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## PROHIBITION OF TOBACCO SALES IN SPECIFIC PLACES: MONITORING UPDATE

### What Is the Issue?

Comprehensive tobacco control includes prohibition of tobacco sales in specific places in order to decrease the physical availability of tobacco products. A key aspect of availability is outlet density, meaning how many places sell tobacco per unit of population or geographic area (Cohen and Anglin 2009). Studies show an association between greater outlet density, higher likelihood of youth smoking (Novak et al. 2006) and higher overall smoking prevalence (Peterson et al. 2005). McCarthy et al. (2009) recommend curtailment of urban tobacco outlets as a way of reducing experimental smoking among adolescents. Convenience influences where Canadians buy cigarettes: in a national survey, one-third of respondents, especially those aged 18 to 34, said if they had to travel further to buy cigarettes they would smoke less (Health Canada 2005).

### Ontario

The Tobacco Strategy Advisory Group (TSAG) (2010) identifies the pervasive availability of tobacco products in the retail environment as a major issue for tobacco control in Ontario. In this regard, TSAG (2010) makes two main recommendations: (1) that Ontario should move towards a system of designated sales outlets, by employing methods such as licensing strategies and zoning laws to reduce the number of tobacco retailers and locations permitted to sell tobacco products; and (2) that Ontario should increase the number of specific places that are prohibited from selling tobacco products to match or exceed similar bans in leading Canadian provinces. Ontario bans the sale of tobacco products in pharmacies and places connected to a pharmacy, public and private hospitals, psychiatric facilities (except parts of facilities under the *Mental Hospitals Act*), residential care facilities and by vending machine.<sup>1</sup> Ontario allows tobacco sales in universities, theatres, bars, restaurants, casinos and government buildings (Table 1) as well as convenience stores, grocery stores and gas stations. Since July 1, 2010, Ontario has required new tobacco retailers to obtain a provincial tobacco retail permit under the provincial *Tobacco Tax Act*. There is no fee for this provincial permit. Tobacco retailers already in existence before July 1, 2010, were grandfathered and not required to obtain the permit. Tobacco retailers on First Nations reserves are exempt from the requirement to obtain the permit. Ontario municipalities are authorized to require and charge a fee for a tobacco retail license. Examples of municipalities that charge an annual tobacco retail license fee are Ottawa (\$360), Markham (\$300), Barrie (\$220), Kingston (\$200), Brampton (\$195), Richmond Hill (\$150) and North Bay (\$50). It is not known whether these municipalities use such fees to limit outlet density.

In 2009<sup>2</sup>, the majority of Ontario adults (69%) agreed with the statement, "The number of retail outlets that sell cigarettes should be greatly reduced." Asked whether the sale of cigarettes should be banned or should continue, 30% of Ontario adults said it should be phased out over 5 to 10 years and 27% said it should be stopped as soon as possible. Asked how tobacco products should be sold in Ontario, 24% said tobacco products should not be sold at all, 41% said they should be sold in government stores similar to the way alcohol is sold in Ontario and 32% said they should be sold in different places as they are now.

<sup>1</sup> [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_94t10\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_94t10_e.htm)

<sup>2</sup> 2009 CAMH Monitor Survey, "Panel A" Jan-Jun 2009 (n = 1035), analysis by OTRU

## International Jurisdictions

The Institute of Medicine (2007) recommends that tobacco outlets be licensed, monitored and restricted as part of the blueprint for ending the tobacco epidemic. The College of Physicians and Surgeons of Glasgow<sup>3</sup> recommends that the sale of tobacco be restricted to licensed retailers with a penalty of permanent license revocation for repeated violation of minimum age laws. In France, exclusive rights to sell tobacco are given to licensed retailers in specified areas.<sup>4</sup> Bhutan bans tobacco sales altogether.

