



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**TOBACCO AND ELECTRONIC SMOKING
DEVICE SALES AND ACCESS ACT
REGULATIONS**

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to May 1, 2017. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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TOBACCO AND ELECTRONIC SMOKING DEVICE SALES AND ACCESS ACT

Chapter T-3.1

REGULATIONS

Pursuant to section 9 of the *Tobacco and Electronic Smoking Device Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, the Lieutenant Governor in Council made the following regulations:

INTERPRETATION

1. Definitions

In these regulations,

- (a) “**Act**” means the *Tobacco and Electronic Smoking Device Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1;
- (b) “**tobacconist shop**” means a place or premises in which the primary business conducted is the retail sale of
 - (i) tobacco,
 - (ii) electronic smoking devices, or
 - (iii) a combination of subclauses (i) and (ii). (EC538/15)

1.1 Prescribed flavouring agent

For the purpose of section 3.1 of the Act, an agent added to tobacco to produce an aroma or taste other than the aroma or taste of tobacco, including the aroma or taste of candy, chocolate, fruit, a spice, an herb, an alcoholic beverage, vanilla or menthol, is a prescribed flavouring agent. (EC612/16)

2. Primary business

- (1) For the purposes of subsection 5.1(3) of the Act and clause 1(b), the primary business conducted in a place or premises is the retail sale of tobacco, electronic smoking devices or a combination of both if at least 50 per cent of the product display space within the place or premises is devoted to the sale of tobacco, electronic smoking devices or a combination of both.

Product display space

- (2) In subsection (1), product display space includes floor space, shelf space, wall display space and space on displays suspended from the ceiling. (EC538/15)

FORMS OF IDENTIFICATION

3. Identification

For the purpose of subsection 4(4) of the Act, the following forms of identification are prescribed:

- (a) a driver's license issued by a government authority;
- (b) a passport issued by the proper authority in the passport holder's country of residence;
- (c) any other form of identification issued by a government authority that contains the holder's photograph and date of birth. (EC538/15)

PERMITTED SIGNS

4. Signs permitted

- (1) For the purpose of clause 5.2(3)(a) of the Act, a sign displaying the types of tobacco offered for sale and their prices may be affixed to the counter or wall at each cash register in a place or premises in which tobacco is sold or offered for sale at retail, if the sign meets the requirements and restrictions in subsection (3).

Idem

- (2) For the purpose of clause 5.3(2)(a) of the Act, a sign displaying the types of electronic smoking devices offered for sale and their prices may be affixed to the counter or wall at each cash register in a place or premises in which electronic smoking devices are sold or offered for sale at retail, if the sign meets the requirements and restrictions in subsection (3).

Sign requirements

- (3) A sign referred to in subsection (1) or (2) shall meet the following requirements and restrictions:
- (a) the sign shall not exceed 968 square centimetres (150 square inches) in size;
 - (b) the background of the sign shall be white;
 - (c) the sign shall only contain text, which shall be black;
 - (d) the height of each letter in the sign's text shall not exceed 18 millimetres;
 - (e) the text size and style shall be consistent throughout the sign;
 - (f) the text of the sign shall not contain italics, bold type or underlining;
 - (g) the text of the sign shall not identify or reflect a brand of tobacco or electronic smoking device, as the case may be. (EC538/15)



REQUIRED SIGNS

5. Required sign, tobacconist shop

- (1) The owner or person in charge of a tobacconist shop shall display, at the front entry to the tobacconist shop, a sign as depicted in Schedule A or a substantially similar sign approved by an inspector.

Required sign, retailer other than tobacconist shop

- (2) The owner or person in charge of a place or premises where tobacco, electronic smoking devices or a combination of both are sold or offered for sale at retail, other than a tobacconist shop, shall display on every cash register in the place or premises, within clear view of the purchaser, a sign as depicted in Schedule B or a substantially similar sign approved by an inspector.

Required sign, cash register

- (3) The owner or person in charge of a place or premises where tobacco, electronic smoking devices or a combination of both are sold or offered for sale at retail shall display on every cash register in the place or premises, within clear view of the cashier, a sign as depicted in Schedule C or a substantially similar sign approved by an inspector.

Notice

- (4) A notice referred to in section 6.1 of the Act shall be as depicted in Schedule D. (EC538/15)

REVOCATION

6. Revocation

The *Tobacco Sales and Access Act Regulations (EC414/05)* are revoked. (EC538/15)

SCHEDULE A

It is
**AGAINST
THE LAW**
to sell or give tobacco
or electronic smoking
devices to persons under
**19 YEARS
OF AGE**

**Photo ID may
be required**

smokers' helpline

1-877-513-5333 smokershelpline.ca

*Prince
Edward
Island*
CANADA

(EC538/15)



SCHEDULE B

It is
**AGAINST
THE LAW**
to sell or give tobacco
or electronic smoking
devices to persons under
**19 YEARS
OF AGE**

**Photo ID
May Be
Required**

Prince
Edward
Island
CANADA

smokers' helpline
1-877-513-5333 smokershelpline.ca

(EC538/15)

SCHEDULE C

**19 YEARS
OF AGE**

**Under 19 - No tobacco or
electronic smoking devices.
Refuse the sale without ID.**

smokers' helpline
1-877-513-5333 smokershelpline.ca

Prince
Edward
Island
CANADA

SCHEDULE D

NOTICE

TOBACCO CANNOT BE SOLD AT THIS LOCATION

We are prohibited from selling
tobacco under the *Tobacco Tax Act*

Name / Nom :

Address / Adresse :

Length of Prohibition / Durée de l'interdiction : from / du to / au

AVIS

LE TABAC NE PEUT ÊTRE VENDU AU PRÉSENT COMMERCE

Il nous est interdit de vendre du
tabac en vertu de la *Tobacco Tax Act*
(*loi fiscale su le tavad*)



Posted under the authority of *Tobacco and Electronic Smoking Device Sales and Access Act*

Affiché en application de la *Tobacco and Electronic Smoking Device Sales and Access Act*
(loi sur l'accessibilité et la vente de produits du tabac et de cigarettes électroniques)



(EC538/15)

