



**Ministry of Health  
and Long-Term Care**

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**Ministère de la Santé  
et des Soins de longue durée**

Division de la santé de la population et de  
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December 17, 2015

Dear Colleagues:

I am writing you to provide you with an update on the status of *Electronic Cigarettes Act (ECA)* and the *Smoke-Free Ontario Act (SFOA)* under the *Making Healthier Choices Act*.

On December 16, 2015, the government decided to move forward with January 1, 2016 implementation of the amendments to the SFOA and the provisions regulating the sale and supply of e-cigarettes to minors under the ECA. On January 1, 2016, the following will be coming into effect:

SFOA

- Prohibiting smoking on outdoor grounds of hospitals, psychiatric facilities and the outdoor grounds of specified office buildings owned by the Province, except in designated smoking areas;
- Prohibiting the sale of tobacco at specified office buildings owned by the Province;
- Prohibiting the sale of flavoured tobacco products, with certain exemptions (i.e., menthol and clove until January 1, 2017 and wine, port, whiskey and rum flavoured cigars between 1.4 and 6 grams; all flavoured cigars over 6 grams, flavoured pipe tobacco for an indefinite period); and
- Other provisions as highlighted in section 2.2 of the 2016 “Directives: Enforcement of the SFOA.”

ECA

- Prohibiting the sale and supply of e-cigarettes to anyone less than 19 years of age;
- Prohibiting the sale and supply of e-cigarettes to any person who appears to be less than 25 years old without asking for identification;
- Prohibiting the use of false identification to purchase an e-cigarette;
- Prohibiting the sale of e-cigarettes in retail settings if prescribed signs are not posted;
- Prohibiting the sale of e-cigarettes in vending machines; and
- Prohibit an employer from retaliating against an employee because the employee has acted in accordance with the Act.

These provisions will help protect the people of Ontario from the harmful effects of second-hand smoke and protect youth from the potential harms of e-cigarettes.

The government has decided to delay proclamation of the use provisions under the ECA to a future date to be named by the Lieutenant Governor. Our government has previously committed to a formal consultation process for the development of regulations under the ECA. These consultations will take place in the new year. The government will consider all feedback before finalizing regulations and proclaiming these sections of the ECA into force.

As a result, the ministry is providing the following direction to Public Health Units (PHUs):

- Upon appointment under the ECA, inspectors can begin conducting electronic cigarette youth test shopping as outlined in the 2016 “Directives: Enforcement of the ECA” when the updated directives are disseminated;
- PHUs may proceed with public education activities on the prohibition of sale and supply to minors after the launch of the ministry’s public education campaign; and
- Upon receipt, PHUs can begin distribution of ECA retailer signage.

The ministry recognizes that this may have an impact on your 2015 ECA work plans and associated budgets. The ministry will consider extraordinary costs that may be attributed to this change.

The ministry has updated the timelines for ECA implementation as follows:

Key Dates	Deliverables
End of December 2015	<u>Ministry Communication Campaign</u> The ministry’s public education campaign on sales to minors will be launched at the end of December 2015.
End of December 2015	<u>2016 ECA Directives</u> Updated “Directives: Enforcement of the ECA” will be distributed to PHUs to reflect provisions coming into effect January 1, 2016.  <u>Program Guidelines and Work Plans</u> 2016 ECA Program Guidelines and a work plan template will be issued to PHUs.
Mid-January 2016	<u>Signage</u> All PHUs to receive e-cigarette retailer signage.
Mid-January 2016	<u>Fact Sheets</u> ECA retailer fact sheets will be provided to PHUs.
End of January 2016; Early-February 2016	<u>Tobacco Inspection System (TIS) Training</u> PHUs to be invited to attend on line training sessions on TIS enhancements to support ECA implementation.
End of February 2016	<u>2016 ECA Budget Submission</u> PHUs to submit 2016 ECA budget requests through the 2016 Program-Based Grants Budget (PBG) process.

As key partners in tobacco control, we are committed to keeping you apprised of the status of the ECA regulations and will be in communication with further details about the consultation process.

If you have any questions, please feel free to contact me directly.

Regards,

A handwritten signature in grey ink, appearing to read 'Laura A. Pisko', with a stylized, cursive-like flow.

Laura A. Pisko  
Director