**Table 1: Prohibition of Tobacco Sales in Specific Places, by Provincial, Territorial and Federal Jurisdiction,<sup>a</sup> February 19, 2011**

Place/Venue	NL <sup>b</sup>	PE	NS	NB	QC	ON	MB	SK	AB <sup>c</sup>	BC	YT	NT	NU	FED
Vending machine		✓	✓	<sup>d</sup>	✓	✓		<sup>d</sup>				✓	✓	<sup>e</sup>
Pharmacy	✓	✓	✓	✓	✓	✓		<sup>f</sup>	✓		✓	✓	✓	
Hospital	✓	<sup>g</sup>	✓		✓	✓		✓	✓	✓				✓
Healthcare facility	✓	✓	✓		✓	✓		✓	✓	✓				✓
Residential care facility	✓	✓	✓		✓	✓		✓	✓	✓				✓
Child day care					✓									✓
College/university	✓	✓	✓		✓				✓	✓		<sup>h</sup>		
Grade/high school		✓	✓		✓			✓	✓					
Sports/athletic facility	✓	✓	✓		✓					✓		✓		
Recreational facility	✓	✓	✓		✓			✓		✓		✓		
Theatre/cinema	✓	✓	✓		✓			✓						
Library/art gallery	✓		✓		✓									
Community centre			✓											
Temporary, outdoor, & movable locations			✓		✓									
Temporary facilities	✓													
Bar			✓		✓									
Restaurant			✓		✓									
Gaming premises			✓											
Provincial government building	✓	✓	✓					✓		✓				
Municipal government building	✓	✓	✓					✓						
Crown corporation building	✓							✓		✓				

<sup>a</sup> Column headings show provincial jurisdictions east to west, then territorial and federal

<sup>b</sup> The NL ban on tobacco sales in several specific places (besides pharmacies) came into force Jan 1, 2010. “Temporary facilities” refers to premises established in conjunction with fairs, circuses, concerts, festivals, civic events or other events not lasting longer than 7 days. The NL legislation makes no mention of “movable locations.”

<sup>c</sup> The AB prohibitions came into force Jan 1, 2009

<sup>d</sup> Provision more restrictive than federal policy but not total ban

<sup>e</sup> The 1997 federal *Tobacco Act*, which all provinces and territories must uphold as a minimum requirement, allows two exceptions to the ban on tobacco sales by vending machine: (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”

<sup>f</sup> SK will ban tobacco sales in pharmacies and establishments containing a pharmacy, effective Apr 1, 2011

<sup>g</sup> PE exempts psychiatric hospitals

<sup>h</sup> NT has only one college which on a voluntary basis does not sell tobacco products

Sources: Canadian Cancer Society and government websites

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<sup>3</sup> <http://www.rcpsg.ac.uk/TheCollege/consultations/Documents/Tobacco%20Bill%20Consultation%20Response.pdf>

<sup>4</sup> [http://www.smoke-free.ca/pdf\\_1/supplieside.pdf](http://www.smoke-free.ca/pdf_1/supplieside.pdf)

## References

Cohen J, Anglin, L. Outlet density: a new frontier for tobacco control. *Addiction* 2009;104:2-3.

Health Canada. 2005 National Baseline Survey on the Tobacco Retail Environment. Final Report POR-04-48. Corporate Research Associates Inc. Prepared for Health Canada, March 2005. [Executive summary at: [http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/research-recherche/por-rop/other-autre\\_retail-vente-eng.php](http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/research-recherche/por-rop/other-autre_retail-vente-eng.php)]

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

McCarthy WJ, Mistry R, Lu Y, Patel M, Zheng H, Dietsch B. Density of tobacco retailers near schools: effects on tobacco use among students. *American Journal of Public Health* 2009;99(11):2006-2013.

Novak SP, Reardon SF, Raudenbush SW, Buka SL. Retail tobacco outlet density and youth cigarette smoking: a propensity-modeling approach. *American Journal of Public Health* 2006;96:670-676.

Peterson NA, Lowe JB, Reid RJ. Tobacco outlet density, cigarette smoking prevalence, and demographics at the county level of analysis. *Substance Use & Misuse* 2005;40:1627-1635.

Tobacco Strategy Advisory Group (TSAG). Building on Our Gains, Taking Action Now: Ontario's Tobacco Control Strategy for 2011 to 2016. Report from the Tobacco Strategy Advisory Group to the Minister of Health Promotion and Sport, pp. 44, October 18, 2010. <http://www.mhp.gov.on.ca/en/smoke-free/TSAG%20Report.pdf>