

TOBACCO & VAPOUR

RETAILER RESOURCE

September
2023

RETAILER RESPONSIBILITY

It is the responsibility of all tobacco and vapour retailers in British Columbia to be aware of the requirements of the legislation and determine, implement and monitor strategies necessary to be in compliance with the legislation and to ensure that all staff members are trained in and follow the strategies.

In British Columbia, the use, sale and display of tobacco and vapour products are regulated by the *Tobacco and Vapour Products Control Act*, the Tobacco and Vapour Products Control Regulation and the E-Substances Regulation.

Tobacco & Vapour Enforcement Officers monitor compliance with the legislation by conducting inspections and providing education to tobacco and vapour retailers.



Retailers must show they are compliant with the legislation.

Retailers must NOT:

Display tobacco or vapour products, or advertise or promote the use of tobacco or vapour products, in any manner by which the tobacco or vapour products or the advertisement or promotion (a) may reasonably be seen, accessed or heard by a minor inside the retail establishment.

Provide or sell tobacco and/or vapour products to a minor (a person under 19 years of age).

Sell tobacco from open packages, single cigarettes and packs containing less than 20 cigarettes.

Sell flavoured restricted e-substances from a premises from which minors are permitted access.








Permit smoking or vaping within 6 metres of a doorway, window or building intake. Some municipalities have greater distance restrictions.



ACCEPTABLE ID

Preventing Tobacco & Vapour Product Sales to Minors

Any Government issued ID MUST display a photo, birthdate and signature. Some examples include:

-  BCID
-  BC Services Card
-  Citizen Card
-  Driver's Licence
-  Military Card
-  Passport
-  Permanent Resident Card
-  Secure Certificate of Indian Status

1

Make sure the person presenting the ID matches the photo on the ID

2

Text below the photo identifies the date until a person is under 19 years of age

3

Check the date of birth

British Columbia Driver's Licence (front)



British Columbia Driver's Licence (back)



British Columbia Learners Driver's Licence



British Columbia Identification Card



ACCEPTABLE ID



Preventing Tobacco & Vapour Product Sales to Minors

Secure Certificate of Indian Status



Canadian Passport



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

Birth Year	Status
2006 2005	STOP ILLEGAL TO SELL UNDER 19
2004	CAUTION 19 IF BORN ON OR BEFORE TODAY'S DATE; CHECK BIRTH MONTH AND DAY
2003 2002	OK 19 OR OLDER

Valid from JAN 1, 2023 to DEC 31, 2023

X NOT ACCEPTABLE ID

- School-issued ID
- Transit Pass
- Employee ID
- Social Insurance Card
- Photocopy or digital image of ID

When to Refuse a Sale

ID is not provided

ID is not valid

Under the age of 19

REQUIRED DECALS & WARNING SIGNS

The following decals must be posted where tobacco and/or vapour products are sold. The color of the decal depends on the type of products that are offered for sale.

