

2026

Report of the Third Legislative Review of the *Tobacco and Vaping Products Act*

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Table of Contents

Disclaimer	2
Executive summary	3
Introduction	6
Scope of the review	6
Conduct of the review	6
Who we heard from	6
First Nations, Inuit, and Métis engagement and perspectives	8
Regulating tobacco and vaping products in Canada	8
Smoking and vaping prevalence in Canada	9
What is a compliance and enforcement framework?	10
Compliance and enforcement of the TVPA	11
Compliance and enforcement data	12
Enquiries and complaints	12
Inspections	13
Enforcement actions	17
Summary of data findings	18
Areas for potential action	19
1. Prioritizing First Nations, Inuit, and Métis engagement, cooperation, and reconciliation	19
2. Effectively overseeing a changing market	21
3. Regulating in a digital era	24
4. Facilitating collaboration through the legislative framework of the TVPA	26
5. Expanding compliance and enforcement tools	28
Other feedback received	32
Annex 1: Other laws regulating tobacco and vaping products	33
Annex 2: Regulations under the TVPA	35
Endnotes	37

Disclaimer

This document does not constitute part of the *Tobacco and Vaping Products Act* (TVPA) or its associated regulations. In the event of any inconsistency or conflict between the TVPA or its regulations and this document, the TVPA or its regulations take precedence. This document is not intended to provide legal advice regarding the interpretation or application of the TVPA or its regulations. If a regulated party has questions about legal obligations or responsibilities under the TVPA or its regulations, they should seek their own legal advice.

Executive summary

The third legislative review of the *Tobacco and Vaping Products Act* (TVPA) focused on compliance and enforcement of the Act. This review complements the **first** and **second** legislative reviews of the TVPA by assessing Health Canada's ability to effectively enforce the TVPA.

The review was informed by relevant data and extensive consultations and engagement. Health Canada was interested in the perspectives of Canadians, stakeholders, partners, subject matter experts, and international counterparts. The department received 165 written submissions and met with partners and stakeholders over the course of the review. Overall, 21 meetings were held with partners and stakeholders outside the Government of Canada, and an additional 41 meetings were held with compliance and enforcement professionals within Health Canada and other federal organizations, including federal partners of *Canada's Tobacco Strategy*.

Compliance and enforcement

Compliance and enforcement frameworks are essential for the effective implementation of regulations and laws. A framework outlines the responsibilities of Health Canada and regulated parties, details the tools Health Canada has at its disposal, and is transparent about how decisions are made.

To help ensure regulated parties meet their legal obligations, Health Canada monitors and enforces the TVPA through a variety of compliance and enforcement activities. These include compliance promotion, compliance monitoring, and if required, enforcement actions.

When Health Canada identifies non-compliance, it takes action to make Canadians aware of any risk, address the non-compliance to mitigate risk to Canadians, and/or to support a regulated party to become compliant. Actions may include publishing advisories on non-compliant products, issuing warning letters, conducting seizures, and making recommendations for prosecutions.¹ Recent amendments to the *Contraventions Regulations* have also expanded the TVPA offences for which Health Canada can issue tickets under the *Contraventions Act*.² Health Canada takes the most appropriate and effective enforcement action required specific to each situation.

Areas for potential action

The observations presented in this report are organized into five themes. Each theme outlines key findings and identifies areas for potential action. The activities identified in this review are intended to build on progress to date and ensure that the TVPA continues to help protect the health of Canadians.

Prioritizing First Nations, Inuit, and Métis engagement, cooperation, and reconciliation

As relationships and cooperation between the department and First Nations, Inuit, and Métis continue to develop, Health Canada remains committed to taking a distinctions-based approach to further understanding the diverse views of Indigenous Peoples. Ongoing discussions and meaningful relationship building with First Nations, Inuit, and Métis are key priorities. Understanding the distinct realities, cultures, and priorities of First Nations, Inuit, and Métis is key to working together in a culturally safe and respectful manner. Health Canada will continue to expand cultural competency training for its employees in compliance and enforcement and will seek to support First Nations and Métis in sharing their knowledge of the ceremonial and traditional uses of tobacco as a sacred medicine.

Effectively overseeing a changing market

Effectively overseeing a changing market will require Health Canada to focus its available compliance and enforcement resources in areas of higher non-compliance or greater risk. Recovering relevant costs, where possible, could also be impactful. Advancing the responsible use of artificial intelligence, data analytics, and automation also has the potential to enhance efficiency and reduce administrative burden while maintaining Health Canada's accountability for compliance and enforcement decisions. Regulated parties are responsible for understanding and complying with all relevant legislation and regulations. Although the program currently provides regulatory guidance, more could be done to enhance its compliance promotion materials by including more details and demonstrative examples.

Regulating in a digital era

Online sales of vaping products in Canada have grown since 2018 and are projected to continue growing.³ Ensuring adherence to the TVPA and its regulations online requires robust oversight and innovative compliance promotion and enforcement strategies. While the growth of online sales presents challenges that are not unique to tobacco and vaping, clear compliance and enforcement strategies and expanded enforcement tools to address online non-compliance will be needed. This could include the use of data-driven monitoring tools and collaboration with stakeholders and partners to establish solutions to common challenges.

Facilitating collaboration through the legislative framework of the TVPA

Collaboration with international, federal, provincial and territorial, Indigenous, and local partners and stakeholders is key to effective enforcement. Strengthened coordination, including through increased information sharing and expanded use of available information in compliance and enforcement planning and operations, could increase efficiencies and improve outcomes.

Expanding compliance and enforcement tools

Enforcement of the TVPA currently relies primarily on warning letters and product seizures. Seizures are the only option Health Canada currently has to remove tobacco and vaping products that are non-compliant with the TVPA from the market. While effective, seizures are time consuming and costly. Expanding the suite of enforcement tools within the TVPA, including administrative monetary penalties, compliance or inspector orders, and recall powers, could strengthen the program's ability to respond proportionately to non-compliance and deter non-compliance. Conducting periodic reviews of fines and penalties and expanded transparency through public reporting could also support these goals.

Introduction

Scope of the review

Together, the *first* and *second* legislative reviews of the *Tobacco and Vaping Products Act* (TVPA), provided a baseline assessment of the Act and its operation. Building on this foundation, the third legislative review focused on compliance and enforcement of the TVPA, including key challenges associated with enforcing the Act. This review complements the previous two by assessing Health Canada's ability to effectively enforce the TVPA.

Conduct of the review

The review was led by a dedicated secretariat within Health Canada and informed by available data and reports, as well as consultation and engagement feedback. Health Canada was interested in the perspectives of Canadians, stakeholders, partners, subject matter experts, and international counterparts. Consultations were conducted with the general public, notably with the launch of a public consultation and publishing of a *discussion paper* in June 2025. The discussion paper included a list of questions that respondents could use when formulating their responses. However, respondents were not restricted to these questions and could provide any perspectives or feedback related to the regulation of tobacco and vaping products in Canada. In addition, tailored meetings and engagements were held with a number of partners and stakeholders over the course of the review.

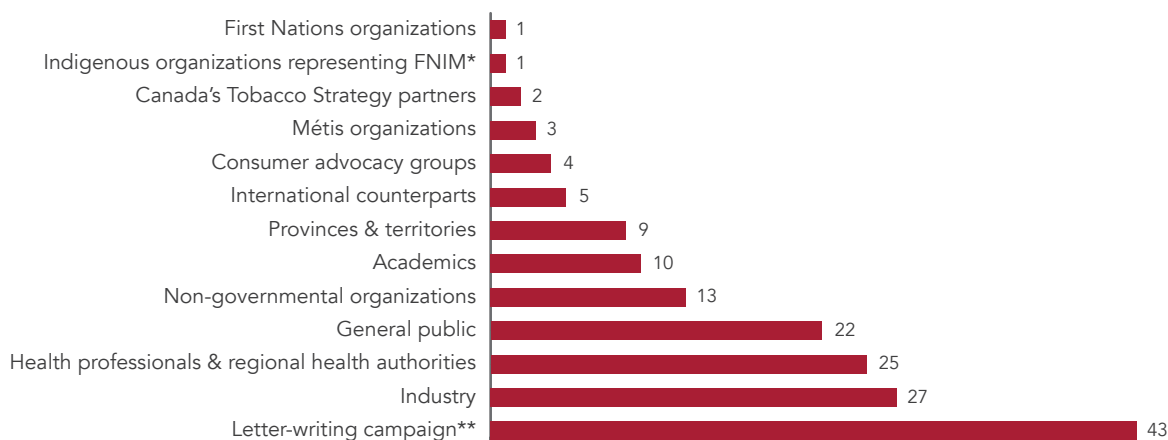
Who we heard from

Over 6,000 registered and interested parties were notified of the public consultation that ran from June 27, 2025 to September 12, 2025 through Health Canada's *consultation and stakeholder registry*.

