

Ministry of Health



## Smoke-Free Ontario Act, 2017

# How the Act Affects: Specialty Vape Stores

## The Basics

The [Smoke-Free Ontario Act, 2017](#) (SFOA, 2017) regulates the sale, supply, display and promotion of tobacco products, tobacco product accessories and vapour products. It also prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

## Registration

A Specialty Vape Store is a business that primarily sells vapour products and is registered with the local [Board of Health](#).

A retailer can register as a Specialty Vape Store with the local Board of Health if it meets certain requirements including:

- A Specialty Vape Store must have vapour products account for at least 85 per cent of its total sales in the previous year. If the retailer has been in operation for less than a year, at least 85 per cent of the retailer's total inventory purchases or sales for that time period must be dedicated to vapour products.
- The remaining up to 15 per cent of the store's revenues or inventory would have to be dedicated to other items reasonably associated with a vapour product or branded with the name of the Specialty Vape Store or a brand of vapour products.

Applications for registration as a Specialty Vape Store are available [online](#) or at your local [Public Health Unit](#).

## Display and Promotion

Under the SFOA, 2017, registered Specialty Vape Stores are permitted to display and promote vapour products as well as allow their customers to view and handle vapour products before the point of purchase provided certain conditions are met including:

- a) The display or promotion must take place entirely within the store.
- b) The display or promotion must not be visible from outside the store.

One business name sign may be posted on the exterior of the Specialty Vape Store, but it must not contain additional promotional language (e.g., “Best vape store in town”, “vape pens, e-juice sold here”).

## Sampling and Testing

Specialty Vape Store customers are permitted to sample and test vapour products provided they meet certain conditions including:

- a) Only two customers may sample a vapour product in the store at the same time.
- b) The vapour product cannot contain tobacco, cannabis or a controlled substance.
- c) The e-cigarette must be the personal possession of the customer, or if the e-cigarette is supplied by the Specialty Vape Store it must come with a disposable mouthpiece for one-time use.
- d) In the case of testing or demonstrating an e-cigarette device, the customer is only permitted to hold the activated e-cigarette without inhaling or exhaling vapour from the device.

## Age Restriction

No person under 19 years of age is permitted into the store, except for the owner of the store, an employee, or a support person accompanying an adult with a disability. A person who appears to be less than 25 years old is considered to be less than 19 years old unless they can provide proper identification.

## Location and Placement of the Store

- a) The place of business of the Specialty Vape Store must be a building or must be located within a building.
- b) Customers must be able to enter the place of business of the Specialty Vape Store only from the outdoors or from the areas of an enclosed shopping mall that are:
  - Open to the public,
  - Common to most of the retail establishments or other businesses within the mall, and
  - Not part of a retail establishment or other business within the mall.
- c) The Specialty Vape Store must not be a thoroughfare (e.g., passageway).

Specialty Vape Stores may operate within other retail stores as separate businesses provided certain conditions are met (e.g., separate entrances, points of purchase, and business licenses). To learn more, please contact your local [Public Health Unit](#).

## Required Signage

“No Smoking”, “No Vaping”, or dual “No Smoking” and “No Vaping” signs must be posted at all store entrances, exits and washrooms, in appropriate locations and in sufficient numbers, so that everyone knows that smoking and vaping is not permitted.

All Specialty Vape Stores must post, in clear view of the customer at the point of sale:

- A Vapour Product Age Restriction sign.
- A Vapour Product Identification sign.

Specialty Vape Stores that sell tobacco products for use with electronic cigarettes (e.g., heat-not-burn) must post, in clear view of the seller and customer at the point of sale:

- A Tobacco Product Age Restriction sign.
- A Tobacco Product Identification sign.

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

## Deliveries

If a Specialty Vape Store delivers vapour products to their customers (e.g., through an online purchase), they are required to ensure that there is a process for verifying the age of any potential customer and that the recipient is at least 19 years of age.

Specialty Vape Stores are advised to ensure that delivery agents (e.g., couriers) are aware of this requirement and consider indicating on the package that it can only be received by a person who is at least 19 years of age.

## Nicotine Concentration

The federal *Tobacco and Vaping Products Act* prohibits the sale of vapour products with a nicotine concentration exceeding 20 mg/mL. For more details, see the Nicotine Concentration in Vaping Products Regulations (SOR/2021-123).

## Enforcement

Public Health Units will carry out inspections and respond to complaints regarding Specialty Vape Stores to enforce the SFOA, 2017.

## Penalties

There are several penalties that a retailer could face for violating the SFOA, 2017. Retailers are advised to review the Act to understand their responsibilities and the fines that may result from failing to comply.

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 Time).

### Additional Resources:

- [Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3 | ontario.ca](#)
- [Rules for selling tobacco and vapour products | ontario.ca](#)
- [Guidelines for registration as a specialty vape store | ontario.ca](#)