



HOUSE USE ONLY

CHAIR:

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1st SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
68 ELIZABETH II, 2019

(Bill No. 112)

**An Act to Amend the Tobacco and Electronic Smoking
Device Sales and Access Act**

Cory Deagle
MLA

PRIVATE MEMBER'S BILL

Carol Mayne
Acting Queen's Printer
Charlottetown, Prince Edward Island

**For House
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**Prince Edward Island
Legislative Assembly**

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AMENDMENTS

BILL NUMBER: 112

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TITLE: An Act to Amend the Tobacco and Electronic Smoking Device Sales and Access Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE TOBACCO AND ELECTRONIC SMOKING DEVICE SALES AND ACCESS ACT

BILL NO. 112

2019

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Clause 1(c.1) of the *Tobacco and Electronic Smoking Device Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, is repealed and the following substituted:

- (c.1) “tobacconist shop” means a place or premises in which the primary business conducted is the retail sale of tobacco or electronic smoking devices, or both;
- (c.2) “tobacco-related product” means any product that may be used in the consumption of tobacco, and includes a cigarette paper, a cigarette tube, a cigarette filter, a cigarette maker, a cigarette holder, a pipe, a waterpipe, a pipe cleaner and a cigar clip;

2. Section 3.1 of the Act is amended by the addition of the words “or an electronic smoking device” after the word “tobacco”.

3. The heading immediately before section 4 of the Act is amended by the deletion of the word “19” and the substitution of the words “21”.

4. (1) Section 4 of the Act is amended by the deletion of the word “19” wherever it occurs and the substitution of the words “21”.

(2) Section 4 of the Act is amended by the addition of the following after subsection (6):

Transitional

(7) Subsections (1), (2), (4) and (5) do not apply in respect of the sale, supply or resale to, or purchase or attempt to purchase on behalf of, a person who became 19 years of age before the date this subsection came into force.

5. The Act is amended by the addition of the following after section 4.1:

4.2 Sale only in tobacconist shop

No person shall sell an electronic smoking device except in a tobacconist shop.

- 6.(1) Subsection 5.1(2) of the Act is amended by the deletion of the words “19 years” and the substitution of the words “21 years, other than persons referred to in subsection 4(7),”.**
- (2) Subsection 5.1(3) of the Act is repealed.**
- 7. The Act is amended in the following provisions by the deletion of the word “19” and the substitution of the words “21”:**
- (a) clause 5.2(1)(b);**
 - (b) clause 5.3(1)(b).**
- 8. This Act comes into force on the earlier of a date that may be fixed by proclamation of the Lieutenant Governor in Council or 120 days after the date of Royal Assent.**



EXPLANATORY NOTES

SECTION 1 amends section 1 of the Act by adding a definition of “tobacconist shop” and renumbering the definition of “tobacco-related product”.

SECTION 2 amends section 3.1 of the Act to prohibit the sale of an electronic smoking device that contains a prescribed flavouring agent.

SECTION 3 amends a heading in the Act to refer to persons under 21 instead of 19.

SECTION 4 amends section 4 of the Act to change references to 19 years to 21 years in respect of age. It also adds a transitional provision so that prohibitions respecting the supply, sale or resale to, or purchase or attempt to purchase on behalf of, persons under the age of 21 do not apply in respect of persons who turn 19 years of age before the provision comes into force.

SECTION 5 adds a new section 4.2 to the Act prohibiting the sale of an electronic smoking device except in a tobacconist shop.

SECTION 6 amends subsection 5.1(2) of the Act to reflect the amendments to section 4 and repeals subsection 5.1(3) of the Act because “tobacconist shop” is now defined in section 1 of the Act.

SECTION 7 changes references to persons under the age of 19 years to persons under the age of 21 years in two clauses of the Act.

SECTION 8 provides for the commencement of this Act.

(Bill No. 112)

**An Act to Amend the Tobacco and Electronic
Smoking Device Sales and Access Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 14, 2019
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Cory Deagle
MLA

PRIVATE MEMBER'S BILL

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