

CAYMAN ISLANDS



TOBACCO (AMENDMENT) BILL, 2026

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A BILL FOR AN ACT TO AMEND THE TOBACCO ACT, 2008 TO PROVIDE FOR THE PROTECTION OF PUBLIC HEALTH BY REGULATING THE IMPORTATION, MANUFACTURE, PACKAGING, LABELLING, SELLING, ADVERTISING, PROMOTION AND USE OF VAPING PRODUCTS ; TO PROVIDE FOR THE PROTECTION OF MINORS BY RESTRICTING THE USE OF VAPING PRODUCTS AND NICOTINE PRODUCTS TO PERSONS AGED EIGHTEEN YEARS OR OLDER; TO PROHIBIT THE IMPORTATION, MANUFACTURE, PACKAGING, LABELLING, SELLING, ADVERTISING AND PROMOTION OF DISPOSABLE VAPING PRODUCTS IN THE ISLANDS IN ORDER TO REDUCE NICOTINE ADDICTION IN MINORS AND YOUNG PEOPLE; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Health, Environment and Sustainability



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Tobacco Act, 2008, the “principal Act”, to provide greater protection for public health by regulating the importation, manufacture, packaging, labelling, selling, advertising, promotion and use of vaping products. This Bill seeks to prohibit the use of nicotine products by minors and the sale of such products to minors. Further, this Bill prohibits the importation, manufacture, packaging, labelling, selling, advertising and promotion of disposable vaping products in order to reduce nicotine addiction in minors and young people.

The prohibition in relation nicotine products is important for the protection of minors and young people. Research shows that minors and young people gravitate to nicotine products due to their affordability, accessibility and flavoured appeal.

In January 2024, the World Health Organization issued an advisory about the adverse impacts of vaping products (“e-cigarettes”) on the health of individuals, particularly the fact that such use significantly increases the risk of addiction, poisoning and inhalation toxicity. The advisory states, among other things, as follows —

“ENDS contain varying amounts of nicotine and harmful emissions.

E-cigarette emissions typically contain nicotine and other toxic substances that are harmful to both users and non-users who are exposed to the aerosols second-hand. Some products claiming to be nicotine-free (ENNDS) have been found to contain nicotine.

Nicotine exposure in pregnant women can adversely affect the development of the fetus. Further, the consumption of nicotine in children and adolescents has negative impacts on brain development, leading to long-term consequences for brain development and potentially leading to learning and anxiety disorders.

Nicotine is highly addictive and harmful to health. Additionally, high quality epidemiology studies consistently demonstrate that e-cigarettes use increases conventional cigarette uptake, particularly among non-smoking youth, by nearly 3 times. Evidence reveals that these products are harmful to health and are not safe. However, it is too early to provide a clear answer on the long-term impact of using them or being exposed to them. Whilst long-term health effects are not fully known, we do know that they generate toxic substances, some of which are known to cause cancer and some that increase the risk of heart and lung disorders. Electronic delivery systems have also been linked to a number of physical injuries, including burns from explosions or malfunctions, when the products are not of the expected standard or are tampered with by users.



Accidental exposure of children to ENDS e-liquids pose serious risks as devices may leak or children may swallow the poisonous e-liquid.”

This Bill is, therefore, a critical public health response to significant technological and market developments in electronic nicotine delivery systems.

Clause 1 provides for the short title and commencement of the legislation.

Clause 2 amends the principal Act by —

- (a) deleting the word “Governor” wherever it appears and substituting the word “Cabinet”;
- (b) deleting the word “Law” wherever it appears and substituting the word “Act”; and
- (c) deleting Roman numerals in references to Parts and substituting Arabic numerals.

The above amendments are to ensure that archaic language in the legislation is updated.

Clause 3 amends section 1 of the principal Act by deleting the short title and substituting the proposed new short title “Tobacco and Vape Act, 2026”.

Clause 4 provides for the interpretation of words used in the legislation. These include “e-cigarette”, “emission”, “vaping product” and “nicotine product”.

The word “e-cigarette” is defined as a type of vaping product.

The word “emission” is defined as any substance or combination of substances that is produced when a tobacco product or a vaping product is used and includes smoke, vapour or aerosol.

The words “nicotine product” mean a product containing nicotine, regardless of source, that is intended for vaping or human consumption and includes disposable vaping products, flavoured vaping products and nicotine pouches.

