



Edmonton Police Service Vape Shop and Nicotine Compliance Letter

This compliance letter is being issued to inform you of the various laws that restrict the selling of tobacco and tobacco products in the Province of Alberta. The *Tobacco and Smoking Reduction Act* and *Tobacco and Smoking Reduction Regulation* define the laws that apply to the sale and promotion of tobacco and tobacco products.

The *Tobacco and Smoking Reduction Act* defines a tobacco product as:

“tobacco product” means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;

Nicotine replacement therapy includes nicotine gum and patches. **Nicotine located in e-cigarettes and vape juice is considered a tobacco product.**

The following laws under the *Tobacco and Smoking Reduction Act* apply to the display, advertisement, and promotion of tobacco products including **nicotine**:

Tobacco not to be displayed

7.1 No person shall, in any place where tobacco products are sold or offered for sale, display or permit the display of tobacco products in any manner that would permit a consumer to view or handle a tobacco product before purchasing it.

Tobacco not to be advertised or promoted

7.2(1) No person shall advertise or promote tobacco products

- (a) in any place where tobacco products are sold or offered for sale, or*
- (b) in any manner if the advertisement or promotion is visible from outside a place in which tobacco products are sold or offered for sale.*

This means that any vape juice or e-cigarettes containing **nicotine** must not be displayed, advertised, or promoted in any place where it can be visible and is being offered for sale. This includes any counter displays, open shelving, and/or window signs that show e-cigarettes or vape juice containing **nicotine**. Any of these **nicotine** containing products must be kept out of sight and stored in the same manner as cigarettes.

The following laws under the *Tobacco and Smoking Reduction Act* apply to the display and sale of flavored tobacco and tobacco products including **nicotine**:

Sale of flavoured tobacco products prohibited

7.4(1) In this section, "flavoured tobacco product" means a tobacco product that

- (a) has a characterizing flavour,
- (b) is represented as being flavoured, or
- (c) is designated under the regulations as a flavoured tobacco product.

(2) No person shall sell or offer for sale a flavoured tobacco product.

The *Tobacco and Smoking Reduction Regulation* defines a flavoured tobacco product as the following:

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.

This means that it is illegal to sell or offer to sell any flavoured tobacco product. This includes any flavoured product containing **nicotine**. This would include any e-juice or vape juice that contains any amount of **nicotine**. Products containing **nicotine** cannot be flavoured.

May 30, 2019

The following is a list of the punishments for the above described laws.

Offences

8(2) A person who contravenes section 6, 7, 7.1, 7.2, 7.3 or 7.4 is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$10 000, and

(b) for a 2nd or subsequent offence, to a fine of not more than \$100 000.

This means that if you are found guilty of the above noted laws, you could pay a fine of \$10,000 for your first offence and a fine of \$100,000 for your second offence.

This letter is an acknowledgement of the current laws under the *Tobacco and Smoking Reduction Act* and the *Tobacco and Smoking Reduction Regulation* that control the advertisement, display, and sale of tobacco products including **nicotine**.

I _____, of _____ (business)
located at _____ (address) acknowledge the above noted laws
and punishments. I also acknowledge that I have been given 8 days to comply with
the laws stated in this compliance letter. If I do not comply with these laws by
July 12, 2019 (date), I could be charged under the *Tobacco and Smoking
Reduction Act*.

Dated this 4 day of July, 2019.

Owner / Manager

Police Officer