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3rd SESSION, 62nd GENERAL ASSEMBLY  
Province of Prince Edward Island  
54 ELIZABETH II, 2005

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**BILL NO. 8**

**An Act to Amend the Tobacco Sales and Access Act**

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Honourable J. Chester Gillan  
Minister of Health

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GOVERNMENT BILL

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**An Act to Amend the Tobacco Sales and Access Act**

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

**1. Clause 3(2)(d) of the *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1 is amended by the deletion of the words “a a” and the substitution of the word “a”.**

**2. (1) Subsection 4.1(2) of the Act is amended**

**(a) by the deletion of the period after clause (h) and the substitution of a semicolon; and**

**(b) by the addition of the following after clause (h):**

(i) a pharmacy;

(j) a retail store if

(i) a pharmacy is located within the retail store,

(ii) customers or employees of a pharmacy can pass into the retail store directly from the pharmacy or by use of a corridor or area used exclusively to connect the pharmacy with the retail store, or

(iii) the retail store belongs to a prescribed class or type of retail store.

**(2) Section 4.1 of the Act is amended by the addition of the following after subsection (3):**

(4) In this section, “pharmacy” means a retail drug store that provides, for profit, a non-exclusive array of drugs and related services to the general public in a non-exclusive way. <sup>“pharmacy”,  
defined</sup>

**3. The heading before section 5 of the Act is repealed and the following substituted:**

VENDING MACHINES, DISPLAYS AND ADVERTISING

**4. Section 5.1 of the Act is repealed and the following is substituted:**

**5.1** (1) No person shall display or permit the display of tobacco in any place or premises in which tobacco is sold or offered for sale at retail <sup>Tobacco not to be  
displayed</sup>

(a) by any means or in any manner, including the use of a countertop or wall display, that permits a consumer in the place or premises to view tobacco before purchasing it; or

(b) by any means or in any manner that makes tobacco visible to the public from the outside of the place or premises.

Exception

(2) The owner or person in charge of a tobacconist shop, and any person working at the tobacconist shop, may display or permit the display of tobacco in the tobacconist shop in any manner referred to in clause (1)(a) if persons under the age of 19 years are not permitted access to the tobacconist shop.

Definitions

(3) In this section,

“tobacconist shop”

(a) “tobacconist shop” means a place or premises in which the primary business conducted is the retail sale of tobacco;

“tobacco”

(b) “tobacco” includes the package in which tobacco is sold.

Tobacco not to be advertised or promoted in place or premises

**5.2** (1) No person shall advertise or promote the sale or use of tobacco in any place or premises in which tobacco is sold or offered for sale at retail.

Advertisements or promotional material not to be visible from outside place or premises

(2) No person shall advertise or promote the sale or use of tobacco by means of an advertisement or promotional material placed in the windows of any place or premises in which tobacco is sold or offered for sale at retail if the advertisement or promotional material is placed so that it is visible from the outside of the place or premises.

Exception

(3) Notwithstanding subsection (1), a person may, in any place or premises in which tobacco is sold or offered for sale at retail,

(a) display a sign that lists the types of tobacco offered for sale and their prices, if the sign complies with, and is displayed in accordance with, the requirements of the regulations; or

(b) display a magazine or other publication that is offered for sale and that contains tobacco advertising, if the magazine or publication

(i) is displayed in such a way that the tobacco advertisement is not visible to a consumer unless he or she is reading the magazine or publication, and

(ii) meets any requirements set out in the *Tobacco Act* (Canada) or any regulations made pursuant to that Act.

**5. Section 6 of the Act is repealed and the following substituted:**

Signs

**6.** No owner or person in charge of a place or premises in which tobacco is sold or offered for sale at retail shall

(a) fail to display in the place or premises, any sign respecting or disclosing information concerning the sale of tobacco and the effect of tobacco on health that is required to be displayed by the regulations; or

(b) fail to display any sign referred to in clause (a) in the manner and locations prescribed by the regulations.

**6.1** Where a retail vendor's registration certificate is amended or endorsed pursuant to s.2.1 of the *Revenue Tax Act* to prohibit the retail vendor from selling tobacco, the retail vendor shall post a notice to that effect provided by an inspector in the form required by the regulations.

Notice of prohibition respecting the sale of tobacco

**6. The Act is amended by the addition of the following after section 7:**

**7.1** No person shall obstruct or attempt to obstruct, or fail to cooperate with, an inspector in the exercise of his or her functions under this Act or the regulations.

Obstruction

**7. (1) Section 9 of the Act is amended by the addition of the following after clause (b):**

(b.1) prescribing classes or types of retail stores for the purposes of clause 4.1(2)(j);

**(2) Section 9 of the Act is amended**

**(a) by the repeal of clause (b) and the substitution of the following:**

(b) respecting the manner, location, form, size and content of signs permitted or required to be displayed in a place or premises in which tobacco is sold or offered for sale at retail;

**(b) by the addition of the following after clause (b.1):**

(b.2) respecting the form of the notice required to be posted under section 6.1;

(b.3) regulating signage respecting the advertisement and promotion of tobacco; and

**8. This Act comes into force on January 1, 2006, with the exception of section 4 and section 5, which come into force on June 1, 2006.**

## EXPLANATORY NOTES

**Section 1** corrects a minor wording error.

**Section 2** adds pharmacies and retail stores of certain types to the list of designated places in which the sale of tobacco is prohibited.

**Section 3 and 4** effect amendments in respect of the display of tobacco, and the advertisement of the sale or use of tobacco, in places or premises in which tobacco is sold or offered for sale at retail.

**Section 5** requires persons in charge of a place or premises in which tobacco is sold or offered for sale at retail to display signage, in accordance with the regulations, about the health effects of tobacco use. The section also requires a vendor who has been prohibited under the *Revenue Tax Act* from selling tobacco to post, at his or her shop, a notice to that effect in the required form.

**Section 6** prohibits the obstruction of an inspector.

**Section 7** amends the regulation-making power in the Act to authorize regulations prescribing classes of designated stores in which tobacco may not be sold. It also allows regulations to be made respecting the form of a notice required to be posted by a vendor who is prohibited from selling tobacco under the *Revenue Tax Act*. And the section expands the scope of the regulation-making power in the Act governing the signs that are permitted or required to be displayed in a place or premises where tobacco is offered for sale or sold at retail.

**Section 8** provides for the commencement of this Act on the proclamation of the Lieutenant Governor in Council.

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 17, 2005
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

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