A “vaping product” is defined as —

- (a) a device that produces emissions in the form of an aerosol and that is intended to be brought to the mouth for inhalation of the aerosol;
- (b) a part that may be used with a device referred to in paragraph (a);
- (c) a substance or mixture of substances, whether or not it contains nicotine, regardless of source, that is intended for use with a device referred to in paragraph (a).

Clause 5 repeals and substitutes section 3 of the principal Act which provides for restrictions on dealing with tobacco products. The effect of the amendment is that restrictions that currently apply to tobacco products will now apply to vaping products. The proposed section 3 provides that a person shall not manufacture, package, label, sell, advertise or promote a vaping product except in accordance with this legislation. The section also provides that a person shall not import a vaping product except in accordance with the Customs and Border Control Act (2024 Revision) and the Customs Tariff Act (2026 Revision).



Clause 6 provides for proposed new section 3A which prohibits dealing with disposable vaping products. Pursuant to this proposed section, a person shall not import, manufacture, package, label, sell, advertise or promote disposable vaping products.

Clause 7 amends section 4 of the principal Act to include references to vaping products, thereby making registration a prerequisite for obtaining a licence to trade in vaping products.

Clause 8 provides for proposed new sections 4A and 4B which set out a more comprehensive procedure for the renewal of a Certificate of Registration as a dealer in tobacco products or vaping products. These proposed new sections 4A and 4B are necessary to address the procedure for renewal of a Certificate of Registration issued under section 4(2) of the principal Act. This expanded procedure now gives an applicant for renewal an opportunity to make written submissions to the Chief Officer in the event that the Chief Officer refuses to grant renewal of a Certificate of Registration.

Clause 9 amends section 5 of the principal Act to require that importers and wholesale distributors of vaping products provide the Chief Officer with information on emissions in respect of relevant vaping products.

Clause 10 repeals and substitutes section 6 of the principal Act. The proposed section 6 provides for the display of messages regarding health on vaping products. The effect of this amendment is that a person shall not manufacture, sell or import a vaping product unless the package in which it is contained displays, in the prescribed form and manner, the prescribed information with regard to —

- (a) the product and emissions from the product;
- (b) the health hazards and health effects arising from the use of the product or from its emissions;
- (c) the nicotine content of the product; and
- (d) health warnings about nicotine addiction.

Clause 11 repeals and substitutes section 7 of the principal Act. The proposed new section 7 incorporates vaping products under the prohibition against promotion that currently applies to tobacco products in the principal Act.

Clause 12 amends section 8 of the principal Act to ensure that vaping products are included under the prohibition against promotion of identical or similar products, that currently applies to tobacco products in the principal Act.

Clause 13 repeals and substitutes section 9 of the principal Act which deals with consideration as an inducement to purchase. The amendment prohibits a person, in the course of business, from offering consideration or free samples as an inducement to purchase tobacco products or vaping products.

Clause 14 repeals and substitutes section 10 of the principal Act, which deals with the sale of tobacco products, to include vaping products and nicotine products. The effect of this is that —

- (a) a person will be prohibited from selling a vaping product or a nicotine product to a minor;
- (b) a person will be prohibited from making available a vaping product or a nicotine product for consumption by a minor;
- (c) a person will be prohibited from hiring or using a minor to sell or otherwise handle a vaping product or a nicotine product; and
- (d) a minor will be prohibited from buying a vaping product or a nicotine product, whether for the minor's own use or otherwise.

Clause 15 repeals and substitutes section 11 of the principal Act, which deals with display of tobacco products, to include vaping products. The effect of the amendment is that a retailer shall not sell a tobacco product or a vaping product unless the retailer does so at the request of the purchaser. However, a retailer may post a sign indicating —

- (a) the availability of tobacco products or vaping products for sale;
- (b) the specific products or brands available for sale; and
- (c) the prices of the products.

Clause 16 amends section 12 of the principal Act which deals with the use of tobacco products, to include the use of vaping products. The effect of this amendment is that a person shall not vape in or within ten feet of a public place. The exceptions that currently apply to smoking will also apply to vaping.

Further, the management of all public places where smoking and vaping are prohibited shall post signs, as may be prescribed, indicating that the establishment is smoke-free and vape-free. The signs shall visibly bear the no-smoking or no-vaping symbol.

