

The Issue

According to a national retail compliance survey commissioned by Health Canada in 2014, Alberta has the highest rate of illegal tobacco sales to minors of any province. In Alberta, 22 percent of tobacco retailers tested demonstrated a willingness to sell tobacco products to minors versus 15 percent nationally.¹ The unimplemented provincial tobacco product sales to minors legislation coupled with the absence of active enforcement have contributed to this disturbing outcome. The well-established outcomes of tobacco product sales to minor interventions, such as the unimplemented policies within the *Tobacco and Smoking Reduction Act*, is to decrease the number of young smokers by reducing the supply of tobacco to youth.²

Implementing and enforcing current legislation

Until recently Alberta was the only province in Canada without provincial legislation to prohibit tobacco sales to minors. In 2014, the Alberta government developed new provincial restrictions on tobacco product sales to minors that includes:

- A provincial ban on sales to minors under the age of 18 that complements the federal legislation
- Retailers must request identification from anyone who appears to be under the age of 25
- New signage requirements (unimplemented)
- New retail training requirements (unimplemented)
- New fines and ticketing procedures

Unfortunately, not all of the measures within the tobacco sales to minors legislation have been fully implemented and no enforcement authority has been assigned to actively enforce the new legislation. Instead, enforcement has been delegated to Peace Officers who are simply authorized to respond to complaints rather than to engage in active enforcement with underage test shoppers. However, the evidence is clear – in order to maximize the effect and impact of sales to minors legislation, there is a need for full implementation of a comprehensive tobacco retailer enforcement and compliance program which includes monitoring and reporting of violations as well as retailer training.^{3,4,5}

Policy ensures retail vendor compliance

Active enforcement of youth access to tobacco products restrictions using underage test shoppers is best practice and is key to successful outcomes in reducing tobacco product sales to minors.⁶ Unfortunately, Alberta presently has more rat inspectors than tobacco inspectors and the Alberta government has not assigned an enforcement authority. For over 15 years in Alberta, Health Canada tobacco inspectors were engaged in the active enforcement of federal restrictions on tobacco sales to minors. In 2011 Health Canada eliminated inspections at the provincial level. This enforcement involved the use of underage test shoppers who worked with the inspectors to identify retailers who were willing to sell to minors. Health Canada issued warning letters to stores who sold tobacco to the test shoppers and then returned to the store at an undisclosed date to make a follow-up test purchase.

1. Health Canada. *Evaluation of Retailers Behaviour of Certain Youth-Access-to-Tobacco Restrictions*, 2014. June 2015. <http://healthycanadians.gc.ca/science-research-sciences-recherches/data-donnees/survey-sondage/summary-sommaire-2014-eng.php>

2. DiFranza, Joseph R. *Research Opportunities Concerning Youth and the Family Smoking Prevention and Control Act*. Nicotine & Tobacco Research, Volume 14, Number 1 (January 2012) 54-61.

3. U.S. National Cancer Institute and World Health Organization. *The Economics of Tobacco and Tobacco Control. National Cancer Institute Tobacco Control Monograph 21. Section 5 – Policy and Other Influences on the Supply of Tobacco Products. Chapter 11: policies Limiting Youth Access to Tobacco Products*. NIH Publication No. 16-CA-8029A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; and Geneva, CH: World Health Organization; 2016.

4. Freeman, Dr. Becky., Chapman, Prof Simon. *Evidence of the impact of tobacco retail policy initiatives*. New South Wales Ministry of Health. Australia. January 2014.

5. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf

6. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf

Another important component of best practice youth access restrictions is effective signage and tobacco retail training.⁷ Higher compliance with sales-to-minors regulation coincides directly with a retailer's willingness to ask for appropriate age-verifying identification.⁸ Currently, many tobacco retail clerks in Alberta ask for photo identification yet do not properly validate the ID because effective training has not been provided.⁹ Effective retail training improves compliance as the training improves retailer attitudes about the law and its enforcement as well as supporting and assisting retailers in establishing the knowledge and skills needed to identify and refuse tobacco product sales to minors.¹⁰ The new signage and training requirements also need to be implemented and the Health Minister has full Cabinet authority to implement these measures. Alberta liquor retailers are subject to stringent signage and training requirements that could be adapted to Alberta tobacco retailers.

Prohibiting minors from selling tobacco

Within the *Tobacco and Smoking Reduction Regulations*, an exemption to the ban on youth tobacco possession has been made to allow underage store clerks to sell tobacco products. However this exemption is likely contributing to increased sales to minors since there is a direct correlation between the age of a clerk and the likelihood of selling to minors.¹¹ Underage staff should not be selling tobacco products since tobacco is a target of theft and it places minors in unnecessary danger. We recommend removing this exemption in order to reduce tobacco sales to minors and to protect the workplace safety of underage staff. Alberta liquor retailers cannot allow minors to sell liquor and tobacco retailers should be subject to the same requirement. There is no good reason to allow minors to sell tobacco and not to sell liquor since both products are harmful and they both attract crime.

Public support for preventing tobacco sales to minors

A telephone survey of 1,200 Albertans aged 18 and over conducted in 2016 revealed that 82% of respondents supported strengthening procedures to prevent illegal sales to minors. The 2016 Chronic Disease Prevention Survey was commissioned by the Alberta Policy Coalition for Chronic Disease Prevention.

Policy Recommendations

The Campaign for a Smoke-Free Alberta recommends:

- 1) That the Alberta government restore active enforcement of legislation prohibiting tobacco sales to minors that was previously conducted by Health Canada. Signage, remedial training and compliance requirements should be modeled after the current Alberta liquor retail training procedures. These measures include certification, online training, and compliance and enforcement procedures;
- 2) Similar to other provinces, that the Alberta government assign enforcement to an appropriate agency such as the Alberta Gaming and Liquor Commission (which currently enforces restrictions on tobacco retail promotions and contraband tobacco sales) and use underage test shoppers to test compliance among retailers. Alternatively, the government could tender a contract with third party enforcement vendors. Violations should result in fines and mandatory staff retraining including the suspension of tobacco sales until staff are fully retrained. This remedial enforcement strategy will increase compliance and help prevent repeat violations;
- 3) Removing the exemption to allow underage clerks to sell tobacco products under Section 7.3 of the *Tobacco and Smoking Reduction Regulation* to further reduce illegal sales to minors and to protect the workplace safety of underage staff; and
- 4) That the Alberta government include all tobacco-like products in sales to minors regulations including e-cigarettes and shisha.

7. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf

8. Health Canada, *Evaluation of Retailers' Behaviour Towards Certain Youth Access-to-Tobacco Restrictions (Final Report Findings: 2005)*. http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/eval-2005/part-a_section1-3-eng.php

9. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf

10. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf

11. Ontario Tobacco Research Unit. *Strategies Affecting Tobacco Vendor Compliance with Youth Access Laws: A Review of the Literature*. October 2013. http://otru.org/wp-content/uploads/2013/10/special_vendor_compliance.pdf