Additionally, over 350 of Health Canada's established stakeholders and partners were notified of the consultation by email, including national and regional First Nations, Inuit, and Métis organizations, people with lived and living experience, youth advocacy groups, academic institutions, research groups and academics, Canada's Tobacco Strategy federal partners, provinces and territories, non-governmental organizations, health professionals, international counterparts, law enforcement professionals, and the tobacco and vaping industries, including their associations and advocacy groups.

Health Canada received a total of 165 written submissions. **Figure 1** includes an overview of the number of written submissions that were received by various stakeholder and partner groups.

Figure 1. Number of written submissions received by stakeholder or partner group through the third legislative review of the TVPA, 2025–2026.



* First Nations, Inuit, and Métis.

** Submissions received from industry and the general public using templated wording related to the regulation of cigars.

Health Canada also held meetings with a number of partners and stakeholders over the course of the review. In total, 21 meetings were held with partners and stakeholders outside the Government of Canada. This included meetings with public health non-governmental organizations, provinces and territories, tobacco and vaping enforcement experts, and the tobacco and vaping industries. With regard to industry meetings, it should be noted that Canada is a Party to the World Health Organization Framework Convention on Tobacco Control. Article 5.3 of the Convention obliges parties to protect their public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law. All consultation with industry was undertaken in alignment with the [Guidance for Federal Public Service Representatives and Employees](#) and the meeting minutes were published on [Canada.ca](#).

In addition to the external consultations and engagement, 41 tailored consultations were organized with compliance and enforcement professionals within Health Canada and other federal organizations, including federal partners of [Canada's Tobacco Strategy](#). The main objective of these meetings was to gain insights on experiences, ideas, and other perspectives on compliance and enforcement challenges and potential actions to address them.

Health Canada would like to extend its sincere gratitude to all stakeholders and partners who participated in discussions and/or shared their views in writing. We also thank those who generously provided their time and energy in sharing their expertise, experiences, and perspectives. Health Canada is committed to taking an evidence-based approach while exploring all feedback and recommendations that were received.

Summaries of what we heard are included throughout this report. It is important to note that the views expressed may not necessarily represent the views of Health Canada. Some stakeholders and partners provided feedback related to the regulation of tobacco, vaping products, or nicotine that falls under other pieces of federal legislation. Any relevant perspectives and feedback that fall outside of the scope of this review will be shared with the appropriate partners.

First Nations, Inuit, and Métis engagement and perspectives

We acknowledge and thank First Nations, Inuit, and Métis partners who provided perspectives to the third legislative review of the TVPA during meetings and/or in writing. These contributions continue to play an important role in informing Health Canada's work. Health Canada recognizes that what we heard is not representative of the views of all Indigenous Peoples, communities, or organizations and will continue to take a distinctions-based approach to reflect the diverse views of First Nations, Inuit, and Métis.

Over the past year, Health Canada met with 12 national and regional First Nations, Inuit, and Métis organizations. This included three organizations representing First Nations, two organizations representing Inuit, three organizations representing Métis, and four organizations representing First Nations, Inuit, and Métis. These meetings represented more than half of the external engagement undertaken throughout the third legislative review of the TVPA. These engagements, along with the written comments received, provided important insights into and further understanding of the distinct realities, perspectives, needs, and priorities of First Nations, Inuit, and Métis.

Regulating tobacco and vaping products in Canada

As a regulator, Health Canada's role includes regulating various products and activities in order to help Canadians protect and maintain their health. The *Tobacco Act*, originally enacted in 1997, was amended on May 23, 2018, and renamed the *Tobacco and Vaping Products Act*. The TVPA is the federal legislation that regulates the manufacture, sale, labelling, and promotion of tobacco and vaping products. The TVPA's overall purpose is to provide a legislative response to a national public health problem of substantial and pressing concern. It also aims to protect

the health of Canadians given the conclusive evidence implicating tobacco use in the incidence of numerous debilitating and fatal diseases.⁴ Tobacco and vaping products are also subject to other federal legislation (Annex 1) and regulations (Annex 2).

Provincial, territorial, and federal governments share responsibility for regulating tobacco and vaping products and associated compliance and enforcement. While the TVPA's prohibitions and requirements establish the minimum uniform standards that apply across Canada, provincial, territorial, and local governments may enact their own tobacco and vaping legislation. Each government is responsible for enforcing its own legislation. For example, inspectors from most provinces and territories also conduct compliance verification and enforcement activities for tobacco and vaping products, mainly at retail locations.

Further, Public Safety Canada, Canada Border Services Agency, the Royal Canadian Mounted Police, and police of jurisdiction across the country work together to understand the illegal market and support efforts to disrupt and dismantle related criminal activity.⁵

Smoking and vaping prevalence in Canada

The smoking rate in Canada has seen a steady and continuing decline over the years. In 2018, 16.6 percent (4.8 million people) of Canadians aged 18 years and older reported current cigarette smoking⁶ compared to 11.2 percent (3.6 million people) in 2024.⁷ Smoking among youth is at an all-time low, with 1.5 percent (39,000)⁸ of Canadian youth aged 12 to 17 years reporting smoking in 2024.⁹

Vaping products emerged on the Canadian market in 2007,¹⁰ and the popularity of vaping has increased since this time. Vaping rates among youth (aged 15 to 19 years) in particular were rising at a rapid pace, doubling between 2017 and 2019,^{11,12} before stabilizing through 2022.¹³ Data from the Canadian Health Survey on Children and Youth point to a decline in vaping among youth (aged 12 to 17 years) to 5.8 percent (150,500 people) in 2024, a decrease from 13.1 percent (295,000 people) in 2019.¹⁴ Data from the Canadian Student Alcohol and Drugs Survey¹⁵ show vaping rates among students in grades 7 to 12 (past 30-day) doubled from 10.0 percent (206,000 people) in 2016–2017 to 20.2 percent (418,000 people) in 2018–2019. The rates have since declined to 15.5 percent (263,000 people) in 2023–2024. While these trends are encouraging, Health Canada remains committed to addressing youth vaping through a multi-pronged approach. Among adults, vaping has remained stable in recent years. According to the Canadian Community Health Survey, in 2024, 5.9 percent (1.9 million people) of Canadians aged 18 years and older had vaped in the past 30 days, unchanged from 6.2 percent (1.9 million people) in 2023, and from 5.7 percent (1.8 million people) in 2022.¹⁶

While Canada has been very successful at reducing smoking prevalence rates, First Nations, Inuit, and Métis have among the highest cigarette smoking rates of any population group in Canada. The **Indigenous Peoples Survey** (IPS) is a national survey on the social and economic conditions of First Nations people living off-reserve, Inuit, and Métis.¹⁷ This survey historically collects information on smoking and began collecting information on vaping for the first time in 2022. The First Nations Information Governance Centre leads the Regional Health Survey (RHS), which collects wide-ranging information, including smoking rates, about First Nations people living on-reserve and in northern communities.¹⁸ These surveys found the following smoking and vaping rates:

- 40.3% of First Nations people living on-reserve aged 18 years and older reported smoking cigarettes daily, and 13.1% smoked occasionally (RHS 2015–16)
- 21.8% of First Nations people living off-reserve aged 18 years and older reported smoking daily, 8.6% smoked occasionally, and 7.0% vaped daily, and 15.5% vaped in the past 30 days (IPS, 2022)
- 48.3% of Inuit living in Canada aged 18 years and older reported smoking daily, 9.1% smoked occasionally, 3.9% vaped daily, and 10.4% vaped in the past 30 days (IPS, 2022)
- 62.7% of Inuit living in Inuit Nunangat aged 18 years and older reported smoking daily, 8.8% smoked occasionally, 2.8% vaped daily, and 7.6% vaped in the past 30 days (IPS, 2022)
- 18.0% of Métis aged 18 years and older reported smoking daily, 6.0% smoked occasionally, 6.2% vaped daily, and 13.2% vaped in the past 30 days (IPS, 2022)

Although smoking rates and youth vaping rates in Canada are declining overall, the use of tobacco and vaping products in Canada is still a pressing issue and underscores the need for continued and coordinated public health action. The TVPA and its regulations are examples of tools used to help protect Canadians from tobacco-related death and disease. Tobacco and vaping products on the Canadian market must comply with the requirements set out in the TVPA, its regulations, and any other laws that apply to them. Compliance and enforcement measures are in place to ensure laws and regulations are followed and are key in protecting Canadians against risks to their health and safety.

