

Bill 44

An Act to bolster tobacco control

Section 6

AMENDMENT:

Replace by:

6. Section 2.2 of the Act is amended by replacing the first sentence of the first paragraph by the following sentence:

“Smoking is prohibited outdoors within a nine-metre radius from any door, air vent or openable window communicating with a place referred to in paragraphs 1 to 6.2, 7.2 to 9, 11 and 12 of section 2.”

Adopted
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Section 8

AMENDMENT:

Replace “any door leading to a place referred to in this paragraph” in subparagraph 3 of the first paragraph of proposed section 3.1 by “any door, air vent or openable window communicating with a place referred to in this paragraph”.

Adopt
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Section 10

AMENDMENT:

Replace by:

10. Section 5 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) for persons admitted by an institution operating a general and specialized hospital centre who may, for medical purposes, use a product considered to be tobacco, to the extent provided by government regulation;”;

(2) by replacing “40%” in the second paragraph by “20%”.

Adg^H B

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Section 11.3

AMENDMENT:

Insert after section 11:

11.3. Section 11 of the Act is amended by replacing the second paragraph by the following paragraph:

“In penal proceedings for an offence under the first paragraph, proof that a person smoked in an area where smoking is prohibited is sufficient to establish that the operator of the place or business tolerated a person smoking in that area unless it is established that the operator exercised due diligence and took all necessary precautions to prevent its commission.”

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Section 11.3

AMENDMENT:

Insert at the end of the amendment “, in particular, by posting clearly visible notices stipulating that smoking is prohibited and by having no ashtrays”.

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Section 14

AMENDMENT:

Replace by:

14. Section 13.1 of the Act is replaced by the following section:

“13.1. A person who wishes to purchase tobacco or to be admitted to a cigar room or to a specialized retail outlet whose operator is exempt from the application of section 20.2 is required to provide proof of age on the business operator’s or an employee’s request.

When required to provide proof of age, such a person must produce identification issued by a government, a government department or a public body showing the person’s name and date of birth.

The business operator or employee must refuse to sell tobacco to the person or to give the person access to a cigar room or a specialized retail outlet whose operator is exempt from the application of section 20.2 if the operator or employee considers that the identification the person produces cannot prove the person’s identity.”



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Section 20

AMENDMENT:

Insert after proposed section 20.3.1:

“20.3.2. The Government may, to the extent provided by regulation, exempt operators of specialized retail outlets for electronic cigarettes from the application of section 20.2, but only for electronic cigarettes and other devices of that nature that the operator sells, including their components and accessories.

The operator exempt from the application of section 20.2 may not admit a minor to or allow the presence of a minor in the retail outlet.

Within 30 days after the commencement of the operations of such a retail outlet, the operator must send a written notice stating the name and address of the retail outlet to the Minister. Such a notice must also be sent to the Minister within 30 days of any change of name or address or of the discontinuance of the activities of the retail outlet.”

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Section 19.1

AMENDMENT:

Insert after section 19:

19.1. Section 20.3 of the Act is amended by adding the following paragraph at the end:

“The operator of a retail outlet that is covered by the second paragraph may not admit a minor to or allow the presence of a minor in the retail outlet.”

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Section 20.1

AMENDMENT:

Insert after section 20:

20.1. Section 20.4 of the Act is amended

(1) by inserting “, including an operator of a cigar room,” after
“tobacco retail outlet”;

(2) by adding the following paragraph at the end:

“The warning may vary according to the type of retail outlet.”



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Section 20.2

AMENDMENT:

Insert after section 20:

20.2. The Act is amended by inserting the following section after section 21:

“**21.1.** A manufacturer or distributor of tobacco products is prohibited from offering rebates, gratuities or any other form of benefit related to the sale or the retail price of a tobacco product to operators of tobacco retail outlets, including their employees.

For the purposes of this section, a manufacturer or distributor of tobacco products includes the mandatary or representative of the manufacturer or distributor or a person or partnership that is controlled by or that controls the manufacturer or distributor.”

Adopted
OS

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Section 22

AMENDMENT:

Replace by:

22. Section 28 of the Act is amended

(1) by adding the following sentence after the first paragraph:

“In exercising that power, the Government determines the standards relating to the portion of the display area of the tobacco product packaging where the health warning must be displayed in accordance with the labelling standards adopted under the Tobacco Act (Statutes of Canada, 1997, chapter 13).”;

(2) by striking out the fourth paragraph.