Clause 17 amends section 14 of the principal Act to provide that an Authorised Officer may enter premises in which the Authorised Officer believes, on reasonable grounds, that a vaping product is used, manufactured, tested, stored, packaged, labelled or sold.

Clause 18 amends section 15 of the principal Act which deals with powers of Authorised Officers, to include references to vaping products. Pursuant to this amendment, when carrying out an inspection an Authorised Officer may, among other things —

- (a) examine a vaping product;
- (b) require anyone on the premises to produce for inspection, in the manner and form requested by the Authorised Officer, the vaping product;
- (c) open, or require anyone on the premises to open, any container or package found on the premises that the Authorised Officer believes, on reasonable grounds, contains a vaping product.

Clause 19 amends section 17 of the principal Act which deals with entry in a dwelling house, to include vaping products. The effect of this amendment is that an Authorised Officer may not enter a dwelling house which the Authorised Officer suspects is being used for the manufacture or sale of vaping products, unless the occupant of the dwelling house consents or a warrant has been issued by a magistrate or Justice of the Peace.



Clause 20 amends section 19 of the principal Act, which deals with seizure, to include references to vaping products. Pursuant to this amendment, an Authorised Officer may now seize and detain vaping products if the Authorised Officer believes, on reasonable grounds, that this legislation has been contravened.

Clause 21 amends section 20 of the principal Act which deals with application for restoration, to include references to vaping products. The effect of this amendment is that a person from whom a vaping product was seized may, within ten days after the date of seizure, apply to a magistrate or Justice of the Peace for an order of restoration.

The magistrate or Justice of the Peace may order that the vaping product be restored immediately to the applicant if, on hearing the application, the magistrate or Justice of the Peace is satisfied —

- (a) that the applicant is entitled to possession of the vaping product; and
- (b) that the vaping product is not and will not be required as evidence in proceedings in respect of an offence under this legislation.

Clause 22 amends section 21 of the principal Act which deals with forfeiture, to include references to vaping products. The effect of this amendment is that, where a court does not order the restoration of vaping products that have been seized, the seized products may be forfeited to the Crown and may be disposed of as the court directs.

Clause 23 amends section 22 of the principal Act which deals with offences and penalties, to include references to vaping. The penalty under the proposed section 3A is provided for under section 22. It is an offence for a person to import, manufacture, package, label, sell, advertise or promote disposable vaping products.

If a person contravenes the proposed new section 3A the person commits an offence and is liable on summary conviction —

- (a) for a first offence, to a fine of fifteen thousand dollars; and
- (b) for a subsequent offence, to a fine of thirty thousand dollars and imprisonment for twelve months.

Clause 23 also amends section 22 of the principal Act by deleting references to the archaic words “is guilty of an offence” and substituting the modern formulation of “commits an offence”.

Clause 24 amends section 23(1) of the principal Act by deleting the archaic words “is guilty of an offence” and substituting the modern formulation of “commits an offence”.

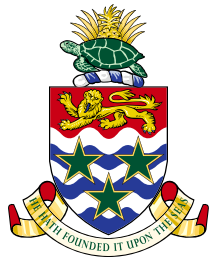
Clause 25 amends section 25 of the principal Act which deals with the power to make regulations, to include references to vaping. The effect of the amendment is that the Cabinet may make regulations, among other things —

- (a) prescribing the location, content and format of the signs required to identify vape-free establishments;
- (b) respecting the content and format of information that must appear on vape packages and in leaflets;

- (c) respecting the information that may not appear on vape packages;
- (d) prescribing time schedules for the implementation of promotional restrictions regarding vape products;
- (e) prescribing the forms of identification to be tendered by a prospective purchaser of a vaping product seeking to establish that the purchaser is not a minor; and
- (f) prescribing the quantities of a vaping product to be sold in a single package or the maximum limit in relation to the nicotine level in a single vaping product.



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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

- 1.** (1) This Act may be cited as the Tobacco (Amendment) Act, 2026.
- (2) Subject to subsections (3) and (4), this Act shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.
- (3) Section 6 comes into force six months after the date on which the Act is published in the *Gazette*.
- (4) Section 14 comes into force on the date of publication of the Act in the *Gazette*.



