

Overview of Existing E-cigarette Legislation

In the absence of specific electronic cigarette or e-cigarette federal regulations, a variety of jurisdictions in North America have begun to adopt and look at ways to regulate the use of e-cigarettes.

Canadian context

In Canada, four municipalities are known to have bylaws regulating e-cigarette use. In addition, the City of Toronto has introduced a Council-voted policy to ban use in municipal work places, while the Winnipeg School Division introduced a policy to ban use on school properties. Further, in 2014 October the Nova Scotia House of Assembly tabled Bill 60 to propose amendments to the *Smoke-free Place Act* and *Tobacco Access Act* that include regulation of e-cigarettes.

Jurisdiction	Legislation/Rationale	Areas Prohibited
Red Deer, AB	<p>Smoke Free Bylaw</p> <ul style="list-style-type: none"> Potential health concern Lack of federal legislation <p>Note: The City of Red Deer reviewed its Smoke Free Bylaw in 2014 and confirmed that its definition of smoking applies to e-cigarettes.</p>	<ul style="list-style-type: none"> Prohibited in places where tobacco smoking is currently banned including: <ul style="list-style-type: none"> cafes restaurants bars sports fields near playgrounds workplaces and other sites
Innisfil, ON	<p>Bylaw to Prohibit Smoking and Use of Tobacco Products at all designated Town of Innisfil Outdoor Sports and Recreational Spaces</p> <p>Note: Electronic cigarettes were added to this bylaw, 2014 January.</p>	<ul style="list-style-type: none"> Prohibited within a nine metre radius of all Town of Innisfil: <ul style="list-style-type: none"> playground equipment zones public playing fields recreation spaces spectator seating areas
Hantsport, NS	<p>Protection from Second-Hand Smoke Bylaw 62</p> <p>Note: This bylaw includes a broad definition of smoking that includes electronic cigarettes.</p>	<ul style="list-style-type: none"> Prohibited in public places including: <ul style="list-style-type: none"> public municipal property playgrounds recreational facilities recreational trails
Toronto, ON	<p>Toronto City Council Workplace Policy</p> <ul style="list-style-type: none"> Protection of workers 	<ul style="list-style-type: none"> Prohibited in municipal work places.
Vancouver, BC	<p>Health Bylaw 9535</p> <ul style="list-style-type: none"> Potential health concern Potential to renormalize smoking, especially among youth <p>Note: This bylaw includes a lighted smoking device or electronic smoking device.</p>	<ul style="list-style-type: none"> Prohibited in public places where smoking is already prohibited.

Nova Scotia	<p>Bill 60</p> <p>Note: This bill was tabled in 2014 October, to amend the Smoke-free Places Act to include e-cigarettes, and has passed second reading in the Nova Scotia Legislature.</p>	<ul style="list-style-type: none"> • Prohibit use in indoor public places • Restrict sales of e-cigarettes to minors
Winnipeg, MB	<p>Winnipeg School Division Policy</p> <p>Note: In 2014 October, the Winnipeg School Division trustees voted to ban e-cigarette use from school division property.</p>	<ul style="list-style-type: none"> • Banned from school properties

United States context

In the United States, many states and cities have implemented their own regulations involving these products. In the US, three states (Utah, North Dakota and New Jersey) and have included e-cigarettes in indoor smoking bans. In addition, more than 170 municipalities, including Boston, New York, Chicago, Los Angeles and Indianapolis, regulate e-cigarette use in places where smoking is already banned, such as in workplaces, bars and restaurants.

State	Legislation/Rationale	Areas Prohibited
Utah	<p>Indoor Clean Air Act</p> <ul style="list-style-type: none"> • Perception of smoking becoming commonplace in indoor public places where tobacco smoking is prohibited • Health concerns/nicotine addiction • Rapid increase of teens using e-cigarettes 	<ul style="list-style-type: none"> • Prohibited in: <ul style="list-style-type: none"> ○ workplaces ○ restaurants ○ bars ○ private clubs
North Dakota	<p>Smoke-Free Law</p> <ul style="list-style-type: none"> • Potential to renormalize smoking, especially among youth • Safety not yet fully studied 	<ul style="list-style-type: none"> • Indoor public places including: <ul style="list-style-type: none"> ○ work places ○ bars ○ restaurants
New Jersey	<p>Smoke-Free Air Act</p> <ul style="list-style-type: none"> • Protection of youth • Safety not yet fully studied 	<ul style="list-style-type: none"> • Prohibited in: <ul style="list-style-type: none"> ○ enclosed work places ○ bars/restaurants ○ outdoor use if vapor recirculates indoors • Bans the sale to minors
Arkansas (State-wide other Venue)	<p>Clean Indoor Act</p> <ul style="list-style-type: none"> • Health concerns/nicotine addiction • Public nuisance – vapour • Gateway to traditional tobacco products 	<ul style="list-style-type: none"> • Public school properties

Cities	Legislation/Rationale	Areas Prohibited
Boston	<p>A Regulation Limiting Tobacco And Nicotine Access By Youth; and An Ordinance to Promote Clean and Healthy Parks</p> <ul style="list-style-type: none"> • Potential health concern • Includes e-cigarettes 	<ul style="list-style-type: none"> • Prohibited in: <ul style="list-style-type: none"> ○ enclosed workplaces ○ bars/restaurants
New York City	<p>Smoke-Free Air Act</p> <ul style="list-style-type: none"> • Unknown health risks • Protection of youth <p>Note: In 2014, New York City included e-cigarettes in its Smoke-Free Air Act.</p>	<ul style="list-style-type: none"> • Prohibited where tobacco smoking is already banned including: <ul style="list-style-type: none"> ○ bars/restaurants ○ offices ○ parks ○ beaches • Prohibits sales to youth under 21
Chicago	<p>Clean Indoor Air Ordinance</p> <ul style="list-style-type: none"> • Gateway product • Protection of youth • Potential health concern • Includes e-cigarettes 	<ul style="list-style-type: none"> • Prohibited in: <ul style="list-style-type: none"> ○ enclosed work places ○ bars/restaurants ○ gaming establishments
Los Angeles	<p>Los Angeles Municipal Code</p> <ul style="list-style-type: none"> • Gateway product • Potential health concern 	<ul style="list-style-type: none"> • Prohibited in public places including: <ul style="list-style-type: none"> ○ bars/restaurants ○ nightclubs
Indianapolis	<p>Smoke Free Air Ordinance</p> <ul style="list-style-type: none"> • Potential health concern • Includes e-cigarettes 	<ul style="list-style-type: none"> • Prohibited in: <ul style="list-style-type: none"> ○ enclosed workplaces ○ bars/restaurants