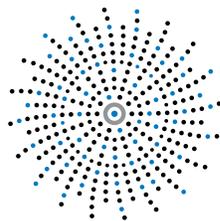




**Tobacco Use in Canada:
Patterns and Trends**

**Supplement:
Tobacco Control Policies in Canada**

2014 EDITION



PROPEL
CENTRE FOR
POPULATION
HEALTH IMPACT

University of Waterloo | Waterloo, Ontario

www.tobaccoreport.ca

About this Supplement

This supplement is intended to provide an overview of tobacco control policies that have been implemented in Canada at both the federal and provincial levels. Note that **this summary does not include all tobacco control policies implemented in Canada**. This edition of the policy supplement updates the previous (2013) version.

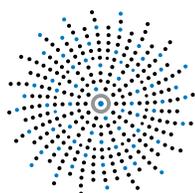
Much of the policy information presented in this supplement has been drawn from other sources. We wish to thank Rob Cunningham of the Canadian Cancer Society, and the Non-Smokers' Rights Association, for allowing us to reproduce their tables and factsheets. We would also like to acknowledge Health Canada as the source for all of the text on federal regulations.

For further information or to request a print copy of the full report, please contact:

Propel Centre for Population Health Impact
University of Waterloo
200 University Ave. W.
Waterloo, ON Canada N2L 3G1
Phone: (519) 888-4520
Fax: (519) 746-8171
Email: tobaccoreport@uwaterloo.ca

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1. GENERAL LEGISLATION AND POLICIES

1.1 THE TOBACCO ACT (S.C. 1997, C. 13)

The *Tobacco Act* replaces the *Tobacco Products Control Act* (S.C. 1988) and the *Tobacco Sales to Young Persons Act*. The *Tobacco Act* provides the basis for federal level tobacco regulations in Canada.

The *Tobacco Act*, passed in 1997, aims to protect the health of Canadians from the health risks of tobacco use; to protect young persons and others from inducements to use tobacco products and the consequent dependence on them; to protect the health of young persons by restricting access to tobacco products; and to enhance public awareness of the health hazards of using tobacco products.

Key regulations of the Act include:

- tobacco products must be manufactured in conformity with product standards
- manufacturers of a tobacco product must provide information about the product and its emissions;
- tobacco products may not be furnished to a young person in a public place or in a place to which the public reasonably has access;
- retailers must post signs that inform the public that the sale or giving of a tobacco product to a young person is prohibited by law, or that contain a prescribed health message;
- retailers may not sell a tobacco product by means of a display that permits a person to handle the tobacco product before paying for it;
- manufacturers or retailers may not sell a tobacco product unless the package containing it displays information about the product and its emissions, and about the health hazards and health effects arising from the use of the product or from its emissions;
- tobacco products or tobacco product-related brand elements may not be promoted, except as authorized by this Act or the regulations; and
- inspectors may enter any place in which they believe a tobacco product is manufactured, tested, stored, packaged, labelled or sold.ⁱ

The *Tobacco Act* may be accessed in full at: <http://laws-lois.justice.gc.ca/eng/acts/T-11.5/>

A number of federal regulations have been enacted under the *Tobacco Act*, which are included in the topic-specific sections below.

1.1.1 Bill C-32: An Act to Amend the Tobacco Act (S.C. 2009, c. 27)

Bill C-32, An Act to amend the *Tobacco Act*, received Royal Assent on October 8, 2009. The bill amends existing provisions in the *Tobacco Act* and introduces new provisions relating to, among other things, little cigars, additives in tobacco products, and the advertising of tobacco products.

In addition to technical and consequential amendments, and the inclusion of new definitions, the bill:

- creates a schedule that lists a number of additives that are prohibited in certain tobacco products;
- prohibits the sale of certain tobacco products that contain certain additives (including flavourings, menthol excepted);
- amends the information that tobacco manufacturers must provide to the minister;
- amends packaging requirements relating to certain tobacco products (specifying the minimum number per package as 20 for cigarettes, little cigars or blunt wraps);
- repeals the provision that permits the promotion of a tobacco product by means of information advertising or brand-preference advertising in publications that have an adult

