to Jun 27, 2018).

<http://www.qp.alberta.ca/documents/Acts/T03P8.pdf> (“Amendments Not in Force”)

^{lxxxi}Campaign for a Smoke-Free Alberta. (2018, Oct 24). Alberta’s Life-Saving Tobacco Law Heading to the Chopping Block.

<https://protectalbertakids.ca/2018/10/24/sections-of-tobacco-law-to-be-repealed/>

^{lxxxii}Province of Alberta. *Tobacco and Smoking Reduction Act*. Alberta Regulation 240/2007 (with amendments up to and including Alberta Regulation 239/2018). http://www.qp.alberta.ca/documents/Regs/2007_240.pdf

^{lxxxiii}Government of Manitoba. Smoking Laws and Enforcement in Manitoba. <https://www.gov.mb.ca/health/tobacco/laws.html>

^{lxxxiv}The Legislative Assembly of Manitoba, 4th Session, 40th Legislature. *Bill 30: Non-Smokers Health Protection Amendment Act (E-cigarettes)*. <https://web2.gov.mb.ca/bills/40-4/b030e.php>

^{lxxxv}The Legislative Assembly of Manitoba, 3rd Session, 41st Legislature. *Bill 25: The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)*. SM 2018, c18.

<https://web2.gov.mb.ca/laws/statutes/2018/c01818e.php>; [continued on next page]

Ontario

The *Smoke-Free Ontario Act*, which came into force on May 31, 2006, assured a gold standard level of protection in indoor workplaces and public places. Smoking is prohibited on outdoor patios [initially, for partially or completely covered patios; as of January 1, 2015, all restaurant/bar patios, with a limited exception for veteran’s organizations^{lxxvi}]. The *Act* also prohibited smoking on school grounds, in reserved seating areas of outdoor sports arenas or entertainment venues, and within 9m of entranceways to hospitals, health care and psychiatric facilities, as well as a list of provincial government buildings.^{lxxvii} Smoking is also prohibited in child care centres and private home daycares, regardless of whether children are present. As of January 21, 2009, smoking is prohibited in private vehicles with children under the age of 16 present (*Smoke-Free Ontario Amendment Act*, 2008). As of January 1, 2015, smoking is prohibited on sports fields and children’s playgrounds (and public areas within 20m).^{lxxvi} Further to existing provisions regarding hospital entranceways, smoking is prohibited on all hospital grounds as of January 1, 2018.^{lxii} The *Smoke-Free Ontario Act, 2017* replaced the 2006 version, as well as the partially-proclaimed *Electronic Cigarettes Act*,^{lxxviii} to create a single legislative framework for regulating tobacco and vapour products; it received Royal Assent on December 12, 2017, though further amendments were made and implementation was delayed until October 17, 2018.^{lvii, lxxix} The *Smoke-Free Ontario Act, 2017* applies to e-cigarettes, prohibiting their use where smoking is prohibited, and extends smoke-free areas to include public areas within 9m of any part of a restaurant/bar patio, public areas within 20m of any part of school grounds, and outdoor grounds of enclosed community and recreational facilities, plus public areas within 20m of any part of the grounds.^{xlvi, lvii} In addition, Bill 36, the *Cannabis Statute Law Amendment Act, 2018*, adopted October 17, 2018, applied the *Smoke-Free Ontario Act, 2017* to all cannabis; use is prohibited where smoking and vaping are prohibited.^{lxxx}

Québec

The *Tobacco Act*, which came into force on May 31, 2006, assures a gold standard level of protection in enclosed public places and workplaces. Smoking is prohibited within 9m of doorways of health and social service institutions, colleges and universities, non-residential childcare centres, and facilities where activities for minors are held. Smoking is also prohibited on school property. Regulations under the *Act* (enacted in 2008) had wording that prohibits any product that “is intended to be smoked” (with limited exceptions for medical use).^{lxxxix} Amendments to the *Tobacco (Control) Act* made on November 26, 2015 included applying the *Act* to e-cigarettes and similar devices, and a number of measures that came into effect over the following year.^{lxxxii} As of May 26, 2016, smoke-free provisions were implemented for patios/terraces (on and within 9m); motor vehicles with children under age 16; sports fields, playgrounds and outdoor parks for children, and summer camp grounds; and, at all times on the grounds of daycare centres and educational institutions. Smoking is permitted in not more than 20% (down from 40%) of rooms available in hotels—and rooms where smoking is permitted must be grouped together.^{lxii} As of November 26, 2016, smoking is prohibited within a 9m radius of doors, windows, and air intakes.^{lxxxii} As of October

Proclamation: [https://web2.gov.mb.ca/laws/statutes/proclamations/2018c18\(2018-10-17\).pdf](https://web2.gov.mb.ca/laws/statutes/proclamations/2018c18(2018-10-17).pdf);

Consolidation: Government of Manitoba. *The Smoking and Vapour Products Control Act*. (C.C.S.M. c. S150).