General amendments to the Tobacco Act, 2008 - references to Governor; references to Law; references to Parts

2. The *Tobacco Act, 2008*, in this Act referred to as the “principal Act”, is amended as follows —
- (a) by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”;
 - (b) by deleting the word “Law” wherever it appears and substituting the word “Act”;
 - (c) by deleting the words “Part II” wherever they appear and substituting the words “Part 2”;
 - (d) by deleting the words “Part III” wherever they appear and substituting the words “Part 3”;
 - (e) by deleting the words “Part IV” wherever they appear and substituting the words “Part 4”;
 - (f) by deleting the words “Part V” wherever they appear and substituting the words “Part 5”;
 - (g) by deleting the words “Part VI” wherever they appear and substituting the words “Part 6”;
 - (h) by deleting the words “Part VII” wherever they appear and substituting the words “Part 7”; and
 - (i) by deleting the words “Part VIII” wherever they appear and substituting the words “Part 8”.

Amendment of section 1 - short title and commencement

3. The principal Act is amended in section 1 by deleting the short title and substituting the following short title “Tobacco and Vape Act, 2026”.

Amendment of section 2 - definitions

4. The principal Act is amended in section 2 as follows —
- (a) by repealing the section heading and substituting the following section heading —
“Interpretation”;
 - (b) in the definition of the word “**advertisement**”, by inserting after the words “tobacco product” wherever they appear, the words “, a vaping product”;
 - (c) in the definition of the words “**brand element**”, by inserting after the words “tobacco product” the words “or vaping product”;
 - (d) in the definition of the words “**cigar store**”, by inserting after the words “tobacco products” the words “or vaping products”;



- (e) by deleting the definition of the word “**emission**” and substituting the following definition —
- “**“emission”** means any substance or combination of substances that is produced when a tobacco product or a vaping product is used and includes smoke, vapour or aerosol;”;
- (f) by deleting the definition of the word “**Governor**”;
- (g) in the definition of the word “**importer**”, by inserting after the words “tobacco products” the words “or vaping products”;
- (h) by deleting the definition of the words “**international no-smoking symbol**”;
- (i) in the definition of the word “**package**”, by inserting after the words “tobacco product” the words “or a vaping product”;
- (j) in the definition of the word “**promotion**”, by inserting after the words “tobacco product” the words “or a vaping product”;
- (k) in the definition of the word “**retailer**”, by inserting after the words “tobacco products” the words “or vaping products”;
- (l) in the definition of the words “**vending machine**”, by deleting the words “tobacco or tobacco products” and substituting the words “tobacco products or vaping products”;
- (m) in the definition of the words “**wholesale distributor**”, by inserting after the words “tobacco products” the words “or vaping products”; and
- (n) by inserting, in the appropriate alphabetical sequence, the following definitions —
- “**“disposable vaping product”** means a vaping product that is not designed or intended to be reused and includes a vaping product that —
- (a) is not designed to be refilled by the user with a vaping substance or by using a pod, cartridge, or similar storage container; or
- (b) is not designed to be recharged;
- “**e-cigarette**” means a type of vaping product;
- “**flavour**” means any smell or taste other than the smell or taste of tobacco that results from an additive or combination of additives to a vaping product or a nicotine product;
- “**flavoured vaping product**” means a vaping product that contains a flavour and includes flavours such as cotton candy, gummy bear, strawberry cheesecake, menthol and mint;
- “**nicotine pouch**” means a small pouch that contains a powder made of nicotine, flavourings and other ingredients and is designed for the oral delivery of nicotine;

“**nicotine product**” means a product that contains nicotine, regardless of source, that is intended for vaping or human consumption and includes disposable vaping products, flavoured vaping products and nicotine pouches;

“**no-smoking or no-vaping symbol**” means a symbol consisting of a graphic representation of a red circle with a diagonal slash over both a lit cigarette and an e-cigarette;

“**pod**” means a type of cartridge that is designed for use with a disposable vaping product or a vaping product;

“**vape**” means inhaling or exhaling an aerosol or vapour that is produced by a vaping product and “**vaping**” has a corresponding meaning; and

“**vaping product**” means —

- (a) a device that produces emissions in the form of an aerosol and that is intended to be brought to the mouth for inhalation of the aerosol;
- (b) a part that may be used with a device referred to in paragraph (a);
- (c) a substance or mixture of substances, whether or not it contains nicotine, regardless of source, that is intended for use with a device referred to in paragraph (a);”.