ⁱ This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/federal/tobac-tabac-eng.php>

readership of not less than 85%; and

- establishes penalties relating to the new prohibitions.ⁱⁱ

Bill C-32 may be accessed in full at: <http://www.parl.gc.ca/HousePublications/Publication.aspx?Docid=3917629&file=4>

1.2 THE FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

Canada ratified the World Health Organization's Framework Convention on Tobacco Control (FCTC) in 2004. The FCTC came into force in 2005 and provides international guidelines in a range of policy areas. The FCTC may be accessed in full at: <http://www.who.int/fctc/en/>

Reports to the FCTC Conference of the Parties on implementation of the FCTC are made periodically. Implementation reports (2007, 2010, 2012) for Canada may be accessed at: http://www.who.int/fctc/reporting/party_reports/can/en/index.html

2. PRODUCT STANDARDS AND REGULATION

2.1 FEDERAL LEGISLATION AND REGULATIONS

2.1.1 Tobacco (Seizure and Restoration) Regulations (SOR/99-94)

The *Tobacco Act* contains enforcement powers that can be exercised by designated inspectors. Where, in the lawful exercise of those enforcement powers, an inspector seizes a tobacco product or other, its owner may apply to a court for a restoration of the seized product. These regulations outline the restoration procedure under the *Tobacco Act*.

Seizure and Restoration Regulations

Interpretation

1. In these Regulations, "Act" means the *Tobacco Act*.

Seizure

2. When an inspector seizes a tobacco product or other thing pursuant to subsection 39(1) of the Act, the inspector shall provide its owner or the person in charge of the place from which it was seized with a copy of these Regulations and of section 40 of the Act.

Application for Restoration

Service of Notice

3. A notice referred to in subsection 40(1) of the Act shall be served by registered mail on the Minister at Ottawa or on the regional manager of the Health Protection Branch, Department of Health, in the region in which the seizure occurred at least 15 clear days before the day on which the application for an order of restoration is to be made to the provincial court judge.

Contents of Notice

4. A notice referred to in subsection 40(1) of the Act must specify

- a) the provincial court judge to whom the application for an order of restoration is to be made;
- b) the time when and the place where the application is to be heard;
- c) the tobacco product or other thing seized in respect of which the application is to be made;
- d) the evidence on which the applicant intends to rely to establish that the applicant is entitled to possession of the product or other thing seized in respect of which the application is to be made.

Coming into Force

5. These Regulations came into force on February 11, 1999.ⁱⁱⁱ

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-94/index.html>

ⁱⁱ This section excerpted from: <http://www.parl.gc.ca/Content/LOP/LegislativeSummaries/40/2/c32-e.pdf>

ⁱⁱⁱ This section excerpted from: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-94/index.html>

2.1.2 Tobacco Reporting Regulations (SOR/2000-273)

Under these regulations, tobacco manufacturers and importers must provide Health Canada with annual reports which include their sales data, manufacturing information, tobacco product ingredients, toxic constituents, toxic emissions, research activities and promotional activities.

Canadian manufacturers and importers must provide Health Canada with information about their tobacco products and, where applicable, their emissions. In addition to information on sales, ingredients, manufacturing procedures, promotional activities and research activities, they must report on over 20 constituents and 40 emissions.

The regulations incorporate by reference a number of official methods that must be followed when dealing with the following:

- [Mainstream smoke](#)
- [Sidestream smoke](#)
- [Whole tobacco](#)
- Sample preparation
- [Toxicity Test Methods](#)

Consult the latest [Tobacco Reporting Regulations - Regulation June 2000](#). The *Tobacco Reporting Regulations* were amended in 2005 by the [Regulations Amending the Tobacco Reporting Regulations](#) to require that [three toxicity tests](#) be performed on cigarette emissions annually and that the results be reported to the Minister of Health. These regulations were registered on June 7, 2005 and were published in the June 29, 2005 issue of the *Canada Gazette* Part II.

The Proposed Regulations Amending the Tobacco Reporting Regulations were reviewed by the Standing Committee on Health that made the following recommendation in their Sixth Report (38th Parliament, 1st Session):

“That all information to be submitted to Health Canada under these regulations be made public. If need be, the Minister of Health should authorize its disclosure in the public interest in accordance with Section 20 (6) of the Access to Information Act.”