<https://web2.gov.mb.ca/laws/statutes/ccsm/s150e.php>

^{lxxvi}Smoking and Health Action Foundation. (2016, Mar). *Provincial and Territorial Smoke-Free Legislation*.

http://nsra-adnf.ca/wp-content/uploads/2016/08/Prov-Terr_Summary_Table_March_2016.pdf

^{lxxvii}Ontario Regulation 336/15, made under the *Smoke-Free Ontario Act*. <http://www.ontario.ca/laws/regulation/r15336>

^{lxxviii}Government of Ontario. *Electronic Cigarettes Act, 2015*. (S.O. 2015, C.7, s.3). <https://www.canlii.org/en/on/laws/stat/so-2015-c-7-sch-3/latest/so-2015-c-7-sch-3.html>

^{lxxix}Service Ontario. Ontario’s Regulatory Registry. *Smoke-Free Ontario Act, 2017 Regulation*.

<https://www.ontariocanada.com/registry/view.do?postingId=27806&language=en>

^{lxxx}Legislative Assembly of Ontario. *Bill 36, Cannabis Statute Law Amendment Act, 2018*. S.O. 2018 C.12.

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-36>

^{lxxxix}Québec. Regulation under the Tobacco Control Act, CQLR c L-6.2, r 1. <http://canlii.ca/t/52mck>

^{lxxxii}Québec. *Tobacco Control Act* [updated Nov 25, 2016]. <https://www.quebec.ca/en/health/advice-and-prevention/healthy-lifestyle-habits/smoke-free-lifestyle/tobacco-control-act/>

17, 2018, regulations under the *Tobacco Control Act* apply to cannabis concerning only restrictions on places of use (i.e., prohibiting use where smoking is banned),^{lxxxiii} and the *Cannabis Regulation Act* specifies additional restrictions on smoking or vaping cannabis.^l

New Brunswick

The *Smoke-free Places Act*, which came into force on October 1, 2004, assures a gold standard level of protection in all enclosed public places and workplaces. Smoking is also prohibited on school grounds. There is no provision within the Act for municipalities to pass stronger bylaws. As of January 1, 2010, smoking is also prohibited in private motor vehicles with children under the age of 16 present (*An Act to Amend the Smoke-free Places Act*). As of July 1, 2015, the *Smoke-Free Places Act* was amended to prohibit smoking on (and within 3m of) patios and all similar outdoor public places where food and alcohol is served; within 9m of doorways, windows and air intakes of enclosed public places and indoor workplaces; on or within 20m of children’s equipment, beaches, and sports areas located in an outdoor public place; on or within 9m of a public walking or jogging trail in an outdoor public place; and, within the boundaries of provincial parks (except within the boundaries of rented campsites, golf courses and designated areas within the park).^{lxxxvi} These amendments to the Act also prohibited the use of e-cigarettes and waterpipes anywhere that smoking is prohibited.^{lxxxvi} Further amendments to the *Smoke-Free Places Act*, effective December 16, 2016, extended the definition of smoking to include any substance that is intended to be smoked or vaped, and prohibited smoking on the grounds of health authority properties.^{lxxxiv} On September 15, 2017, General Regulation 91-50 was amended under the *Provincial Offences Procedures Act* to strengthen the enforcement of the *Smoke Free Places Act*, allowing peace officers and inspectors to issue tickets for smoking in public places.^{lxxxv}

Nova Scotia

The *Smoke-free Places Act* (amended), which came into force on December 1, 2006, assures a gold standard level of protection inside and outside public places and workplaces. Smoking is prohibited on all outdoor patios regardless of whether they have a roof, within 4m of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces, and on school grounds. Smoking is also prohibited in motor vehicles with children under the age of 19 present, and Nova Scotia was the first province to do so: *Bill No. 6, An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act*, was passed on December 13, 2007 and came into force on April 1, 2008. Bill 60 amended the *Smoke-free Places Act* and *Tobacco Access Act* to include a ban on the use of waterpipes, “whether they contain tobacco or simply other weeds or substances,” effective May 31, 2015.^{lxxv, lxxxvi} The *Smoke-free Places Act* was again amended in 2018 by Bill 108 (the *Cannabis Control Act*), which prohibited smoking cannabis in all places covered by the *Smoke-free Places Act*, and also added a number of outdoor public spaces [including provincial parks, beaches, playgrounds and sports areas (and within 20m), and public trails (and within 9m)], effective October 17, 2018.^{li}

