



August 14, 2007

## FACT SHEET 1.2: PROHIBITION OF SALE OF TOBACCO PRODUCTS IN SPECIFIC PLACES

### What Is the Issue?

Comprehensive tobacco control policy includes restrictions on the sale of tobacco from a range of retail sources. The purpose of this type of policy is to decrease the availability, promotion and use of tobacco products while at the same time encouraging tobacco product denormalization. The U.S. Institute of Medicine (2007) recently recommended that tobacco sales outlets be licensed, monitored and restricted as part of the blueprint for reducing tobacco use in the future.

In Canada, the 1997 federal *Tobacco Act* forbids the use of vending machines as a means of selling tobacco products, with some exceptions. Several provinces and territories have passed restrictions on vending machines greater than those required by federal law. Many provinces and territories have also added other venues to the list of specific places where the sale of tobacco products is prohibited (Table 1.2).

### Ontario

In Ontario, the 1994 *Tobacco Control Act* completely banned the sale of tobacco products by vending machine (no exceptions) and named other locations where tobacco products are not allowed to be sold. These provisions were retained in the 2005 *Smoke-Free Ontario Act*. The list of places where the sale of tobacco is not permitted includes pharmacies and places containing or connected to a pharmacy, public and private hospitals, psychiatric facilities (except for parts of certain facilities designated under the *Mental Hospitals Act*), nursing homes, charitable homes, rest homes, and homes for the aged. By way of comparison, Nova Scotia has the largest number of specific places where tobacco is not allowed to be sold (including bars, restaurants and gaming premises) followed by Québec and Prince Edward Island (Table 1.2).

In Ontario, municipalities are authorized to require tobacco retailers to be licensed and to charge an annual tobacco retail license fee. Examples of municipalities that charge such a fee are Ottawa (\$300), Kingston (\$200) and North Bay (\$50).

According to the 2006 CAMH Monitor survey:

- 28% of Ontario adults believe tobacco products should be sold in government stores similar to the way alcohol is sold in LCBO stores
- 30% of Ontario adults believe tobacco products should not be sold at all
- 38% of Ontario adults believe tobacco products should be sold as they are now.

### International Jurisdictions

Activity in other countries prohibiting the sale of tobacco in specific places is limited. However, the kingdom of Bhutan – a small country bordering northeast India – has drafted legislation to ban the sale of tobacco altogether. As of June 2007, Vietnam banned the sale of cigarettes by vending machine, telephone and the Internet, in workplaces, schools and hospitals, and aboard public transit.

**Table 1.2: Prohibition of Sale of Tobacco Products in Specific Places, by Province/Territory and Canada, August 2007**

Place/Venue	NL	PEI	NS	NB	QC	ON	MB	SK	AB <sup>*</sup>	BC <sup>†</sup>	YK	NWT	NU	CAN <sup>††</sup>
Vending machine		✓	✓	✓	✓	✓		✓				✓	✓	✓
Pharmacy	✓	✓	✓	✓	✓	✓						✓	✓	
Hospital <sup>§</sup>		✓	✓		✓	✓		✓		2008			✓	
Healthcare		✓	✓		✓	✓		✓		2008			✓	
Residential care		✓	✓		✓	✓		✓		2008			✓	
Child day care					✓								✓	
College/university		✓	✓		✓					2008				
Grade/high school		✓	✓		✓			✓						
Sports/athletic		✓	✓		✓					2008		✓		
Recreational		✓	✓		✓			✓		2008		✓		
Theatre/cinema		✓	✓		✓			✓						
Library/art gallery			✓		✓									
Community centre			✓											
Outdoor area			✓		✓									
Bar			✓		✓									
Restaurant			✓		✓									
Gaming premises			✓											
Provincial govt. <sup>¶</sup>		✓	✓					✓		2008				
Municipal govt. <sup>¶</sup>		✓	✓					✓						
Crown corporation <sup>¶</sup>								✓		2008				

*Notes:* Column headings east to west then territories; ✓ Total ban; ✓ Provision more restrictive than federal policy but not total ban

<sup>\*</sup>In AB, the *Smoke-Free Places (Tobacco Reduction) Amendment Act* passed second reading, June 13, 2007, and remains on the Order Paper until commencement of fall session, November 5, 2007. The bill proposes prohibition of sale of tobacco products in pharmacies and stores that contain a pharmacy, healthcare facilities, colleges, universities and schools.

<sup>†</sup>In BC, recent amendments to the *Tobacco Sales Act* prohibit sale of tobacco in hospitals/public health facilities, universities/colleges, athletic/recreational facilities and provincial buildings. These new provisions are to take effect at an unspecified date in 2008.

<sup>††</sup>In Canada, the 1997 federal *Tobacco Act* prohibits vending machines, with two exceptions: (1) a place “to which the public does not have reasonable access” and (2) a bar, tavern or beverage room provided that the vending machine has a “prescribed security mechanism.” All provinces and territories must uphold this law as a minimum requirement.

<sup>§</sup>In PEI, psychiatric hospitals are exempt; in ON, psychiatric hospitals are included, except, in the case of a facility designated under the *Mental Hospitals Act*, a part of the facility where the sale of tobacco is authorized by the regulations.

<sup>||</sup>In NWT, there is only one college, which on a voluntary basis does not sell tobacco products.

<sup>¶</sup>Prohibition of tobacco sales in government facilities includes any office or agency of the relevant government facility (NS), or any building or part of a building owned or occupied by the relevant government facility (PEI, SK).

*Sources:* Canadian Council on Tobacco Control (<http://www.cctc.ca>) and provincial government websites

## Reference

Institute of Medicine. Ending the Tobacco Problem: A Blueprint for the Nation. National Academy Press, Washington DC, 2007. [Executive summary <http://www.nap.edu/catalog/11795.html>]

Suggested Citation. Ontario Tobacco Research Unit. (2007). The Tobacco Control Environment: Ontario and Beyond. [Special Reports: Monitoring and Evaluation Series, 2006-2007 (Vol. 13, No. 1)]. Fact Sheet 1.2: Prohibition of Sale of Tobacco Products in Specific Places. Toronto, ON: Ontario Tobacco Research Unit.