

## Tobacco & Vapour Products Control Act & Regulation

Tobacco & Vapour Products Control Act

► [http://www.bclaws.ca/civix/document/id/complete/statreg/96451\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96451_01)

Tobacco & Vapour Products Control Regulation

► [http://www.bclaws.ca/civix/document/id/complete/statreg/232\\_2007](http://www.bclaws.ca/civix/document/id/complete/statreg/232_2007)

Tobacco Retail Authorization

The TRA certificate is not transferable and you must display a separate certificate with a unique permit number at each location where you sell tobacco at retail.

Application/Surrender/Update TRA

PHONE 1-877-388-4440  
EMAIL [tobaccotax@gov.bc.ca](mailto:tobaccotax@gov.bc.ca)

Health Canada

PHONE 1-866-318-1116  
EMAIL [hc.tcp.questions-plt.sc@canada.ca](mailto:hc.tcp.questions-plt.sc@canada.ca)

Cannabis & Liquor Regulation Branch

PHONE 1-866-209-2111  
EMAIL [lclb.lclb@gov.bc.ca](mailto:lclb.lclb@gov.bc.ca)

## Municipal Bylaws

CITY OF VANCOUVER 604-873-7000	DISTRICT OF SQUAMISH 604-892-5217	DISTRICT OF NORTH VANCOUVER 604-990-2311
CITY OF RICHMOND 604-276-4000	CITY OF NORTH VANCOUVER 604-982-8302	DISTRICT OF WEST VANCOUVER 604-925-7152

## Get in Touch

For any questions, please contact the Tobacco & Vapour Control Program at:

Phone: 604-675-3800

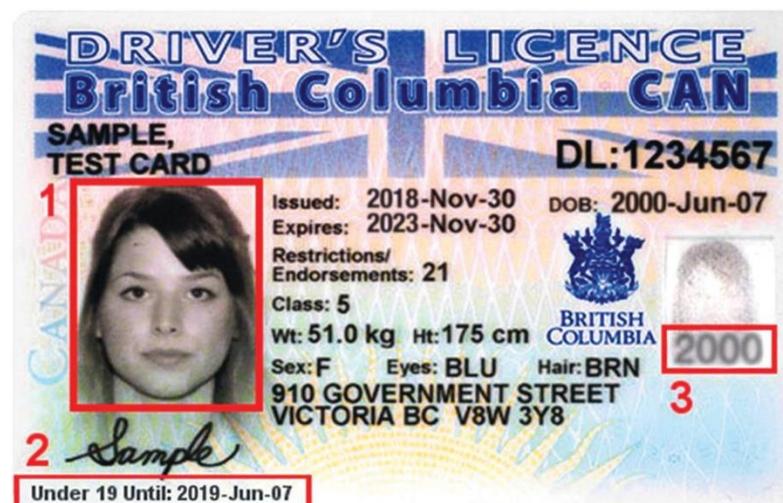
Email: [tvp@vch.ca](mailto:tvp@vch.ca)

## Tobacco & Vapour Control Program

Vancouver  
CoastalHealth

Retailer Resource and Information

[www.vch.ca](http://www.vch.ca)



## What to do when asking/checking Identification (ID):

- 1 Make sure the person presenting the ID matches the photo on the ID
- 2 Check to see if there is writing below the person's signature. If present, it indicates the person is under 19 until the shown date
- 3 Check hologram for birth year



### Acceptable ID's

Any Government issued photo ID that displays a photo, the date of birth and signature

E.G., PASSPORT, DRIVER'S LICENSE, BCID, BC SERVICES CARD



### Not Acceptable ID's

School-issued ID, Transit Pass, employee ID, Social Insurance Card, photocopy or digital image of ID



All retailers must ensure that tobacco and vapour products are NOT visible to minors and are only accessible by the retailer

Where minors are allowed in a store, tobacco and vapour products and promotional items CANNOT be visible and must be hidden from view between every sales transaction and while re-stocking.

If minors are not allowed in a store, then tobacco and vapour products can be displayed provided these items cannot be clearly seen from outside.

If you choose to voluntarily age-restrict your store you must post a sign indicating age restriction at all entrances. Doors are allowed to be open, as long as retailer ensures that products/ads are not visible.