Prince Edward Island

The amended *Smoke-free Places Act*, which came into force on September 15, 2009, removed designated smoking rooms and greatly improved protection for non-smokers in a variety of environments indoors and out. Smoking is now prohibited in virtually all workplaces and public places including restaurants and bars, private motor vehicles with children under the age of 19 present, construction sites, hospitals and hospital property (Hillsborough Hospital exempted—an

^{lxxxiii}Québec. Regulation under the Tobacco Control Act, CQLR c L-6.2, r 1 (Mar 4, 2019 version). <http://canlii.ca/t/53jv8>

^{lxxxiv}Legislative Assembly of New Brunswick. *Smoke-free Places Act*. RSNB 2011, c.222 (consolidated Dec 16, 2016).

<https://www.canlii.org/en/nb/laws/stat/rsnb-2011-c-222/117253/rsnb-2011-c-222.html#history>

^{lxxxv}New Brunswick Office of the Chief Medical Officer of Health. Tobacco-free Living.

https://www2.gnb.ca/content/gnb/en/departments/ocmoh/healthy_people/content/LivingTobaccoFree.html

^{lxxxvi}Nova Scotia Legislature, Assembly 62, Session 2. *Bill 60: Smoke-free Places Act (amended) and Tobacco Access Act (amended)*. <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-62-session-2/bill-60>

outdoor smoking area is permitted), outdoor patios between the hours of 10pm and 3am, within 4.5m of entrances and air intakes of public places and workplaces and within 2.4m of entrances where all or part of the outdoor area is used as a patio. Designated smoking rooms are permitted in long-term care facilities. The *Smoke-free Places Act* was further amended, effective June 9, 2015, to prohibit the use of waterpipes wherever regular cigarettes are prohibited, both indoors and outdoors. The Act was again amended, to broaden the definition of smoking to include smoking or vaping of any product, effective October 17, 2018.^{lviii}

Newfoundland and Labrador

The *Smoke-free Environment Act*, 2005, which came into force on July 1, 2005, assures a gold standard level of protection in enclosed public places. However, designated smoking rooms (DSRs) for employees in some workplaces not ordinarily open to the public continue to be permitted. Smoking is prohibited on all patios—the first jurisdiction in Canada to do so. As of May 31, 2011, smoking is prohibited in private motor vehicles with children under the age of 16 present (*An Act to Amend the Smoke-free Environment Act, 2005*). Bill 35, *An Act to Amend the Smoke-free Environment Act 2005 and the Tobacco Control Act*, which came into force July 1, 2017, also prohibits e-cigarette use and non-tobacco waterpipe smoking in places where smoking is banned.^{lxviii} Bill 22, *An Act to Amend the Smoke-free Environment Act 2005*, extended the *Smoke-free Environment Act* to apply to smoking or vaping cannabis, effective October 17, 2018.^{lix}

Yukon

The *Smoke-free Places Act*, which came into force on May 15, 2008, assures a gold standard level of protection in workplaces and public places, indoors and out. Smoking is prohibited on patios, within 5m of doorways, windows and air intakes of workplaces and public places, and on school grounds including post-secondary institutions (a national precedent). Smoking is also prohibited in private motor vehicles with children under the age of 18 present. The *Cannabis Control and Regulation Act*, in force October 17, 2018, limits consumption of cannabis (including smoking and vaping) to dwelling houses, and prohibits use under some conditions and in facilities specified in the *Smoke-free Places Act*.^{lxi}

Northwest Territories

The *Tobacco Control Act* (in force September 30, 2006) together with the *Environmental Tobacco Smoke Work Site Regulations* (Section 25 of the *Safety Act*, in force May 31, 2004) assure a gold standard level of protection in enclosed public places and workplaces. Smoking is prohibited within 3m of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking. Smoking is also prohibited within 15m of any entrance or exit of a school. The *Cannabis Smoking Control Act*, in force October 17, 2018, prohibits smoking and vaping of cannabis in public places, but did not reference or amend the *Tobacco Control Act*.^{lx}