The Government Response to the report of the Standing Committee on Health on proposed regulations amending the Tobacco Reporting Regulations agrees fully with the spirit and intent of Standing Committee’s recommendation. The government reiterates in the response that it is committed to protecting the health and safety of Canadians and, in particular, ensuring that Canadians have access to information that can help make them make informed decisions on policies and practices that affect their well-being.^{iv}

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-273/index.html>

2.1.3 Reduced Ignition Propensity Cigarettes (SOR/2005-178)

Fires started by smokers’ materials are the leading known cause of fire-related death in Canada. To address this issue, Health Canada is requiring all cigarettes manufactured or imported for sale in Canada to have a reduced likelihood of igniting upholstered furniture, mattresses and bedding.

Regulations

The [Cigarette Ignition Propensity Regulations](#) require all cigarettes manufactured in or imported for sale into Canada on or after October 1, 2005 to meet an ignition propensity standard: all cigarettes manufactured in or imported into Canada must burn their full length no more than 25% of the time when tested using ASTM International method *E2187-04: Standard Test Method for Measuring the Ignition Strength of Cigarettes*. These regulations only apply to manufactured cigarettes, not to hand-

^{iv} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/indust/index-eng.php>

rolled tobacco, tobacco sticks, cigars, bidis or kreteks. The associated [Regulations Amending the Tobacco Reporting Regulations](#) require [three toxicity tests](#) to be conducted on cigarette emissions annually and that the results be reported to the Minister of Health. Both sets of regulations were registered in June 2005 and were published in the June 29, 2005 issue of the *Canada Gazette* Part II. The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-178/index.html>

2.1.4 Bill C-32 (including restrictions on additives and minimum pack size)

The amendments in Bill C-32 to the federal *Tobacco Act* included several related to product standards and information.^v Notably, Bill C-32 banned flavours (menthol excepted) in cigarillos (little cigars), cigarettes, and blunts (tobacco rolling papers), which came into force on April 6, 2010 at the manufacturer/importer level and on July 5, 2010 at the retail level. Bill C-32 also banned the sale, including retail and duty-free, of little cigars and blunt wraps packaged in less than 20 units, which came into effect at the manufacturer/importer and retail levels on April 6, 2010.^{vi} Bill C-32 also includes additional requirements on reporting to government.

3. LABELLING

3.1 FEDERAL REGULATIONS

3.1.1 Tobacco Products Information Regulations (SOR/2000-272)

The *Tobacco Products Information Regulations* (TPIR) established the requirements for information that must be displayed on tobacco product packages that are for retail sale in Canada. The TPIR, adopted under the authority of the *Tobacco Act* in 2000, represented a major departure from previous labelling approaches. Not only were the TPIR the first regulations to require graphic health warnings to be displayed, they also mandated the inclusion of health messages containing information to help people quit smoking and expanded the requirements for presenting toxic emission/constituent levels.

As of September 2011, the TPIR no longer applies to cigarettes and little cigars, but continues to apply to many tobacco products, such as kreteks, bidis, leaf tobacco, cigars, pipe tobacco as well as smokeless tobacco products.^{vii}

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-272/index.html>

Regulations Amending the Tobacco Products Information Regulations

In September 2011, the [Regulations Amending the Tobacco Products Information Regulations](#) came into force. These regulations serve three main purposes:

- to remove the application of the [Tobacco Products Information Regulations](#) (TPIR) to cigarettes and little cigars;
- to respond to issues identified by Parliament's Standing Joint Committee on Scrutiny of Regulations (SJCSR); and,
- to remove the obligation to list numerical values for toxic emissions.

The [Tobacco Products Labelling Regulations \(Cigarettes and Little Cigars\)](#) (TPLR-CLC), which came into force in September 2011, specify new labelling requirements for health warnings, health information messages and toxic emissions statements on cigarette and little cigar packages. Therefore, the regulations amending the TPIR remove the applicability of the TPIR to those tobacco products.

^v Source: <http://www.parl.gc.ca/Content/LOP/LegislativeSummaries/40/2/c32-e.pdf>

^{vi} Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Feb, 1, 2011.

