



Last updated January 12, 2009

YOUTH ACCESS TO TOBACCO PRODUCTS: MONITORING UPDATE

What Is the Issue?

Comprehensive tobacco control includes age-related restrictions on access to tobacco products. Youth access restrictions reduce the availability of tobacco to young people who, as a group, are known to be vulnerable to smoking initiation (Ahmad and Billimek 2007). The most common type of youth access provision is a ban on the sale or supply of tobacco to a minor. Another provision may require retailers to request identification of a purchaser who appears to be under a certain age. Some jurisdictions ban tobacco possession by minors. Laws against the sale of candy cigarettes, individual cigarettes and individual cigarillos apply to the population at large but have a particular impact on youth.

At the federal level in Canada, the 1997 *Tobacco Act* makes it an offence to sell or supply tobacco products to anyone under the age of 18. The same federal law prohibits the sale of individual cigarettes. In June 2008, a private member's bill was introduced that would ban flavoured tobacco products, require cigarillos to be sold in packages of 20 instead of individually and require health warnings on cigarillo packages, but the bill did not pass before the federal election of October 2008. At the provincial and territorial level, six provinces and one territory ban the sale or supply of tobacco to anyone under the age of 19 (Table YA.1). Nunavut bans the sale of candy cigarettes and Nova Scotia has a similar law awaiting proclamation into force. Nova Scotia and Alberta prohibit possession of tobacco by minors.

Ontario

In Ontario, it has been an offence to sell or supply tobacco to anyone under the age of 19 since 1994. Effective May 31, 2006, the *Smoke-Free Ontario Act* bans the sale or supply of tobacco to anyone who appears to be under the age of 25 without requesting identification. An evaluation study conducted in May–June 2007 showed that 90% of Ontario vendors were in compliance with the ban on sales to youth and 78% were in compliance with the requirement to request identification (Dubray et al. 2007). Vendors who sold tobacco to minors were usually the same ones who failed to ask for proof of age. The purpose of youth access laws is undermined when a large percentage of youth obtain cigarettes from non-commercial or social sources (Jones et al. 2002; Leatherdale 2005). For example, a 2007 Ontario survey asked students who smoked ($n = 690$) where they got cigarettes: 53% said someone gave them the cigarettes, 14% said someone bought the cigarettes for them, 12% took the cigarettes without permission and 11% bought the cigarettes from a store.¹

International Jurisdictions

In many international jurisdictions, including all U.S. states, there are laws against the sale of tobacco to underage persons. U.S. federal law defines underage as less than 18 years old while some states like Alaska define it as less than 19 years old. On a global basis, most countries have a minimum age of 18 or 19. However, there are cases where it is an offense to sell tobacco to anyone under the age of 16 (Belgium) or 20 (Japan). Minimum age laws are hard to enforce (CCAT 2007, p. 19). As a penalty for repeated violation of such laws, the U.S. Institute of Medicine (2007) recommends suspension or revocation of tobacco retail licenses.

¹ 2007 Ontario Student Drug Use and Health Survey (OSDUHS) (total $n = 6,323$), analysis by OTRU (see also Adlaf and Paglia-Boak 2007)

Table YA.1: Youth Access Provisions, by Canadian Provincial, Territorial and Federal Jurisdiction, December 2008

Jurisdiction*	Minimum Age†	Laws Against Possession	Comments
Newfoundland	19		
Prince Edward Island	19		
Nova Scotia	19	✓	Possession ban for anyone under 19 effective Jan 2003 with penalty of confiscation of product
New Brunswick	19		
Ontario	19		Identification required if purchaser appears under 25
British Columbia	19		As of Jun 2008, every taxable tobacco retailer location is required to have a tobacco retail authorization which can be suspended on a location-specific basis‡
Nunavut	19		
Québec	18		
Manitoba	18		No youth access to retail location if tobacco products are visible on the premises
Saskatchewan	18		No youth access to retail location if tobacco products are visible on the premises
Northwest Territories	18		No youth access to retail location if tobacco products are visible on the premises
Alberta		✓	No provincial legislation on tobacco sales to minors; possession ban for anyone under 18 effective Apr 2003 with penalty of \$115 fine
Yukon			No territorial legislation on tobacco sales to minors
FEDERAL	18		Federal legislation prohibits tobacco sales to persons under 18 and applies as a minimum requirement to all provinces and territories

* Jurisdictions are ordered by minimum age (19, 18, none), then east to west, territories, federal

† The onus is on the retailer or other supplier not to sell or supply to persons under the minimum age

‡ Previously in BC, the authorization to sell tobacco was automatically granted to a retailer with an SST certificate (provincial sales tax account), which made canceling the certificate difficult as the permit applied to every location operated by an entity; if one location had an infraction, the entire chain of retailers would be closed down; the 2008 “tobacco retail authorization” gives location-specific suspension ability limited to the sale of tobacco products, e.g., for violation of youth access laws

Sources: Canadian Council on Tobacco Control [<http://www.cctc.ca>] and government websites

Comments and suggestions are welcome and can be sent to lise_anglin@camh.net

References

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