

Bill 9
Ms Graham

BILL 9

2004

PREVENTION OF YOUTH TOBACCO USE AMENDMENT ACT, 2004

(Assented to , 2004)

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

Amends RSA 2000 cP-22

**1 The *Prevention of Youth Tobacco Use Act* is amended by
this Act.**

2 Section 1(b) is repealed and the following is substituted:

(b) “public place” means

- (i) a place or building that is open to the public and includes any other place or building designated in the regulations as a public place, or
- (ii) a vehicle that is in a place or building referred to in subclause (i);

3 Section 4(4) is amended by striking out “judge” and substituting “justice” and by striking out “office” and substituting “offence”.

4 The following is added after section 4:

Description of offence

4.1 In describing an offence respecting

- (a) the possession of a tobacco product by a person under the age of 18 years, or
- (b) the smoking or consuming of a tobacco product by a person under the age of 18 years

in a violation ticket, it is not necessary to specify the kind, brand or name of tobacco product used in the offence.

Testimony of witness and onus of proof

4.2 In a prosecution under this Act for the possession, smoking or consuming of a tobacco product, it is not necessary that a witness testify to the precise description, kind, brand or name of the tobacco product possessed, smoked or consumed.

Inference in respect of age

4.3 Where a peace officer requests a person to produce proof of age and

- (a) the person refuses to produce identification, or
- (b) the person produces identification and the peace officer believes the identification to be false or altered,

the justice trying the case may, in the absence of evidence to the contrary, infer that the person charged is under the age of 18 years.

Inference of tobacco product

4.4 In a prosecution under this Act, the justice trying the case may, in the absence of evidence to the contrary, infer that the product possessed, smoked or consumed was a tobacco product from the fact that a witness describes it by a name that is commonly used to describe a tobacco product.

Certificate of analysis

4.5(1) The Minister may designate any person to act as an analyst with respect to any analysis or description of any tobacco product for the purposes of or in connection with this Act.

(2) In every proceeding under this Act, a certificate of analysis furnished by an analyst designated under subsection (1) must be admitted in evidence as proof, in the absence of evidence to the

contrary, of the facts stated in it and of the authority of the person furnishing the certificate without proof of the appointment or signature of the analyst.

5 The following is added after section 5:

Regulations

5.1 The Lieutenant Governor in Council may make regulations

- (a) designating any place or building as a public place for the purposes of this Act;
- (b) exempting persons or classes of persons from the application of any of the provisions of this Act, and respecting the terms and conditions to which such an exemption is subject.

6 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter P-22 of the Revised Statutes of Alberta 2000.

2 Section 1(b) presently reads:

1 In this Act,

(b) "public place" means a place or building that is open to the public, but does not include a private dwelling;

3 Section 4(4) presently reads:

(4) When a person is not convicted of an offence under this Act, a judge may make an order concerning the disposition of any tobacco products seized in relation to that offence.

4 Description of offence. Testimony of witness and onus of proof. Inference in respect of age. Inference of tobacco product. Certificate of analysis.

5 Regulations.

6 Coming into force.