Repeal and substitution of section 3 - restrictions on dealing with tobacco products

5. The principal Act is amended by repealing section 3 and substituting the following section —

“Restrictions on dealing with tobacco products and vaping products

3. (1) A person shall not manufacture, package, label, sell, advertise or promote a tobacco product or a vaping product except in accordance with this Act.
- (2) A person shall not import a tobacco product or a vaping product except in accordance with this Act, the *Customs and Border Control Act (2024 Revision)* and the *Customs Tariff Act (2026 Revision)*.”.

Insertion of section 3A - prohibition on dealing with disposable vaping products

6. The principal Act is amended by inserting after section 3 the following section —



“Prohibition on dealing with disposable vaping products

- 3A.** A person shall not import, manufacture, package, label, sell, advertise or promote disposable vaping products.”.

Amendment of section 4 - registration as a prerequisite for obtaining a licence to trade in tobacco products

- 7.** The principal Act is amended in section 4 as follows —

- (a) in the section heading, by inserting after the words “tobacco products” the words “or vaping products”;
- (b) in subsection (1), by inserting after the words “tobacco products” wherever they appear the words “or vaping products”;
- (c) in subsection (2), by inserting after the words “tobacco products” the words “or vaping products”; and
- (d) by repealing subsection (7).

Insertion of sections 4A and 4B - application for renewal of registration as dealer in tobacco products or vaping products; renewal of registration

- 8.** The principal Act is amended by inserting after section 4 the following sections —

“Application for renewal of registration as dealer in tobacco products or vaping products

- 4A.** (1) A registered dealer in tobacco products or vaping products who wishes to apply for renewal of registration as a dealer in tobacco products or vaping products shall submit to the Chief Officer an application in the prescribed form, accompanied by the prescribed fee.
- (2) Where an applicant under subsection (1) applies for renewal of registration prior to the expiration of the applicant’s registration as a dealer in tobacco products or vaping products, the applicant shall be entitled to continue trading pending the outcome of that application.

Renewal of registration

- 4B.** (1) Subject to subsection (2), where an application for renewal of registration as a dealer in tobacco products or vaping products is made under section 4A(1), the Chief Officer may refuse to renew that registration if the dealer in tobacco products or vaping products has contravened this Act or any regulations under this Act.
- (2) If the Chief Officer decides to refuse an application for renewal of registration the Chief Officer shall inform the applicant by written notice as soon as practicable of the Chief Officer’s intention not to

renew registration of the applicant as a dealer in tobacco products or vaping products.

- (3) An applicant who receives a written notice under subsection (2) shall have thirty days from the date of service of the notice to make written submissions to the Chief Officer in respect of the refusal.
- (4) The Chief Officer shall consider any written submissions made under subsection (3) and shall inform the dealer in tobacco products or vaping products within seven days of the receipt of the submission of the Chief Officer's decision on the matter.”.

Amendment of section 5 - Chief Officer to be provided with information on emissions

9. The principal Act is amended in section 5 by inserting after the words “tobacco product” the words “or a vaping product”.

Repeal and substitution of section 6 - display of messages regarding health

10. The principal Act is amended by repealing section 6 and substituting the following section —

“Display of messages regarding health

6. (1) A person shall not manufacture, sell or import a tobacco product unless the package in which it is contained displays, in the prescribed form and manner, the prescribed information with regard to —
 - (a) the product and emissions from the product;
 - (b) the health hazards and health effects arising from the use of the product or from its emissions; and
 - (c) other health-related messages such as advice on how to stop smoking.
- (2) A person shall not manufacture, sell or import a vaping product unless the package in which it is contained displays, in the prescribed form and manner, the prescribed information with regard to —
 - (a) the product and emissions from the product;
 - (c) the health hazards and health effects arising from the use of the product or from its emissions;
 - (d) the nicotine content of the product; and
 - (e) health warnings about nicotine addiction.”.



Repeal and substitution of section 7 - prohibition against promotion of tobacco products

11. The principal Act is amended by repealing section 7 and substituting the following section —

“Prohibition against promotion of tobacco products or vaping products

- 7.** A person shall not promote or cause to be promoted a brand element of a tobacco product or a vaping product —
- (a) through direct or indirect means, including through sponsorship of an organisation, event, service, physical establishment or vehicle of any kind; or
 - (b) in a manner that allows a consumer or purchaser of a tobacco product or a vaping product to be deceived or misled concerning character, properties, toxicity, composition, merit or safety of a tobacco product or a vaping product.”.

