

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Flavoured Vapour Products

The Basics

The *Smoke-Free Ontario Act, 2017* regulates the sale of tobacco and vapour products in Ontario.

Flavoured Vapour Products

It is against the law to sell or offer to sell flavoured vapour products at retail, unless you are a Specialty Vape Store or a Cannabis Retail Store or the flavoured vapour product is exempt from this prohibition.

A flavoured vapour product is any vapour product that is represented as being flavoured, that contains a flavouring agent or that is presented by its packaging, advertisement or otherwise as being flavoured.

A flavouring agent refers to one or more artificial or natural ingredients contained in any of the parts of a vapour product, as a part or an additive, that imparts a distinguishing aroma or flavour including that of a spice or herb, either before or during the use of the vapour product.

Exemptions

These rules do not apply to flavoured vapour products whose only flavouring agent is one that imparts a flavour or aroma of tobacco, menthol or mint. This means that vapour product retailers that are not Specialty Vape Stores or Cannabis Retail Stores may only sell tobacco, menthol or mint flavoured vapour products.

Responsibilities of the Retailer

Vapour product retailers are responsible for making sure that laws with respect to the sale of flavoured vapour products are followed. Vapour product retailers have a legal responsibility to ensure that they and their employees understand and comply with the requirements under the *Smoke-Free Ontario Act, 2017*. It is very important for retailers to work with their local Public Health Units to understand the law and to be in compliance.

Enforcement

Public Health Units carry out inspections and respond to complaints regarding the sale of flavoured vapour products.

Penalties

Any individual convicted of selling or offering to sell a flavoured vapour products at retail in violation of the Act could face a fine ranging from \$2,000 to \$50,000, depending on the number of previous convictions.

Any corporation convicted of selling or offering to sell flavoured vapour products at retail in violation of the Act could face a fine ranging from \$5,000 to \$75,000, depending on the number of previous convictions.

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOline:** 1-866-532-3161
- **TTY:** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time).

For specific information on smoking and vaping laws applicable to flavoured vapour products, contact your local [Public Health Unit](#).

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the [Ontario Ministry of Health website](#).