

## Gift Card Legislation Across Canada

Legislation Requirements	New Brunswick
<b>When does/did the Legislation come into effect?</b>	Act: Assented June 18, 2008 Regs: Dec. 19, 2008
<b>How are gift cards defined by the Legislation?</b>	In this Act, “ <b>gift card</b> ” means, subject to the regulations, an electronic card, written certificate or other voucher or device with a monetary value, that is issued or sold in exchange for the future purchase or delivery of goods or services, and includes a gift certificate.
<b>Does the legislation eliminate expiry dates?</b>	<b>Yes,</b>
<b>Are expiry dates still allowed in some specific cases?</b>	<b>Yes:</b> - cards issued or sold for a charitable purpose; issued or sold for a specific good or service; and issued for a marketing, advertising or promotional purpose.
<b>Does the Legislation prohibit gift card fees?</b>	<b>Yes.</b> The Act prohibits selling a Gift Card that is worth less than the value of the payment paid for the card.
<b>Are some fees still allowed in specific cases?</b>	<b>Yes,</b> fees can be applied to cards: issued or sold for a charitable purpose; or issued for a marketing, advertising or promotional purpose; to replace a lost or stolen card; to customize a card; or for dormancy fees on cards issued as a multiple-store card. On multi-store cards, a dormancy fee of not more than \$2.50 per month can be applied 15 months after the card was issued, sold or last used; or 18 months after the card was issued, sold or last used if the card holder requests in extension in the fifteenth month after the card was issued, sold or last used.
<b>What information are retailers required to provide to consumers?</b>	(a) all restrictions, limitations, terms and conditions imposed in respect of the use, redemption or replacement of the gift card, including any permitted fee or expiry date; (b) a description of the way in which a consumer can obtain information respecting the gift card, including any remaining balance; and (c) any other information as may be required by regulation.

<b>How is this information to be conveyed to consumers?</b>	Regulations require the information to be provided in writing, however there are no specifications regarding how this written form shall be provided. The exception is for multi-store cards that have a dormancy fee - the front of the card must indicate that a dormancy fee applies and that information can be found on the back of the card. The back of the multi-store card must "clearly describe the amount payable for the fee and the number of months that must elapse before the fee applies."
<b>Are multi-vendor gift cards treated differently?</b>	Yes, but only in relation to the permission of dormancy fees and the disclosure of dormancy fees.
<b>Is a mandatory review included in the legislation?</b>	No
<b>What are the penalties for non-compliance?</b>	Violations of specific sections of the act constitute a "Category C" offence under the NB <i>Provincial Offences Procedure Act</i> . Max. fine \$570 for first conviction, and \$1,070.00 for second conviction. Violations of the regulations constitute a "Category B" offence, 1st conviction max fine \$320, 2nd conviction max fine \$570.00
<b>More information on the legislation can be found at:</b>	Act: <a href="http://www.gnb.ca/0062/PDF-acts/g-03-5.pdf">http://www.gnb.ca/0062/PDF-acts/g-03-5.pdf</a> Regs: <a href="http://www.gnb.ca/0062/regs/2008-152.htm">http://www.gnb.ca/0062/regs/2008-152.htm</a> Media release: <a href="http://www.gnb.ca/cnb/news/jus/2008e0777ju.htm">http://www.gnb.ca/cnb/news/jus/2008e0777ju.htm</a> <i>Provincial Offences Procedure Act</i> : <a href="http://www.gnb.ca/0062/acts/acts/p-22-1.htm">http://www.gnb.ca/0062/acts/acts/p-22-1.htm</a>