Adopted

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Section 60.1

AMENDMENT:

Insert after section 60:

60.1. The Regulation is amended by inserting the following sections after section 6:

“**6.1.** The portion of each display area on tobacco product packaging in which a health warning must be displayed in accordance with the Tobacco Products Labelling Regulations (Cigarettes and Little Cigars) (SOR/2011-177) must have an even surface with a minimum surface area of 4.648 mm².

“**6.2.** A display area on tobacco product packaging on which a health warning is displayed must not be removable from the packaging; be obscured, covered or cut; be rendered illegible by opening the packaging.

“**6.3.** Tobacco product packaging on which a health warning is displayed must contain a maximum quantity of the product, given the circumference of the product unit and the interior volume of the packaging. No device may be placed or integrated inside the packaging to reduce the space for the product.

“**6.4.** The tobacco product container or packaging must have surfaces that join at right angles and may not have angled sides or markings or images on the inside.

“**6.5.** The tobacco product container or packaging may have markings provided by the manufacturer, but they must be standardized according to the standards prescribed by government regulation.”

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Section 60.1

AMENDMENT:

In the amendment introducing section 60.1,

1. strike out “; be obscured, covered or cut; be rendered illegible by opening the packaging” in proposed section 6.2;
2. replace proposed sections 6.4 and 6.5 by:

“6.4. The operator of a specialized retail outlet for electronic cigarettes is not subject to the application of section 20.2 of the Act for electronic cigarettes and other devices of that nature that the operator sells, including their components and accessories, to the extent that the following conditions are met:

- (1) the operator of the retail outlet sells only electronic cigarettes or other devices of that nature, including their components and accessories;
- (2) the operator displays the electronic cigarettes or other devices of that nature, including their components, accessories and packaging, so that they are visible only from the inside of the retail outlet;
- (3) no other activity takes place there.”



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Section 58

AMENDMENT:

Replace “an agent” in proposed sections 57.1 and 57.1.1 by “a representative”.



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Section 58

AMENDMENT:

Replace “its director or officer is presumed to have committed the offence unless the director or officer establishes that he or she” in the first paragraph of proposed section 57.1.1 by “the directors or officers of the legal person, partnership or association are presumed to have committed the offence unless they establish that they”.

Adopté
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Section 58.1

AMENDMENT:

Insert after section 58:

58.1. Section 59 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) the operator was found guilty more than once of an offence under any of sections 13, 14.2 and 14.3 within five years;”;

(2) by replacing the second paragraph by the following paragraph:

“The prohibition to sell tobacco under subparagraph 1 of the first paragraph applies for three months or one year according to whether, in the five years preceding a finding of guilty for an offence under any of sections 13, 14.2 and 14.3, the operator was found guilty of a single offence or of two or more offences under any of those sections.”;

(3) by inserting “du premier alinéa” after “paragraphe 2^o” in the third paragraph in the French text.

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Section 59.1

AMENDMENT:

Insert after section 59:

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

59.1. Section 25.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by replacing the third paragraph by the following paragraph:

“The identification described in the second paragraph of section 13.1 of the Tobacco Control Act (chapter T-0.01) may be used for the purposes of the second paragraph.”

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Section 60

AMENDMENT:

Replace “marihuana” in proposed section 1.1 by “marijuana”.



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Section 60.2

AMENDMENT:

Insert after section 60.1:

60.2. Section 7 of the Regulation is amended by inserting “and 6. 1 to 6.3” after “6”.



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Section 60.3

AMENDMENT:

Insert after section 60.2:

60.3. The operator of a retail outlet for electronic cigarettes in operation on *(insert the date of assent to this Act)* has 30 days from that date to comply with section 6.4 of the Regulation under the Tobacco Act (chapter T-0.01, r. 1), enacted by section 60.1, and to send the Minister a written notice indicating the name and address of the retail outlet.

If the operator does not comply with section 6.4 of the Regulation within that time period, section 20.2 of the Tobacco Control Act, as amended by section 19, then applies to the operator.

The operator of a specialized retail outlet for electronic cigarettes who fails to send a notice as required under the first paragraph is liable to the fine prescribed under section 49.4 of the Tobacco Control Act, enacted by section 49.

Adopté


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Section 62

AMENDMENT:

Strike out.



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Section 10.1

AMENDMENT:

Insert after section 10:

10.1. The Act is amended by inserting the following section after section 5:

“**5.1.** Health and social services institutions must adopt a tobacco control policy geared to establishing a smoke-free environment and send it to the Minister. The same is true of college- or university-level educational institutions. The policy must take into account the policy directions communicated by the Minister.