What is a compliance and enforcement framework?

Compliance and enforcement frameworks are essential for the effective implementation of regulations and laws. A framework outlines the responsibilities of Health Canada and regulated parties, details the tools Health Canada has at its disposal to identify and address non-compliance, and provides transparency about how decisions are made. They are necessary for protecting the health of Canadians, building public trust, and ensuring a fair and level playing field for regulated parties. A framework may also support policy objectives tied to its associated regulations and laws.

A compliance and enforcement framework includes compliance promotion, compliance monitoring, and enforcement actions. Compliance promotion aims to educate regulated parties about their legal obligations and promotes compliance. Health Canada monitors regulated parties' products and activities to verify compliance with legislative and regulatory requirements. Depending on the relevant regulatory framework and tools available, enforcement actions that are taken when a non-compliance is found can include measures such as conducting seizures, suspending licences, and using stop sale and recall powers. Other enforcement actions, such as issuing fines and taking legal action, are effective deterrents of non-compliance and signal that violations have consequences, which helps maintain the integrity of the regulatory system.

There are two key policy instruments that support compliance and enforcement of the TVPA. Health Canada has a **Compliance and Enforcement Policy Framework** in place that aims to promote fairness, consistency, transparency, and predictability in its compliance and enforcement actions across product lines. It overlays and is supported by other established departmental policies related to specific products, such as the **Compliance and Enforcement Policy for the Tobacco and Vaping Products Act**.

Compliance and enforcement of the TVPA

Health Canada monitors and enforces the TVPA through a variety of compliance and enforcement activities. These include compliance promotion, compliance monitoring, and enforcement actions when non-compliance is identified.

Health Canada proactively engages in compliance promotion to educate regulated parties, the public, partners, and stakeholders of the requirements under the TVPA. Health Canada holds information sessions and technical briefings when regulatory requirements are introduced or updated and inspectors provide compliance promotional material, such as copies of applicable regulations, information letters, and fact sheets during inspections.

Health Canada monitors the activities and products of regulated parties to verify compliance with the TVPA and its regulations and to prevent non-compliance. The TVPA does not require an authorization to be issued for tobacco and vaping products before they can be sold on the market. Once products reach the market, monitoring occurs throughout the supply chain to help ensure products and their packages are compliant with the TVPA and its regulations. A robust market oversight of activities and products is essential to detect and address non-compliances effectively. Compliance monitoring includes gathering and analyzing information, conducting inspections, sampling products for analytical testing, and collaborating with other regulatory agencies as appropriate.¹⁹

In addition to inspections, Health Canada audits reports required under the *Tobacco Reporting Regulations* (TRR), *Vaping Product Reporting Regulations* (VPRR), and statements of sales and revenue required under the *Tobacco Charges Regulations* (TCR) submitted by manufacturers, including importers, to ensure industry compliance. The TRR and VPRR set out the requirements for the reporting of information on, among other things, sales data, ingredients used in tobacco and vaping products, and research and development activities undertaken by tobacco manufacturers, while the TCR require the submission of a statement of sales and revenue that includes information on the net sales revenue needed to calculate the annual charges to be paid by designated manufacturers of tobacco products.

When Health Canada identifies non-compliance, it takes action to inform Canadians of any risks and address the non-compliance and/or to support a regulated party to become compliant. Actions may include publishing advisories on non-compliant products, issuing warning letters, conducting seizures, and making recommendations for prosecutions.²⁰ Recent amendments to the *Contraventions Regulations* have also expanded the TVPA offences for which Health Canada can issue tickets under the *Contraventions Act*.²¹ Health Canada takes the most appropriate and effective enforcement action required specific to each situation.

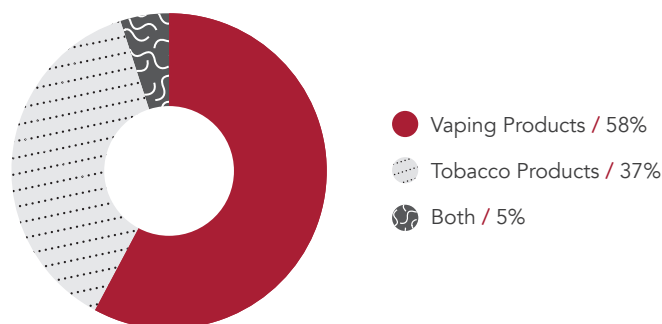
Compliance and enforcement data

Health Canada is committed to transparency and openness. The department provides information to Canadians about Health Canada's compliance and enforcement activities concerning the sale, labelling, and promotion of tobacco and vaping products. Results of the department's vaping compliance and enforcement activities are posted in the *Vaping Compliance and Enforcement Reports* section of Health Canada's website. The data used in this section of the report comes from Health Canada's tobacco and vaping program.

Enquiries and complaints

Each year, Health Canada receives hundreds of enquiries and complaints about tobacco and vaping-related activities and suspected non-compliant tobacco and vaping products on the market. Approximately 1,100 enquiries and complaints were received in the 2024–2025 fiscal year and over 3,500 enquiries and complaints were received over the past 5 years. **Figure 2** shows complaints by product type received in fiscal year 2024–2025. As shown in the figure, there were more complaints received about vaping products than tobacco products. Complaints received may not always result in a finding of non-compliance with a requirement under the TVPA or its regulations.

Figure 2. Percentage of complaints by product type for fiscal year 2024–2025.



Enquiries and complaints received are a data source for the department to understand what Canadians are observing and what their concerns are. Those relating to potential non-compliance can trigger an inspection.

In fiscal year 2024–2025, the single most common complaint topic for tobacco products or activities was related to promotions, while the primary topic for vaping products or activities was nicotine concentration limit.

Inspections

The number of inspections conducted at physical retail establishments, manufacturers, and online, along with the corresponding rates of compliance, can be found in **table 1** for tobacco products and **table 2** and **table 3** for vaping products. Compliance rates are calculated based on the observed non-compliances with the requirements targeted during the inspections.

Inspections conducted at manufacturing sites involve sampling products on-site and conducting laboratory testing. Between fiscal years 2022–2023 and 2024–2025, approximately 1,200 tobacco and vaping products were tested.

Table 1. Number of inspections conducted and compliance rates at tobacco retailers and manufacturers from fiscal year 2022–2023 to fiscal year 2024–2025.

Fiscal year	Retailers		Manufacturers	
	# of inspections conducted	Compliance rate (%)	# of inspections conducted	Compliance rate (%)
2022–2023	2,038	82	21	77
2023–2024	2,004	95	17	49
2024–2025	2,353	82	19	68

Table 2. Number of inspections conducted and compliance rates at vaping retailers and manufacturers from fiscal year 2022–2023 to fiscal year 2024–2025.

Fiscal year	Retailers (gas and convenience stores)		Retailers (specialty vaping establishments)		Manufacturers	
	# of inspections conducted	Compliance rate (%)	# of inspections conducted	Compliance rate (%)	# of inspections conducted	Compliance rate (%)
2022–2023	835	93	345	65	80	72
2023–2024	1,609	97	288	62	80	51
2024–2025	2,136	99	546	57	119	55

Table 3. Number of online inspections conducted and compliance rates from fiscal year 2022–2023 to fiscal year 2024–2025.

	Online inspections (vaping product manufacturers, distributors, and specialty vaping establishments)	
Fiscal year	# of inspections conducted	Compliance rate (%)
2022–2023	255	10
2023–2024	21	0
2024–2025	124	13

When interpreting the data in the tables above, it should be noted that the number of inspections, products sampled, and subset of requirements inspected can vary from one year to the next. For example, inspectors may assess compliance with a smaller subset of requirements across a larger number of products one year and a more comprehensive verification of compliance for a limited type and number of products another year.

