

**2010**

## **CHAPTER 34**

An Act to amend *The Tobacco Control Act*

(Assented to May 20, 2010)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

**Short title**

**1** This Act may be cited as *The Tobacco Control Amendment Act, 2010*.

**S.S. 2001, c.T-14.1 amended**

**2** *The Tobacco Control Act* is amended in the manner set forth in this Act.

**Section 2 amended**

**3 Section 2 is amended:**

**(a) by repealing clause (a);**

**(b) in clause (b):**

**(i) by striking out “and” after subclause (iv); and**

**(ii) by adding the following after subclause (iv):**

“(iv.1) the common areas of a multi-unit residential building;  
and”;

**(c) by adding the following clauses after clause (b):**

“(b.1) **‘flavoured little cigar’** includes a little cigar that is represented as being flavoured, that contains a flavouring agent or that is presented by its packaging, by advertisement or otherwise as being flavoured;

“(b.2) **‘flavoured tobacco product’** includes a tobacco product that is represented as being flavoured, that contains a flavouring agent or that is presented by its packaging, by advertisement or otherwise as being flavoured, but does not include a flavoured little cigar”;

**(d) by adding the following clause after clause (c.1):**

“(c.2) **‘little cigar’** includes any of the following products:

(i) a tobacco product that is sold as a little cigar;

(ii) a tobacco product that:

(A) weighs less than 1.4 grams, or any other prescribed weight;

(B) is in the form of a roll or a tube; and

- (C) has a wrapper that contains natural or reconstituted leaf tobacco;
- (iii) a tobacco product that:
  - (A) has a cellulose, acetate or other type of filter;
  - (B) is in the form of a roll or a tube; and
  - (C) has a wrapper that contains natural or reconstituted leaf tobacco;
- (iv) any other prescribed tobacco product”.
- (e) by adding the following clauses after clause (d):**
  - “(d.1) ‘**ministry**’ means the ministry over which the minister presides;
  - “(d.2) ‘**pharmacy**’ means a pharmacy as defined in *The Pharmacy Act, 1996*”; and
- (f) by adding the following clause after clause (g):**
  - (g.1) ‘**school or independent school**’ means a school or an independent school as defined in *The Education Act, 1995*”.

**Section 5 amended**

**4(1) Subsection 5(2) is repealed and the following substituted:**

“(2) No person shall sell little cigars unless the little cigars are in a package that contains no fewer than 20 little cigars”.

**(2) Subsection 5(3) is amended by striking out “cigarillos” and substituting “little cigars”.**

**New sections 5.1 and 5.2**

**5 The following sections are added after section 5:**

**“Sale of flavoured little cigars prohibited**

**5.1(1)** Subject to subsection (2), no person shall sell a flavoured little cigar.

(2) Subsection (1) does not apply to a prescribed flavoured little cigar.

**“Sale of certain flavoured tobacco products prohibited**

**5.2** No person shall sell a prescribed flavoured tobacco product”.

**Section 6 amended**

**6(1) Subsection 6(1) is amended by striking out “No person” and substituting “Subject to subsection (6), no person”.**

**(2) The following subsections are added after subsection 6(3):**

“(4) No retailer shall permit tobacco or tobacco-related products to be displayed in the retailer’s business premises so that the tobacco or tobacco-related products are visible to the public from the outside of the premises.

“(5) No person shall advertise or promote tobacco or tobacco-related products on an outdoor sign of any type, including:

- (a) a billboard or portable sign; or
- (b) a sign on a bench, vehicle, building or other structure.

“(6) A place or premises mentioned in subsection (1) may display a sign that lists the tobacco or tobacco-related products offered for sale and the prices of the tobacco and the tobacco-related products, if the sign complies with any prescribed requirements.

“(7) This section does not apply to prescribed signs or prescribed items”.

**Section 7 amended**

**7(1) Clause 7(1)(a) is amended by striking out “department” and substituting “ministry”.**

**(2) Subsection 7(2) is amended by striking out “department” and substituting “ministry”.**

**Section 8 amended**

**8 Section 8 is amended:**

**(a) by repealing clause (a) and substituting the following:**

“(a) a school or an independent school”; **and**

**(b) by adding the following clauses after clause (f.4):**

“(f.5) a pharmacy;

“(f.6) a retail store if:

- (i) a pharmacy is located in the retail store; or
- (ii) customers of a pharmacy can enter into the retail store directly or by the use of a corridor or area used exclusively to connect the pharmacy with the retail store”.

