



Province of Alberta

TOBACCO AND SMOKING REDUCTION ACT

TOBACCO AND SMOKING REDUCTION REGULATION

Alberta Regulation 240/2007

With amendments up to and including Alberta Regulation 239/2018

Current as of December 12, 2018

Office Consolidation

© Published by Alberta Queen's Printer

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(Consolidated up to 239/2018)

ALBERTA REGULATION 240/2007

Tobacco and Smoking Reduction Act

TOBACCO AND SMOKING REDUCTION REGULATION

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Schedules

Prescribed distance

1(1) For the purposes of section 3(d) of the Act, the prescribed distance from a doorway, window or air intake of a public place or workplace is 5 metres.

(2) For the purposes of section 3(d) of the Act and this section, “window” means a window that can be opened to admit air.

School building

1.1 For the purposes of section 3.1 of the Act, “school building” means a school building within the meaning of the *School Act*, including the related school grounds and parking lots.

AR 201/2014 s3

Furnishing

1.2 For the purposes of this Regulation and section 7.5 of the Act, “furnish” means

- (a) sell,
- (b) lend,
- (c) assign,
- (d) give or send, with or without consideration, or
- (e) barter or deposit with another person for the performance of a service.

AR 201/2014 s3

Characterizing flavour

1.3(1) In this section, “additive” means an ingredient other than tobacco leaves added to a tobacco product, its unit packet or any outside packaging.

(2) For the purposes of this Regulation and section 7.4 of the Act, “characterizing flavour” means a clearly noticeable smell or taste other than tobacco that

- (a) results from an additive or combination of additives, and
- (b) is noticeable before or during the use of the tobacco product.

(3) For greater certainty, characterizing flavour includes but is not limited to the following characterizing flavours:

- (a) fruit;
- (b) chocolate;
- (c) honey;
- (d) spice;

- (e) clove;
- (f) herb;
- (g) alcohol;
- (h) candy;
- (i) vanilla.

(4) No tobacco product shall be determined to have a characterizing flavour solely because of the use of additives or flavourings.

AR 201/2014 s4

Signs prohibiting smoking

(1) For the purposes of section 7(1) of the Act, a sign prohibiting smoking must

- (a) be posted at each entrance to a public place, workplace or public vehicle and, in the case of a public place or workplace, at a height of not less than one metre and not more than 2.4 metres, as measured from the floor of the entrance,
- (b) be posted inside each public place, workplace or public vehicle in such numbers and locations as the manager of the public place, workplace or public vehicle reasonably considers adequate to ensure that the public and employees are aware of the prohibition, and
- (c) be clearly visible to persons entering the public place, workplace or public vehicle.

(2) A sign prohibiting smoking must

- (a) contain the graphic symbol set out in Schedule 1, which must depict the symbol in red or black on a contrasting background that makes the symbol clearly legible in whatever lighting is used in the public place, workplace or public vehicle, and
- (b) contain the text “no smoking” in capital or lower case letters, which must
 - (i) be set out in a style and size that is clearly legible, and

- (ii) be set out on a contrasting background that makes the text clearly legible in whatever lighting is used in the public place, workplace or public vehicle.

Signs prohibiting the sale of tobacco products to a minor

2.1(1) For the purposes of section 7(2.1) of the Act, a sign prohibiting the sale of tobacco products to a minor must be posted

- (a) at every location in the retail establishment where tobacco products are sold, and
- (b) in such a manner that the sign is conspicuous and not obstructed from view and is clearly visible to an individual working in the capacity of a sales clerk.

(2) Notwithstanding section 4(1), a sign prohibiting the furnishing of tobacco products to a minor must

- (a) have a total surface area of not less than 600 cm² and minimum dimensions of 20 cm by 30 cm, and
- (b) state “It is prohibited by provincial law to sell tobacco products to persons under 18 years of age”, which
 - (i) must be centred,
 - (ii) must be set out in black Helvetica bold type font on a white background,
 - (iii) must be set out in a size that is clearly legible and must occupy approximately 30% to 40% of the total surface area of the sign,
 - (iv) must use upper case lettering for the first letter of the message and lower case lettering for the remainder of the message, and
 - (v) must be surrounded by a red border that is 1 cm to 1.5 cm wide along the edges of the sign.

AR 201/2014 s5

Signs permitting smoking

3(1) For the purposes of section 7(2) of the Act, a sign permitting smoking must

- (a) be posted at each entrance to a room that is designated as a smoking room under section 5 of the Act, and
- (b) be clearly visible to persons entering the room or place.

- (2)** A sign permitting smoking must
- (a) contain the graphic symbol set out in Schedule 2, which must
 - (i) depict the symbol in green or black on a contrasting background that makes the symbol clearly legible in whatever lighting is used in the public place or workplace, and
 - (ii) be of a size that makes it clearly discernible to the persons to whom it is directed,
- and
- (b) contain the text “smoking permitted” in capital or lower case letters, which must
 - (i) be set out in a style and size that is clearly legible, and
 - (ii) be set out on a contrasting background that makes the text clearly legible in whatever lighting is used in the public place or workplace.