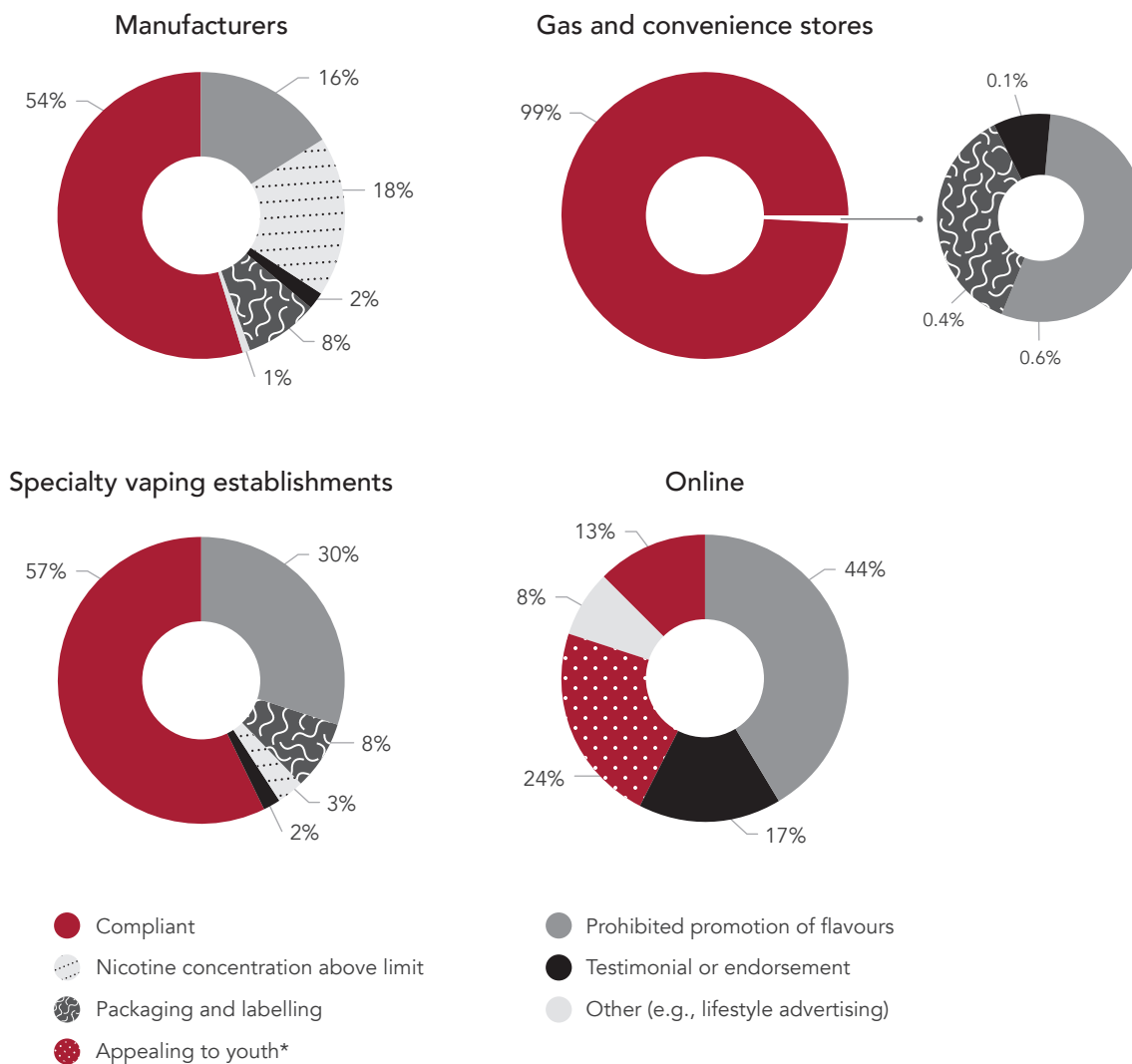
Inspection priorities can change based on market and user trends, as well as the introduction of new regulations. The prioritization of inspections of certain regulated parties can impact compliance rates, as it may be more likely to find non-compliance (e.g., parties with a history of non-compliance, inspections resulting from a complaint). An inspection is deemed non-compliant if any one of the products or promotions inspected does not meet the regulatory requirements.

In 2023, amendments to the *Tobacco Products Regulations (Plain and Standardized Appearance)* (TPR-PSA), now named the *Tobacco Products Appearance, Packaging and Labelling Regulations (TPAPLR)*, and the repeal of the previous tobacco labelling regulations allowed for the consolidation of the appearance, packaging and labelling requirements for tobacco products under a single set of regulations. Recent data, including for the fiscal year 2024–2025, shows the vast majority of tobacco non-compliance at manufacturers and at retailers is related to packaging and labelling.

The most common vaping non-compliance observed at gas and convenience stores (G&Cs), specialty vaping establishments (SVEs), and online for the same period was the prohibited promotion of flavours. The most common non-compliance for vaping products at manufacturers was related to nicotine concentration above the limit. This is comparable to data from previous years.

Figure 3 shows the types of non-compliance found for vaping products for fiscal year 2024–2025.

Figure 3. Rates and types of non-compliance for vaping products at manufacturers and retailers for fiscal year 2024–2025.



* Includes promotion of products with a nicotine concentration above the limit.

Enforcement actions

When a non-compliance is identified, inspectors will take enforcement action, taking into account several factors, such as the severity or impact of the non-compliance, the compliance history of the regulated party, and/or the degree of cooperation by the establishment.

Health Canada addresses non-compliance using its available enforcement tools, particularly sending warning letters and conducting product seizures. The number of warning letters and seizures conducted over the fiscal years 2022–2023 to 2024–2025 can be found in **table 4**. When interpreting the data in table 4, it should be noted that the number of enforcement activities can vary from one year to the next and are not meant to be compared.

Table 4. Number and type of enforcement actions for tobacco and vaping product non-compliance for the fiscal years 2022–2023 to 2024–2025.

Fiscal year	Tobacco enforcement activities		Vaping enforcement activities	
	Warning letters	Seizures	Warning letters	Seizures
2022–2023	13	348	250	199
2023–2024	2	109	32	197
2024–2025	6	435	71	292

The seizure of non-compliant products has proven to be an effective way to remove non-compliant tobacco and vaping products from the inspection site. Depending on the non-compliance, seized products can be destroyed, exported, or brought into compliance by the regulated party and restored. **Table 5** shows the number of tobacco and vaping products seized in recent years.

Table 5. Number of non-compliant tobacco product packages and vaping products seized from the fiscal years 2022–2023 to 2024–2025.

Fiscal year	Number of non-compliant tobacco product packages seized		Number of non-compliant vaping products seized		
	At retailers	At manufacturers	At G&Cs	At SVEs	At manufacturers
2022–2023	3,180	0	14,248	16,689	28,236
2023–2024	2,512	60,000	1,227	23,566	412,300
2024–2025	16,528	0	1,873	9,864	286,764

Most non-compliances identified for vaping products, both at physical retail locations and at the manufacturer level, result in product seizures. The high number of warning letters issued for vaping enforcement activities shown in **table 4** can be largely attributed to their use as the primary enforcement tool to address non-compliance in the online space.

Non-compliances for tobacco products at physical retail locations are also primarily addressed through product seizures, as shown in **table 5**. While non-compliances for tobacco products at manufacturers are generally addressed through warning letters, seizures can also occur and may involve a significant number of products being seized at once.

Summary of data findings

Data from April 2022 to March 2025 shows that tobacco inspections at physical retail locations have found high levels of compliance, with an average compliance rate of 88 percent. Compliance rates at manufacturers for tobacco inspections varied over time, with an average compliance rate of 65 percent. These variations are due in part to changes from year to year in the type and number of products sampled and the subset of requirements assessed.

For vaping, the average compliance rate between April 2022 and March 2025 at gas and convenience stores was 96 percent, while data showed an average compliance rate of 61 percent at specialty vaping establishments and 8 percent for online inspections. Inspections conducted at vaping manufacturers showed an average compliance rate of 59 percent. The lower compliance rates at specialty vaping establishments and manufacturers may be attributed to prioritization of establishments that are more likely to be non-compliant. The online space continues to have high non-compliance rates.

Areas for potential action

The observations and areas for potential action presented in this report are organized into five themes: (1) Prioritizing First Nations, Inuit, and Métis engagement, cooperation, and reconciliation; (2) Effectively overseeing a changing market; (3) Regulating in a digital era; (4) Facilitating collaboration through the legislative framework of the TVPA; and (5) Expanding compliance and enforcement tools. Each theme outlines key findings and identifies areas for potential action.

