



Last updated October 10, 2007

FACT SHEET 1.3: YOUTH ACCESS TO TOBACCO PRODUCTS

What Is the Issue?

As part of the goal area of prevention, comprehensive tobacco control policy includes restrictions on youth access to tobacco products. Age-related tobacco legislation is a means of curtailing the availability of tobacco to a demographic group which is particularly vulnerable to initiation of smoking behaviour (Ahmad and Billimek 2007). Among other provisions, such legislation can penalize the sale or supply of tobacco products to a minor, sale of candy cigarettes, sale of individual cigarettes or small packages of cigarettes, failure to request identification of a purchaser who appears to be under a certain age, and possession of tobacco products by a minor.

In Canada, federal law makes it an offence to sell tobacco products to anyone under the age of 18. The federal law applies as a minimum requirement for all Canadian provinces and territories. Six provinces, including Ontario, and one territory have exceeded the federal requirement by making it an offence to sell tobacco to anyone under the age of 19 (Table 1.3). Nova Scotia and Alberta prohibit possession of tobacco by minors, though some members of the tobacco control community question the desirability and efficacy of this type of prohibition (e.g., CCS 2001).

There is no federal law in Canada banning the sale of candy cigarettes. However, Nunavut bans the sale of candy cigarettes and Nova Scotia has passed a similar law awaiting proclamation into force. In Canada, federal law prohibits the sale of individual cigarettes (CCAT 2007, p. 19).

Ontario

Effective May 31, 2006, the *Smoke-Free Ontario Act* makes it an offence to sell or supply tobacco to a person who appears to be less than 25 years old without requesting identification. The *Smoke-Free Ontario Act* retains the 1994 provision making it an offence to sell or supply tobacco to a person less than 19 years old. Data collected after implementation of the *Smoke-Free Ontario Act* show that 80% of vendors in Ontario are in compliance with the requirement to request identification and 88% are in compliance with the prohibition of sales to youth (Dubray et al. 2007). Vendors who sell tobacco to minors usually also fail to ask for proof of age. According to the 2006 CAMH Monitor survey, 85% of Ontario adults agree that stores convicted of selling tobacco to underage persons should lose their license to sell tobacco. (In point of fact, Ontario does not require retailers to have a license to sell tobacco. However, repeated violation of provisions against selling to youth can result in escalating fines and withdrawal of permission to sell, store and deliver tobacco products.)

International Jurisdictions

In many countries, including the United States, there are laws against the sale of tobacco to underage persons. Enforcement of these laws can be difficult (CCAT 2007, p. 19). As a penalty for repeated violation of youth access laws, the U.S. Institute of Medicine (2007) recommends suspension or revocation of tobacco retail licenses.

Table 1.3: Youth Access Provisions, by Province/Territory and Canada, August 2007

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 to be under 25
British Columbia	19		Administrative license suspension [†] for retailers who sell tobacco to minors awaiting proclamation
Nunavut	19		
Québec	18		
Manitoba	18		Youth not allowed on premises if tobacco products visible
Saskatchewan	18		Youth not allowed on premises if tobacco products visible
Northwest Territories	18		Youth not allowed on premises if tobacco products visible
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 prohibiting tobacco sales to persons under 18 applies as a minimum to all provinces and territories

Notes: Ordered by (1) provincial/territorial minimum age (19, 18, no provision) and (2) east to west then territories

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

[†]Administrative suspension means license to sell tobacco is suspended without need to issue ticket or lay charge in court; BC also uses this system for liquor licenses.

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

References

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Canadian Coalition for Action on Tobacco (CCAT). The FCTC in Canada. A Civil Society Report on Canada's Progress Toward Implementing the Framework Convention on Tobacco Control, June 2007. [http://www.smoke-free.ca/eng_issues/global/content/Shadow%20Report%20-%20Final.pdf]

Dubray J, Schwartz R, Garcia J, Bondy S, Victor JC. Formative evaluation of the *Smoke-Free Ontario Act*: Comparison of Baseline and Post-SFOA Measurements. Ontario Tobacco Research Unit, Special Report Series. Toronto, May 2007. [<http://www.otru.org>]

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