
BACKGROUND

For Immediate Release

Ministry of Health
Ministry of Education

July 20, 2020

Summary of vaping regulations

- **The changes to the regulations are as follows:**
 - enacting the new E-Substances Regulation under the *Public Health Act* to regulate the sale of e-substances;
 - amending the Health Hazards Regulation under the *Public Health Act* to prescribe nicotine and nicotine salts as health hazards; and
 - amending the Tobacco and Vapour Products Control Regulation under the *Tobacco and Vapour Products Control Act* to strengthen vapour product advertising rules.

- **Highlights of the regulatory amendments include the following:**
 - i. Prescribing New Health Hazards**
 - The Health Hazards Regulation has been amended to prescribe:
 - nicotine and nicotine salts, “non-therapeutic nicotine”; this new hazard excludes nicotine or nicotine salts that are Schedule I drugs under the Drug Schedules Regulation (i.e., excludes therapeutic nicotine and specific products containing nicotine).
 - For the purposes of the new E-Substances Regulation, the following are also prescribed as health hazards, in order to regulate the sales of these products:
 - e-substances that contain non-therapeutic (i.e., recreational) nicotine; and,
 - e-substances that do not contain nicotine, nicotine salts or cannabis.

 - ii. Regulating the sales and restricting the type of e-substances that can be sold**
 - The E-substances creates specific definitions for “retailer”, “purchaser” and “manufacturer” in order to regulate the activity of selling e-substances.
 - The E-Substances Regulation is to ban specific e-substances from sales;
 - The E-Substances Regulation regulates the sales activity, with retailers having to ensure that their products meet specific standards, otherwise the retailers may not sell these products.

 - iii. Limiting E-Substance Volume and Nicotine Content**
 - The E-Substances Regulation restricts the nicotine content in e-substances that may be sold requiring that:
 - the maximum nicotine concentration be no more than 20 mg/mL;
 - the cartridges holding e-substances have a maximum capacity of no more than 2 mLs; and,
 - the refill containers holding the e-substances have a maximum capacity of no more than 30 mLs.

 - iv. Restricting the Sale of Flavoured E-Substances:**
 - The E-substance regulation introduces a new definition, “flavoured” which describes a product on the basis of whether it tastes or smells of anything other than tobacco.

- Stores accessible to minors (under 19 years of age), such as convenience stores, may only sell tobacco-flavoured e-substances.
- Adult-only stores are permitted to sell a wider range of flavoured e-substances *except* those prohibited by federal legislation. Prohibited flavours include the categories of desserts, cannabis flavour, confectionary, soft drinks, and energy drinks.

v. Mandatory Notice and Reporting

- The following requirements are specified within the E-Substances Regulation including deadlines or reporting periods.
 - Business owners who sell restricted e-substances will be required to provide the Ministry with:
 - Initial Notice of Intent six weeks before commencing sales followed by annual renewals of Notice of Intent to sell (i.e. before January 15 of each year).
 - Product information (i.e. ingredients list), manufacturing reports (where applicable), annual sales reports (for a specified reporting period beginning October 1 and ending September 30 of each year).
 - Notification and reporting requirements are linked with product sale restrictions.

vi. Restrictions on Public Advertising

- The following amendments have been made to the Tobacco and Vapour Products Control Regulation:
 - i. Extension of existing prohibition of vapour product advertisements to any place where advertisements may be *seen, accessed, or heard by youth*. This includes public spaces such as malls, bus shelters, outside store fronts, billboards.

vii. Provincial Labelling and Packaging Requirements

- The E-Substances Regulation ensures that retailers can only sell restricted e-substances if the e-substances display
 - The total volume of the e-substance in the vapour product.
 - A warning that nicotine is highly addictive.
 - The hazard warning symbol.
 - No images or additional text: e-substances must be packaged in a plain manner.
 - In addition, one or more of the following is required:
 - the name and contact information of the manufacturer,
 - the brand name and product name; and
 - the type of product.

viii. Provincial Regulations Complement New Federal Labelling and Packaging Regulations

- Retailers are required to comply with the federal government's Vaping Products Labelling and Packaging Regulation for vapour product labelling and packaging requirements; these came into force on July 1, 2020
 - The Provincial E-Substances Regulation has been designed to work in tandem with the federal regulations.

- Retailers will only be able to sell restricted e-substances that are labelled and packaged following BC and federal legislation.

ii. Relationship to the Tobacco and Vapour Products Regulation

- a. The E-Substances Regulation is designed to be in addition to the requirements to the Tobacco and Vapour Products Control Regulation:
 - i. Tobacco and Enforcement Officers (TVEOs) are authorized to exercise some of their powers authorized under the Tobacco and Vapour Products Control Regulation, to enforce the E-Substances Regulation
 - ii. While the TVEOs will be able to use their powers, health officers authorized under the *Public Health Act* will be able to use their powers to enforce the E-Substances Regulation, as needed. Co-ordination of the enforcement officers is expected.
 - iii. Any enforcement actions in relation to the E-Substances Regulation will be guided by the penalty structure set out in the *Public Health Act*.

Contact: Ministry of Health
Communications
250 952-1887 (media line)