The executive director of an institution or the person holding the equivalent position must report to the board of directors, or the equivalent, every two years on the application of the policy. The institution must send the report to the Minister within 60 days of filing it with the board of directors or the equivalent.”

Adopted

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Section 21.1

AMENDMENT:

Insert after section 21:

21.1. Section 26 of the Act is amended by replacing “the tobacco industry” in the second paragraph by “a tobacco product manufacturer or distributor”.

Adopted

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Section 21.2

AMENDMENT:

Insert after section 21.1:

21.2. Section 27 of the Act is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this section, electronic cigarettes or other devices of that nature, including their components and accessories, are considered objects that are not tobacco products. In addition, a tobacco product manufacturer or distributor includes the mandatary or representative of the manufacturer or distributor or a person or partnership that is controlled by or controls the manufacturer or distributor.”



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Section 5

AMENDMENT:

1. Strike out “, during the hours when the institution is open to minor students” in proposed paragraph 3.

2. Strike out “during the hours when the centre is open to children” in proposed paragraph 4.

3. Insert after proposed paragraph 5:

“(6) in outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;

“(7) on sports fields and playgrounds, including areas reserved for spectators, that are used by minors and open to the public;

“(8) on the grounds of vacation camps as well as skating rinks and outdoor pools that are used by minors and open to the public.

Smoking is also prohibited within nine metres of any part of the perimeter of a place referred to in subparagraph 6 of the first paragraph. However, if that distance exceeds the boundaries of the grounds on which the place is situated, smoking is prohibited only up to those boundaries.”

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Section 5

AMENDMENT:

Add at the end of the amendment:

“The Government may, by regulation, determine other places where smoking is prohibited.”

Adopted

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Section 60.3

AMENDMENT:

Insert after section 11.3:

11.4. Section 10 of the Act is amended by inserting “or a regulation made under the third paragraph of section 2.1” after “chapter” in the first paragraph.



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Section 11.5

AMENDMENT:

Insert after section 11.4:

11.5. Section 11 of the Act is amended by inserting “or a regulation made under the third paragraph of section 2.1” after “chapter” in the first paragraph.

Accepted


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Section 31

AMENDMENT:

Replace by:

31. Section 42 of the Act is replaced by the following section:

“**42.** Anyone who smokes in a place where smoking is prohibited under Chapter II, a regulation made under the third paragraph of section 2.1 or the fourth paragraph of section 59 is liable to a fine of \$250 to \$750 and, for a subsequent offence, to a fine of \$500 to \$1,500.”

Adm
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Section 32

AMENDMENT:

Insert “or in a regulation made under the third paragraph of section 2.1” after “Chapter II” in proposed section 43.

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Section 33

AMENDMENT:

Replace “\$125,000” and “\$250,000” by “\$62,500” and “\$125,000”, respectively.

A handwritten signature in blue ink, appearing to be 'Adrian', with a large circular flourish at the end.

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Section 34

AMENDMENT:

Replace “\$25,000” and “\$50,000” in proposed section 43.1.1 by “\$12,500” and “\$25,000”, respectively.

Adopted

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Section 35

AMENDMENT:

Replace by:

35. Section 43.2 of the Act is replaced by the following section:

“**43.2.** An operator of a tobacco retail outlet who sells tobacco to a minor in contravention of section 13 is liable to a fine of \$2,500 to \$62,500 and, for a subsequent offence, to a fine of \$5,000 to \$125,000.

In addition, an employee of the operator of a tobacco retail outlet who makes such a sale is liable to a fine of \$500 to \$1,500 and, for a subsequent offence, to a fine of \$1,000 to \$3,000.

Anyone other than a person referred to in the first or second paragraph who sells tobacco to a minor in contravention of section 13 is liable to a fine of \$2,500 to \$125,000 and, for a subsequent offence, to a fine of \$5,000 to \$250,000.”

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Section 38

AMENDMENT:

Replace “\$125,000” and “\$250,000” by “\$62,500” and “\$125,000”, respectively.

Amended
OS

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Section 39

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “\$500 to \$2,000 and, for a subsequent offence, to a fine of \$1,000 to \$6,000” in the first paragraph by “\$2,500 to \$62,500 and, for a subsequent offence, to a fine of \$5,000 to \$125,000”;

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Section 41

AMENDMENT:

Replace “\$50,000” and “\$100,000” in proposed section 44 by “\$25,000” and “\$50,000”, respectively.

