



Province of Alberta
Order in Council

O.C. 212/2021

JUN 23 2021

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Tobacco and Smoking Reduction Amendment Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 141/2021
ON June 23 2021

REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Health

Authority: Tobacco and Smoking Reduction Act
(section 9)

APPENDIX

Tobacco and Smoking Reduction Act TOBACCO AND SMOKING REDUCTION AMENDMENT REGULATION

1 The *Tobacco and Smoking Reduction Regulation* (AR 240/2007) is amended by this Regulation.

2 The title of the Regulation is repealed and the following is substituted:

TOBACCO, SMOKING AND VAPING REDUCTION REGULATION

3 Section 1 is repealed and the following is substituted:

Prescribed distance

1(1) For the purposes of section 3(i) of the Act, the prescribed distance from a doorway, window or air intake of any place referred to in section 3(a) to (e) or (h)(vii) of the Act is 5 metres.

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

4 Section 1.1 is repealed.

5 Section 2 is amended

(a) in subsection (1) by striking out “smoking” and substituting “smoking and vaping”;

(b) in subsection (2)

(i) in the portion preceding clause (a) by striking out “smoking” and substituting “smoking and vaping”;

(ii) in clause (b) by striking out “contain the text “no smoking”” and substituting “contain the text “no smoking” and “no vaping””.

6 Section 2.1 is amended

(a) in subsection (1)

- (i) in the portion preceding clause (a) by striking out “tobacco products” and substituting “tobacco products or vaping products”;**
- (ii) in clause (a) by striking out “tobacco products” and substituting “tobacco products or vaping products, or tobacco products and vaping products, as the case may be,”;**

(b) In subsection (2)

- (i) in the portion preceding clause (a) by striking out “tobacco products” and substituting “tobacco products or vaping products”;**
- (ii) in clause (b) by striking out “to sell tobacco products” and substituting “to sell tobacco products or vaping products”.**

7 Section 3 is repealed and the following is substituted:

Signs permitting smoking and vaping

3(1) For the purposes of section 7(2) of the Act, a sign permitting smoking or vaping, or smoking and vaping, as the case may be, must

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

(2) For the purposes of section 7(2) of the Act, a sign permitting smoking and vaping 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” and “vaping 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.

(3) For the purposes of section 7(2) of the Act,

- (a) a sign permitting smoking and prohibiting vaping must contain the text “smoking permitted” and “no vaping” 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,

and

- (b) a sign permitting vaping and prohibiting smoking must contain the text “vaping permitted” and “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 or workplace.

8 Section 5 is amended

- (a) **by striking out** “tobacco products” **and substituting** “tobacco products or vaping products, or tobacco products and vaping products, as the case may be,”;

- (b) **in clause (h) by striking out** “tobacco product” **and substituting** “tobacco product or vaping product, as the case may be,”.

9 The following is added after section 5.1:

Exemption for vaping product retailers

5.2 Despite section 7.2 of the Act, and subject to the *Tobacco and Vaping Products Act* (Canada), a vaping product retailer may advertise or promote a vaping product if the following conditions are met:

- (a) the retailer provides advertising materials in hard copy and the materials have only the following visible characteristics:
- (i) black text on a white background;
 - (ii) each character in the text of the materials has the same font and type size with no bold, italics or underlining in the text;
- (b) the advertising materials must have no visual effect or other effect that may draw attention to the materials;
- (c) the advertising materials are provided only on request to customers who meet the requirements provided in section 7.5(2) of the Act for furnishing;
- (d) the advertising materials are kept behind the counter at the retail location;
- (e) minors cannot handle or distribute the advertising materials unless working as an employee of the retailer at the retail location.

10 Section 7 is amended

- (a) **by striking out** “tobacco products” **wherever it occurs and substituting** “tobacco products or vaping products”;
- (b) **in clause (a)(ii) by striking out** “smoking” **and substituting** “smoking or vaping”;

- (c) **in clause (h) by striking out** “tobacco product” **and substituting** “tobacco product or vaping product”.

11 Section 7.2 is amended

- (a) **by striking out** “tobacco product” **and substituting** “tobacco product or vaping product”;
- (b) **by striking out** “tobacco products” **and substituting** “tobacco products or vaping products”.

