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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. A comprehensive review of the literature found that “all successful enforcement programmes employ routine inspections involving test purchases by minors” and that “all enforcement programmes that disrupted the sale of tobacco to minors reduced smoking among youth (DiFranza, 2012).” The aim of youth access laws is undermined when youth obtain cigarettes from social sources (Richardson et al. 2009).

KEY FINDING:

In Canada, six provinces and one territory ban the sale or supply of tobacco to anyone under the age of 19.

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). The *Tobacco Act* also prohibits free distribution of tobacco products, prohibits vending machines except in bars, and prohibits self-service displays. Nunavut (2004) and Yukon (2009) ban the sale of products that resemble tobacco products, e.g., candy cigarettes. Nova Scotia adopted similar 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 2012, Health Canada announced that it would leave enforcement of tobacco sales to minors legislation to the provinces and territories, would discontinue its enforcement efforts regarding the sales to minors provision in the federal *Tobacco Act*, and would instead focus enforcement efforts on other provisions in the *Tobacco Act*. Health Canada also announced that it would discontinue the provision of funds to provincial/territorial governments for the enforcement of tobacco sales to minors legislation.

Further, Health Canada has discontinued its national annual measurement of compliance with sales to minors legislation – the last such compliance measurement report was in 2009. This 2009 evaluation of 5,502 stores in 30 cities found that in response to test purchases by 15-17 year olds, 84% of retailers

Canada-wide refused to sell to minors. The evaluation found that compliance worsened as the age of the test purchaser increased, with a national compliance rate of 95% for 15 year old purchasers, 83% for 16 year olds, and 80% for 17 year olds (CRG Consulting, 2010).

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. The 2009 compliance evaluation for Health Canada found that 81% of Ontario retailers refused to sell in response to a test purchase by 15-17 year olds, compared with 84% nationally (CRG Consulting, 2010). 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).

The *Smoke-free Ontario Act* includes a ban on vending machines and on self-service displays.

International Jurisdictions

The *WHO Framework Convention on Tobacco Control* contains an obligation for Parties to prohibit tobacco sales to minors, but allows each Party to decide the minimum age.

All U.S. states have laws against the sale of tobacco to underage persons. U.S. federal law defines underage as less than 18 years of age. Alabama, Alaska, New Jersey and Utah have a minimum sales age of 19 (American Lung Association, 2011), as do several counties in New York state. Japan has a minimum age of 20, while Kuwait and Sri Lanka have a minimum age of 21. The Institute of Medicine (2007) recommends suspension of tobacco retail licenses for repeated violation of minimum age laws.

Table 1: Youth Access Provisions, by Federal, Provincial and Territorial Jurisdiction, December 19, 2012

Jurisdiction ^a	Minimum Age ^b	Vending Machine Ban	Law Against Possession	Comments
FEDERAL	18			Federal legislation prohibits the sale or supply of tobacco to persons under 18 years of age
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			
Quebec	18	✓		
Ontario	19	✓		
Manitoba	18			Manitoba will ban tobacco vending machines as of May 31, 2013
Saskatchewan	18			
Alberta	none		✓	No provincial legislation on tobacco sales to minors; possession ban for anyone under 18 effective Apr 2003
British Columbia	19			
Yukon	none			No territorial legislation on tobacco sales to minors. Candy cigarettes banned effective Sep 1, 2009
Northwest Territories	18	✓		It is illegal for a minor to purchase or attempt to purchase tobacco products
Nunavut	19	✓		Candy cigarettes banned effective Feb 1, 2004

^a Jurisdictions are ordered federal, then east to west, then territories.

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

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

Note: This update reports on information that was current as of December 2012.

References

Ahmad S, Billimek J. Limiting youth access to tobacco: Comparing the long-term health impacts of increasing cigarette excise taxes and raising the legal smoking age to 21 in the United States. *Health Policy* 2007;80(3):378-391.

American Lung Association, "State Legislated Actions on Tobacco Issues (SLATI), 22nd Edition, 2010" 2011. http://www.lungusa2.org/slati/reports/SLATI_2010_Final_Web.pdf

CRG Consulting. Evaluation of Retailers' Behaviour Towards Certain Youth Access-to-Tobacco Restrictions. Final Report Findings: 2009. Prepared for Health Canada, 2010. Partial evaluation results are available online at: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/eval/index-eng.php>

DiFranza JR. Which interventions against the sale of tobacco to minors can be expected to reduce smoking? *Tobacco Control* 2012;436-442.

Dubray J, Schwartz R, Garcia JM, Bondy SJ, Victor JC. Formative evaluation of the *Smoke-Free Ontario Act*: Comparison of Baseline and Two Post-SFOA Measurements. Ontario Tobacco Research Unit, Special Report Series, Toronto, November 2007. [http://www.otru.org/pdf/special/special_nov2_2007.pdf]

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

Paglia-Boak A, Mann RE, Adlaf EM, Rehm J. Drug Use among Ontario Students 1977-2009. Detailed OSDUHS Findings. CAMH Research Document Series No. 27. Toronto ON: Centre for Addiction and Mental Health, 2009. [<http://www.camh.net/research/osdus.html>]

Richardson L, Hemsing N, Greaves L, Assanand S, Allen P, McCullough L, Bauld L, Humphries K, Amos A. Preventing smoking in young people: a systematic review of the impact of access interventions. *International Journal of Environmental Research and Public Health* 2009;6(4):1485-1514.

U.S. Substance Abuse and Mental Health Services Administration. FFY 2011 Annual Synar Reports. Tobacco Sales to Youth. <http://www.samhsa.gov/prevention/2011-Annual-Synar-Report.pdf>