

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Flavoured Tobacco Products

The Basics

The *Smoke-Free Ontario Act, 2017* prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Flavoured Cigarillos

It is against the law to sell, offer to sell, distribute and offer to distribute flavoured cigarillos.

A cigarillo is any:

1. Tobacco product that:
 - a) Weighs less than 1.4 grams, not including the weight of any mouthpiece or tip;
 - b) Is in the form of a roll or tube; and
 - c) Has a wrapper that contains natural or reconstituted leaf tobacco.
2. Tobacco product that:
 - a) Has cellulose acetate or other type of filter;
 - b) Is in the form of a roll or tube; and
 - c) Has a wrapper that contains natural or reconstituted leaf tobacco.

All unflavoured cigarillos can be sold, but must be sold in packages of 20 cigarillos or more.

Flavoured Tobacco Products

It is against the law to sell, offer to sell, distribute and offer to distribute flavoured tobacco products.

A flavoured tobacco product is any tobacco product that is represented as being flavoured, that contains a flavouring agent or that is presented by its packaging, advertisement or otherwise as being flavoured.

A flavouring agent refers to one or more artificial or natural ingredients contained in any of the parts of a tobacco product, as a part or an additive that imparts a distinguishing aroma or flavour other than tobacco, including that of a spice or herb, either before or during the use of the tobacco product.

Exemptions

These rules do not apply to the following flavoured tobacco products:

A flavoured cigar that:

- a) Weighs more than 1.4 grams but less than 6 grams, excluding the weight of any mouthpiece or tip;
- b) Has a wrapper fitted in spiral form;
- c) Has no tipping paper; and
- d) Contains only a flavouring agent that imparts a flavour or aroma of wine, port, whiskey or rum.

A flavoured cigar that:

- a) Weighs 6 grams or more, excluding the weight of any mouthpiece or tip;
- b) Has a wrapper fitted in spiral form; and
- c) And has no tipping paper.

Waterpipe Tobacco and Pipe Tobacco

The exemption described above for “flavoured pipe tobacco” does *not* extend to flavoured shisha tobacco used in waterpipes or hookahs. **As a result, the sale of**

flavoured waterpipe tobacco is prohibited in Ontario. Waterpipe tobacco differs from pipe tobacco in its appearance, use and ingredient composition.

Responsibilities of the Retailer

Tobacco retailers are responsible for making sure that laws with respect to the sale of flavoured tobacco products are followed. Tobacco retailers have a legal responsibility to ensure that they and their employees understand and comply with the requirements under the *Smoke-Free Ontario Act, 2017*. It is very important for retailers to work with their local public health units to understand the law and to be in compliance.

Enforcement

Public Health Units carry out inspections and respond to complaints regarding the sale of flavoured tobacco products.

Penalties

Any individual convicted of selling, offering to sell, distributing or offering to distribute flavoured tobacco could face a fine ranging from \$4,000 to \$100,000, depending on the number of previous convictions.

Any corporation convicted of selling, offering to sell, distributing or offering to distribute flavoured tobacco could face a fine ranging from \$200,000 to \$600,000, depending on the number of previous convictions.

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws applicable to flavoured tobacco products, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health website: ontario.ca/smokefree.