

The Smoking and Vapour Products Control Act outlines the legislation:

No smoking in enclosed places

- 2(1) Except as permitted in section 3, 3.1, 4 or 5.1, no person shall smoke in
- (a) an enclosed public place;
 - (b) an indoor workplace;
 - (c) a group living facility;
 - (d) a public vehicle; or
 - (e) a vehicle used in the course of employment, while carrying two or more employees.

No e-cigarette use in enclosed places

- 2(1.1) Except as permitted in section 3, 3.1 or 4.1, no person shall use an e-cigarette in
- (a) an enclosed public place;
 - (b) an indoor workplace;
 - (c) a group living facility;
 - (d) a public vehicle; or
 - (e) a vehicle used in the course of employment, while carrying two or more employees.

Offence and penalty: contravention of subsection 2(1) or (1.1) or section 5.2

8(2) An individual who contravenes subsection 2(1) or (1.1) or section 5.2 is guilty of an offence and is liable on summary conviction,

- (a) for a first offence, to a fine of not less than \$100. and not more than \$500.;
- (b) for a second offence, to a fine of not less than \$200. and not more than \$750.; and
- (c) for a third or subsequent offence, to a fine of not less than \$300. and not more than \$1000

And just in case they call into question any of the wording:

"enclosed public place" means any part of an enclosed place to which members of the public have access, including, but not limited to,

- (a) any part of
 - (i) an office building,
 - (ii) a retail store or other commercial establishment, or
 - (iii) the common areas of a residential building or shopping mall,
- (b) a health care facility,
- (c) a day care centre or nursery,
- (d) an educational institution or facility,
- (e) a restaurant,
- (f) an elevator,
- (g) a licensed premises,
- (h) an enclosed place, other than a private residence, in which a private function is being held,
- (i) a private club to which a member or invited person has access,
- (j) a bus shelter, pedestrian tunnel or enclosed pedestrian walkway, and
- (k) any other place or class of places prescribed by regulation

"vapour product" means any of the following:

- (a) an e-cigarette,
- (b) an e-substance,
- (c) a cartridge for or a component of an e-cigarette

"e-cigarette" means either of the following:

- (a) a product or device, *whether or not it resembles a cigarette*, containing a power source and heating element designed to vapourize an e-substance for inhalation or release into the air,
- (b) a product or device prescribed by regulation similar in nature or use to a product or device described in clause (a);

Supplying tobacco to child prohibited

7(1) - No person shall supply or offer to supply tobacco or a tobacco-related product to a child.

Supplying vapour product to child prohibited

7.0.1(1) - No person shall supply or offer to supply a vapour product to a child.

The definition of *child* in provincial legislation is inclusive of anyone under the age of majority.

General offence and penalty

8(1) - A person who contravenes a provision of this Act other than section 2, 5 or 5.2, or a provision of the regulations, is guilty of an offence and is liable on summary conviction,

- (a) *for a first offence, to a fine of not more than \$3,000.;*
- (b) *for a second offence, to a fine of not more than \$5,000.;*
- (c) *for a third or subsequent offence, to a fine of not more than \$15,000.*

For more information regarding the legal consequences of vaping/smoking in an enclosed public space or about fines related to contributing these products to minors, contact:

Cst. Scott Cameron
Royal Canadian Mounted Police
Swan River Detachment
105-10th Avenue North
Swan River, MB
RoL 1Z0
Office: (204) 734-4686
Fax: (204) 734-5626