

# Electronic Cigarettes Act

## How the Act Affects: Electronic Cigarette Retailers

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As of January 1, 2016, the *Electronic Cigarettes Act* (ECA) does not allow the sale or supply of electronic cigarettes to anyone under 19. This includes not having consumer access to vending machines that sell or dispense electronic cigarettes.

### Electronic Cigarette Retailers

Electronic cigarette retailers must make sure they and their employees understand and comply with the requirements under the ECA.

An electronic cigarette is a vaporizer or inhalant-type device containing a power source and heating element used to heat a substance. It produces vapor (which may or may not contain nicotine) that is inhaled through the mouth by the user. Any part of the device is also considered an electronic cigarette. This means that the sale of an electronic cigarette or any component of the device, such as a mouthpiece, is prohibited if the individual is under 19.

### Required Signs

All stores selling electronic cigarettes must post in clear view by the cash register an *Electronic Cigarette Age Restriction* sign and an *Electronic Cigarette Identification* sign.

For information on where to get signs, please contact your local [Public Health Unit](#).

### Responsibilities of the Retailer

#### Age-Based Sales Restrictions

Before selling an electronic cigarette to anyone who appears to be less than 25 years old, a retailer must ask for identification and be satisfied the person is at least 19 years old. Acceptable identification must include a photograph of the person, the person's date of birth, and it must be issued by a government. Some examples are:

- Ontario driver's license
- Canadian passport
- Canadian citizenship card
- Canadian Armed Forces identification card
- Liquor Control Board of Ontario photo card

While retailers may not request an Ontario health card, it can be accepted as identification, if it is offered by the customer and includes their picture and date of birth.

### Owner Liability

The store owner is liable for any violation of the age restrictions and can be charged for the sale of an electronic cigarette to a minor.

### Vending machines

Retailers are responsible for ensuring there are no electronic cigarette vending machines in their business that the public may use or access.

## **Enforcement**

Local public health units will carry out inspections and respond to complaints in e-cigarette retail establishments regarding compliance with the ECA.

## **Penalties**

There are several penalties that a retailer could face for violating the ECA. Retailers should review the Act to understand their responsibilities and the fines that may result from failing to comply.

Activities that are considered offences under the ECA include:

- Selling or supplying electronic cigarettes to someone under the age of 19
- Failing to request identification from someone appearing to be less than 25 years old
- Failing to post the mandatory government identification and age restriction signs
- Permitting vending machines for selling or dispensing electronic cigarettes.

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.

For specific information on electronic cigarette laws for retailers contact your local [Public Health Unit](#).

For more information on the *Electronic Cigarettes Act, 2015*, please visit the Ontario Ministry of Health and Long-Term Care website: [ontario.ca/smokefree](http://ontario.ca/smokefree)