^{vii} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/prod/index-eng.php>

The amendments to the TPIR also address issues that have been identified by the SJCSR with respect to redundant language, clarity and consistency and to errors in terminology. Furthermore, the numerical values for toxic emissions will be removed in response to research conducted for Health Canada that indicates that they are not clearly understood by some smokers.^{vii}

The Regulations may be accessed at: <http://www.gazette.gc.ca/rp-pr/p2/2011/2011-10-12/html/sor-dors179-eng.html>

3.1.2 Tobacco Products Labelling Regulations (Cigarettes and Little Cigars) (SOR/2011-177)

The *Tobacco Products Labelling Regulations (Cigarettes and Little Cigars) (TPLR-CLC)* are an important component of the Federal Tobacco Control Strategy, which aims to reduce the smoking rates in Canada. The TPLR-CLC, which came into force in September 2011, stipulate the requirements for the health-related labels that must be displayed on cigarette and little cigar packages. They replace the *Tobacco Products Information Regulations*, in place since 2000, for cigarettes and little cigars.

The TPLR-CLC require 16 new health warning messages, 8 new health information messages and 4 new toxic emissions statements.

Important features of the TPLR-CLC include:

- new graphic [health warning messages](#) covering 75% of the front and back of cigarette and little cigar packages;
- new [health information messages](#), enhanced with colours and graphics;
- a pan-Canadian toll-free quitline number and web address to inform tobacco users about the availability of smoking cessation services; and
- easy-to-understand [toxic emissions statements](#).

Products Affected

- Cigarettes
- Little cigars - that is, rolls or tubular constructions that contain a filler of natural or reconstituted tobacco and have a wrapper, or binder and wrapper, of natural or reconstituted tobacco, and:
 - Weigh 1.4 g or less (excluding the weight of any mouthpiece or tip), or
 - Have a cigarette filter.

Transition Period

The regulations came into force on September 22, 2011. The regulations provided a transition period of up to 6 months for industry to introduce the new labels on packages, and a further 3 months for retailers to transition between existing packages and those displaying the new messages. As of March 21, 2012, manufacturers and importers of cigarettes and/or little cigars were prohibited from selling or distributing packages of cigarettes and little cigars that do not display the new health warnings. Retailers had up to June 18, 2012 to sell their inventory of cigarettes displaying the old health warnings. As of June 19, 2012, only packages of cigarettes and little cigars that display the new health warnings can legally be sold at retail. Individuals or entities that only package or only distribute tobacco products on behalf of a manufacturer were not affected by the coming into force of the provisions of the new regulations.^{viii}

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-177/index.html>

^{viii} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/label-etiquette/index-eng.php>

3.2 HEALTH WARNINGS

3.2.1 Labelling Implemented following TPIR

Health Warnings

In June 2001, Canada became the first country to implement pictorial health warning labels on cigarettes. Cigarette packages were required to have a health warning cover 50% of the front and 50% of the back of the package (one side in English and the other side in French).^{ix} The following 16 graphic health warnings were rotated on packages.

FIGURE 1: SIXTEEN ROTATING HEALTH WARNING MESSAGES, JUNE 2001-MARCH 2012^x



Additional information and images on Canadian health warnings may be found at: www.tobaccolabels.ca