Decal Faces Purchaser

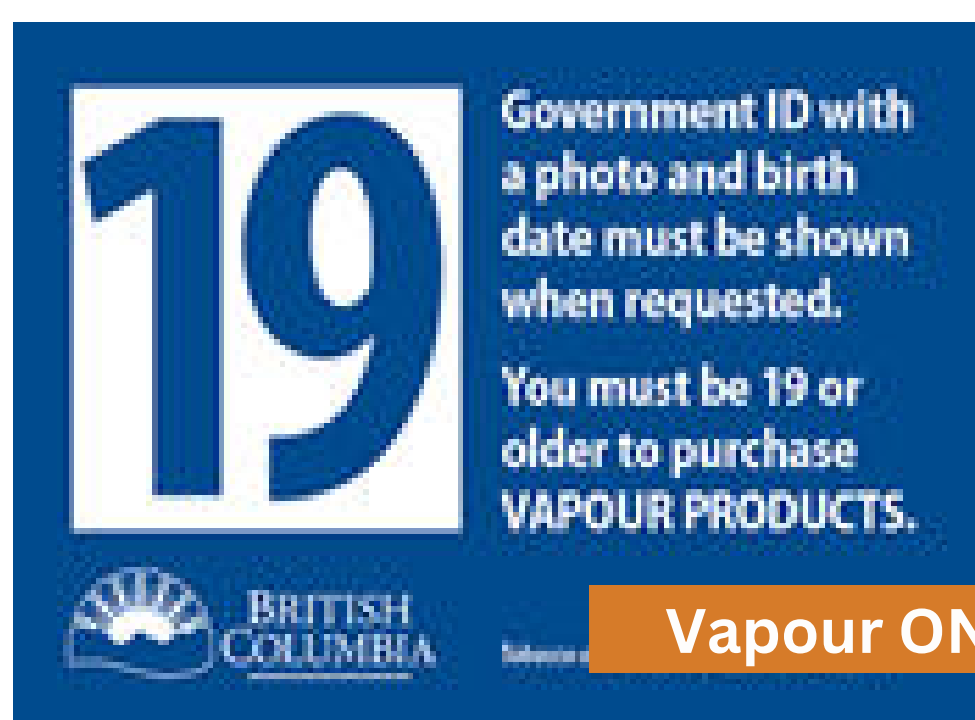


Tobacco ONLY Retailers

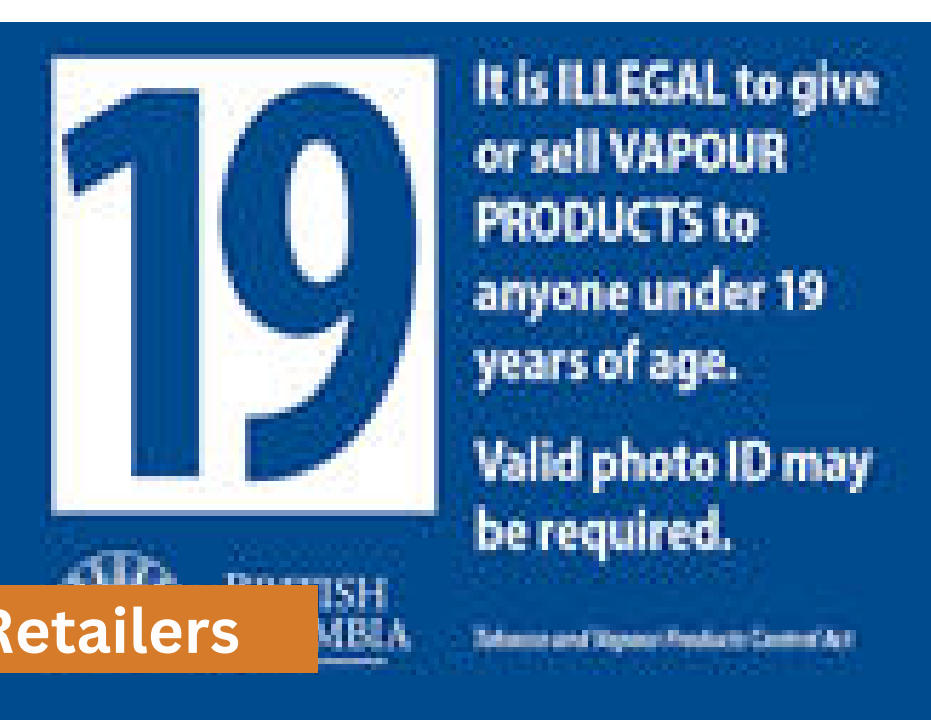
Decal Faces Employee



Tobacco & Vapour Retailers



Vapour ONLY Retailers



ADVERTISING RESTRICTIONS

- Retailers are restricted to posting a maximum of 3 signs within the store
- Signs must be white with black lettering only, not more than 5cm high
- Signs must NOT have any graphics, designs, or any symbols except the "\$"
- Signs must NOT have any reference to a tobacco or vapour brand or manufacturer
- Signs must NOT be bigger than 968cm² (12.25" x 12.25")

Sign Example

TOBACCO CIGARETTES	
Budget	\$17.50
Value	\$18.50
Premium	\$20.50
VAPE DEVICES - from \$26.00	
VAPE PODS - from \$20.00	

DISPLAY & PROMOTION REQUIREMENTS

Tobacco & Vapour Products must NOT be...

Displayed, advertised or promoted in any way that can be seen, accessed or heard by a minor inside the retail establishment.

Displayed, advertised or promoted in any way that can be seen or heard by a person outside the retail establishment.