Nunavut

The *Tobacco Control Act* (in force May 31, 2004) together with the *Environmental Tobacco Smoke Work Site Regulations* (Section 25 of the *Safety Act*, in force May 31, 2004) assured a gold standard level of protection in enclosed public places and workplaces. Smoking was prohibited within 3m of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking. Smoking was also prohibited within 15m of any entrance or exit of a school. As part of the *Cannabis Act*, the *Tobacco Control Act* was amended (to the *Tobacco Control and Smoke-Free Places Act*), and included additional outdoor smoke-free provisions, effective September 4, 2018.^{lxxxvii} These included extending the area around a workplace or public place to

^{lxxxvii}Sources: Rob Cunningham, Canadian Cancer Society. Personal communication, Nov 2, 2018.; Legislative Assembly of Nunavut. (2018). Bill 7 - *Cannabis Act*, Section 72. <http://www.assembly.nu.ca/sites/default/files/Bill-7-Cannabis-Act-ENG-FRE.pdf>; *Nunavut Gazette, Part 2*; 20(9). (2018, Sept). <https://www.nunavutlegislation.ca/en/nunavut-gazette/2018/par>

9m; including all restaurant/bar patios and within 5m of patios, and prohibiting smoking on or within 9m of school grounds, hospital and health facility grounds, child care facilities, playgrounds, sports or playing fields, and public events.^{lxxxvii} The *Cannabis Statutes Amendment Act*, which came into force on October 18, 2018, expanded “smoking” to include vaping, as well as smoking of cannabis and herbal shisha.^{xlv}

5.3 MUNICIPAL LEGISLATION

At the municipal level, a large number of cities and municipalities have implemented smoke-free legislation. In many cases, cities established precedents which were subsequently adopted at the provincial level. For more information on municipal by-laws (as well as federal and provincial laws) restricting smoking, refer to the Non-Smokers’ Rights Association’s *Smoke-Free Laws Database*: <https://database.nonsmokersrights.ca/>

6. MARKETING AND POINT-OF-SALE

6.1 FEDERAL LEGISLATION AND REGULATIONS

6.1.1 Tobacco (Access) Regulations (SOR/99-93)

The *Tobacco Act* prohibits the sale of tobacco products to young persons (18 years of age or less) and requires retailers of tobacco products to post signs that inform the public that furnishing tobacco products to young persons is prohibited by law. These regulations specify the place, manner, form and content of signs to be posted in retail outlets. The regulations also set out the documentation that may be used to verify the age of the person purchasing tobacco products and exempt duty-free shop operators.^{lxxxviii}

Tobacco Act - Access Regulations

Interpretation

1. In these Regulations, “Act” means the *Tobacco Act*.

Proof of Age

2. Only the following documentation may be used to verify the age of a person for the purposes of subsection 8(2) of the Act:

- a) a driver’s licence;
- b) a passport;
- c) a certificate of Canadian citizenship that contains the person’s photograph;
- d) a Canadian permanent resident document;
- e) a Canadian Armed Forces identification card; or
- f) any other documentation that
 - i. is issued by a federal or provincial authority or a foreign government, and
 - ii. contains the person’s photograph, date of birth and signature.

Self-Service

3. The following persons are exempt from the application of section 11 of the Act:

- a) a manufacturer or wholesaler who sells tobacco products to persons other than consumers at a location to which consumers do not have access; and
- b) a retailer who sells tobacco products at a duty free shop as defined in subsection 2(1) of the Customs Act.

^{lxxxviii}This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/acces/index-eng.php> [Note: at time of publication, this URL was no longer active]

Signs Prohibiting Sales To Minors Posted At Retail

4. (1) Subject to subsection (2), every sign to be posted by a retailer at a retail establishment pursuant to section 9 of the Act must

- a) have a total surface area of not less than 600 cm² and minimum dimensions of 20 cm by 30 cm;
- b) display the following message: "It is prohibited by federal law to provide tobacco products to persons under 18 years of age. Il est interdit par la loi fédérale de fournir des produits du tabac aux personnes âgées de moins de 18 ans.";
- c) display the message set out in paragraph (b) in such a manner that the message is
 - i. legible,
 - ii. centred on the sign,
 - iii. in black Helvetica Bold type on a white background,
 - iv. in type of such size that the message occupies not less than 30 per cent and not more than 40 per cent of the total surface area of the sign,
 - v. displayed using upper-case lettering for the first letter of the message in each official language and lower-case lettering for the remainder of the message, and
 - vi. surrounded by a red border along the edges of the sign that has a thickness of not less than 1 cm and not more than 1.5 cm; and
- d) be posted
 - i. in such a manner that the sign is conspicuous and not obstructed from view, and
 - ii. at every location in the retail establishment where tobacco products are furnished.