## Advertising Restrictions

- X Retailers are restricted to posting a maximum of 3 signs within the store.
- X Signs must NOT have any graphics, designs, or any symbols except the "\$".
- X Signs must be white with black lettering only, not more than 5cm high.
- X Signs must NOT have any reference to a tobacco or vapour brand or manufacturer.
- X Signs must NOT be bigger than 968cm<sup>2</sup>.

## Example of Sign

<b>CIGARETTE / E-JUICE PRICES</b>	
<b>Budget</b>	<b>\$11.50</b>
<b>Value</b>	<b>\$12.75</b>
<b>Premium</b>	<b>\$14.25</b>
<b>CIGARS, E-JUICE, VAPE DEVICES, PAPERS</b>	



## E-Substances Regulation, B.C. Reg. 186/2020

Section	Contravention	Fine Amount
4(1)	Sale of e-substance not containing nicotine, nicotine salts or cannabis	\$345
4(2)	Sale of e-substance containing non-therapeutic nicotine and cannabis	\$345
5(1)	Fail to give notice of intent as required before sale of restricted e-substance	\$575
6(1)	Sale of e-substance containing non-therapeutic nicotine in concentrations greater than 20mg/mL	\$575
6(2)(a)	Sale of vapour product refill container greater than 30mL capacity	\$575
6(2)(b)	Sale of vapour product cartridge of greater than 2 mL capacity	\$575
7(1)	Sale of flavoured restricted e-substance from premises where minors are prohibited access	\$575
10(1)	Fail to report product information as required before sale of restricted e-substance	\$575
10(2)	Fail to report new information when and as required	\$460
11(1)	Fail to report manufacturing information as required	\$460
11(2)	Fail to report manufacturing information at least 6 weeks before sale of restricted e-substance	\$460
12(2)	Fail to report sales information before January 15	\$403
12(3)	Fail to report sales information as required	\$403

## Tobacco and Vapour Products Control Regulation

Section	Contravention	Fine Amount
4	Sell cigarettes in packages containing fewer than 20	\$575
5(1), (2), (3), or (5)	Fail to display warning as required	\$345
5(4)(a)	Fail to affix warning as required	\$345

## Legal Definitions... Continued

- “Restricted E-Substance” means an e-substance that contains non-therapeutic nicotine;
- “Sell” means to deal in, sell, offer for sale, distribute or provide, other than distribution or provision by a purchaser for a purpose described in paragraph (b) or the definition of “purchaser”;

## Tobacco and Vapour Products Control Act

Section	Contravention	Fine Amount
2(2)	Sell tobacco or vapour product to a person under 19	\$575
2(3)	Sell tobacco products from open package	\$575
2(4)	Sell tobacco or vapour products where prohibition order applies	\$575
2.1(1)	Sell tobacco or vapour product in a prohibited place	\$575
2.2(2)	Use tobacco and hold lighted tobacco on school property	\$575
2.2(3.1)	Use activated e-cigarette on school property	\$58
2.2(4)	Permit tobacco or vapour product use on school property	\$575
2.3(1)	Hold lighted tobacco or activated e-cigarette in prohibited place	\$58
2.3(3)	Permit tobacco or vapour product use in prohibited place	\$575
2.3(4)	Permit tobacco or vapour product use in workplace	\$575
2.3(1)(a)	Display tobacco or vapour product in prohibited manner	\$575
2.4(1)(b)	Promote tobacco or vapour product in prohibited manner	\$575
2.21(2)	Hold lighted tobacco or activate e-cigarette on health board property	\$58
10.1(a)	Fail to display prohibition order sign	\$575
10.1(b)	Fail to display prohibition sign in accordance with requirements	\$575

## It is illegal to...

- ✗ Sell tobacco from open packages, single cigarettes and packs containing less than 20 cigarettes.
- ✗ Smoke or vape within 6 metres of a doorway, window or building air intake. Some municipalities have greater distance restrictions. Retailers must ensure people do not smoke or vape within the restricted area outside their store.

## Important Information

It is the responsibility of all BC retailers to ensure their staff are trained to sell tobacco and vapour products in compliance with the law.

Tobacco and Vapour Enforcement Officers enforce the provincial E-Substances Regulation (ESR), Tobacco & Vapour Products Control Act (TVPCA) and Regulation (TVPCR). They conduct routine inspections, provide education and monitor compliance including unannounced checks using minor test shoppers to ensure tobacco and vapour products are not being sold to minors.