**New section 10.1**

**9 The following section is added before section 11:**

**“Smoking in vehicle with person under the age of 16 present prohibited**

**10.1(1)** Subject to subsection (2), no person shall smoke or hold lighted tobacco in a vehicle while another person who is under the age of 16 years is present in the vehicle.

**(2)** Subsection (1) does not apply to a prescribed vehicle or a prescribed class of vehicles”.

**Section 11 amended****10(1) Subsection 11(2) is repealed and the following substituted:**

- “(2) Subject to subsection (3), no person shall:
- (a) smoke, use or consume tobacco, or hold lighted tobacco, in an enclosed public place that is a school or an independent school or on the grounds surrounding a school or an independent school; or
  - (b) smoke or hold lighted tobacco:
    - (i) in an enclosed public place other than a school or an independent school; or
    - (ii) within a prescribed distance from a doorway, window or air intake of an enclosed public place mentioned in subclause (i)”.

**(2) Clause 11(3)(d) is repealed.****Section 11.1 amended****11(1) Clause 11.1(1)(a) is amended by adding “or used” after “designed”.****(2) Clause 11.1(3)(a) is repealed and the following substituted:**

- “(a) request the person to immediately:
- (i) stop smoking or holding lighted tobacco and to immediately extinguish the lighted tobacco; or
  - (ii) in the case of a school or an independent school, stop smoking, using or consuming tobacco or holding lighted tobacco and to immediately extinguish any lighted tobacco”.

**New section 13****12 Section 13 is repealed and the following substituted:****“Signs required**

**13(1)** Subject to subsection (2), every proprietor of a place or premises to which section 11 applies shall ensure that signs containing a statement respecting the prohibition against smoking or holding lighted tobacco are posted at the place or premises in accordance with the regulations.

(2) Every proprietor of a school or independent school shall ensure that signs containing a statement respecting the prohibition against smoking, using or consuming tobacco, or holding lighted tobacco, are posted at the school or independent school in accordance with the regulations”.

**Section 15 amended****13 Section 15 is amended by striking out “section 11, 13 or 14” and substituting “section 10.1, 11, 13, or 14”.****Section 17 amended****14 Subclause 17(2)(a)(iv) is repealed and the following substituted:**

“(iv) smoking, using or consuming tobacco, or holding lighted tobacco, is prohibited pursuant to this Act”.

**Section 20 amended**

**15 Subsection 20(1) is amended in the portion preceding clause (a) by striking out “section 4, 5, 6, 7, 8 or 9” and substituting “section 4, 5, 5.1, 5.2, 6, 7, 8 or 9”.**

**Section 25 amended**

**16 Subsection 25(1) is amended by striking out “section 11” and substituting “section 10.1 or 11”.**

**Section 30 amended**

**17 Section 30 is amended:**

**(a) by adding the following clause after clause (a.1):**

“(a.2) for the purposes of clause 2(c.2):

- (i) prescribing the weight of a tobacco product;
- (ii) prescribing tobacco products as little cigars”;

**(b) by adding the following clauses after clause (c.1):**

“(c.11) for the purposes of section 5.1, prescribing flavoured little cigars to which subsection 5.1(1) does not apply;

“(c.12) for the purposes of section 5.2, prescribing prohibited flavoured tobacco products;

“(c.13) for the purposes of subsection 6(6), prescribing requirements for signs regarding tobacco or tobacco-related products;

“(c.14) for the purposes of subsection 6(7), prescribing signs or items or classes of signs or items to which section 6 does not apply”;

**(c) in clause (c.2) by striking out “department” and substituting “ministry”;**

**(d) by adding the following clause after clause (e):**

“(e.1) for the purposes of section 10.1, prescribing vehicles or any class of vehicles to which subsection 10.1(1) does not apply”.

**(e) by adding the following clause before clause (h):**

“(g.1) for the purposes of clause 11(2)(b), prescribing a distance from a doorway, window or air intake of an enclosed public place”; **and**

**(f) by repealing clause (j) and substituting the following:**

“(j) for the purposes of section 13, respecting signs to be posted”.

**Section 31 amended**

**18 Section 31 is amended by striking out “department” wherever it appears and in each case substituting “ministry”.**

**Coming into force**

**19 This Act comes into force on proclamation.**