1. Prioritizing First Nations, Inuit, and Métis engagement, cooperation, and reconciliation

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UN Declaration Act or UNDA) came into force in 2021, providing a **roadmap** to advance lasting reconciliation with Indigenous Peoples. It shows us that further steps must be taken to respect, recognize, and protect the human rights of Indigenous Peoples and to address the wrongs of the past. All federal departments have important roles to play in implementing the Declaration, including Health Canada. While the TVPA was developed before the coming into force of the UN Declaration Act, the Government of Canada's commitment to a renewed nation-to-nation, Inuit-Crown, and government-to-government relationship with Indigenous Peoples now serves as the guide for the federal approach to working with First Nations, Inuit, and Métis communities and organizations on tobacco and vaping control.

As relationships and cooperation between the department and First Nations, Inuit, and Métis continue to develop, Health Canada remains committed to taking a distinctions-based approach to further understanding the diverse views of Indigenous Peoples. The TVPA legislative review processes must continue to serve as opportunities to listen to priorities and engage in meaningful dialogue on tobacco and vaping.

Some organizations expressed the need to better address tobacco and vaping-related priorities, beyond the compliance and enforcement focus of this review. Certain organizations emphasized the importance of culturally appropriate and self-determined resources, funding, and supports to meet tobacco and vaping-related objectives. Health Canada heard a renewed call to incorporate a distinctions-based approach as part of the early development, design, and implementation of policies and initiatives. For example, the importance of integrating and linking Inuit social determinants of health and their impacts to inform the development of legislation, cessation initiatives, and strategies. Health Canada also heard about the need to recognize and meaningfully consider the realities of urban Indigenous communities in the assessment of health risks and the development of federal health legislation, strategies, and initiatives.

Health Canada also heard that respecting and protecting the sacred and ceremonial uses of tobacco is a priority for many First Nations and Métis. The Government of Canada recognizes that tobacco holds profound spiritual and cultural significance for many First Nations and Métis, whereby tobacco is regarded as one of four sacred medicines alongside cedar, sweetgrass, and sage.

Findings

Health Canada is continuing to advance its ability to conduct compliance and enforcement activities in a culturally safe and respectful way in cooperation with First Nations, Inuit, and Métis communities. Several First Nations and Métis organizations recommended collaborating with communities, organizations, and governments to support Indigenous-led, culturally safe, and respectful enforcement of tobacco and vaping-related requirements. To this end, Health Canada is advancing work to gather lessons learned and best practices to support respectful compliance and enforcement activities with First Nations, Inuit, and Métis communities. The department will also seek additional dialogue with First Nations, Inuit, and Métis communities to understand their compliance and enforcement priorities and objectives and to learn how Health Canada can work with them to support their objectives.

Several organizations also specifically expressed the importance of distinctions-based cultural competency training for tobacco and vaping inspectors. It was noted by some organizations that training must enhance individual inspectors' understanding of the traditional uses of tobacco as one of the four sacred medicines. Health Canada has worked with First Nations, Inuit, and Métis partners to develop compliance and enforcement-specific and distinctions-based training focusing on the contexts, rights, autonomy, and cultural practices of First Nations, Inuit, and Métis. This training, which will be offered on an ongoing basis, was first launched with Health Canada tobacco and vaping inspectors in February 2026 and included tailored information about the impacts of colonization on First Nations and Métis relationships with tobacco as a sacred medicine.

Finally, several organizations representing First Nations and Métis, including First Nations and Métis who live in urban settings, reiterated the importance of respecting and protecting the sacred and ceremonial uses of tobacco while addressing the disproportionate impact of tobacco use on First Nations, Inuit, and Métis. Some organizations specifically highlighted the need to ensure that these practices are safe from any potential enforcement activities. In line with [Canada's Anti-Racism Strategy 2024–2028](#) and the [UN Declaration Act Action Plan 2023–2028](#), Health Canada should continue to recognize and meaningfully address the ongoing impacts of colonization and support an increased understanding of First Nations, Inuit, and Métis worldviews, including the ceremonial and traditional uses of tobacco by First Nations and Métis.

Activities for consideration:

- Continue to prioritize meaningful engagement, cooperation, and reconciliation with First Nations, Inuit, and Métis.
- Seek to further understand and support the tobacco and vaping compliance and enforcement priorities and objectives of First Nations, Inuit, and Métis and their communities.
- Expand First Nations, Inuit, and Métis-informed and distinctions-based cultural competency training for Health Canada tobacco and vaping inspectors to enhance their ability to engage in a culturally safe and respectful manner.
- Seek to support First Nations and Métis in sharing their knowledge of the ceremonial and traditional uses of tobacco and the lasting impacts of colonization on their relationships with this sacred medicine.

2. Effectively overseeing a changing market

Since 2018, several new regulations have come into force that support the TVPA and address emerging issues, particularly with regard to vaping products. The introduction of new regulations in a relatively short period of time may present challenges for regulated parties. Several respondents, including an academic, regional health authorities, industry, non-governmental organizations, and provincial governments, encouraged Health Canada to provide clearer guidance to regulated parties and develop ongoing education and awareness campaigns and communications to help regulated parties better understand and meet their obligations under the TVPA.

The introduction of new regulations also has an impact on Health Canada's regulatory oversight capacity. Although several new regulations have come into force since 2018, federal tobacco and vaping compliance and enforcement resources, including for inspectors and laboratory services, have remained the same. These resource limitations, along with the large number of regulated parties and their presence online, present a challenge. The ability of the department to effectively monitor the tobacco and vaping product markets and enforce the TVPA among all regulated parties is affected by the limited dedicated funding for compliance and enforcement activities. Most respondents during the public consultation, including non-governmental organizations, provincial governments, industry, and regional health authorities, expressed support for strengthening the tobacco and vaping program's enforcement capacity. Specifically, respondents emphasized the need for more enforcement resources, including an increased number of federal inspectors. Resource challenges for compliance and enforcement activities under the TVPA, including for both inspectors and laboratory services, were also highlighted in the Evaluation of the Health Portfolio's Tobacco and Vaping Control Activities reports (2016–2017 to 2020–2021 and 2021–2022 to 2024–2025).

The *Tobacco Charges Regulations* were published in March 2025. The objective of this regulation is to require designated manufacturers, including importers, to pay an annual charge to recover the costs of the previous fiscal year's tobacco-related activities undertaken by the Government of Canada in relation to the carrying out of the purpose of the TVPA. These recovered funds go to the Consolidated Revenue Fund of Canada, which minimizes the cost burden on taxpayers for funding these activities.²² Activities for which costs are recovered under another cost recovery provision of the TVPA or framework, such as the storage, movement, or disposal of a thing or conveyance, are not included. The costs of vaping-related activities undertaken in relation to the carrying out of the purpose of the TVPA are currently not recovered, with the exception of activities that are for the purpose of helping Canadians quit tobacco. Some respondents, particularly non-governmental organizations, suggested implementing a cost recovery framework for vaping product manufacturers, in part to recover the department's costs to conduct vaping compliance and enforcement activities.

Finding new efficiencies and maximizing effectiveness will be necessary to address current challenges. Several partners and stakeholders, including some provincial governments, consumer advocacy groups, industry representatives, and a First Nations organization, highlighted the importance of focusing efforts on high-risk and repeat offenders, and/or strengthening federal oversight of manufacturers, distributors, and online activities. Others, including a provincial government, members of the general public, tobacco and vaping enforcement experts, and non-governmental organizations, stressed the continued importance of federal inspectors maintaining a visible enforcement presence in physical retail locations. Some respondents, including regional health authorities, provincial governments, and non-governmental organizations, highlighted the importance of compliance and enforcement activities aimed at protecting youth, such as federal test-shopper programs and stronger oversight of youth access restrictions in both physical retail locations and online.

The use of artificial intelligence (AI), advanced data analytics, and automation in compliance and enforcement were ideas raised by most stakeholders and partners to help increase the program's efficiencies and effectiveness. AI and automation can enhance compliance efforts by automating and optimizing processes that are traditionally manual and time-consuming. Some Health Canada programs have incorporated the use of AI and automation into their processes for tasks related to inspections, audits, and real-time monitoring. However, certain enforcement partners, including international counterparts, also noted that the potential role for AI and other digital tools in industry monitoring and compliance and enforcement activities is still being determined. Algorithms and datasets used by AI can have the potential for bias, as AI systems can internalize biases from the datasets they learn from.²³ Regarding AI and data, some organizations representing First Nations, Inuit, and Métis explained the importance of data sovereignty and of integrating local knowledge and Indigenous data governance principles, for example by applying the principles of Ownership, Control, Access, and Possession or Stewardship (OCAP or OCAS).

