

New Tobacco and Vaping Products Control and Regulation Act in force

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The Tobacco and Vaping Products Control and Regulation Act has been proclaimed by the Government of Yukon and is now in force. This new Act replaces the Smoke-Free Places Act and regulates the use, sale, display and promotion of tobacco and vaping products in Yukon.

A number of changes will immediately take effect, including the following:

- an individual must be 19 years old to sell or to use tobacco and vaping products in Yukon;
- different restrictions will apply regarding the use and promotion of vaping products, similar to the current restrictions regarding tobacco products; and
- signage must include “no vaping” in addition to “no smoking.”

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What's new?

Updates to the Act

- The minimum legal age for purchasing tobacco and vaping products is now 19.
- Providing or selling vaping products and tobacco to minors under the age of 19 is illegal.
- New signage requirements mean that “no vaping” as well as “no smoking” signs should be posted.
- Vaping and tobacco products are now regulated the same way:
 - location of sales;
 - consumption in public places; and
 - restrictions on product promotion.

Where can you smoke or vape?

- You can vape in your private home and on your property.
- You can vape in a hotel room that's designated as a smoking or vaping room.
- You can vape outdoors but you need to be at least 5 metres from all doorways, air intakes, and windows of places where smoking and vaping is not allowed.

Where can you not smoke or vape?

Public places

- Daycare, dayhome or pre-school
- Elementary and secondary schools (this includes on school grounds or in a parked car on school grounds)
- Library, art gallery or museum
- Health-care facility
- Cinema or theatre
- Video arcade, pool halls, billiards room, bingo halls
- Recreational facilities where the primary activity is physical recreation (bowling alley, fitness centre, gymnasium, pool or ice rink)
- Multi-service centre, community centre or hall, arena, fire hall or church hall
- Meeting or conference room or hall
- Ballroom or conference centre
- Retail shop, boutique, market, store or shopping mall
- Laundromat
- Ferries, ferry station, bus, bus station or shelter, taxi, taxi shelter, limousine or vehicle carrying passengers for hire
- Common area of a commercial building or multi-unit residential building (such as apartment buildings or university residences), including but not limited to corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms and restrooms

- Restaurants, lounges, beverage rooms, private clubs, cabarets, clubs or other places licensed to serve alcoholic beverages
- A facility as defined in the *Hospitals Act*
- Yukon government, municipality, village or First Nation government offices
- Correctional centre

Vehicles

- No smoking or vaping in vehicles used for work or while carrying 2 or more employees
- No smoking or vaping in vehicles when there's anyone under the age of 19 present

Restaurants

- No smoking or vaping at any time

Beverage rooms and lounges

- No smoking or vaping at any time

Places used for bingo

- No smoking or vaping at any time

Private clubs

- No smoking or vaping at any time

Casinos

- No smoking or vaping at any time

Outdoor eating or drinking area

- No smoking or vaping at any time

What should you know about the new Act?

How does the Act affect you?

Since 2008, the following must be smoke-free:

- all indoor workplaces;
- work vehicles carrying 2 or more people;
- certain outdoor areas; and
- public buildings.

Under the new Act, the same regulations apply to vaping. For example, throughout the territory you can neither smoke nor vape in:

- offices;
- workshops;
- restaurants;
- bars;
- patios;
- transit shelters; or
- community halls.

Does this *Act* apply to all communities in the Yukon?

Yes.

Does this *Act* apply to self-governing First Nations?

Yes. The Act does not affect the rights of First Nations People to use tobacco for spiritual or cultural practices.

What if you're under 19 years old?

Yes. There's a ban on smoking and vaping in private vehicles carrying anyone under the age of 19.

Rules for hotels, motels and B&Bs

Yes. You can smoke or vape in hotel, motel, and B&B rooms that are designated for smoking and/or vaping.

Can you vape at work?

No. An employer cannot allow an employee to vape:

- at work; or

- in a vehicle used for business purposes carrying 2 or more people.

The same regulations apply to smoking in a workplace.

Responsibilities of a building owner or manager

As an owner or manager of a smoke-free place, you're responsible for posting no-smoking and no-vaping signs. These steps will discourage most smokers or vapers. If a person does smoke or vape, you must take steps to get them to butt out or not use their e-cigarette. Remind them that they're committing an offence by smoking or vaping in your building. You can show them the designated smoking and vaping area outside. Finally, you can refuse to serve a person who is smoking or vaping.

Can you smoke or vape on school grounds?

No, you cannot smoke or vape at any time on school grounds or in a parked car on school grounds. People 19 years of age and older can smoke or vape in a designated area outside the school grounds.

Changes to display and advertising

Businesses are not able to display or promote vaping products where youth could be present. Permitted advertising when youth are present includes the use of a sign which lists the products offered for sale and their prices. Stores can display vaping products only if they do not permit anyone under the age of 19 to be on their premises.

Learn more about the [promotion of vaping products](#) with the federal *Tobacco and Vaping Products Act* (Part IV, Division 2)

Can an existing smoking area be used for vaping?

There is nothing in the Act or Regulation that prevents you from setting up a smoking and vaping area if it's:

- outdoors;
- at least 5 metres away from all doorways, windows that open, and air intakes;
- not in an outdoor eating or drinking area; and
- not a substantially or fully enclosed shelter.

Who enforces the Act?

Environmental Health Officers enforce the *Tobacco and Vaping Products Control and Regulation Act*. They provide guidance and information as well as investigate complaints.

References

If you need help to quit smoking, [QuitPath](#) has further resources.
Phone 867-667-8393 or toll-free 1-867-221-8393

You can learn more about the [risks of vaping from Health Canada](#)

Legislation

Tobacco and Vaping Products Act – Government of Canada

Tobacco and Vaping Products Control and Regulation Act – Government of Yukon

Contact

If you have questions, contact Environmental Health.

Email environmental.health@gov.yk.ca or phone 867-667-8391, toll free 1-800-661-0408 extension 8391.

In person: #2 Hospital Road in Whitehorse. Our office is open Monday to Friday from 8:30 a.m. to 4:30 p.m.

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