



# *The Tobacco and Vaping Products Act (TVPA)*

## Vaping Products and Young Persons

The following prohibitions under the *Tobacco and Vaping Products Act (TVPA)* have been implemented to protect young persons from inducements to use vaping products and the possible exposure to nicotine and dependence on nicotine which could result from the use of vaping products:

- **Prohibits** the furnishing of a vaping product to a young person in a public place or in a place to which the public has access;
- **Prohibits** the promotion of a vaping product, a vaping product-related brand element, or a thing that displays a vaping product-related brand element by means of:
  - Advertising that could be appealing to young persons. (Section 30.1);
  - Lifestyle advertising, i.e. advertising that associates a product with or evokes a way of life that includes, but is not limited to, glamour, recreation, excitement, vitality, risk, or daring. (Section 30.2);
- **Prohibits** the promotion or sale of a vaping product that has an appearance, shape, or other sensory attribute or a function that could make the product appealing to young persons. (Section 30.41);
- **Prohibits** the display of an illustration or indication, including a brand element, on a vaping product or on its package that could cause a person to believe the product is flavoured and that the illustration or indication could be appealing to young persons. (Section 30.46);
- **Prohibits** the promotion and sale of vaping products, including by means of the packaging, through an indication or illustration, including a brand element, that could cause a person to believe that the product contains a prohibited ingredient listed in Schedule 2 of the TVPA. (Section 30.47);
- **Prohibits** the promotion of a vaping product, including by means of the packaging, through an indication or illustration, including a brand element, that could cause a person to believe that the product has a flavour listed in Schedule 3 of the TVPA, i.e. confectionery, dessert, cannabis, soft drink, energy drink. (Section 30.48);

- **Prohibits** the giving or offering to give a thing that displays a vaping product-related brand element if:
  - the thing is associated with young persons;
  - there are reasonable grounds to believe that the thing could be appealing to young persons; or
  - the thing is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring (Section 30.5);
- **Prohibits**, in a place to which young persons have access:
  - To offer to provide, or provide, any consideration for the purchase of a vaping product, and
  - To offer to furnish or furnish a vaping product in consideration of the purchase of a product, service, or performance of a service. (Section 30.6).

As a regulated party, it is your responsibility to ensure that you understand how the law applies to you, and to ensure your products, activities, and processes comply with the TVPA and its regulations and all other applicable laws in Canada.

Failure to comply with the requirements of the applicable legislation may result in further compliance and enforcement actions. Offences related to these sections may result in fines up to \$500,000 or imprisonment for up to two years, or both.

## Provincial Legislation and Municipal By-Laws

In addition to federal legislation, and depending on the location of your business, there may be applicable provincial laws and municipal bylaws which further restrict the sale and promotion of vaping products.

**For more information, please contact Health Canada:**

**By email:** [tcp.questions-plt@hc-sc.gc.ca](mailto:tcp.questions-plt@hc-sc.gc.ca)

**By phone:** 1-866-318-1116 (toll free)

The TVPA may be consulted at:

<https://laws-lois.justice.gc.ca/eng/acts/t-11.5/FullText.html>



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