Size of signs

4(1) For the purposes of section 7 of the Act, a sign posted in a public place or a workplace other than a work vehicle must be at least 20 cm by 26 cm and must have a surface area of not less than 520 cm².

(2) For the purposes of section 7 of the Act, a sign posted in a public vehicle or work vehicle must be at least 10 cm by 10 cm and must have a surface area of not less than 100 cm².

AR 240/2007 s4;201/2014

Signs listing products and prices

5 For the purpose of section 7.2(2) of the Act, signs listing tobacco products offered for sale and their prices in a place described in section 7.2(1) of the Act must meet the following requirements:

- (a) a maximum of one sign per till;
- (b) a maximum of 3 signs in the place;
- (c) the text of the sign must not be visible from outside the place;
- (d) the maximum size of the sign is 968 cm²;

- (e) the sign must be white, except for its text, which must be black;
- (f) the maximum height of a letter in the sign's text is 18 mm;
- (g) the text size and style must be consistent in all parts of the sign, and the text must not contain italics, bold type or underlining;
- (h) signs may include the name and price of a tobacco product but may not contain any other wording, pictures, logos or other illustrations.

Identification

5.1 For the purposes of section 7.5(2) and (3) of the Act, the following types of identification showing the person's full name, photograph, date of birth and signature may be provided as proof of the person's age by a person who appears to be less than 25 years of age:

- (a) an operator's licence or driver's licence;
- (b) a passport;
- (c) a Canadian permanent resident document;
- (d) a Canadian Armed Forces identification card;
- (e) any other documentation that is issued by the federal government or a provincial government or a foreign government.

AR 201/2014 s7

Inspectors

6(1) The Minister may appoint inspectors or designate any person or class of persons as inspectors for the purposes of the Act and this Regulation.

(2) A peace officer within the meaning of the *Provincial Offences Procedure Act* is also an inspector for the purposes of the Act and this Regulation.

(3) An inspector appointed or designated pursuant to subsection (1) who enters a place or premises for the purposes of the Act or this Regulation must on request show evidence of his or her appointment or designation to the person in charge of the place or premises.

Inspection authority

7 For the purposes of administering and enforcing the Act and this Regulation, an inspector may

- (a) enter and inspect at any reasonable time
 - (i) any place or premises, other than a private dwelling, where tobacco products are sold,
 - (ii) any public place or public vehicle where smoking is prohibited under the Act,
 - (ii.1) any vehicle in which a minor is present, or
 - (iii) any place or premises, other than a private dwelling, but including a workplace, where the inspector believes on reasonable grounds that evidence of a contravention of the Act or this Regulation can be found,
- (b) enter at any reasonable time any place or premises, other than a private dwelling, containing records or property that relate to the sale of tobacco products and inspect those records or that property,
- (c) in order to produce a record in reasonable form, use data storage, information processing or retrieval devices or systems or other devices or systems that are ordinarily used in carrying on business at the place,
- (d) make a copy of any records described in clause (b) or, if the inspector is unable to make a satisfactory copy, after giving a receipt, remove and retain the records for any period the inspector considers reasonable,
- (e) take photographs or recordings of any public place, workplace, public vehicle or private vehicle and of any activity taking place in the public place, workplace, public vehicle or private vehicle,
- (f) make any reasonable inquiries orally or in writing of any person relevant to administering and enforcing the Act or this Regulation,
- (g) investigate an allegation that a contravention of the Act or this Regulation has occurred and question any person for the purposes of that investigation,
- (h) as the result of an inspection, order the removal of any advertisement, promotional material, sign or display related to a tobacco product, and

- (i) subject to the *Provincial Offences Procedure Act*, issue violation tickets under Parts 2 and 3 of that Act.

AR 240/2007 s7;4/2008;24/2008;201/2014

Traditional use of tobacco by aboriginal persons

7.1(1) Section 3.1 of the Act does not prohibit an Aboriginal person under the age of 18 years from possessing, smoking or otherwise consuming a tobacco product or holding a lighted tobacco product if the activity is carried out for traditional Aboriginal cultural or spiritual purposes.

(2) Section 3.1 of the Act does not prohibit a non-Aboriginal person under the age of 18 years from possessing, smoking or otherwise consuming a tobacco product or holding a lighted tobacco product if the activity is carried out with an Aboriginal person and for traditional Aboriginal cultural or spiritual purposes.

AR 201/2014 s9

Enforcement by a person under 18 years of age

7.2 Despite section 3.1 of the Act, the possession of a tobacco product by a person under the age of 18 years for the purpose of enforcing or ensuring compliance with any enactment prohibiting or restricting the sale of tobacco products to persons under the age of 18 years is not prohibited if such possession is authorized by a person whose duty it is to enforce or to ensure compliance with the enactment.

AR 201/2014 s9

Employee under the age of 18 years

7.3(1) To avoid any doubt, an employee who is under the age of 18 years is not in contravention of section 3.1(2) of the Act when that employee holds, gives, carries or otherwise handles a tobacco product while on duty and working in the capacity of an employee.

(2) Despite subsection (1), if an employee who is under the age of 18 years smokes or otherwise consumes a tobacco product anywhere on the premises where he or she usually works, whether on duty or not, that employee is in contravention of section 3.1(1)(a) of the Act.