(2) A retailer is exempt from the application of section 9 of the Act if the retailer carries on business in a province in which provincial legislation

- a) prohibits the sale of tobacco products to persons under a specified age that is eighteen years of age or greater; and,
- b) requires the posting of notices to that effect in retail establishments that sell tobacco products.

5. The Tobacco Sales to Young Persons Regulations are repealed.

6. These Regulations came into force on February 11, 1999.^{lxxxix}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-93/index.html>

6.1.2 Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms) (SOR/2011-178)

The [*Promotion of Tobacco Products and Accessories Regulations \(Prohibited Terms\)*](#) prohibit the use of the terms "light" and "mild", and variations thereof, on various tobacco products, their packaging, promotions, retail displays, as well as on tobacco accessories. These regulations came into force in September 2011 and apply to cigarettes, little cigars, cigarette tobacco, kreteks, bidis, tobacco sticks, cigarette papers, cigarette tubes and filters.

Research has shown that light and mild tobacco products are not less harmful to smokers' health than regular tobacco products. Despite this, Health Canada studies have found that a significant proportion of tobacco users believe that these products are less harmful to their health. The current regulations remove these misleading terms from tobacco products, packaging and promotions.^{xc}

The Regulations may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-178/index.html>

^{lxxxix}This section excerpted from: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-93/index.html>; (6) updated with date.

^{xc}This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/prohibition-interdit/index-eng.php> [Note: at time of publication, this URL was no longer active]

6.2 POINT-OF-SALE DISPLAY BANS

Bans on the promotion of tobacco products via displays at the point of sale have been implemented in all provinces and territories as of January 1, 2010. TABLE 9 below outlines the dates of implementation of point-of-sale display bans in each of the provinces and territories.

TABLE 9: IMPLEMENTATION DATES FOR POINT-OF-SALE DISPLAY BANS^{xci}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE
SASKATCHEWAN	MARCH 11, 2002 ^{1,2} (JAN. 19, 2005)
MANITOBA	JANUARY 1, 2004 ^{1,2} (AUG. 15, 2005)
NUNAVUT	FEBRUARY 1, 2004 ¹
PRINCE EDWARD ISLAND	JUNE 1, 2006
NORTHWEST TERRITORIES	JANUARY 21, 2007 ²
NOVA SCOTIA	MARCH 31, 2007 ¹ (SEPT. 1, 2007)
BRITISH COLUMBIA	MARCH 31, 2008 ³
ONTARIO	MAY 31, 2008
QUÉBEC	MAY 31, 2008
ALBERTA	JULY 1, 2008
NEW BRUNSWICK	JANUARY 1, 2009
YUKON TERRITORY	MAY 15, 2009
NEWFOUNDLAND & LABRADOR	JANUARY 1, 2010

¹As a result of legal proceedings involving the Saskatchewan legislation, enforcement of the legislation in Saskatchewan, Manitoba and Nunavut was affected until after the January 19, 2005 unanimous judgment of the Supreme Court of Canada upholding the Saskatchewan legislation. In Saskatchewan, the legislation was enforced between March 11, 2002 and October 3, 2003, not enforced between October 3, 2003 and January 19, 2005 (although a proportion of retailers continued to comply), and enforced again starting January 19, 2005. In Manitoba, the Government began to enforce the legislation as of August 15, 2005. In Nova Scotia, full enforcement was delayed until September 1, 2007.

²Applies to premises accessible to minors under age 18

³Applies to premises accessible to minors under age 19

6.3 ADVERTISING AND MARKETING BANS

Comprehensive restrictions on tobacco advertising and marketing have been implemented in Canada. Most advertising of tobacco products was prohibited by the *Tobacco Products Control Act* of 1988 and the *Tobacco Act* of 1997. The *Tobacco Act* broadly prohibited promotion of tobacco products (defined as “a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price or distribution, that is likely to influence and shape attitudes, beliefs and behaviours about the product or service”), with a few exceptions (noted below). This effectively banned advertising such as radio and television commercials, billboards, event sponsorship advertising, promotional giveaways and other types of brand advertising.

The *Tobacco Act* allowed limited types of advertising under the following conditions:

- Venues:
 - Direct mail, addressed to a specific adult;
 - Publications with an adult readership of 85% or more;
 - Signs in a place where young persons are not permitted by law (i.e. bars).
- Content:
 - Brand-preference and information advertising (i.e., factual information about a product, its characteristics, its availability and its price);
 - Must not mislead or deceive, or be “likely to create an erroneous impression about the characteristics, health effects or health hazards of the tobacco product or its emissions”;

^{xci}Source: David Hammond, University of Waterloo, 2011; and, Rob Cunningham, Canadian Cancer Society, Jan 16, 2012.

