



Last Updated: July 7, 2010

YOUTH ACCESS TO TOBACCO PRODUCTS: MONITORING UPDATE

What Is the Issue?

Comprehensive tobacco control includes age-related restrictions on access to tobacco products. These restrictions target young people who, as a group, are vulnerable to smoking initiation (Ahmad and Billimek 2007). A typical youth access provision consists of a ban on the sale or supply of tobacco to a minor. The aim of youth access laws is undermined when youth obtain cigarettes from social sources (Richardson et al. 2009) or other illegal sources (RCMP 2008). Some jurisdictions ban possession of tobacco products by minors. Laws against the sale of candy cigarettes, flavoured cigarillos, individual cigarettes or individual cigarillos have a particular impact on youth.

In Canada, the 1997 federal *Tobacco Act* makes it an offence to sell or supply tobacco to anyone under the age of 18 or to sell individual cigarettes. Six provinces and one territory exceed this requirement, banning the sale or supply of tobacco to anyone under the age of 19 (Table 1). On October 8, 2009, Bill C-32, the *Cracking Down on Tobacco Marketing Aimed at Youth Act*,¹ an amendment to the *Tobacco Act*, received Royal Assent and became an Act of Parliament. Effective April 6, 2010, this federal bill bans the manufacture or importation of flavoured cigarettes, cigarillos and blunt wraps and the sale of cigarillos or blunt wraps in packs of less than 20. Effective July 5, 2010, Bill C-32 bans the sale of cigarettes, cigarillos and blunt wraps with flavours (except menthol) or specific additives, e.g., caffeine, colouring agents or vitamins. Nunavut (2004) and Yukon (2009) ban the sale of products that resemble tobacco products, e.g., candy cigarettes. Nova Scotia adopted legislation banning the sale of candy cigarettes in 1993 but has not proclaimed it into force. Nova Scotia and Alberta prohibit possession of tobacco products by minors. In 2008, Health Canada found that nationally 86% of retailers were in compliance with youth access legislation.²

Ontario

In Ontario, it is an offence to sell or supply tobacco to anyone under the age of 19. Effective May 31, 2006, the *Smoke-Free Ontario Act* requires retailers to request identification if a person trying to buy cigarettes appears to be under the age of 25. Dubray et al. (2007) found that 90% of Ontario vendors were in compliance with the ban on sales to youth and 78% with the requirement to request identification. In 2009, among students who had smoked at least one whole cigarette in the past 12 months ($n = 721$), 58% said they got their last cigarette from a friend or family member; 17%, from a corner store, grocery store, supermarket, gas station or bar; 8%, from someone else; and 3% said they got their last cigarette from a Native reserve (Paglia-Boak et al. 2009, p. 194). Effective July 1, 2010, through an amendment to the *Smoke-Free Ontario Act*, Ontario prohibits the sale of cigarillos with flavours (except menthol) and requires unflavoured or menthol cigarillos to be sold in packs of 20 or more.³ The provincial law is the result of separate activity within the Ontario legislature, prior to federal Bill

¹ <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=4141530&file=4>

² <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/eval/index-eng.php>

³ For fact sheet in html or pdf format, search for "cigarillos" at: <http://www.mhp.gov.on.ca/en/>; for wording of legislation (Ontario Regulation 237/10), including definition of cigarillo, see: http://www.e-laws.gov.on.ca/html/source/regs/english/2010/elaws_src_regs_r10237_e.htm

C-32. In 2009, 72% of Ontario adults said cigarettes should be sold in plain white packages (showing only health warnings, ingredients and brand name) to discourage youth smoking.⁴

International Jurisdictions

All U.S. states have laws against the sale of tobacco to underage persons. U.S. federal law defines underage as less than 18 while states like Alaska define it as less than 19. Most other countries have a minimum age of 18 or 19. In rare cases, it is an offense to sell tobacco to anyone under the age of 16 (Belgium) or 20 (Japan). The Institute of Medicine (2007) recommends suspension of tobacco retail licenses for repeated violation of minimum age laws.

Table 1: Youth Access Provisions, by Provincial, Territorial and Federal Jurisdiction, July 7, 2010

Jurisdiction ^a	Minimum Age ^b	Law Against Possession	Comments
Newfoundland	19		
Prince Edward Island	19		
Nova Scotia	19	✓	Possession ban for anyone under 19 effective Jan 2003; ban on candy cigarettes adopted 1993 but not in force
New Brunswick	19		
Ontario	19		Identification required if purchaser appears under 25 years old; effective Jul 1, 2010, ON bans the sale of cigarillos with flavours (except menthol) and requires unflavoured or menthol cigarillos to be sold in packs of 20 or more
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 ^c
Nunavut	19		Candy cigarettes banned effective Feb 1, 2004
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			Candy cigarettes banned effective Sep 1, 2009
FEDERAL	18		Federal legislation prohibits the sale or supply of tobacco to persons under 18 years of age; Bill C-32 bans the sale of cigarillos or blunt wraps in packs of less than 20 (effective Apr 6, 2010) and the sale of flavoured cigarettes, cigarillos and blunt wraps (effective Jul 5, 2010)

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

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

^c 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 Cancer Society, 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

⁴ 2009 CAMH Monitor survey, "Panel A," Jan-Jun 2009 (*n* = 1035), analysis by OTRU

Suggested Citation. Ontario Tobacco Research Unit. The Tobacco Control Environment: Ontario and Beyond. Monitoring and Evaluation Series (Vol. 16, No. 1). Youth Access to Tobacco Products: Monitoring Update. Toronto, ON: Ontario Tobacco Research Unit, July 7, 2010.

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