When re-stocking shelves and between every sales transaction, tobacco and vapour products must be kept out of sight

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:

- A new E-Substances Regulation (ESR);
- Amendments to the Tobacco and Vapour Products Control Regulation (TVPCR); and
- 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-substances 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 at least 6 weeks before a restricted e-substance is first sold from the sales premises and before January 15th of each year that sales are intended to continue.
- **Product Report:** Must be submitted by the retailer at least 6 weeks before the product is first sold from the sales premises.
- **Sales Report:** Must be submitted by the retailer before January 15th 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 next year.

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 questions or technical support relating to reports or the BCER, please email the Ministry of Health at vaping.info@gov.bc.ca.

*****If changing from an age restricted sales premise to an all ages sales premise, ensure to update the Notice of Intent to be in compliance with Section 5(2)(b)(ii)***

ENFORCEMENT & PENALTIES

TOBACCO and VAPOUR PRODUCTS CONTROL ACT

Section	Contravention	Fine
TVPCA S. 2(2)	Sell tobacco or vapour product to person under 19	\$ 575
TVPCA S. 2(3)	Sell tobacco products from open package	\$ 575
TVPCA S. 2.1(1)	Sell tobacco or vapour products in prohibited place	\$ 575
TVPCA S. 2.3(1)	Hold lighted tobacco or activated e-cigarette in prohibited place	\$ 58
TVPCA S. 2.3(3)	Permit tobacco or vapour product use in prohibited place	\$ 575
TVPCA S. 2.4(1)(a)	Display tobacco or vapour products in prohibited manner	\$ 575
TVPCA S. 2.4(1)(b)	Promote tobacco or vapour products in prohibited manner	\$ 575
TVPCA S. 2(2)	Sell tobacco or vapour product to person under 19	\$ 575
TVPCA S. 2(3)	Sell tobacco products from open package	\$ 575
TVPCA S. 2.1(1)	Sell tobacco or vapour products in prohibited place	\$ 575
TVPCA S. 2.3(1)	Hold lighted tobacco or activated e-cigarette in prohibited place	\$ 58
TVPCA S. 2.3(3)	Permit tobacco or vapour product use in prohibited place	\$ 575
TVPCA S. 2.4(1)(a)	Display tobacco or vapour products in prohibited manner	\$ 575

TOBACCO and VAPOUR PRODUCTS CONTROL REGULATION

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

E-SUBSTANCES REGULATION

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

RETAILER RESPONSIBILITY

The retailer is responsible to determine, implement and monitor strategies necessary to be in compliance with the legislation and to ensure that all staff members are trained in and follow the strategies.

PROGRESSIVE ENFORCEMENT ACTIONS/PENALTIES

- Education Provided
- Verbal Warning
- Written Warning
- Violation Ticket
- *Public Health Act* Order
- Seizure of Products
- Administrative Hearing
 - Monetary Penalty
 - Sales Prohibition

Tobacco Retail Authorization (TRA) | 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.

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

Enforcement Officer

- means an enforcement officer designated under section 3

E-Substance

- 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 Control Drugs and Substances Act (Canada)
- a cartridge for or a component of an e-cigarette.

Flavoured

- means having a taste or smell of anything other than tobacco

Purchaser

- means a person to whom a vapour products 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

Restricted E-Substance

- means an e-substance that contains nontherapeutic 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

- means tobacco leaves and anything made from tobacco in any form for any use.

Resources

BC E-Substances
User Guide

BC E-Substances Regulation
Retailers' Guide

Requirements under the
*Tobacco & Vapour Products
Control Act* and Regulation

Requirements under the
Public Health Act and
E-Substances Regulation

Retailer Decals &
Support Materials
Available for Order
or Pick Up at Office
Locations

CONTACT INFORMATION

FRASER HEALTH | 604.870.7900

INTERIOR HEALTH | tobaccoandvape@interiorhealth.ca

ISLAND HEALTH | 250.755.6285

NORTHERN HEALTH | 250.565.7322

VANCOUVER COASTAL HEALTH | 604.675.3800

BC E-Substances
Reporting System

Website

Health Canada
1.866.318.1116

Notice of Intent
& Product Reports

Website

Tobacco Retailer
Authorization

1.877.388.4440