- Must not constitute lifestyle advertising, defined as advertising that "associates a product with, or evokes positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, vitality, risk or daring";
- Cannot be "construed on reasonable grounds to be appealing to young people".^{xcii}

However, Bill C-32 removed the exception for print advertising, banning all tobacco advertising in Canadian newspapers and magazines, effective October 8, 2009.^{xciii}

Provinces may also have restrictions on advertising and promotion. For example, the combination of federal and provincial legislation in Quebec^{xciv} effectively prohibits the tobacco industry from any advertising or promotion of their products.

7. E-CIGARETTE REGULATIONS

7.1 FEDERAL LEGISLATION AND REGULATIONS

Prior to May 23, 2018, e-cigarettes containing nicotine (at a level of >4 milligrams per dosage unit^{xcv}) were regulated under the *Food and Drugs Act*, requiring market authorization from Health Canada as drugs before being imported, marketed or sold.^{xcvi} As of May 23, 2018, only those e-cigarettes that make a health claim are still regulated under the *Food and Drugs Act*.^{xcvi}

Created in response to the growing presence of vaping products on the Canadian market, and the 2015 report of the House of Commons' Standing Committee on Health (*Vaping: Toward a Regulatory Framework for E-Cigarettes*^{xcvii}), Bill S-5, the *Tobacco Products and Vaping Act (TVPA)*, received Royal Assent on May 23, 2018.^{xcviii} The TVPA permits the sale of nicotine-containing vaping products in Canada without the need for pre-market approval, provided they comply with the Act. The *Tobacco Products and Vaping Act* creates a new legal framework for regulating vaping products to protect young persons from nicotine addiction and tobacco use, while allowing adults access to vaping products as a potentially less harmful alternative to smoking.^{xcix}

The TVPA applies to vaping products many of the same (or similar) provisions as apply to tobacco in the *Tobacco Act*, such as creating a national minimum age of access for vaping products of 18 years. It also includes restrictions on the promotion of vaping products, such as bans on:

- advertising that appeals to youth;
- lifestyle advertising;
- sponsorship promotion; and,
- giveaways of vaping products or branded merchandise.

However, some advertising of vaping products is allowed, as long as it is in line with the Act and its regulations.^{xcv}

^{xcii}Non-Smokers' Rights Association. (2003, Oct 1). *The changing face of tobacco marketing in Canada: new federal rules, new industry tactics*. <http://nsra-adnf.ca/key-issue/the-changing-face-of-tobacco-marketing-in-canada-new-federal-rules-new-industry-tactics/>

^{xciii}Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Jul 28, 2010.

^{xciv}Gouvernement du Québec. *Tobacco Act*. (RSQ, c T-0.01). <http://canlii.ca/t/xd6>

^{xcv}Norris S, Tiedeman M. (2016, Dec 14; Revised 2017, Apr 4). *Legislative Summary: Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts*. Ottawa: Library of Parliament; Publication No. 42-1-S5-E.

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421S5E

^{xcvi}Government of Canada. (2019, Feb 5). Vaping product regulation. <https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/product-safety-regulation.html>

^{xcvii}Standing Committee on Health. (2015, Mar). *Vaping: Towards a Regulatory Framework for E-Cigarettes*. Report of the Standing Committee on Health. 41st Parliament, 2nd Session.

<http://www.ourcommons.ca/Content/Committee/412/HESA/Reports/RP7862816/hesarp09/hesarp09-e.pdf>.

^{xcviii}Bill S-5, *An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts*. 42nd Parliament, 1st Session. <http://www.parl.ca/DocumentViewer/en/42-1/bill/S-5/royal-assent>

^{xcix}<https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html>

Additional restrictions under the TVPA came into force on November 19, 2018, including bans on:

- the sale and promotion of vaping products that make the product appealing to youth, such as interesting shapes or sounds;
- the promotion of certain flavours (confectionary, dessert, cannabis, soft drink, and energy drink) that may be appealing to youth; and,
- product promotion by testimonials or endorsements.^{xiii}

Note that while the promotion of certain flavours is prohibited (i.e., products cannot be promoted in a way that implies having such a flavour, including on packaging), products may still contain some of these flavours (except cannabis, which is covered by the *Cannabis Act* rather than the TVPA). The TVPA also prohibits the use of certain ingredients in the manufacture, promotion or sale of vaping products (listed in Schedule 2^{xiv}), including amino acids, caffeine, colouring agents, essential fatty acids, glucuronolactone, mineral nutrients, probiotics, taurine, and vitamins.^{xv}

Several regulatory measures under the TVPA are still under development and have yet to take effect, including:

- mandatory testing and reporting standards for vaping products;
- health warnings on products and advertisements; and,
- guidelines for relative risk statements.

