



Proposed amendment to Bill 233 to ban Internet sales of tobacco and electronic cigarettes

Here is the text of a proposed amendment to Bill 233 that would have the effect of prohibiting Internet sales of tobacco and electronic cigarettes.

That Bill 233 be amended by inserting the following after clause 4

4.1 Section 7 of Chapter 14, as amended by Chapter 21 of the Acts of 1999 and Chapter 26 of the Acts of 2015, is further amended by adding immediately after Section 5 the following Section:

5.1 (1) No person shall sell tobacco or a tobacco product except in a tobacco retail outlet, with both the operator of the retail outlet or an employee of the operator and the purchaser physically present.

(2) For the purposes of subsection (1), a tobacco retail outlet is a fixed place permanently delimited by continuous floor-to-ceiling partitions or walls that is accessible only through an opening equipped with a door and in which tobacco or a tobacco product is sold.

Note: The existing definition of “tobacco” in the Nova Scotia *Tobacco Access Act* includes electronic cigarettes.

The proposed amendment above is based on wording in the Quebec *Tobacco Control Act* adopted in 2005 and continuous in place since then, and which is as follows:

<https://www.canlii.org/en/qc/laws/stat/cqlr-c-l-6.2/latest/cqlr-c-l-6.2.html>

14.1. Tobacco may not be sold retail except in a tobacco retail outlet, with both the operator of the retail outlet or an employee of the operator and the purchaser physically present. For the purposes of this Act,

(1) a tobacco retail outlet is a fixed place permanently delimited by continuous floor-to-ceiling partitions or walls that is accessible only through an opening equipped with a door and in which tobacco is sold retail by the operator of the place;

(2) a person other than a tobacco farmer or a tobacco product manufacturer or distributor who is in possession of or holds a quantity of tobacco that exceeds the amount the person needs for personal consumption is presumed, in the absence of any evidence to the contrary, to engage in the retail sale of tobacco.