

BY-LAW NO. 2024–

A by-law of the City of Ottawa to amend By-law No. 2002-189, as amended, with respect to the licensing and regulation of vapour product retailers.

The Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No. 2002-189, entitled “A by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses”, as amended, is amended by:

(a) adding the following definitions:

“electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device through the mouth, whether or not the vapour contains nicotine;

“e-substance” means a substance that is manufactured or sold to be used in an electronic cigarette;

“Smoke-Free Ontario Act, 2017” means the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3, as amended, and any regulation passed under it, and any successor legislation;

“specialty vape store” means a premises wherein vapour products are sold by retail as defined in Ontario Regulation 286/18 of the *Smoke-Free Ontario Act, 2017*;

“Tobacco and Vaping Products Act” means the *Tobacco and Vaping Products Act*, S.C. 1997, c. 13, as amended, and any regulation passed under it, and any successor legislation;

“tobacco and vapour products retailer” means a premises wherein both tobacco products and vapour products are sold by retail;

“tobacco product” means any product that contains tobacco, and includes the package in which tobacco is sold;

“tobacco product retailer” means a premises wherein tobacco products are sold by retail;

“tobacconist” means a premises where in specialty tobacco products are sold by retail as defined in Ontario Regulations 268/18 of the Smoke-Free Ontario Act, 2017;

“vapour product” means an electronic cigarette, e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance or component is sold;

“vapour product retailer” means a premises wherein vapour products are sold by retail;

(b) repealing the definition of “tobacco vendor”;

2. Section 9 of the said By-law No. 2002-189 is amended by repealing clause (12) and replacing it with the following clauses:

(12a) every tobacco product retailer;

(12b) every vapour product retailer;

(12c) every tobacco and vapour products retailer;

3. Schedule “A” of the said By-law No. 2002-189 is amended by the addition of the following items:

Column 1	Column 2	Column 3
Description of License	Annual License Fee \$	Expiry Date
Vapour Product Retailer	930	November 30
Tobacco and Vapour Products Retailer	1,092	November 30

4. Schedule “A” of the said By-law No. 2002-189 is further amended by repealing the term “Tobacco Vendors” where it appears and replacing it with the term “Tobacco Product Retailer”.

5. The said By-law No. 2002-189 is further amended by repealing Schedule No. 12 relating to Tobacco Vendors and replacing it with the new Schedule No. 12 relating to Tobacco and Vapour Product Retailers, attached hereto.

ACS2024-EPS-PPD-0004  
Document 1  
Draft By-law for Vapour Product Retailers

6. This by-law shall come into force and effect on November 30, 2024.

ENACTED AND PASSED this    day of                    2024.

CITY CLERK

MAYOR

SCHEDULE NO. 12  
Relating to Tobacco and Vapour Product Retailers

LICENSE REQUIRED

1. The following types of licences may be issued:
  - (a) tobacco product retailer;
  - (b) vapour product retailer; and
  - (c) tobacco and vapour products retailer.
2. A separate license shall be obtained in respect of each premises that sells tobacco or vapour products by retail.
3. No person shall own or operate a premises that sells tobacco or vapour products by retail without first obtaining the appropriate license to do so under this by-law.
4. In a building where more than one (1) premises for the retail sale of tobacco or vapour products exists at the same time, a location description shall be sufficient to distinguish each shop from any other within the same building.

CONDITIONS FOR ISSUANCE AND RENEWAL

5. No applicant for a license shall be issued or renewed a license unless,
  - (a) the applicant is eighteen (18) years of age or older,
  - (b) the applicant has paid the applicable fees outlined in Schedule “A” to this by-law,
  - (c) the applicant has provided to the Chief License Inspector a complete list of business or trade names used in the licensed business and the respective business addresses, email addresses, and telephone numbers relating to those businesses;
  - (d) the premises of the applicant is confirmed by a By-law Officer to be a premises that is not prohibited from selling or offering for sale tobacco products pursuant to the Smoke-Free Ontario Act, 2017;

- (e) where applicable, the premises of the applicant is confirmed by a By-law Officer to be a premises that is duly registered as a specialty vape store or tobacconist with the Board of Health for the City of Ottawa, in accordance with the Smoke-Free Ontario Act, 2017; and
- (f) the applicant has completed and filed an application prescribed by the Chief License Inspector.

6. Despite Section 5, no license will be issued to an applicant if the intended premises for the sale or distribution of tobacco or vapour products by retail is an outdoor property, or any facility, building, or property leased or owned by the City of Ottawa.

## REGULATIONS

7. No licensee shall fail to post the applicable license validly issued under this schedule in a prominent location on the licensed premises so as to be clearly visible to the public.
8. (1) No licensee shall fail to comply with the requirements of the Smoke-Free Ontario Act, 2017 and the Tobacco and Vaping Products Act.
- (2) Every licensee shall ensure that every individual employed or contracted to provide services or assist in the provision of services offered in the licensed premises complies at all times with the requirements of the Smoke-Free Ontario Act, 2017 and the Tobacco and Vaping Products Act.
- (3) Every individual employed or contracted to provide services or assist in the provision of services offered in the licensed premises shall comply with the requirements of the Smoke-Free Ontario Act, 2017 and the Tobacco and Vaping Products Act.
9. (1) Every licensee shall inform the Chief License Inspector immediately, in writing, if the licensee is no longer registered as a specialty vape store or tobacconist under the Smoke-Free Ontario Act, 2017.
- (2) If a licensee is no longer registered as a specialty vape store or tobacconist under the Smoke-Free Ontario Act, 2017, the license under this schedule may be suspended.

10. (1) Every licensee shall inform the Chief License Inspector immediately, in writing, if an automatic prohibition is issued to the owner or occupier of the licensed premises under section 22 of the Smoke-Free Ontario Act, 2017.
- (2) If an automatic prohibition is issued to the owner or occupier of the licensed premises under section 22 of the Smoke-Free Ontario Act, 2017, the license under this schedule is suspended.