The *Tobacco Products and Vaping Act* may be accessed at:
<http://lois.justice.gc.ca/PDF/T-11.5.pdf>

The federal government has also issued information on the health and safety requirements for vaping products without therapeutic claims under the authority of the Canada Consumer Product Safety Act (i.e., any vaping products that are manufactured, imported, advertised, or sold in Canada), including the requirement for child-resistant containers, and health or safety considerations, such as those to address certain electrical and mechanical hazards, and vaping liquids.^c

On February 5, 2019, Health Canada published a Notice of Intent outlining potential regulatory measures for advertising of vaping products, including restrictions on where advertisements could be displayed, requirements for health warning messages on permitted advertisements, and restrictions on the display of vaping products at points of sale.^{ci,cii} On April 11, 2019, they launched a consultation soliciting comments to inform the development of proposed regulatory measures that aim to reduce youth access and appeal of vaping products.^{ciii} These may include: prohibiting the manufacture and sale of vaping products with certain flavours or flavour ingredients and/or prohibiting the promotion of certain flavours; restricting the concentration and/or delivery of nicotine in vaping products; regulating design features; restricting online retail access; restricting product packaging; and, increasing regulatory transparency and openness.^{civ}

^cGovernment of Canada. (2019, Jan 15). Guidance on Vaping Products not Marketed for a Therapeutic Use. <https://www.canada.ca/en/health-canada/services/publications/product-safety/vaping-not-marketed-therapeutic-use.html>

^{ci}Government of Canada. (2019, Feb). Notice of Intent – Potential Measures to Reduce the Impact of Vaping Products Advertising on Youth and Non-users of Tobacco Products. <https://www.canada.ca/en/health-canada/programs/consultation-measures-reduce-impact-vaping-products-advertising-youth-non-users-tobacco-products/notice-document.html>.

^{cii}Government of Canada. (2019, Feb). Consultation - Potential measures to reduce the impact of vaping products advertising on youth and non-users of tobacco products. <https://www.canada.ca/en/health-canada/programs/consultation-measures-reduce-impact-vaping-products-advertising-youth-non-users-tobacco-products.html>

^{ciii}Health Canada. (2019, Apr). Consultation - Reducing Youth Access and Appeal of Vaping Products: Potential Regulatory Measures. <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures.html>

^{civ}Health Canada. (2019, Apr). Reducing Youth Access and Appeal of Vaping Products: Consultation on Potential Regulatory Measures. <https://www.canada.ca/content/dam/hc-sc/documents/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures-eng.pdf>

7.2 PROVINCIAL LEGISLATION AND REGULATIONS

To date, eight provinces (BC, MB, ON, PQ, NB, NS, PEI, NL) have passed legislation to regulate e-cigarettes. These regulations prohibit the sale of e-cigarettes to minors; restrict the display and promotion of e-cigarettes; prohibit the sale of e-cigarettes in certain places; and, prohibit the use of e-cigarettes in enclosed workplaces, enclosed public places, and certain other places where smoking is prohibited.^{cv,cvi} In addition, Nunavut amended their *Tobacco Control and Smoke-Free Places Act* to expand the definition of smoking to include e-cigarettes, and prohibit using e-cigarettes where smoking is banned.^{xlv} TABLE 10 below shows implementation dates and provisions included in each province/territory. As of April 2019, Alberta, Saskatchewan, Nunavut, Yukon, and the Northwest Territories have no legislation in place to restrict the advertising of vaping products.^{ci} In Ontario, advertising is allowed in retail outlets and specialty vape shops, while the other seven provinces with e-cigarette legislation all ban displays and advertising in retail stores, with an exception for specialty vape shops.^{cv}

More detailed summaries of provincial regulations on e-cigarettes may be found at:
<https://nsra-adnf.ca/wp-content/uploads/2018/04/table-prov-laws-31-march-2018-final.pdf>