## Required Decals



- Yellow decal for retailers selling both Tobacco and Vapour Products



- Orange decal for retailers selling only Tobacco Products
- Blue decal for retailers selling only Vapour Products

## Optional Decals

**MUST BE 19 OR OLDER TO BUY TOBACCO**  
**CHECK PHOTO I.D.**



Valid from JAN 1, 2016 to DEC 31, 2016  
BRITISH COLUMBIA

## Requirements for Vapour Retailers

In July 2020, the Government of British Columbia enacted a new regulation and regulatory amendments in relation to vapour products under the *Public Health Act (PHA)* and the *Tobacco and Vapour Products Control Act (TVPCA)*. These Regulatory Changes include:

1. The E-Substances Regulation (ESR)
2. Amendments to the Tobacco and Vapour Products Control Regulation (TVPCR); and,
3. Amendments to the Health Hazards Regulation (HHR)

## E-Substances Regulation – Sales Restriction

The E-Substances Regulation introduced new restrictions on type, concentration, size and flavour of E-Substance sold in British Columbia.

- A retailer must not sell an E-Substance unless the E-Substance contains nicotine, nicotine salts or cannabis
- A retailer must not sell an E-Substance that contains both non-therapeutic nicotine and cannabis
- A retailer must not sell a restricted E-Substance that contains non-therapeutic nicotine in concentrations greater than 20mg/mL.
- A retailer must not sell vapour products that exceeds the following maximum capacity:
  - 30 mL, in the case of a container that holds a restricted E-Substance to be used in refilling cartridges;
  - 2 mL, in the case of a cartridge that holds or is packaged with a restricted E-Substance.
- A retailer who sells restricted E-Substance from a sales premises to which minors are permitted access must not sell a flavoured restricted E-Substance.

## E-Substances Regulation - Reports

The E-Substances Regulation introduced requirements for all businesses who currently sell E-substances or intend to sell E-Substances in British Columbia. Business owners must submit the following reports to the Ministry of Health:

- Notice of Intent : Must be submitted before January 15<sup>th</sup> of every year that sales are intended
- Product Report : Must be submitted at least 6 weeks before the product is first sold from the sales premises.
- Sales Report : Must be submitted before January 15<sup>th</sup> of each year, reporting the vapour product sales that have occurred during the reporting period of October 1st in one year to September 30th of the following

## E-Substances Regulation... Continued

All reports must be submitted online through the BC E-Substances Reporting (BCER) application.

The BCER is operated by the Ministry of Health, NOT the Health Authority.

For any questions relating to reports or the BCER, please email the Ministry of Health at [vaping.info@gov.bc.ca](mailto:vaping.info@gov.bc.ca)

For Technical Support in using the BCER, please email [hth.helpdesk@gov.bc.ca](mailto:hth.helpdesk@gov.bc.ca)

More information can be found on the VCH Website:

- <http://www.vch.ca/public-health/environmental-health-inspections/tobacco-vapour-products-control/e-substances-regulation>

## Tobacco and Vapour Products Control Regulation Advertising

A manufacturer, distributor, wholesaler, retailer, or a person acting on behalf of any of them must not advertise a vapour product in any place, whether inside or outside, by any means that may be seen, accessed or heard by a minor.

This includes places such as store windows and transit hubs.

## Legal Definitions

- “Cartridge” includes a cartridge, capsule, pod or similar component of an e-cigarette that is designed to hold an E-Substance for heating;
- “E-Cigarette” means the following”
  - a) A product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an E-Substance for inhalation or release into the air;
  - b) A prescribed product or device similar in nature or use to a product or device described in paragraph (a);
- “E-Substance” means a solid, liquid or gas
  - a) That, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and
  - b) That is not a controlled substance within the meaning of the Controlled Drugs and Substances Act (Canada);
- “Flavoured” means having a taste or smell of anything other than tobacco;
- “Purchaser” means a person to whom a vapour product is sold
  - a) For the person’s own use or consumption, or
  - b) For the use of consumption by another person at the expense of the person to whom the vapour product was sold;
- “Vapour product” means the following:
  - a) An e-cigarette;
  - b) An e-substance
  - c) A cartridge for a component of an e-cigarette.