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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. 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 YA.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, the youth access provisions in this federal bill include a ban on the manufacture or importation of flavoured tobacco products and a ban on the sale of cigarillos or blunt wraps in packs of less than 20. Effective July 5, 2010, Bill C-32 bans the sale of tobacco products 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 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. A 2009 Ontario student survey showed that among students who had smoked at least one whole cigarette in the past 12 months ($n = 721$), 58% 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% got their last cigarette from a Native reserve (Paglia-Boak et al. 2009, p. 194). Ontario Bill 124, which would create a provincial ban (parallel to the federal ban) on flavoured cigarillos and the sale of cigarillos in packs of less than 20, has not been proclaimed into force. In 2008, 68% of Ontario adults said cigarettes should be sold in plain packages to discourage youth smoking.³

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.

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 2008 CAMH Monitor survey, "Panel A," Jan-Jun 2008 ($n = 996$), analysis by OTRU

Table YA.1: Youth Access Provisions, by Provincial, Territorial and Federal Jurisdiction, November 19, 2009

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; ban on candy cigarettes adopted 1993 but not in force
New Brunswick	19		
Ontario	19		Identification required if purchaser appears under 25; Bill 124 to ban flavoured cigarillos passed Third Reading Dec 2008 but at time of writing not proclaimed into force
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		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 tobacco products (effective Jul 5, 2010)

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

†The onus is on the retailer or 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 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

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