

Federal and Ontario legislation regulating vaping products now in force

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After years of existing in a regulatory grey area, vaping products are now legal and regulated, both at the federal level and in Ontario.

This was accomplished at the federal level on May 23, 2018, when Bill S-5 received royal assent, overhauling the federal *Tobacco Act* such that it now regulates the sale of vaping products under its new title, the *Tobacco and Vaping Products Act*.

The *Tobacco and Vaping Products Act* regulates the manufacturing, sale, labelling and promotion of vaping products. Among other things, it:

- prohibits the sale of vaping products to persons under 18 years of age;
- restricts the promotion of vaping products in various ways, including prohibitions on “lifestyle” advertising and advertising which is appealing to young persons; and
- restricts the sale of flavoured vaping products

Meanwhile in Ontario, Bill 174 will be proclaimed into force on July 1, 2018. Among other things, Bill 174 creates the *Smoke-Free Ontario Act, 2017* which regulates the use and sale of vaping products in Ontario. The 2017 act repeals and replaces the existing *Smoke Free Ontario Act*.

As of July 1, 2018, the *Smoke-Free Ontario Act, 2017* among other things:

- prohibits the sale of vaping products to persons under 19 years of age;
- restricts the promotion and display of vaping products within the places where they are sold, with an exception for adult-only specialty vaping stores;
- prohibits the use of vaping products in various places, including any enclosed public place; and
- restricts the sale of flavoured vaping products.