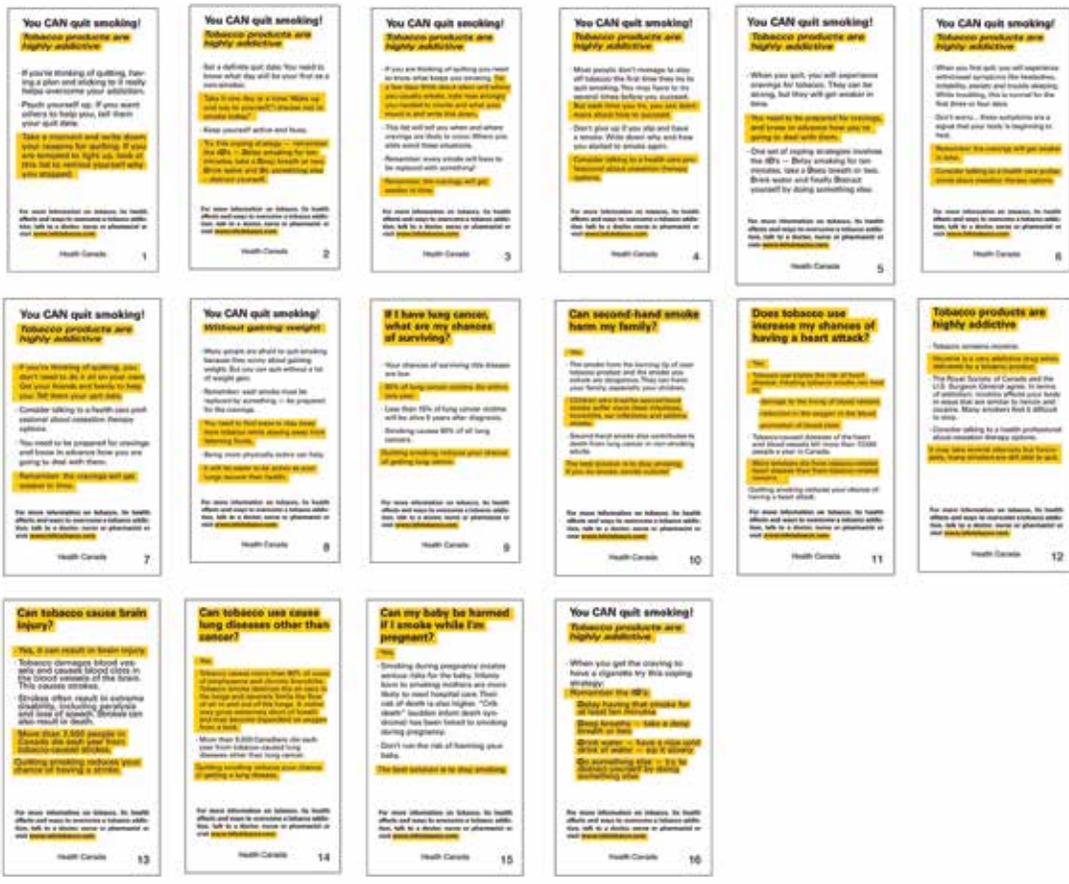
^{ix} Source: <http://www.tobaccolabels.ca/healthwarningimages/country/canada>

^x Source: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/label-etiquette/other-autre-eng.php>

Information Messages

In addition to health warnings on the outside of packages, one of the following 16 messages containing information to help people quit were required to appear in rotation, on the inside of each cigarette package, either on the slide or on an insert.^{ix}

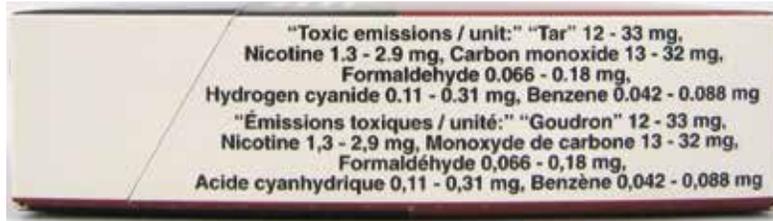
FIGURE 2: 16 ROTATING HEALTH INFORMATION MESSAGES INSIDE PACKAGES, JUNE 2001- MARCH 2012^x



Toxic Emissions

The TPIR expanded the requirements for presenting toxic emission/constituent levels, requiring tar, nicotine, carbon monoxide, formaldehyde, hydrogen cyanide and benzene emission numbers to appear on the side of packages. Two numbers appeared for each, as a range: one from the ISO and one from the Health Canada machine smoking method.⁹

