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CHAPTER T-3.1

TOBACCO SALES AND ACCESS ACT

REGULATIONS

Pursuant to section 9 of the *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, Council made the following regulations:

1. In these regulations,

Definitions

(a) “Act” means the *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1;

Act

(b) “product display space” means any space within a tobacconist shop in which tobacco products are displayed for customers, and includes floor space, shelf space, wall display space and space on displays suspended from a ceiling. (EC293/06)

product display space

1.1 For the purpose of clause 5.1(3)(a) of the Act, the primary business conducted in a place or premises is the retail sale of tobacco if at least 50% of the product display space within the place or premises is devoted to the sale of tobacco. (EC293/06)

Retail sale of tobacco

1.2 (1) For the purpose of clause 5.2(3)(a) of the Act, a sign listing the types of tobacco offered for sale and their prices may be displayed in a place or premises in which tobacco is sold or offered for sale at retail if the sign meets the following requirements:

Signage requirements

- (a) the maximum size of the sign shall not exceed 968 square centimetres (150 square inches);
- (b) the sign shall be white, except for its text, which must be black;
- (c) the maximum height of a letter in the sign’s text shall not exceed 18 millimetres;
- (d) the text size and style shall be consistent in all parts of the sign, and the text shall not contain italics, bold type or underlining;
- (e) the text of the sign shall not identify or reflect a brand of tobacco.

(2) In a place or premises in which tobacco is sold or offered for sale at retail,

Number of signs

- (a) no more than one sign that complies with the requirements of subsection (1) may be displayed per till;
- (b) each sign referred to in clause (a) shall be affixed to the counter or wall near a till; and

(c) a sign referred to in clause (b) may be kept under the counter available for reference by the cashier.

Types of tobacco (3) For greater certainty, “types of tobacco”, in respect of a sign referred to in subsection (1), means types of tobacco such as full price, mid price or budget price cigarettes, smokeless tobacco, cigars, and loose tobacco by pouch or tub, without reference to a brand.

Signage (4) A sample of a sign referred to in subsection (1), and its requirements, is set out in the Schedule to these regulations. (EC293/06)

Signs to be displayed by retail vendor **2.** (1) A person who sells tobacco by retail shall display the following kinds of sign:

- (a) Type A - a sign indicating that
 - (i) it is an offence to sell tobacco to, or purchase tobacco on behalf of or for resale to, a person under the age of nineteen, and
 - (ii) proof of age may be required;
- (b) Type B - a reminder to salespersons not to sell tobacco to anyone under the age of nineteen, and to demand proof by photographic identification if there is doubt as to the age of a purchaser;
- (c) Type C - in the case of a person whose license to sell tobacco by retail has been suspended or cancelled or whose registration certificate under the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-10 is endorsed with a temporary or permanent prohibition against selling tobacco, a sign giving notice of the suspension, cancellation or prohibition;
- (d) Type D - a sign indicating some of the effects of tobacco on health.

Form of sign (2) Signs referred to in subsection (1) shall be of such size and disclose the relevant information in such form as the Minister may require.

Location of sign (3) A person who sells tobacco by retail shall prominently display the signs required by subsection (1) as follows:

- (a) Type A -
 - (i) at the front entry to the retail premises,
 - (ii) in the particular place where tobacco is held or stored, and
 - (iii) affixed to the cash register or sales counter at the place where purchases of tobacco are actually transacted;
- (b) Type B - as in subclause (a)(iii), in such a way as to be easily seen by the salesperson;
- (c) Type C or D - as directed by an inspector.

Other locations (4) Notwithstanding subsection (3), an inspector may, in special circumstances, authorize or direct the display of signs at some other location in the vendor’s premises.

(5) A notice required to be posted by a retail vendor under section 6.1 of the Act shall

Posted notice

(a) contain the following message:

“Notice - Tobacco cannot be sold at this location - we are prohibited from selling tobacco under the *Health Tax Act* R.S.P.E.I. 1988, Cap. H-3”; and

(b) include the following information:

- (i) the name and address of the premises to which the prohibition from selling tobacco applies,
- (ii) the length of the prohibition. (EC414/05; 293/06)

3. The following forms of identification are prescribed for the purposes of subsection 4(4) of the Act:

Identification

- (a) a P.E.I. driver’s license;
- (b) a provincial photographic identification card;
- (c) a passport, Certificate of Canadian Citizenship or permanent resident certificate issued by the federal government;
- (d) any other document issued by the federal government or the government of a province or territory, that contains the person’s photograph, date of birth and signature. (EC414/05; 293/06)

SCHEDULE

SAMPLE SIGN

Tobacco Pricing				
	20s	25s	Carton	
Cigarettes				
full price	*\$(x)	*\$(x)	*\$(x)	
mid price	*\$(x)	*\$(x)	*\$(x)	
budget price	*\$(x)	*\$(x)	*\$(x)	
Smokeless tobacco	*\$(x)	to	*\$(x)	
Cigars	*\$(x)	to	*\$(x)	
Loose tobacco				
Pouch	*\$(x)	to	*\$(x)	
Tub	*\$(x)	to	*\$(x)	

*Insert price wherever “\$(x)” occurs

**The maximum height of a letter in the sign’s text shall not exceed 18 millimetres

(EC414/05; 293/06)