

REGION OF OTTAWA CARLETONMEMORANDUMRÉGION D'OTTAWA CARLETONNOTE DE SERVICE

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To Be Listed on the Community Services Committee Agenda	17 Dec 98

DATE 25 November 1998

TO/DEST. The Chair and Members of Council

FROM/EXP. Medical Officer of Health

SUBJECT/OBJET **MONITORING AND ENFORCEMENT OF
TOBACCO SALES TO MINORS**

INTRODUCTION

The *Ontario Tobacco Control Act (OTCA)* makes it illegal for tobacco retailers to sell tobacco to anyone under the age of 19. This report describes the most recent efforts of the Health Department to achieve RMOC's goal to eliminate tobacco sales to minors and the Ministry of Health's mandatory program objective to reduce tobacco vendor non-compliance with sale of tobacco to 10% by the year 2000.

BACKGROUND

Over the past four years ongoing tobacco retailer education, monitoring of compliance and the laying of charges as a result of enforcement checks and routine surveillance have contributed to a general decline in the number of retailers who are prepared to sell cigarettes to underage youth in Ottawa-Carleton.

ACTION TO DATE

The results of our most recent random compliance survey conducted in September-October, 1998 revealed that 72% (n=185) of retailers in our Region complied with Ontario's Tobacco Control Act and were not prepared to sell cigarettes to youth under 19. Although this is a marked improvement from the 32% compliance rate of the 1995 survey, it is nevertheless lower than the unprecedented 89% compliance rate this time last year.

A decision was made early in 1998 to reduce the number of random compliance surveys from two to one per year. This decision was based on the results of two consecutive surveys which

demonstrated a greater than 80% compliance rate as well as budgetary considerations. By not conducting a compliance survey this past spring fewer retailers received warning letters, survey results were not released to the public nor were the approximately 1500 retailers and heads of chains reminded of the retailers' responsibilities under the Act and of our enforcement plan. In hindsight, what was considered as a cost saving initiative has probably had a considerable negative impact on the previous upward trend in retailer compliance with the Act, and immediate corrective action is being taken.

Effective this fall, we have started to supplement routine surveillance with frequent, random compliance checks conducted by Health Department staff. Federal Tobacco Enforcement Officers will assist our staff by conducting their own regular compliance surveys. Subsequent enforcement checks (youth under 19 are sent to buy tobacco from retailers who were found to be non-compliant) will be conducted depending on the outcome of the compliance surveys.

This past year enforcement checks and active surveillance have led to 16 sales convictions with five sales of tobacco charges against vendors still outstanding. In addition one retailer has lost his right to sell tobacco or to keep tobacco on the premises because he was convicted twice of selling to minors. It is not uncommon for minors to approach adults outside retail outlets to buy cigarettes. To date, there have been 12 supply convictions in Ottawa-Carleton. Our Region currently ranks first among the provinces 42 health units in terms of the number of charges laid and convictions for sale or supply.

PUBLIC CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no financial implications that will result from this report at this time.

CONCLUSION

It is clear that in order to sustain a high compliance rate, retailers need to be reminded on a regular basis of their responsibilities under the law. All tobacco vendors will receive at least one inspection per year to check for signage. In addition to active surveillance, frequent compliance and enforcement checks for monitoring and ticketing purposes respectively will be conducted. Finally, we will be launching a radio ad campaign in mid-December to dissuade adults from purchasing cigarettes for youth in an attempt to reduce second party sales, a natural outcome of increased retailer compliance.

*Approved by
Robert Cushman, MD, MBA, FRCPC*