FIGURE 3: EXAMPLE OF TOXIC EMISSION LABELLING, 2001-2012



3.2.2 Labelling Implemented following TPLR-CLC

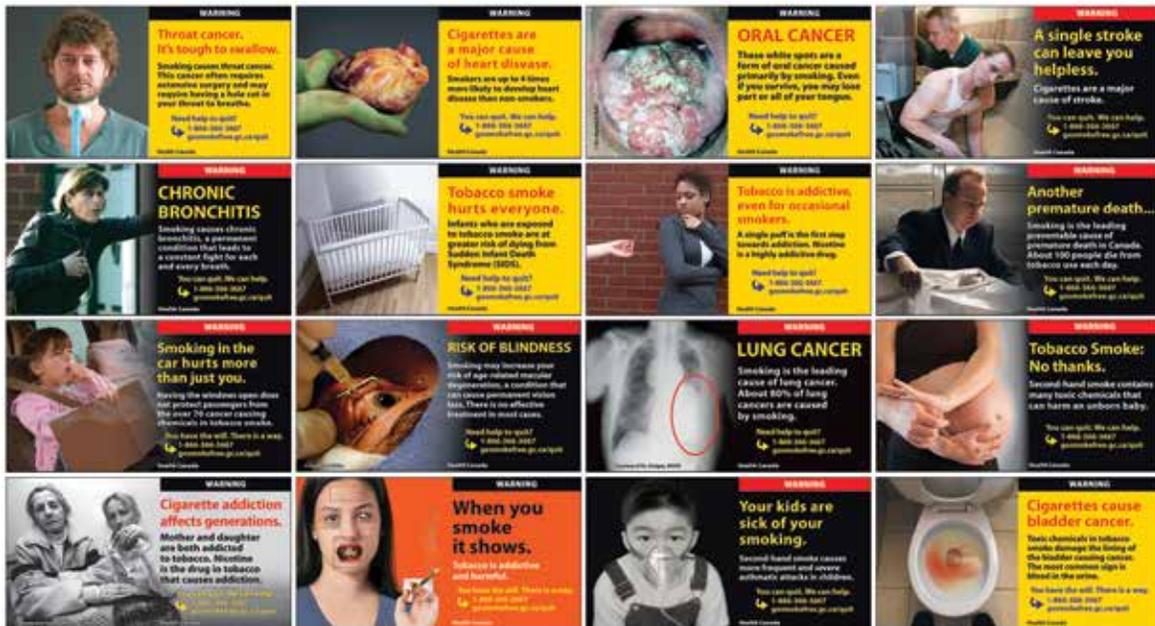
Health Warnings

Beginning March 21, 2012, all cigarette and little cigar packages in Canada were required to have a health warning covering 75% of the front and 75% of the back of the package. These health warnings also include a toll-free quitline number and web address. The following 16 graphic health warning messages are currently rotated on packages.^{xi}

FIGURE 4: 16 ROTATING HEALTH WARNING MESSAGES FOR CIGARETTES, IMPLEMENTED MARCH 2012^{xi}



FIGURE 5: 16 ROTATING HEALTH WARNING MESSAGES FOR LITTLE CIGARS, IMPLEMENTED MARCH 2012^{xi}



Information Messages

The following 8 [health information messages](#) are currently rotated on (inside) packages.

FIGURE 6: 8 ROTATING HEALTH INFORMATION MESSAGES INSIDE PACKAGES, IMPLEMENTED MARCH 2012^{xi}



Toxic Emissions

The current labelling removed the numerical values for toxic emissions, replacing it with text about constituents of cigarette smoke. The following 4 [toxic emissions statements](#) appear on packages.

FIGURE 7: 4 ROTATING TOXIC EMISSION MESSAGES, IMPLEMENTED MARCH 2012^{xi}



^{xi} Source: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/label-etiquette/cigarette-eng.php#cigarettes>

