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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) and Tilson (2011) recommend curtailment of urban tobacco outlets as a way of reducing smoking. 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).

KEY FINDING:

In 2011, the majority of Ontario adults agreed with the statement, "The number of retail outlets that sell cigarettes should be greatly reduced."

Ontario

The Tobacco Strategy Advisory Group (TSAG) identifies the pervasive availability of tobacco products in the retail environment as a major issue for tobacco control in Ontario. In this regard, the TSAG report (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 establishments containing a pharmacy, public and private hospitals, psychiatric facilities (except parts of facilities under the *Mental Hospitals Act*), residential care facilities and by vending machine.¹ Ontario allows tobacco sales in universities, colleges, theatres, bars, restaurants, casinos and government buildings (Table 1) as well as convenience stores, grocery stores and gas stations.

¹ http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_94t10_e.htm

Table 1: Prohibition of Tobacco Sales in Specific Places, by Provincial, Territorial and Federal Jurisdiction,^a June 22, 2012

Place/Venue	NL ^b	PE	NS	NB	QC	ON	MB	SK	AB	BC	YT	NT	NU	FED
Vending machine		✓	✓	^c	✓	✓	^d	^c				✓	✓	^e
Pharmacy	✓	✓	✓	✓	✓	✓	^d	✓	✓		✓	✓	✓	
Hospital	✓	^f	✓		✓	✓		✓	✓	✓				✓
Healthcare facility	✓	✓	✓		✓	✓		✓	✓	✓				✓
Residential care facility	✓	✓	✓		✓	✓		✓	✓	✓				✓
Child day care					✓									✓
College/university	✓	✓	✓		✓				✓	✓		^g		
Grade/high school		✓	✓		✓			✓	✓					
Within specified distance of schools														
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	✓							✓		✓				

^a Column headings show provincial jurisdictions east to west, then territorial and federal

^b The NL ban on tobacco “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.”

^c Provision more restrictive than federal legislation but not total ban

^d Manitoba will ban tobacco sales in pharmacies and vending machines effective May 31, 2013.

^e 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”

^f PE exempts psychiatric hospitals

^g NT has only one college which on a voluntary basis does not sell tobacco products

Sources: Canadian Cancer Society and government websites

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 (provided they had a vendor’s permit relating to provincial sales tax). Tobacco retailers on First Nations reserves are deemed to have a permit if they have an Ontario Government authorization to sell tobacco products

exempt from Ontario tobacco taxes. 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 (as of 2009) are Ottawa (\$360), Markham (\$300), Barrie (\$220), Kingston (\$200), Brampton (\$195), Richmond Hill (\$150) and North Bay (\$50). St. Albert, Alberta has the highest annual tobacco retail license fee in Canada at \$600 per outlet, effective January 1, 2012.

In 2011,² the majority of Ontario adults (62%) 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, 37% of Ontario adults said it should be phased out over 5 to 10 years and 13% said it should be stopped as soon as possible. Asked how tobacco products should be sold in Ontario, 20% said tobacco products should not be sold at all, 32% said they should be sold in government stores similar to the way alcohol is sold in Ontario and 46% said they should be sold in different places as they are now.

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 Glasgow³ 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.⁴ India prohibits tobacco sales within 100 yards of any educational institution.⁵ Bhutan bans tobacco sales altogether.

² 2011 CAMH Monitor Survey, analysis by OTRU

³ http://www.scottish.parliament.uk/S3_HealthandSportCommittee/Inquiries/TGP100RoyalCollegeofPhysiciansandSurgeonsofGlasgow.pdf

⁴ http://www.smoke-free.ca/pdf_1/supplyside.pdf

⁵ Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, section 6(b) (India). <http://www.tobaccocontrolaws.org/files/live/India/India%20-%20COTPA.pdf>

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