AR 201/2014 s9

Seizure

8(1) An inspector may seize any tobacco product or sign or any other thing that the inspector believes on reasonable grounds constitutes evidence of a contravention of the Act or this Regulation.

(2) An inspector may remove the thing seized or may detain it in the place where it was seized.

(3) An inspector who seizes a tobacco product or sign or other thing shall

- (a) inform the person from whom the thing was seized as to the reason for the seizure, and
- (b) provide the person with a receipt for it.

(4) An inspector who seizes anything under the authority of the Act or this Regulation shall deal with the thing in the same fashion as if the thing were seized under the authority of a search warrant.

Disposition of tobacco product

8.1 When a person is not convicted of an offence under the Act, a justice may make an order concerning the disposition of any tobacco product seized in relation to that alleged offence.

AR 201/2014 s10

Disposition of property seized

9(1) Where a person is convicted of an offence under the Act or this Regulation and there is any thing relating to the conviction that was seized and is being detained, the thing is, on the expiration of the time to appeal the conviction or on the conclusion of the proceedings, as the case may be,

- (a) forfeited to the Crown, if the court so directs, or
- (b) to be returned to the person from whom it was seized or to any other person entitled to possession of it, subject to any terms or conditions imposed by the court.

(2) Where a thing is forfeited under subsection (1), the Minister may dispose of or destroy the thing and the costs of the forfeiture and disposal or destruction are recoverable from the offender.

Minimum package size

9.1(1) In this section,

- (a) “bidi” means a tobacco product that is wrapped in the leaf of the plant *Diospyros melanoxyton* (temburni) or *Diospyros exculpra* (tendu) or is sold or offered for sale under the name “bidi”, “beedi” or “beedie” or any other variation of that name;

- (b) “blunt wrap” means a sheet, including a sheet that is rolled, that is composed of natural or reconstituted tobacco or natural and reconstituted tobacco and that is ready to be filled;
- (c) “cigar” means a roll or tubular construction that is intended for smoking that consists of
 - (i) a filler composed of natural tobacco, reconstituted tobacco or natural and reconstituted tobacco, and
 - (ii) a wrapper, or a binder and a wrapper, composed of natural tobacco, reconstituted tobacco or natural and reconstituted tobacco in which the filler is wrapped, andmay include a mouthpiece (tip) or filter;
- (d) “designated cigar” means a cigar that has a cigarette filter or weighs more than 1.4 grams and less than 5 grams excluding the weight of any mouthpiece or tip.

(2) For the purposes of section 7.21 of the Act, the following are the minimum numbers of units of each tobacco product that may be sold or offered for sale:

- (a) cigarettes — 20 units;
- (b) designated cigars that have a retail price of less than \$4.00 per unit, other than little cigars as defined in the *Tobacco Act* (Canada) — 4 units;
- (c) cigars that are little cigars as defined in the *Tobacco Act* (Canada) — 20 units;
- (d) bidis — 20 units;
- (e) blunt wraps — 20 units.

AR 201/2014 s11

Exemption for tobacconists

10(1) In this section, “tobacconist” means a person who sells at retail only

- (a) tobacco,
- (b) cigars,
- (c) cigarettes, or

- (d) tobacco-related products, including cigarette paper, matches, lighters, cigar and cigarette holders, pipes, pipe cases, pipe cleaners, pouches and humidors.

(2) Sections 7.1 and 7.2(1)(a) of the Act do not apply to a tobacconist if minors are prohibited from entering the tobacconist's retail premises.

(3) Despite section 7.2(1)(b) of the Act, a tobacconist may display a sign visible outside the tobacconist's retail premises that indicates the name of the tobacconist's business.

Exemption for lodge accommodation

10.1(1) In this section, "lodge accommodation" means a lodge accommodation as defined in the *Alberta Housing Act*.

(2) Despite section 3 of the Act, a resident of a lodge accommodation may smoke in a separate room in the lodge accommodation if the room

- (a) is designated as a smoking room by the manager,
- (b) has floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking is prohibited under this Act, and
- (c) has a separate ventilation system.

AR 4/2008 s3

Exemption for sale of flavoured tobacco products

10.2(1) In this section, "cigar" means cigar as defined in section 9.1(1)(c).

(2) The following flavoured tobacco products are exempted from the prohibition in section 7.4(2) of the Act:

- (a) cigars that have a retail price of more than \$4.00 per unit and weigh 5 grams or more;
- (b) pipe tobacco;
- (c) repealed AR 240/2007 s10.2.

(3) Subsection (2)(c) is repealed on September 30, 2015.

AR 201/2014 s12;85/2015

Repeal

11 The *Smoke-free Places Signs Regulation* (AR 207/2005) is repealed.

Expiry

12 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2021.

AR 240/2007 s12;169/2013;201/2014;239/2018

Coming into force

13(1) This Regulation, except sections 5 and 10, comes into force on January 1, 2008.

(2) Sections 5 and 10 come into force on July 1, 2008.

AR 240/2007 s13;4/2008

Schedule 1



Schedule 2





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