Adopted
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Section 43

AMENDMENT:

Replace “\$125,000” and “\$250,000” by “\$62,500” and “\$125,000”, respectively.

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Bill 44

An Act to bolster tobacco control

Section 46

AMENDMENT:

Replace “\$50,000” and “\$100,000” by “\$25,000” and “\$50,000”, respectively.

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An Act to bolster tobacco control

Section 48

AMENDMENT:

Replace “\$50,000” and “\$100,000” by “\$25,000” and “\$50,000”, respectively.

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Section 49

AMENDMENT:

Replace by:

49. Section 49.3 of the Act is replaced by the following section:

“49.3. The operator of a tobacco retail outlet who contravenes the provisions of section 8.1.1, 20.3.1, 20.4 or 20.5 or of a regulation made under section 20.7 the violation of which constitutes an offence is liable to a fine of \$1,000 to \$25,000 and, for a subsequent offence, to a fine of \$2,000 to \$50,000.”

Adopted

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Section 49.1

AMENDMENT:

Insert after section 49:

49.1. The Act is amended by inserting the following section after section 49.3:

“**49.4.** The operator of a specialized retail outlet who contravenes the fourth paragraph of section 20.3 or the second paragraph of section 20.3.2 is liable to a fine of \$2,500 to \$62,500 and, for a subsequent offence, to a fine of \$5,000 to \$125,000.

The operator of a specialized retail outlet for electronic cigarettes who contravenes the third paragraph of section 20.3.2 is liable to a fine of \$1,000 to \$25,000 and, for a subsequent offence, to a fine of \$2,000 to \$50,000.”

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Section 50

AMENDMENT:

1. Replace “\$125,000” and “\$250,000” in paragraph 1 by “\$62,500” and “\$125,000”, respectively.

2. Replace paragraph 2 by:

(2) by replacing “of section 21 is liable to a fine of \$2,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000” in the second paragraph by “of section 21 or 21.1 is liable to a fine of \$5,000 to \$500,000 and, for a subsequent offence, to a fine of \$10,000 to \$1,000,000”.



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Section 52

AMENDMENT:

Replace by:

52. Section 52 of the Act is replaced by the following section:

“**52.** The operator of a business who contravenes the provisions of section 27 is liable to a fine of \$2,500 to \$62,500 and, for a subsequent offence, to a fine of \$5,000 to \$125,000.

A manufacturer or distributor of tobacco products who contravenes the provisions of section 27 is liable to a fine of \$5,000 to \$500,000 and, for a subsequent offence, to a fine of \$10,000 to \$1,000,000.”

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OS

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Section 41

AMENDMENT:

1. Insert “or a regulation made under section 29.3 and whose violation constitutes an offence” after “section 29.2” in proposed section 53.1.
2. Add at the end of proposed section 53.1:

However, a manufacturer or distributor of tobacco products is liable to a fine of \$5,000 to \$500,000 and, for a subsequent offence, to a fine of \$10,000 to \$1,000,000.”



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Section 56

AMENDMENT:

Replace “\$25,000” and “\$50,000” in paragraph 1 by “\$12,500” and “\$25,000”, respectively.

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Bill 44

An Act to bolster tobacco control

Section 57

AMENDMENT:

Replace by:

57. Section 55 of the Act is replaced by the following section:

“**55.** The operator of a tobacco retail outlet who contravenes section 36 or 37 is liable to a fine of \$2,500 to \$62,500 and, for a subsequent offence, to a fine of \$5,000 to \$125,000.

Anyone other than the operator of a tobacco retail outlet who contravenes section 36 or 37 is liable to a fine of \$2,500 to \$125,000 and, for a subsequent offence, to a fine of \$5,000 to \$250,000. However, a tobacco product manufacturer or distributor is liable to a fine of \$5,000 to \$500,000 and, for a subsequent offence, to a fine of \$10,000 to \$1,000,000.”

Adopted
OS

Bill 44

An Act to bolster tobacco control

Section 63

AMENDMENT:

1. Replace “and 5” in paragraph 1 by “, 5 and 24”.
2. Replace “and 16” in paragraph 2 by “, 16, 20.2 and 60.1 to the extent that it enacts sections 6.2 and 6.3 of the Regulation under the Tobacco Act”.
3. Add after paragraph 2:

(3) section 10.1, which comes into force on *(insert the date occurring two years after the date of assent to this Act)*.

Adopté
OS