Findings

Regulated parties are responsible for understanding and complying with all relevant legislation and regulations. Health Canada has heard from some regulated parties that they wish to comply with the TVPA and its regulations but may not know how to comply with the requirements. Although the program currently provides regulatory guidance, more could be done to enhance its compliance promotion materials by including more details and demonstrative examples.

Focusing available tobacco and vaping enforcement resources on areas of greater risk or with higher non-compliance rates may help optimize the government's efforts in protecting the health of Canadians. It is also important to safeguard the progress already achieved in areas of higher compliance. Health Canada has found several non-compliances at tobacco manufacturers in recent years. Over the same time period, compliance rates have been consistently high for inspections at tobacco retailers.²⁴ With regard to vaping products, observed non-compliance has recently been higher at manufacturers and specialty vaping establishments than at gas and convenience stores. An estimated 99 percent of vaping devices and parts and 95 percent of pods pre-filled with vaping liquid available in Canada are imported.²⁵ Stronger emphasis on oversight for products entering Canada could be beneficial in preventing non-compliant products from reaching the retail level.

In addition to and separate from recovering the costs of compliance and enforcement activities through the *Tobacco Charges Regulations*, Health Canada could also recover specific costs related to a non-compliance from the responsible regulated party; for example, the storage, movement, or disposal of a thing or conveyance. Health Canada could also advance the development of a proposal to recover certain vaping-related costs incurred by the Government of Canada, including the costs for vaping compliance and enforcement activities.

The tobacco and vaping program has previously piloted AI and automation technologies for compliance and enforcement activities. Results were positive; however, challenges were also noted. Some common challenges with using these technologies are ensuring transparency and accountability, the costs associated with licences, and the need to develop robust governance frameworks and risk assessments. While further exploration is needed on their use within the program going forward, there is potential for AI, advanced data analytics, and automation to enhance internal process efficiencies and reduce administrative burden. This could include, for example, supporting activities related to correspondence and data entry and analysis. AI should be adopted in line with the [AI Strategy for the Federal Public Service 2025–2027](#) and its relevant strategies and policy. These tools could help Health Canada's efforts, while maintaining its employees' authority and accountability for making compliance and enforcement decisions. Health Canada should also seek to work with First Nations, Inuit, and Métis partners to explore the integration of OCAP or OCAS principles and to better understand and address potential biases when using AI technologies.

Activities for consideration:

- Enhance the focus of Health Canada’s available tobacco and vaping compliance and enforcement resources on areas of higher non-compliance and greater risk, including at the border.
- Implement existing authority to recover seizure-related costs from the responsible non-compliant regulated party.
- Develop a proposal to recover certain vaping-related costs incurred by the Government of Canada, including vaping-related compliance and enforcement activities.
- Advance the use of advanced data analytics, automation, and AI tools to enhance operational efficiencies and reduce burden across administrative, monitoring, and data-related activities.
- Improve compliance through the development and distribution of enhanced compliance promotion materials.

3. Regulating in a digital era

Online sales of vaping products in Canada have grown since 2018 and are projected to continue to grow.²⁶ With the evolution of online marketing practices and the growing use of social media, ensuring adherence to the TVPA and its regulations requires robust oversight and innovative compliance promotion and enforcement strategies.

In a 2019 survey, young persons who vaped daily or occasionally reported that they can obtain vaping products easily, including online. At the same time, most youth reported accessing tobacco and vaping products through social (e.g., a family member or a friend) and retail sources.²⁷ Many respondents, including non-governmental organizations, provincial governments, academics, a youth advocacy group, health professionals and regional health authorities, and members of the general public expressed concerns about youth access to vaping products online and recommended banning or restricting online sales of tobacco and vaping products.

Several respondents, including academics, consumer advocacy groups, health professionals, regional health authorities, industry, international counterparts, non-governmental organizations, provincial governments, and members of the general public also emphasized the need for mandatory and robust age verification measures for online sales. Their suggestions included defining acceptable forms of identification and establishing national digital age verification standards, such as multi-step or third-party verification. In its **2025–2027 Forward Regulatory Plan**, Health Canada indicated its intent to propose a new regulation to protect the health of young people by setting out in greater detail the actions that regulated parties involved in online or distance sales must take to verify age and identity.

The online inspection process can be time and resource intensive. A number of respondents encouraged Health Canada to use open-source intelligence, such as AI-enabled tools, to support online monitoring and inspections. Internal compliance and enforcement professionals also noted that digital tools can automate aspects of online inspections and help identify potential non-compliance.

Finally, some respondents, including regional health authorities, an advocacy group, and a member of the general public, mentioned increasing obligations for digital platforms, including social media companies, to monitor and remove illegal or non-compliant content and to provide mechanisms for users to report such content, citing examples like the European Union's *Digital Services Act*. Other ideas that were raised include aligning certain vaping product prohibitions with tobacco-related prohibitions, such as those relating to promotions and the interprovincial sending and delivering of tobacco products.²⁸

Findings

While the online marketplace brings unique and complex challenges with compliance and enforcement, these challenges are not unique to Health Canada or tobacco and vaping products. Other partners and stakeholders expressed similar challenges they face in online compliance and enforcement, such as challenges identifying regulated parties or their business address.

When non-compliance is identified online, Health Canada takes action to address it. This may include sending warning letters, issuing tickets under the *Contraventions Act*, and making recommendations for prosecutions. Online inspections may also lead to on-site inspections and, in certain cases, product seizures. However, enforcement of the TVPA online is currently limited by Health Canada's ability to identify regulated parties operating in the online space and locate their physical operations. Third parties such as couriers, web hosts, and financial institutions often hold key information that could help Health Canada identify parties that contravene the TVPA and its regulations. To address this challenge, the government could strengthen the program's ability to gather necessary information about parties who are expected to comply with the TVPA and its requirements. This would align the TVPA with other federal legislation, and its enforcement practices with those across the federal government and by international counterparts.

The program could also further strengthen its oversight online by seeking closer collaboration with digital platforms and service providers, including social media and retail platforms, to identify, monitor, and remove non-compliant content. Internal government compliance and enforcement professionals and international counterparts who were consulted highlighted examples of successful collaboration with digital platforms and service providers to remove non-compliant products or content online.

Advanced data analytics, automation, and AI tools could also be used to enhance efficiencies and productivity with regard to compliance verification and monitoring online. For example, AI tools could help with resource prioritization and identifying higher-risk practices. AI and automation tools could also help identify potential non-compliance earlier and more consistently than is possible through manual methods alone. While AI and automation can streamline processes, employee oversight to ensure accuracy and alignment with established procedures is still required.

Activities for consideration:

- Seek authorities to compel third parties to provide information that would help identify a regulated party, including those operating online.
- Work with appropriate stakeholders, such as web hosts, digital platforms, and other service providers, to remove non-compliant products and activities online.
- Advance the use of data analytics, automation, and AI tools to enhance efficiencies and productivity of online compliance verification and monitoring.

4. Facilitating collaboration through the legislative framework of the TVPA

Collaboration and communication are key to increasing effectiveness, enhancing efficiency, and improving outcomes. Building and maintaining relationships and coordinating with multiple stakeholders and partners takes time and effort and can also present operational challenges.

To support the compliance and enforcement activities of the TVPA, Health Canada collaborates with other federal partners, including the Canada Border Services Agency, the Canada Revenue Agency, and law enforcement agencies. Health Canada also works closely with provincial and territorial governments.²⁹ However, through the third legislative review, most respondents, including provincial and territorial governments, non-governmental organizations, advocacy groups, First Nations and Métis organizations, and regional health authorities, recommended Health Canada further strengthen its collaboration with federal, provincial and territorial, Indigenous, and local partners involved in tobacco and vaping compliance and enforcement.

In particular, some stakeholders and partners suggested working together to develop national approaches to enforcement activities, coordinating inspection planning to avoid duplication, and improving information sharing and outcomes through formal arrangements, shared databases, and joint inspector training. A few respondents, including regional health authorities and some provincial and territorial governments, recommended exploring cross-designation of federal and provincial and territorial or local inspectors to increase enforcement capacity and streamline oversight of both federal and provincial or territorial tobacco and vaping requirements.