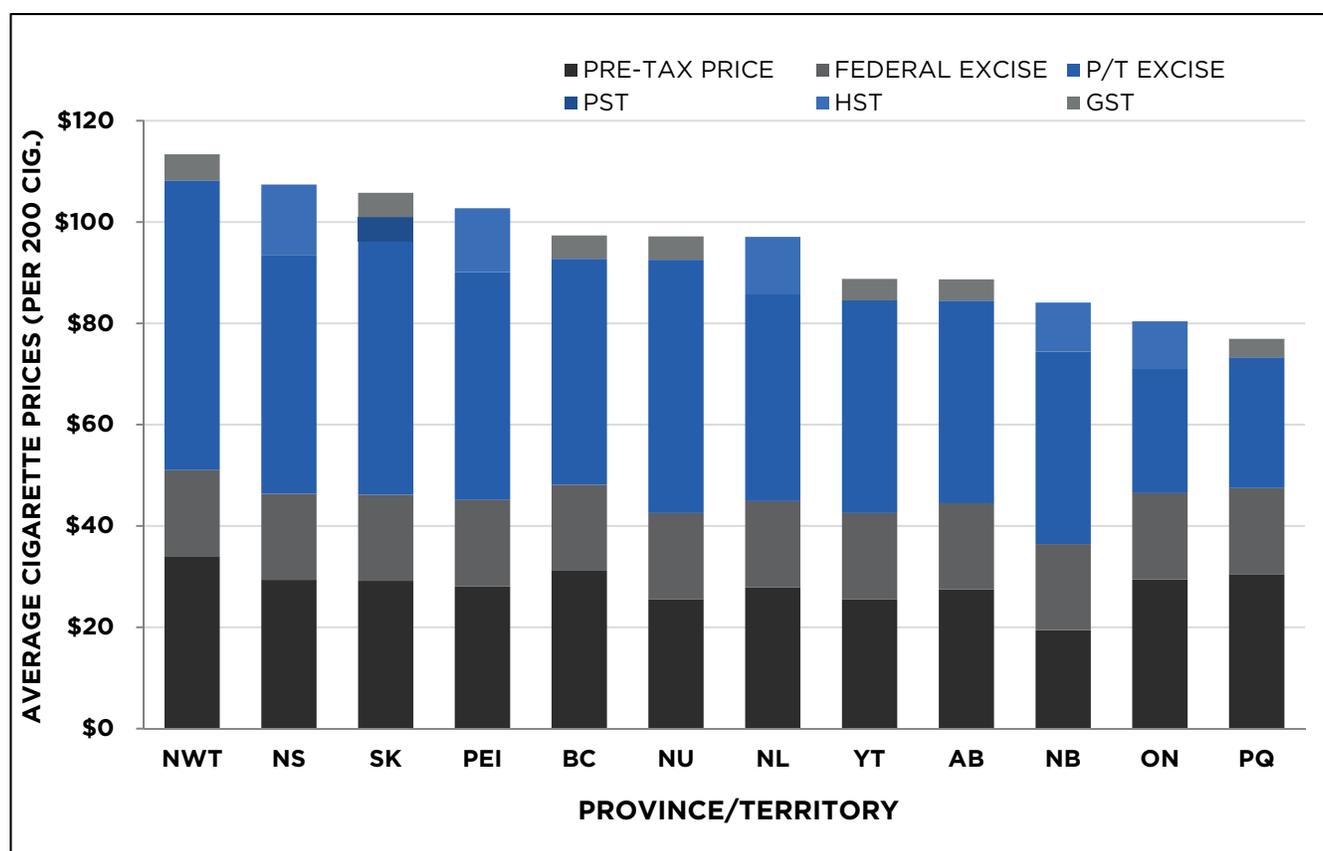
4. TAX AND PRICE

Increases in tobacco taxes that increase prices are among the most effective measures for reducing tobacco use.^{xii} In Canada, tobacco taxes are applied at the federal and provincial level.

4.1 TAX RATES AND AVERAGE PRICE

FIGURE 8 below displays the average price (per 200 cigarettes) in each province and territory as of October 1, 2013, as a function of the average base price plus applicable federal (shown in grey) and provincial (shown in blue) taxes. TABLE 1 (next page) shows the same estimates, providing figures for the tax rates for each province and territory, including the federal and provincial portions.

FIGURE 8: AVERAGE CIGARETTE PRICES (PER 200 CIGARETTES), BY PROVINCE/TERRITORY, AS OF OCTOBER 1, 2013^{xiii}



P/T=PROVINCIAL/TERRITORIAL; PST=PROVINCIAL SALES TAX; HST=HARMONIZED SALES TAX; GST=GOODS & SERVICES TAX

¹THIS AVERAGE ESTIMATE OF "PRE-TAX PRICE" FOR EACH PROVINCE IS CALCULATED BY USING THE CONSUMER PRICE INDEX AND THE CPI INTERCITY INDEX FROM STATISTICS CANADA FOR A CARTON OF 200 CIGARETTES IN 2011.

²PST IS CALCULATED ON THE TOTAL OF PRE-TAX PRICE + FEDERAL EXCISE DUTY + PROVINCIAL EXCISE TAX.

³GST/HST IS CALCULATED ON THE TOTAL OF PRE-TAX PRICE + FEDERAL EXCISE DUTY + PROVINCIAL EXCISE TAX.