12 Section 7.3 is repealed and the following is substituted:

Minor employee handling tobacco or vaping products

7.3(1) For the purpose of section 3.1 of the Act, “possess” does not include a minor holding, giving, carrying or otherwise handling a tobacco product or vaping product while on duty and working in the capacity of an employee.

(2) To avoid any doubt, a minor is not in contravention of section 3.1(a) of the Act when holding, giving, carrying or otherwise handling a tobacco product or vaping product while on duty and working in the capacity of an employee.

(3) Notwithstanding anything in this section, if a minor employee smokes, vapes or otherwise consumes a tobacco product or vaping product anywhere on the premises where the employee usually works, whether on duty or not, that employee is in contravention of section 3.1(a) of the Act.

13 Section 10 is repealed and the following is substituted:

Exemption for tobacconists and specialty vape store retailers

10(1) For the purposes of this Regulation,

- (a) “tobacconist” means a person who sells at retail only the following:
- (i) tobacco;
 - (ii) cigars;
 - (iii) cigarettes;

- (iv) tobacco-related products, including cigarette paper, matches, lighters, cigar and cigarette holders, pipes, pipe cases, pipe cleaners, pouches and humidors;
- (b) “specialty vape store” means the retail premises of a specialty vape store retailer;
- (c) “specialty vape store retailer” means a person who sells at retail only the following:
 - (i) vaping products;
 - (ii) vape-related products, including vaping product replacement parts, batteries, chargers, vaping product assembly supplies, wraps, stands and cases.

(2) Sections 7.1 and 7.2(1)(a) of the Act do not apply to a tobacconist or specialty vape store retailer if minors are prohibited from entering the retail premises of the tobacconist or the specialty vape store, as the case may be.

(3) Despite section 7.2(1)(b) of the Act, a tobacconist or specialty vape store retailer may display a sign visible outside the retail premises of the tobacconist or the specialty vape store, as the case may be, that indicates the name of the retailer’s business.

(4) Nothing in this section prohibits a person who is both a tobacconist and a specialty vape store retailer from operating within a single retail premises as long as the person complies with the requirements under the Act and this Regulation.

14 Section 10.1(2) is amended

- (a) **by striking out** “smoke” **and substituting** “smoke or vape”;
- (b) **in clause (a) by striking out** “smoking room” **and substituting** “smoking room or vaping room, or smoking and vaping room, as the case may be,”;
- (c) **in clause (b) by striking out** “smoking” **and substituting** “smoking or vaping”.

15 The following is added after section 10.1:

Exemption for cigar lounges

10.11(1) In this section,

- (a) “cigar” means cigar as defined in section 9.1(1)(c);
- (b) “cigar lounge” means a room where adults can smoke cigars indoors.

(2) Despite section 3(d) and (e) of the Act, a person may smoke only cigars in a cigar lounge if the cigar lounge meets the following conditions:

- (a) the cigar lounge is designated as a cigar lounge by the manager;
- (b) the cigar lounge has floor-to-ceiling walls, a ceiling and doors that separate the lounge visually and physically from any adjacent area in which smoking is prohibited under the Act;
- (c) the cigar lounge has doors equipped with a properly functioning self-closing device;
- (d) the cigar lounge is equipped with a separate ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building in which the lounge is located;
- (e) minors have no access to the cigar lounge;
- (f) no service, including cleaning, is allowed in the cigar lounge during the hours of operation.

Exemption for specialty vape stores

10.12(1) Despite section 3(d) and (e) of the Act, a person may sample vaping products at a specialty vape store if the specialty vape store meets the following conditions:

- (a) the vaping products are offered for sampling only to customers within the specialty vape store for the purpose of the customer determining whether to purchase the vaping product;
- (b) employees of the specialty vape store are not permitted to sample the vaping products while on duty;

- (c) minors are prohibited from entering the specialty vape store;
- (d) the specialty vape store has floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking or vaping is prohibited under the Act.

16 Section 11 is repealed.

17 Section 12 is amended by striking out “October 31, 2021” and substituting “October 31, 2026”.

18 Section 13 is repealed.

19 The following provisions are amended by striking out “tobacco product” and substituting “tobacco product or vaping product”:

section 8(1) and (3);
section 8.1.

20 Schedule 1 is amended by striking out the following:



and substituting the following:



21 Schedule 2 is amended by striking out the following:



and substituting the following:



22 This Regulation has effect on the coming into force of the *Tobacco and Smoking Reduction Amendment Act, 2020*.