Respondents also emphasized the importance of a strong and coordinated enforcement approach when addressing non-compliant and illegal products. Internal government compliance and enforcement professionals highlighted the need for ongoing relationship-building and consistent engagement when it comes to taking action on non-compliant and illegal products, particularly with border and law enforcement agencies and with delivery service providers. Some also pointed to opportunities for collaboration with international counterparts, such as sharing information about non-compliances observed and enforcement actions taken within Canada and abroad.

Findings

Information about tobacco and vaping products is being gathered not just within Health Canada but across the Government of Canada. Using this information is important for making informed policy decisions and compliance and enforcement planning and operations. Outdated information management systems are limiting the full potential of using this information.

The *Tobacco Reporting Regulations* and *Vaping Products Reporting Regulations* under the TVPA set out the requirements for industry to submit reports containing information on, among other things, sales data and ingredients used in tobacco and vaping products. The Canada Border Services Agency's Single Window Initiative streamlines the sharing of commercial import data between the Government of Canada and the import community.³⁰ In 2024, the *Excise Act, 2001*, was amended to authorize the Canada Revenue Agency to provide confidential information collected under the *Excise Act, 2001* to Health Canada for the administration or enforcement of the TVPA. The TVPA was also amended to facilitate Health Canada sharing of information obtained under the TVPA for the purpose of verifying compliance with any Act of Parliament that applies to tobacco or vaping products or any activity in relation to tobacco or vaping products.

Further collaboration within and between Health Canada and its partners throughout the regulatory development, implementation, and compliance and enforcement processes could help identify problems earlier, increase effectiveness, and enhance efficiencies. Several programs within Health Canada and across the federal government have regulatory requirements and tools and policies in place to enforce compliance. Through consultations to inform the third legislative review, many of these programs expressed facing similar challenges as those faced by the tobacco and vaping program, such as addressing online non-compliance. Certain provincial and territorial, local, and international partners and stakeholders also expressed facing these challenges.

Overall, expanding the use of information sources available to the department, as well as greater collaboration and information sharing with federal, provincial and territorial, local, Indigenous, and international partners and stakeholders could support compliance and enforcement activities under the TVPA and other relevant legislation and have a positive impact on outcomes.

Activities for consideration:

- Expand the use of tobacco and vaping-related information collected by the Government of Canada to support compliance and enforcement planning and operations.
- Increase information sharing with federal, provincial and territorial, and local enforcement partners and stakeholders.
- Enhance collaboration with partners, including within Canada and among international counterparts, to address common compliance and enforcement challenges, including online.

5. Expanding compliance and enforcement tools

When non-compliance with the TVPA is identified by Health Canada, several actions may be taken to inform Canadians about the risk and bring the regulated party into compliance. However, it was noted in the [first](#) and [second](#) legislative reviews and Evaluation of the Health Portfolio's Tobacco and Vaping Control Activities reports ([2016–2017 to 2020–2021](#) and [2021–2022 to 2024–2025](#)) that more enforcement tools should be considered.

The *Contraventions Act* provides a mechanism for the enforcement of federal regulatory offences designated as contraventions. This procedure allows enforcement authorities to issue tickets which can be paid voluntarily, as a faster alternative to traditional prosecution under the *Criminal Code*. Ticketing can be a more reasonable and effective approach for relatively minor offences and can allow for fines that are more proportionate to the seriousness of these offences. Most respondents, including academics, regional health authorities, industry, non-governmental organizations, provincial and territorial governments, and consumer advocacy groups recommended increasing existing fines and/or adding escalating fines for repeat non-compliance. In February 2026, the *Contraventions Regulations* were amended to expand contraventions under the TVPA and its regulations. This resulted in increasing the number of offences for tobacco and vaping products designated as contraventions from 10 to 104. The ranges in the amounts of fines were also increased from between \$100 and \$500 to between \$500 and \$3,000.

Some respondents, including some provincial and territorial governments and non-governmental organizations, recommended the department introduce a framework in the TVPA for administrative monetary penalties (AMPs) with escalating penalties for repeated non-compliance. An AMP is a financial penalty imposed by a regulatory body when a regulated party violates a specific regulation or law. AMPs are also accompanied by a public notice detailing the violation. The use of this tool is often combined with the use of other compliance tools to encourage compliance with laws and regulations. The TVPA does not currently have an AMPs regime in place, however they do exist within other Acts at Health Canada and across the federal government.

Several respondents, including regional health authorities, industry, and non-governmental organizations also recommended Health Canada seek compliance or inspector order powers, recall powers, and automatic prohibitions for repeated non-compliance. Compliance or inspector orders are issued by a regulatory body when non-compliance is identified and require regulated parties to take specific immediate corrective actions or cease certain activities to correct a violation or prevent future non-compliance. For example, inspectors could use these powers to order a regulated party to stop the distribution or import of a specific non-compliant product or to remove a non-compliant promotion online. A recall order is a formal instruction for a regulated party to remove a product from the market.

The TVPA has prohibitions preventing manufacturers from selling a tobacco or vaping product for which the information required by the *Tobacco Reporting Regulations* and the *Vaping Products Reporting Regulations* has not been submitted to the Minister. However, the prohibition to sell tobacco products if the required information has not been submitted is not yet in force. The Minister may also issue an order prohibiting the sale of a product for failing to submit the information required or to pay the fees or charges payable under subsection 42.1(1). Currently, when deficient or missing tobacco reports are identified, enforcement is limited to issuing warning letters to regulated parties, issuing fines under the *Contraventions Regulations*, and referring non-responsive cases for prosecution. Similar limitations exist with violations of the promotion prohibitions online. Certain promotion prohibitions do not include a corresponding prohibition on sale, which means that non-compliance in those instances does not prohibit a manufacturer or retailer from continuing to sell a product.

A broad range of stakeholders and partners, including non-governmental organizations, provincial and territorial governments, regional health authorities, an advocacy group, a Métis organization, and industry, also called for greater transparency in enforcement activities. Their suggestions included more frequent publication of enforcement actions, reporting on compliance rates, and the creation of an online portal for reporting suspected non-compliance.

Findings

Enforcement of the TVPA currently relies primarily on warning letters and product seizures. Seizures are the only option Health Canada currently has to remove tobacco and vaping products that are non-compliant with the TVPA from the market. A seizure is an immediate and effective enforcement action to address non-compliant products or promotional material. While effective, seizures are time consuming and costly, requiring an inspector to take action at each location where the non-compliant products or promotional materials are found. Modernizing the suite of enforcement tools within the TVPA, including adding new tools, can lead to efficiencies and greater compliance.

Financial penalties including fines or contraventions and AMPs can serve as effective deterrents to non-compliance. They signal that violations of the law have consequences. However, it is important to review and increase financial penalties periodically in order to maintain their effectiveness. Budget 2025 announced the government's intent to review fines and other penalties to ensure the charges are sufficient and that non-compliance is not simply treated as a cost of doing business.³¹

In addition to fines, many government departments use AMPs as a tool in their enforcement programs. AMPs can be an effective enforcement tool when compared to warning letters or criminal prosecution and can help deter future non-compliance or reduce any financial gain from a non-compliance. AMPs can also be used in jurisdictions where contraventions are not currently applicable. AMP frameworks can be tailored to meet the needs and realities of a program and its regulated parties. For example, penalty amounts could range depending on the severity or context of the non-compliance. An AMP framework under the TVPA could be designed to be more agile and less administratively burdensome compared to prosecuting offences.

Compliance or inspector orders can help empower inspectors to ensure compliance with specific legislative and regulatory requirements. In some examples that were examined through this review, these powers worked in conjunction with AMPs. For example, allowing for a reduced penalty when a regulated party shows due diligence by agreeing to and following through on an agreement to resolve specific non-compliances. Using these enforcement tools together may increase the positive impact they both have on compliance outcomes. One way to make the program more efficient would be to have the power to order regulated parties themselves to remove non-compliant products or promotional materials from the market. This could be done through recall powers, which have shown to be effective for promoting compliance with regulatory requirements under other legislation enforced by Health Canada, such as the *Food and Drugs Act* or the *Canada Consumer Product Safety Act*.

