

Authority: General Government and Licensing Committee
Item GL8.20, as adopted by City of Toronto Council on
October 29 and 30, 2019

CITY OF TORONTO

BY-LAW 113-2020

To amend City of Toronto Municipal Code Chapter 545, Licensing, and Chapter 441, Fees and Charges, to adopt a new licensing requirement for vapour product retailers.

Whereas authority is given to Council by the City of Toronto Act, 2006 to pass by-laws regarding business licensing, consumer protection, and the health, safety, and well-being of persons; and

Whereas for many years the City has required the operators of retail stores where tobacco, cigars, or cigarettes are sold to obtain a business licence; and

Whereas vapour products containing nicotine have recently been legalized in Canada and the sale, display, and use of vapour products are now regulated by the province under the Smoke-Free Ontario Act, 2017 in a manner similar to tobacco products; and

Whereas the use of vapour products has increased dramatically in Toronto over the past few years, but many users may be unaware of the potential health risks of using vapour products, including recent reports of respiratory illnesses among vapour product users; and

Whereas there is currently no reliable system in place for Municipal Licensing and Standards and Toronto Public Health staff to accurately track the location of and inspect vapour product retailers to ensure their compliance with the Smoke-Free Ontario Act, 2017 and other laws; and

Whereas for all these reasons Council wishes to adopt new licensing requirements and corresponding fees for the owners or operators of stores where vapour products are sold;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 545, Licensing, is amended by:

A. Adding new definitions of "VAPOUR PRODUCT", "ELECTRONIC CIGARETTE", and "E-SUBSTANCE" to § 545-1 as follows:

VAPOUR PRODUCT – An electronic cigarette, an e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance, or component is sold.

ELECTRONIC CIGARETTE – 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 directly through the mouth, whether or not the vapour contains nicotine.

E-SUBSTANCE – A substance that is manufactured or sold to be used in an electronic cigarette.

- B. Adding a new § 545-2A(9) that reads: "Every owner or operator of any store or shop where vapour products are sold, by retail."
- C. Creating a new Article XLVII, titled "Vapour Product Retailers", that contains the following provisions:

§ 545-544. Information to be provided with licence application.

Every applicant for a vapour product retailer licence shall provide the Municipal Licensing and Standards Division with the following:

- A. The applicant's name;
- B. The applicant's business address;
- C. The applicant's contact information, including a phone number and e-mail address;
- D. The name, phone number, e-mail address, and mailing address of a primary contact person for the applicant;
- E. A criminal background check; and
- F. Any other information or documents required by the Executive Director.

§ 545-545. Requirement to register under provincial act.

Every applicant for and holder of a vapour product retailer licence shall, as a condition of obtaining and continuing to hold such licence, be properly registered with the Toronto Board of Health as a specialty vape store or tobacconist, where applicable, as required by the Smoke-Free Ontario Act, 2017 or its regulations.

- 2. City of Toronto Municipal Code, Chapter 441, Appendix C – Schedule 12, Municipal Licensing and Standards is amended by adding the following charges:

Service	Fee Description	Category	Fee Basis	Fee	Annual Adjustment
Business & Trade Lic.	Application fee: Vapour retailer licence	Full Cost Recovery	Per application	\$645.53	Yes
Business & Trade Lic.	Renewal fee: Vapour retailer licence	Full Cost Recovery	Per application	\$315.17	Yes

- 3. This by-law shall come into force on April 1, 2020.

Enacted and passed on January 29, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)