

# Non-Smokers' Rights Association

## L'Association pour les droits des non-fumeurs

720 Spadina Avenue, Suite 221, Toronto, Ontario M5S 2T9  
Tel. (416) 928-2900 • Fax (416) 928-1860 • toronto@nsra-adnf.ca

130 Albert Street, Suite 1903, Ottawa, Ontario K1P 5G4  
Tel. (613) 230-4211 • Fax (613) 230-9454 • ottawa@nsra-adnf.ca

833 rue Roy Est, Montréal, Québec H2L 1E4  
Tel. (514) 843-3250 • Téléc. (514) 843-3562 • montreal@nsra-adnf.ca

web: www.nsra-adnf.ca

Fall 2010  
Updated March 2016

### Prohibiting Tobacco Sales in Specified Outlets: POLICY ANALYSIS

The goal of tobacco control in its broadest sense is to reduce disability and death from tobacco-caused diseases by reducing tobacco consumption. A comprehensive strategy that includes a mix of both demand reduction and supply reduction measures is widely regarded as the optimum approach to reaching this goal, with the emphasis on interventions that decrease demand for tobacco products.

The seminal report on tobacco control by the World Bank, *Curbing the Epidemic*, explains that demand reduction measures have been prioritized because of the “limited effectiveness of most supply-side interventions”:

“[I]f one supplier of a commodity is prevented from operating, another will quickly emerge to take its place as long as there is a strong incentive to do so. There are currently clear incentives to supply tobacco.”

To date, consideration of supply-side interventions has been restricted to combating illicit trade; prohibiting access by minors; and promoting crop substitution. Relatively little attention has been given to the feasibility and desirability of reducing the availability and accessibility of tobacco products. In Canada and other developed countries, initial efforts on this front have involved prohibiting sales in certain types of outlets, with the banning of tobacco sales in pharmacies being an early target in the 1990s. This initiative was pursued not so much in an effort to restrict supply, however, as to diminish the social acceptability of tobacco products by prohibiting their sale in outlets designed to promote health and wellness.

Over the past fifteen years, Canadian provinces/territories have all passed multi-component tobacco control legislation, which has included prohibitions on the sale of tobacco products in specified types of outlets. The prohibitions vary widely from province to province, but some general observations can be made. For the most part, the prohibited locations promote health, education, youth services, or cultural/artistic pursuits. The ban on tobacco sales in these locations reinforces societal messaging that non-smoking is the norm and that the risks of tobacco use render tobacco products incompatible with broader community objectives such as the promotion of health.

Similarly, banning tobacco sales in temporary locations helps to ensure that special events, such as outdoor concerts and festivals, are not used to promote tobacco use. Banning tobacco sales in a few locations also serves to reduce both impulse purchases among current smokers and relapse among smokers who are trying to or have succeeded in quitting. These locations include restaurants, bars, and gaming facilities, since the urge to smoke and the loss of self-control to resist that urge often go hand-in-hand with social activities such as restaurant dining, drinking alcohol, and gambling.

The table on the next page indicates the extent of the prohibitions on tobacco sales, by jurisdiction. The province of Nova Scotia leads the way with the most locations in which tobacco sales are not permitted, at seventeen. Even Nova Scotia, however, has room for improvement, as certain locations in which tobacco sales are banned in other provinces are not included in Nova Scotia's ban, in particular outdoor recreational facilities. With regard to tobacco sales in child care centres, while the majority of provinces/territories do not specifically outlaw such sales, it is highly unlikely that tobacco is sold in such centres even in the absence of a legal prohibition. A comprehensive tobacco control plan should include, as a minimum, a prohibition on tobacco sales in the following locations:

- Government buildings (municipal and provincial/territorial)
- Vending machines
- Pharmacies
- Hospitals
- Health care facilities
- Residential care facilities
- Schools
- Post-secondary schools
- Child care facilities
- Indoor sport/recreation facilities
- Outdoor recreational facilities such as amusement parks
- Temporary outdoor locations
- Community centres
- Theatres/cinemas
- Libraries/galleries
- Other cultural facilities
- Restaurants
- Bars
- Gaming facilities
- Community centres

By helping to educate the public about the absolute and relative risks of tobacco products, measures to prohibit tobacco sales in certain locations arguably serve to reduce demand for tobacco more than supply. Whether or not prohibiting sales in certain outlets actually has an impact on the supply of tobacco depends on whether the ease of obtaining tobacco has been affected, for example, by rendering tobacco more time-consuming, more expensive, or less convenient to access.

Specific measures intended to decrease the supply of tobacco products include policies to reduce the number and/or density of outlets in a given area or per a given population. The expected impact of such policies and the feasibility and opportunity costs of pursuing them will be discussed in a separate policy analysis.