Sale-related prohibitions can be an effective tool to help deter non-compliance with federal legislation. Bringing into force the prohibition to sell tobacco products if the required reports are not submitted would provide the program with another tool to help deter non-compliance with the tobacco-related reporting requirements outlined in the TVPA. Where needed, exploring a prohibition to sell a tobacco or vaping product as a result of non-compliance with promotion prohibitions could help deter non-compliance, specifically related to online promotion.

Publishing non-compliances observed by the program during inspections and enforcement actions taken can also help deter non-compliance. The department started publishing the results of its inspections at vaping retailers as of July 2019 and began publishing results from inspections at vaping manufacturers as of the 2023–2024 fiscal year. These reports are publicly available on Health Canada’s [website](#), however there would be benefit to continuing to expand both the scope and frequency of publishing these results, in line with other federal compliance and enforcement programs.

Activities for consideration:

- Expand the ability to prohibit the sale of tobacco or vaping products in cases of non-compliance with the TVPA’s requirements.
- Introduce compliance or inspector order and recall powers.
- Establish an administrative monetary penalties framework.
- Pursue opportunities to further increase amounts of TVPA fines.
- Expand the scope and frequency of publishing results of enforcement efforts online to enhance transparency and encourage compliance.

Other feedback received

Feedback proposing regulatory changes that fall outside the scope of this review was also received. For example, some respondents, such as non-governmental organizations, academics, industry, provincial governments, and a member of the general public recommended establishing a licensing or registration framework for regulated parties under the TVPA. The letter-writing campaign also recommended differentiating the regulatory approach for cigars, including exempting cigars from certain regulatory requirements for tobacco products. Other ideas included establishing a regulatory framework for all nicotine and nicotine analogue-containing products, expanding access to nicotine replacement therapies, advancing a national ban on flavoured vaping products, and increasing packaging requirements for vaping products. These suggestions will continue to be assessed and considered, where appropriate.

Several respondents, notably industry, provincial and territorial governments, and academics expressed concerns about illegal tobacco and vaping products. Illegal tobacco and vaping products can pose a serious threat to the health and safety of Canadians.^{32,33} Illegal tobacco products undermine government tobacco control efforts and fuel organized crime groups, who use this lucrative trade to finance other criminal activities, such as illegal drugs, firearms and human smuggling. It impacts the regulated market and is harmful to legitimate businesses. Suggestions received concerning illegal products were shared with relevant partners.

Annex 1: Other laws regulating tobacco and vaping products

Canada Consumer Product Safety Act

The *Canada Consumer Product Safety Act* (CCPSA) establishes legislative and regulatory requirements to help protect the public by addressing or preventing dangers to human health or safety posed by consumer products in Canada.

The manufacturing, importation, advertisement, and sale of vaping products that do not make therapeutic claims (e.g., helping to quit smoking) are subject to the CCPSA, while also subject to the TVPA.

The CCPSA does not apply to tobacco products except in respect to cigarette ignition propensity and to any devices, other than a water pipe, that are necessary for the use of a tobacco product and parts used with a device.

In addition to other authorities, the CCPSA allows the federal government to carry out inspections and order recalls or other measures. The CCPSA requires industry to prepare and maintain certain documents (Section 13) and report health or safety incidents involving a consumer product (Section 14).

Food and Drugs Act

The *Food and Drugs Act* (FDA) applies to vaping products that make a therapeutic claim (e.g., helping to quit smoking). This includes products that contain nicotine, or any other drugs as defined by the FDA. These products must receive an authorization from Health Canada before they can be commercially imported, advertised, and sold in Canada. Before issuing a market authorization, Health Canada carefully reviews the evidence provided by the product sponsor to confirm the product meets safety, efficacy, and quality requirements of the FDA and its regulations. A valid establishment or site licence from Health Canada is also required before a vaping product under the FDA can be labelled, imported, packaged, or manufactured.

Non-smokers' Health Act

The *Non-smokers' Health Act* addresses issues related to the use of tobacco, vaping, and cannabis products, including second-hand smoke and aerosol, in federally regulated workplaces such as banks, commercial aircrafts, and federal government offices.

Legislation related to the use of tobacco, vaping, and cannabis products in most other public places and private places, including workplaces, restaurants, and multi-unit dwellings, is the responsibility of provincial, territorial, and municipal governments.

Cannabis Act

The ***Cannabis Act*** creates a legal framework for controlling the production, distribution, sale, and possession of cannabis in Canada. Vaping products containing cannabis are regulated under the *Cannabis Act* and its regulations.

Excise Act, 2001

Excise duties have been applied to tobacco products manufactured in Canada or imported into Canada for decades. **An excise duty on vaping products** was introduced in 2022. The excise duty applies to vaping products that are manufactured in Canada or imported into Canada.

Provincial, territorial and municipal laws

Provincial, territorial, and municipal laws also regulate tobacco and vaping products and their use.

Annex 2: Regulations under the TVPA

The *Tobacco and Vaping Products Act* (TVPA) provides, among other things, the authority for Health Canada to regulate the manufacture, sale, labelling, and promotion of tobacco and vaping products. Those activities respecting tobacco and vaping products are allowed in Canada if they meet the requirements of the TVPA and its regulations, and any other piece of legislation to which tobacco and vaping products are subject. Below is a brief description of each of the regulations made under the TVPA.

Tobacco product regulations under the TVPA

In 1999 the *Tobacco (Access) Regulations* and the *Tobacco (Seizure and Restoration) Regulations* were put in place to respectively set out the types of documentation that may be used to verify the age of a person wanting to purchase tobacco products and set out the information that an owner of a seized product must provide to the Minister to apply for restoration of a seized product, and the time and manner to do so.

The *Tobacco Reporting Regulations* were made in 2000 to set out the requirements for the reporting to Health Canada of sales data, manufacturing information, tobacco product ingredients, constituents, emissions, research and development activities, and promotional activities by tobacco manufacturers and importers. These regulations were amended in 2005 and in 2019. As part of the latest changes, the official methods for the sampling and testing of tobacco products were updated to reflect technological advances.

The *Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)* were made in 2011 to protect the public from misleading and deceptive information by prohibiting the use of terms “light” and “mild,” and variations thereof, from various tobacco products, their packaging, promotions, retail displays, as well as from tobacco accessories.

Tobacco Products Appearance, Packaging and Labelling Regulations (TPAPLR) are the result of the 2023 amendments made to the *Tobacco Products Regulations (Plain and Standardized Appearance)* (2019) and repeal of the previous *Tobacco Products Information Regulations* (2000) and *Tobacco Products Labelling Regulations (Cigarettes and Little Cigars)* (2011). The TPAPLR consolidate all the appearance, packaging, and labelling requirements for tobacco products under a single set of regulations.

The *Tobacco Charges Regulations* (TCR) were made in 2025, and set out the requirements for designated manufacturers, including importers, of tobacco products to pay an annual charge to recover the costs of tobacco-related activities undertaken by the Government of Canada in relation to the carrying out of the purpose of the TVPA. These regulations specify the formula to calculate an annual charge for each designated manufacturer that is proportionate to their domestic market share of total tobacco product net sales revenue in the previous fiscal year (from April 1 to March 31).

Vaping product regulations under the TVPA

In 2018, *Regulations Excluding Certain Vaping Products Regulated Under the Food and Drugs Act from the Application of the Tobacco and Vaping Products Act* were made. These regulations exclude certain categories of vaping products authorized under the *Food and Drugs Act* from the application of the TVPA.

Regulatory requirements for vaping products under the TVPA and *Canada Consumer Product Safety Act* began in 2019 with the *Vaping Products Labelling and Packaging Regulations*, which set out labelling requirements pursuant to the TVPA (Part 1) and labelling requirements, child-resistant container requirements, and maximum nicotine concentration pursuant to the CCPSA (Part 2).

The *Vaping Products Promotion Regulations* were introduced in 2020, which set out the prohibitions related to advertising and point of sale promotions of vaping products as well as the required information in advertising of vaping products.

The *Nicotine Concentration in Vaping Products Regulations* came into force in 2021. They establish a maximum nicotine concentration of 20 mg/mL for vaping products manufactured or imported for sale in Canada and also prohibit the packaging and sale of vaping products if the nicotine concentration displayed on the package exceed 20 mg/mL.

The *Vaping Products Reporting Regulations* were made in 2023 and set out the requirements for the reporting of sales and ingredients information to Health Canada by manufacturers and importers of vaping products. This information is submitted in an electronic format using forms established by the Minister that are incorporated by reference in the Regulations and may be amended from time to time.

Endnotes

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