Amendment of section 8 - prohibition against promotion of product identical or similar to a tobacco product

12. The principal Act is amended in section 8 as follows —

- (a) in the section heading, by inserting after the words “tobacco product” the words “or a vaping product”;
- (b) in the chapeau —
 - (i) by deleting the words “no person shall” and substituting the words “a person shall not”;
 - (ii) by inserting after the words “tobacco product” the words “or a vaping product”; and
- (c) by inserting after the words “any brand of tobacco product” the words “or vaping product”.

Repeal and substitution of section 9 - consideration as an inducement to purchase

13. The principal Act is amended by repealing section 9 and substituting the following section —

“Consideration or free samples as an inducement to purchase

- 9.** A person shall not, in the course of business —
- (a) offer or provide any consideration, direct or indirect, as an inducement to purchase a tobacco product or a vaping product, including —

- (i) a gift to a purchaser or a third party;
 - (ii) a bonus;
 - (iii) a premium;
 - (iv) cash;
 - (v) a rebate; or
 - (vi) the right to participate in a game, lottery or contest;
- (b) distribute a tobacco product or a vaping product without monetary consideration or in consideration of the purchase of a product or service or the performance of a service; or
- (c) provide or make available to any person free samples of tobacco products or vaping products at a point of sale or any other public place.”.

Repeal and substitution of section 10 - sale of tobacco products

- 14.** The principal Act is amended by repealing section 10 and substituting the following section —

“Sale of tobacco products, vaping products and nicotine products

- 10.** (1) A person shall not —
- (a) sell a tobacco product, a vaping product or a nicotine product to a minor;
 - (b) make available a tobacco product, a vaping product or a nicotine product for consumption or use by a minor; or
 - (c) hire or use a minor to sell or otherwise handle a tobacco product, a vaping product or a nicotine product.
- (2) A minor shall not buy a tobacco product, a vaping product or a nicotine product, whether for the minor’s own use or otherwise.
- (3) It is not a defence to a prosecution for an offence against subsection (1) that the prospective purchaser appeared to be eighteen years of age or older.
- (4) A person shall not be found to have contravened subsection (1) if it is established that —
- (a) the person exercised due diligence by attempting to verify that the prospective purchaser was eighteen years of age or older, by requesting the production of a prescribed form of identification; and
 - (b) the person reasonably believed that the document of identification produced was authentic and that it was issued to the person producing it.



- (5) A person shall not sell cigarettes —
 - (a) except in the full packages as prepared by the manufacturers of the cigarettes; and
 - (b) other than on the premises to which the registration relates.”.

Repeal and substitution of section 11 - display of tobacco products

15. The principal Act is amended by repealing section 11 and substituting the following section —

“Display of tobacco products or vaping products

- 11.** (1) A retailer shall not sell a tobacco product or a vaping product unless the retailer does so at the request of the purchaser.
- (2) Notwithstanding subsection (1), a retailer may post a sign indicating —
 - (a) the availability of tobacco products or vaping products for sale;
 - (b) the specific products or brands available for sale; and
 - (c) the prices of the products,and the brand element may be visibly displayed, but only as prescribed.
- (3) Unless otherwise prescribed, a person shall not sell a tobacco product or a vaping product through the mail, the Internet or a vending machine.
- (4) A person shall not display a tobacco product or a vaping product at the point of sale or in a manner that permits the customer to handle the product prior to purchase except in the case of cigar bars and cigar stores.
- (5) A person shall not sell a tobacco product or a vaping product at retail unless a sign bearing the prescribed health warnings together with any other information that may be prescribed is posted at the place of sale.
- (6) A person shall not display, at any place or premises in which tobacco products or vaping products are sold at retail, a sign respecting the legal age at which tobacco products or vaping products may or may not be purchased, except in accordance with the regulations.”.

Amendment of section 12 - use of tobacco products

16. The principal Act is amended in section 12 as follows —

- (a) in the section heading, by inserting after the words “tobacco products” the words “or vaping products”;
- (b) in subsection (1), by deleting the words “no person shall smoke” and substituting the words “a person shall not smoke or vape”;
- (c) in subsection (2) —
 - (i) in the chapeau, by deleting the words “No person shall smoke” and substituting the words “A person shall not smoke or vape”;
 - (ii) by inserting after the words “smoking-allowed” the words “or vaping-allowed”; and
 - (iii) in paragraph (d)(ii), by deleting the words “a no-smoking area” and substituting the words “a no-smoking or no-vaping area”; and
- (d) by repealing subsection (4) and substituting the following subsection —

“(4) The management of all public places where smoking and vaping are prohibited shall post signs, as may be prescribed, indicating that the establishment is smoke-free and vape-free and the signs shall visibly bear the no-smoking or no-vaping symbol.”.