TABLE 10: IMPLEMENTATION DATES FOR E-CIGARETTE REGULATIONS^{cv,cvii,cviii}

PROVINCE	EFFECTIVE IMPLEMENTATION DATE	SALES TO MINORS	RESTRICTIONS ON USE	OTHER PROVISIONS*
NOVA SCOTIA	MAY 31, 2015	Prohibited under 19 years; also bans supply to minors and possession by minors	Prohibited in same areas as smoking	Restrictions on display, advertising, promotion; ban on sale in pharmacies
NEW BRUNSWICK	JULY 1, 2015	Prohibited under 19 years; also bans supply to minors	Prohibited in same areas as smoking	Restrictions on promotion, product displays and advertising; ban on sale where tobacco sales banned
PRINCE EDWARD ISLAND	SEPT. 1, 2015 (PUBLIC PLACES); OCT. 1, 2015 (ALL)	Prohibited under 19 years; also bans supply to minors and purchase by minors	Prohibited in same areas as smoking	Restrictions on display, advertising, promotion; ban on sale where tobacco sales banned
QUÉBEC	NOV. 26, 2015**	Prohibited under 18 years; also bans supply to minors; photo ID required	Prohibited in same areas as smoking	Restrictions on promotion and display; ban on sale where tobacco sales banned
ONTARIO ^{lvii,cix}	JAN. 1, 2016 (sales to minors and related provisions); OCT. 17, 2018 (restrictions on use and other provisions)	Prohibited under 19 years; also bans supply to minors	Prohibited in same areas as smoking; exemption for vape shops to demonstrate products ^{cx}	Restrictions on product display (but promotion and advertising for vaping products allowed in retail outlets; display allowed in vape shops) ^{cv,cx} ; ban on sale where tobacco sales banned; regulatory

^{cv}Rob Cunningham, Canadian Cancer Society. (2016, Jan 11). *Implementation dates for e-cigarette restrictions*.

^{cvii}Rob Cunningham, Canadian Cancer Society. Personal communication, Oct 18, 2018.

^{cviii}Non-Smokers' Rights Association/Smoking and Health Action Foundation. (2018, Mar 31). *Provincial/Territorial E-Cigarette Legislation in Canada*. <https://nsra-adnf.ca/wp-content/uploads/2018/04/table-prov-laws-31-march-2018-final.pdf>

^{cx}CBC News. (2016, Oct 19). Vaping and e-cigarette regulations across Canada. <http://www.cbc.ca/news/canada/vaping-regulations-1.3812180>

^{cx}Bill 45, *Making Healthier Choices Act*, 2015. http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session1/b045ra.pdf

^{cx}Ontario Regulation 439/18 [amending O. Reg. 268/18]. (2018, Oct 17). <https://www.ontario.ca/laws/regulation/r18439>

PROVINCE	EFFECTIVE IMPLEMENTATION DATE	SALES TO MINORS	RESTRICTIONS ON USE	OTHER PROVISIONS*
				authority over sales of flavoured e-cigarettes, packaging
NEWFOUNDLAND & LABRADOR	JUNE 7, 2016	Prohibited under 19 years; also bans supply to minors	Prohibited in same areas as smoking; exemptions for some designated rooms	Additional provisions in effect July 1, 2017: ban on sale where tobacco sales banned; restrictions on promotion and display
BRITISH COLUMBIA^{cx i}	SEPT. 1, 2016	Prohibited under 19 years; also bans supply to minors	Prohibited in same areas as smoking; exemptions for vape shops	Restrictions on promotion and display in stores; ban on sale where tobacco sales banned
MANITOBA^{cx ii}	OCT. 1, 2017	Prohibited under 18 years; also bans supply to minors	Prohibited in same areas as smoking; exemptions for vape shops and some designated places	Restrictions on advertising and promotion
NUNAVUT^{cx iv}	OCT. 18, 2018	--	Prohibited in same areas as smoking	--

*See summaries for more details

**For limited provisions added to the Tobacco Act, the implementation date parallels the provisions for smoking/tobacco (for example, smoke-free patios, sport areas, children’s playgrounds, and vehicles with kids came into force May 26, 2016).

At the municipal level, a growing number of jurisdictions are adopting by-laws or modifying their smoking policies to prohibit and/or restrict the use of e-cigarettes.

^{cx i}Bill 14, *Tobacco Control Amendment Act, 2015*. <http://www.bclaws.ca/civix/document/id/lc/billsprevious/4th40th:gov14-3>

^{cx ii}Bill 30, *Non-Smokers Health Protection Amendment Act (E-Cigarettes)*. <http://web2.gov.mb.ca/bills/40-4/b030e.php>