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Information Previously Distributed To Be Listed on Community Services Committee Agenda	16 May 96
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DATE 24 April 1996

TO/DEST. Chair and Members of  
Community Services Committee

FROM/EXP. Associate Medical Officer of Health

SUBJECT/OBJET **NEW ENFORCEMENT STRATEGY TO REDUCE  
ACCESS TO TOBACCO BY MINORS**

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## BACKGROUND

This report is a follow-up to a report dated 25 October 1995 entitled: Results of Public Consultation Re: Tobacco Sales To Minors. Retailer compliance with legislation governing the sale of tobacco to minors continues to be a challenge. Despite ongoing education, five compliance surveys with feedback to retailers, field surveillance by Tobacco Enforcement Officers leading to four convictions, and public consultation which led to the development of a new voluntary retailer sign "We I.D. For Tobacco Sales If You Look Under 30", the percentage of retailers prepared to sell tobacco to youth in Ottawa-Carleton remains too high.

## ACTION TO DATE

Three of the four initiatives brought forward at the public consultation meeting, namely the aforementioned voluntary signage, faster turn-around time when reporting survey results to retailers, and the drafting of a letter from retailers to the Minister of Health articulating their frustration with the present Tobacco Control Act (TCA), have been implemented with the assistance of the business community. The final initiative, advising retailers of the availability of tobacco retailer training programs, will be done as soon as the programs are available to us.

In addition, a fifth compliance survey in March, 1996 demonstrated that 54% (n=134) of the 247 retailers surveyed were prepared to sell cigarettes to two females and one male between 17 and 18 years of age. Thirty percent of retailers were displaying the new voluntary sign in a location readily visible to tobacco customers. Forty-four percent of these retailers were prepared to sell cigarettes to underage youth. Among the other retailers who either placed the sign in a less conspicuous spot or did not post it, 59% were prepared to sell. Thus, retailers posting the sign in readily visible locations were significantly less likely to sell to underage youth, (odds ratio 1.82, 95% confidence interval 1.04 - 3.15).

Although the overall figure of 54% is down from the 58% who were prepared to sell in September, 1995, the downward trend is far less than expected. Our expectation of a more significant drop was based on three factors: (1) Health Inspectors visited most tobacco retailers in the Region in January and February, 1996 to check for provincially legislated signage and to review the retailer's responsibility under the Act; (2) the new voluntary sign was sent to every tobacco retailer with an accompanying letter explaining how the sign could assist clerks in complying with the law; and finally (3) there was considerable coverage surrounding the launch of the new sign during National Non-Smoking Week in January 1996.

In response to a Regional Council motion, Environmental Health Directorate staff have also met with Municipal By-law Officers and the Ottawa-Carleton Police to solicit their support for enforcement activities. The initial response was positive and discussions are ongoing.

## DISCUSSION

The interim target for tobacco sales to minors is that no more than 20% of retailers are prepared to sell to underage youth on a survey. If the rate is less than 20%, a decrease in youth smoking rates is likely. As we have not made substantial progress, despite the recent initiatives, the Health Department will pursue the next step - enforcement checks. In an enforcement check, underage youth will complete a tobacco purchase in order to gather evidence with a view to ticketing, (the ticket fine is \$180.00). This differs from the compliance surveys we have been conducting, where the purchase is deliberately not completed because there is no intention to prosecute, only to monitor compliance.

Prior to being subject to enforcement checks, the retailer will have had to consistently or flagrantly refuse to comply with the Act after previous warnings. Thus, our plan is to conduct an additional compliance survey of those retailers who have failed two of the last three compliance surveys. Retailers prepared to sell tobacco to underage youth yet again will be advised personally and in writing that they are now subject to enforcement checks.

Both the Vancouver Health Department and the City of Toronto Police Department have successfully completed similar programs over the past six months. Furthermore, Health Canada's Tobacco Enforcement Unit is presently conducting a similar program in Manitoba and Saskatchewan.

## PUBLIC CONSULTATION

As this report is a follow-up report for the Committee's information, no public consultation was required.

### FINANCIAL IMPLICATIONS

Funding for the enforcement checks will be covered under the 100% provincially funded tobacco enforcement budget. There are no other financial implications.

### CONCLUSIONS

The Health Department will conduct an additional compliance survey of those retailers who have failed two of the last three compliance surveys. Retailers prepared to sell yet again will be subject to enforcement checks.

*Approved by  
Dr. Edward Ellis.*

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c.c.     Coordinator, Community Services Committee  
           Acting Medical Officer of Health