## Places Where Tobacco Sales Are Prohibited by Law

Location	Province/Territory												
	AB <sup>i</sup>	BC <sup>ii</sup>	MN <sup>iii</sup>	NB <sup>iv</sup>	NL <sup>v</sup>	NS <sup>vi</sup>	NT <sup>vii</sup>	NWT <sup>viii</sup>	ON <sup>ix</sup>	PEI <sup>x</sup>	QC <sup>xi</sup>	SK <sup>xii</sup>	YK <sup>xiii</sup>
Provincial gov't buildings		X			X	X			X	X		X	
Municipal gov't buildings		X			X	X				X		X	
Vending machines				a	X	X	X	X	X	X	X	b	
Pharmacies	X			X	X	X	X	X	X	X	X	X	X
Hospitals	X	X			X	X	X		X	c	X	X	
Health care facilities	X	X			X	X	X		X	X	X	X	
Residential care facilities	X	X			X	X	X		X	X	X	X	
Schools	X				X	X			X	X	X	X	
Post-secondary schools	X	X			X	X		d	X	X	X		
Child care facilities					X		X		X		X		
Indoor sport/recreation		X			X	X		X		X	X	e	
Community centres						X					X		
Theatres/cinemas					X	X				X	X	X	
Libraries/Galleries					X	X					X		
Outdoor recreational facilities, e.g. amusement parks												X	
Temporary outdoor locations					X	X					X		
Restaurants						X					X		
Bars						X					X		
Gaming facilities						X							

## Notes

- <sup>a</sup> No vending machine sales in retail stores.
- <sup>b</sup> Vending machine sales permitted only in places off-limits to minors.
- <sup>c</sup> Except psychiatric hospitals.
- <sup>d</sup> NWT has only one post-secondary institution, Aurora College, which has a policy not to sell tobacco products.
- <sup>e</sup> Sales prohibited in recreation facilities only.

## Enabling Legislation

- <sup>i</sup> Alberta *Tobacco and Smoking Reduction Act*. [http://www.qp.alberta.ca/574.cfm?page=T03P8.cfm&leg\\_type=Acts&isbncln=9780779737901](http://www.qp.alberta.ca/574.cfm?page=T03P8.cfm&leg_type=Acts&isbncln=9780779737901). Accessed March 2016.
- <sup>ii</sup> British Columbia *Tobacco Control Act*. [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96451\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96451_01). Accessed March 2016.
- <sup>iii</sup> Manitoba *Non-Smokers Health Protection Act*. <http://web2.gov.mb.ca/laws/statutes/ccsm/n092e.php>. Accessed March 2016.
- <sup>iv</sup> New Brunswick *Tobacco Sales Act*. <http://laws.gnb.ca/en/showfulldoc/cs/T-6.1//20160315>. Accessed March 2016.
- <sup>v</sup> Newfoundland *Tobacco Control Act*. [http://www.assembly.nl.ca/Legislation/sr/statutes/t04-1.htm#4\\_1](http://www.assembly.nl.ca/Legislation/sr/statutes/t04-1.htm#4_1). Accessed March 2016.
- <sup>vi</sup> Nova Scotia *Tobacco Access Regulations*. <https://www.novascotia.ca/just/regulations/regs/tobacc.htm>. Accessed March 2016.
- <sup>vii</sup> Nunavut *Tobacco Control Act*. <http://www.canlii.org/en/nu/laws/stat/snu-2003-c-13/latest/snu-2003-c-13.html>. Accessed March 2016.
- <sup>viii</sup> Northwest Territories *Tobacco Control Act*. <https://www.justice.gov.nt.ca/en/files/legislation/tobacco-control/tobacco-control.a.pdf>. Accessed March 2016.
- <sup>ix</sup> *Smoke-Free Ontario Act*. <https://www.ontario.ca/laws/statute/94t10>. Accessed March 2016.
- <sup>x</sup> Prince Edward Island *Tobacco and Electronic Smoking Device Sales and Access Act*. [http://www.gov.pe.ca/law/statutes/pdf/t-03\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/t-03_1.pdf). Accessed March 2016.
- <sup>xi</sup> Quebec *Tobacco Control Act*. [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/L\\_6\\_2/L6\\_2\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/L_6_2/L6_2_A.html). Accessed March 2016.
- <sup>xii</sup> Saskatchewan *Tobacco Control Act*. <http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/t14-1.pdf>. Accessed March 2016.
- <sup>xiii</sup> Yukon *Smoke-Free Places Act*. [http://www.gov.yk.ca/legislation/acts/smpl\\_c.pdf](http://www.gov.yk.ca/legislation/acts/smpl_c.pdf). Accessed March 2016.