

VAPOUR PRODUCTS Sale, Promotion and Use



TOBACCO & VAPOUR PREVENTION AND CONTROL PROGRAM

What are the restrictions around the sale and promotion of vapour products?

As with tobacco products, any adult over the age of 19 can purchase a vapour product. Sales to a minor are illegal. Both the device and the e-substance are subject to the similar restrictions as tobacco products on sale, display, promotion and use.

On September 1, 2016, the province of British Columbia updated several laws that govern the sale and use of tobacco products and broadened the legislation to include vapour products. These products are defined as:

- **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);

Vapour products cannot be advertised or displayed in stores where those under 19 years of age have access.

- **If a store allows all ages to enter**, then the vapour products, any advertisements for vapour products or promotional materials must not be visible to minors. Within the store, retailers can inform customers about vapour products for sale by using basic signs with general information such the price range of single use or refillable products.
- **If a store only allows 19+ individuals to enter**, then they may have vapour products and promotions out on display. However, they must ensure that people looking into the store from outside cannot see the vapour products or their advertisements.

What are the restrictions on using vapour products outdoors?

The legislation expands the previous no-smoking zone to six-metres around all doorways, air intakes and open windows to any substantially enclosed public and work places in B.C and includes the use of vapour products. There must be a six-metre area around any doorway, air intake or open window to any public or work place in which no one can stand and use tobacco or vapour products. This protects against emissions entering these places and protects people as they enter or exit. ***In the Capital Regional District, the no-smoking zone is seven metres for tobacco products.**

Use of tobacco and vaping is not permitted in places that may be considered public or workplaces include stores, offices, and entrances to condominiums/apartment buildings, work vehicles (e.g., delivery vans), public transit, taxis, cafes, casinos and pubs/bars.

There is an exception to the buffer zone restriction with regards to vapour products. Vapour products can be used on an outdoor hospitality patio (e.g., patio of a bar, casino, café) that is within a buffer-zone if there are no open windows, doors or active air intakes between the patio and the hospitality venue.

In the Capital Regional District, the Clean Air Bylaw does not include e-cigarettes.

South
Victoria
201 – 771 Vernon Avenue
Victoria, BC V8X 5A7
Ph: 250.519.3401
Fax: 250.519.3402

Central
Nanaimo
29 – 1925 Bowen Road
Nanaimo, BC V9S 1H1
Ph: 250.739.5800
Fax: 250.740.2675

North
Courtenay
355 – 11th Street
Courtenay, BC V9N 1S4
Ph: 250.331.8620
Fax: 250.331.8596

North
Campbell River
200 – 1100 Island Highway
Campbell River, BC V9W 8C6
Ph: 250.850.2110
Fax: 250.850.2455

What are the rules around vaping within a 19+ Vapour Store/Lounge [no minors permitted]?

An exception was made in the updated legislation to allow customers in adult-only [19+] vapour stores/lounges to learn how to use vapour products or to test products that they may wish to buy. The exception has the following conditions:

- Retailers/employees can hold and activate vapour products only for the purpose of showing customers how to use the product [they cannot use the vapour product]
- The premise is fully enclosed such that no vapour may escape to an adjacent premise or to a public area outside the premise.
- An adult customer can sample an e-substance in the store if:
 - They are testing or sampling products that they intend to purchase and consume off-site; and
 - No more than two customers sample vapour products at any time in a retail store.

Signage Requirements

All retailers must post two signs at each point of sale as per Section 5 of the Tobacco and Vapour Products Control Regulation. One sign must be clearly visible to the employee/dealer and the other sign must be clearly visible to the purchaser. What type of sign is dependent on the type of products that are offered for sale at the premise:

For Vapour Products only:

Facing employee



Facing purchaser



For Tobacco and Vapour Products:

Facing employee



Facing purchaser



Posting of Warning Signage

Clearly visible is defined as:

- In plain view to the purchaser at the point and time of the sale.
- In plain view to the dealer/employee operating the point of sale system by being on or near the point of sale system and clearly visible at the time of the sale.
- Not obstructed by any other item.

It is important to continually monitor the signage posted at the point of sale system to ensure it has not become obscured by any other thing that makes it less than fully visible.

More information can be found at:

<http://www2.gov.bc.ca/assets/gov/health/keeping-bc-healthy-safe/tobacco-regulation/requirements-under-the-tobacco-and-vapour-products-control-act-and-regulation.pdf>