

[35th Parliament](#) ▾ [36th Parliament](#) ▾ [37th Parliament](#) ▾ [38th Parliament](#) ▾

[39th Parliament](#) ▾ [40th Parliament](#) ▾ [Current Session](#) >

---

**2015 Legislative Session: 4th Session, 40th Parliament**  
**THIRD READING**

---

The following electronic version is for informational purposes only.  
The printed version remains the official version.

---

Certified correct as passed Third Reading on the 14th day of April, 2015  
Craig James, Clerk of the House

---

**HONOURABLE TERRY LAKE**  
**MINISTER OF HEALTH**

**BILL 14 – 2015**  
**TOBACCO CONTROL AMENDMENT ACT, 2015**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

***1 The title of the Tobacco Control Act, R.S.B.C. 1996, c. 451, is repealed and the following substituted:***

**TOBACCO AND VAPOUR PRODUCTS CONTROL ACT .**

***2 Section 1 is amended by adding the following definitions:***

**"activated e-cigarette"** means an e-cigarette in which an e-substance is being vapourized;

**"e-cigarette"** means the following:

(a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating

element capable of vapourizing an e-substance for inhalation or release into the air;

(b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a);

**"e-substance"** means a solid, liquid or gas

(a) that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and

(b) that is not a controlled substance within the meaning of the *Controlled Drugs and Substances Act* (Canada);

**"vapour product"** means the following:

(a) an e-cigarette;

(b) an e-substance;

(c) a cartridge for or a component of an e-cigarette.

### **3 Section 2 is amended**

**(a) in subsections (1), (2) and (4) by adding "or vapour products" after "tobacco" wherever it appears, and**

**(b) in subsection (3) by striking out "cigarettes" and substituting "tobacco products".**

**4 Section 2.1 (1) and (4) is amended by adding "or vapour products" after "tobacco".**

### **5 Section 2.2 is amended**

**(a) by adding the following subsection:**

(3.1) A person must not use an e-cigarette, or hold an activated e-cigarette, in or on school property. ,

**(b) in subsection (4) by adding "or (3.1)" after "subsection (2)", and**

**(c) by repealing subsection (6) and substituting the following:**

(6) Subsection (4) applies whether or not the person who

(a) smoked or used tobacco, or held lighted tobacco, or any other person, is charged with contravening subsection (2), or

(b) used an e-cigarette or held an activated e-cigarette, or any other person, is charged with contravening subsection (3.1).

### **6 The following section is added:**

#### **No tobacco or vapour product use on health board property**

**2.21** (1) In this section:

**"health board"** means

- (a) a regional health board designated under the *Health Authorities Act*, and
- (b) the board or other governing body of a prescribed organization having as one of its purposes the delivery of health services;

**"health board property"** means the following that are, in whole or in part, owned or leased by, or operated under the authority of, a health board:

- (a) real property and improvements;
- (b) personal property.

(2) Subject to subsection (3), a person must not do any of the following in or on health board property:

- (a) smoke or use tobacco, or hold lighted tobacco;
- (b) use an e-cigarette, or hold an activated e-cigarette.

(3) Subsection (2) does not apply to the following:

- (a) the ceremonial use of tobacco in or on health board property if the ceremonial use of tobacco is approved by the health board and it is performed
  - (i) in relation to a traditional aboriginal cultural activity, or
  - (ii) by a prescribed group for a prescribed purpose;
- (b) the smoking, use or holding of tobacco, or the use or holding of an activated e-cigarette, in or on any area of health board property that is designated by the health board as an area in which a person may use tobacco or e-cigarettes.

**7 Section 2.3 is amended**

**(a) in subsection (1) by striking out "or hold lighted tobacco," and substituting "hold lighted tobacco, use an e-cigarette, or hold an activated e-cigarette", and**

**(b) in subsection (6) by striking out "smoked tobacco, or held lighted tobacco," and substituting "smoked or held lighted tobacco or used or held an activated e-cigarette, as described in subsection (1),".**

**8 Section 2.4 is amended**

**(a) in subsection (1) (a) by adding "or vapour products" after "tobacco products",**

**(b) in subsection (1) (b) by adding "or vapour products" after "tobacco", and**

**(c) in subsection (2) by striking out "a person who retails tobacco" and substituting "the retail of tobacco".**

**9 The following section is added:**

**Exception for prescribed medical products**

**2.41** A person is exempt from the prohibitions set out in sections 2 to 2.4, other than section 2 (1), with respect to vapour products that are prescribed products or devices intended to be used for medical purposes, including to reduce nicotine dependence.

**10 Section 3 (2) (a) is amended by striking out "tobacco is" and substituting "tobacco or vapour products are".**

**11 Section 5.1 is amended by adding "as it relates to tobacco" after "enforcing this Act".**

**12 Section 6.1 is amended**

**(a) in subsection (2) (b) by adding "or vapour products" after "tobacco" wherever it appears, and**

**(b) by adding the following subsection:**

(2.1) For the purposes of subsection (2) (b), if the contravention that is the subject of the administrative penalty is in respect of

(a) tobacco only, a prohibition order made under that subsection may be made only in respect of tobacco, and

(b) vapour products only, a prohibition order made under that subsection may be made only in respect of vapour products.

**13 Section 10.1 (a) is amended by adding "or vapour products, as applicable," after "tobacco".**

**14 Section 10.3 is repealed and the following substituted:**

**Removing tobacco or vapour products from public display**

**10.3** A person must not display

(a) tobacco at a location to which a prohibition order, made under section 6.1 (2) (b) in respect of tobacco, applies, or

(b) vapour products at a location to which a prohibition order, made under section 6.1 (2) (b) in respect of vapour products, applies.

**15 Section 11 is amended**

**(a) by repealing subsection (2) (a) and substituting the following:**

(a) respecting the labelling and packaging, and the selling, distribution, offering, exposure, promotion and advertising, of tobacco and vapour products in British Columbia, including prohibiting the display of tobacco or vapour products and prohibiting forms of promotion or advertising of the use of tobacco or vapour products in British Columbia; ,

**(b) in subsection (2) (b) by striking out "tobacco that is sold" and substituting "tobacco or vapour products that are sold",****(c) in subsection (2) (c), (d) and (h.2) (i) (A) by adding "or vapour products" after "tobacco",****(d) in subsection (2) (e) by striking out "tobacco at the time the tobacco is offered for sale or is sold" and substituting "tobacco or vapour products at the time the tobacco or vapour products are offered for sale or are sold",****(e) in subsection (2) (f) by striking out "minimum number of cigarettes" and substituting "minimum number or amount of tobacco products",****(f) in subsection (2) (h) by adding "or vapour product" after "tobacco",****(g) by repealing subsection (2) (h.2) (i) (B) and substituting the following:**

(B) the emissions of tobacco or e-substances which arise or may arise from any use of tobacco or vapour products, and ,

**(h) in subsection (2) (h.2) (i) (C) by striking out "to tobacco or the emissions of tobacco," and substituting "to tobacco or vapour products, or to the emissions of tobacco or e-substances,"****(i) in subsection (3) by striking out "sections 2.1 to 2.3," and substituting "sections 2.1 to 2.41,"****(j) in subsection (3) (c) by adding "or organizations" after "prescribing persons",****(k) in subsection (3) by adding the following paragraphs:**

(e) prescribing purposes as contemplated under sections 2.2 (3) (b), 2.21 (3) (a) (ii) and 2.3 (2) (b);

(f) prescribing products or devices for the purposes of section 2.41. , **and**

... ..