Amendment of section 14 - premises that Authorised Officers may enter

17. The principal Act is amended in section 14 as follows —

- (a) in the chapeau, by deleting the word “he” and substituting the words “the Authorised Officer”;
- (b) by inserting after the words “tobacco product” wherever they appear the words “or a vaping product”; and
- (c) in paragraph (b), by deleting the words “or thing”.

Amendment of section 15 - powers of Authorised Officers

18. The principal Act is amended in section 15 as follows —

- (a) in paragraph (a), by deleting the words “or thing” and substituting the words “or a vaping product”;
- (b) in paragraph (b), by deleting the words “or thing” and substituting the words “or the vaping product”;
- (c) in paragraph (c), by deleting the words “or thing” and substituting the words “or a vaping product”;
- (d) in paragraph (d), by inserting after the words “tobacco product” the words “or the vaping product”; and



- (e) in paragraph (e), by inserting after the words “tobacco product” the words “or the vaping product”.

Amendment of section 17 - entry in a dwelling place

- 19.** The principal Act is amended in section 17(2)(a) by inserting after the words “tobacco products” the words “or vaping products”.

Amendment of section 19 - seizure

- 20.** The principal Act is amended in section 19 as follows —

- (a) in subsection (1), by deleting the words “or thing” and substituting the words “or a vaping product”;
- (b) in subsection (2), by deleting the words “or thing” and substituting the words “or vaping product”; and
- (c) in subsection (3), by deleting the words “or thing” and substituting the words “or a vaping product”.

Amendment of section 20 - application for restoration

- 21.** The principal Act is amended in section 20 as follows —

- (a) in subsection (1), by deleting the words “or thing” and substituting the words “or a vaping product”;
- (b) in subsection (2), by deleting the words “or thing” wherever they appear and substituting the words “or the vaping product”;
- (c) in subsection (3) —
 - (i) by inserting after the words “tobacco product” the words “or the vaping product”;
 - (ii) by deleting the words “or thing” wherever they appear;
 - (iii) by deleting the words “may order that the product” and substituting the words “may or that the tobacco product or the vaping product”;
- (d) in subsection (4), by deleting the words “or thing” and substituting the words “or a vaping product”; and
- (e) in subsection (5), by deleting the words “or thing” and substituting the words “or the vaping product”.

Amendment of section 21 - forfeiture

- 22.** The principal Act is amended in section 21 as follows —

- (a) in subsection (1) as follows —
 - (i) by deleting the words “a tobacco product or thing” and substituting the words “a tobacco product or a vaping product”; and

- (ii) by deleting the words “the product or thing” and substituting the words “the product”; and
- (b) in subsection (3) as follows —
 - (i) by deleting the words “a tobacco product or thing” and substituting the words “a tobacco product or a vaping product”; and
 - (ii) by deleting the words “the product or thing” and substituting the words “the product”.

Amendment of section 22 - offences and penalties

23. The principal Act is amended in section 22 as follows —

- (a) in subsection (1) as follows —
 - (i) by deleting the words “section 3” and substituting the words “section 3, 3A”; and
 - (ii) by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”;
- (b) in subsection (2), by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”;
- (c) in subsection (3), by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”;
- (d) in subsection (4), by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”;
- (e) in subsection (5) as follows —
 - (i) by inserting after the word “smoke-free” the words “and vape-free”; and
 - (ii) by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”;
- (f) in subsection (6), by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”; and
- (g) in subsection (7), by deleting the words “is guilty of an offence and liable” and substituting the words “commits an offence and is liable”.

Amendment of section 23 - vicarious liability of registrant

24. The principal Act is amended in section 23(1) by deleting the words “is guilty of an offence” and substituting the words “commits an offence”.

Amendment of section 25 - power to make regulations

25. The principal Act is amended in section 25(2) as follows —

- (a) in paragraph (a), by deleting the words “smoke free” and substituting the words “smoke-free and vape-free”;