^{xii} Source: IARC. *Effectiveness of tax and price policies for tobacco control*. IARC Handbooks of Cancer Prevention, 2011.

^{xiii} Source: Non-Smokers' Rights Association/Smoking and Health Action Foundation (www.nsra-adnf.ca). Available at: http://www.nsra-adnf.ca/cms/file/files/130417_map_and_table.pdf; updated with information from the British Columbia Ministry of Finance Tax Bulletin. Available at: http://www.sbr.gov.bc.ca/documents_library/bulletins/tta_005.pdf

TABLE 1: FEDERAL AND PROVINCIAL/TERRITORIAL TOBACCO TAX RATES (PER 200 CIGARETTES), AS OF OCTOBER 1, 2013¹³

	AVG. PRE-TAX PRICE (2011) ¹	FEDERAL EXCISE DUTY	P/T EXCISE TAX	P/T SALES TAX ² OR HST	FEDERAL GST 5%	TOTAL TOBACCO TAXES ³	TOTAL PRICE
BRITISH COLUMBIA	\$31.13	\$17.00	\$44.60 ⁴	No PST	\$4.64	\$66.24	\$97.37
ALBERTA	\$27.48	\$17.00	\$40.00	No PST	\$4.22	\$61.22	\$88.70
SASKATCHEWAN	\$29.17	\$17.00	\$50.00 ⁵	PST 5%=\$4.81	\$4.81	\$76.62	\$105.79
MANITOBA	\$32.30	\$17.00	\$50.00 ⁶	PST 7%=\$6.95	\$5.31	\$87.86	\$120.16
ONTARIO	\$29.46	\$17.00	\$24.70	HST 13%=\$9.25	See HST	\$50.95	\$80.41
QUÉBEC	\$30.49	\$17.00	\$25.80	No PST	\$3.66	\$46.46	\$76.95
NEW BRUNSWICK	\$19.42	\$17.00	\$34.00 ⁷	HST 13%=\$9.15	See HST	\$64.67	\$84.09
NOVA SCOTIA	\$29.35	\$17.00	\$43.04 ⁸	HST 15%=\$13.41	See HST	\$78.05	\$107.40
PEI	\$28.11	\$17.00	\$45.00 ⁹	No PST	\$12.62	\$74.62	\$102.73
NFLD. & LABRADOR	\$27.90	\$17.00	\$38.00 ¹⁰	HST 13%=\$10.78	See HST	\$69.17	\$97.07
YUKON TERRITORY	\$25.54	\$17.00	\$42.00	No PST	\$4.23	\$63.23	\$88.77
NWT	\$34.02	\$17.00	\$57.20	No PST	\$5.17	\$79.37	\$113.39
NUNAVUT	\$25.54	\$17.00	\$50.00	No PST	\$4.63	\$71.63	\$97.17

¹This average estimate of “pre-tax price” for each province is calculated by using the Consumer Price Index and the CPI Intercity Index from Statistics Canada for a carton of 200 cigarettes in 2011.

²PST is calculated on the total of pre-tax price + federal excise duty + provincial excise tax.

³GST/HST is calculated on the total of pre-tax price + federal excise duty + provincial excise tax.

⁴BC tobacco tax increase effective 1 Oct 2013 (http://www.sbr.gov.bc.ca/documents_library/bulletins/ta_005.pdf)

⁵Saskatchewan tobacco tax increase effective 21 March 2013. (<http://www.finance.gov.sk.ca/budget2013-14>)

⁶Manitoba tobacco tax increase effective 16 April 2013 (<http://www.gov.mb.ca/finance/budget13/papers/taxation.pdf>)

⁷NB tobacco tax increase effective 27 March 2013 (http://www2.gnb.ca/content/gnb/en/news/news_release.2013.03.0255.html)

⁸NS tobacco tax increase effective 5 April 2013 (http://www.novascotia.ca/finance/site-finance/media/finance/budget2013/Budget_Address.pdf)

⁹PEI tobacco tax adjustment because of HST starting 1 April 2013. (http://www.gov.pe.ca/photos/original/fema_budget13.pdf)

¹⁰Newfoundland tobacco tax increase effective 27 March 2013 (<http://www.releases.gov.nl.ca/releases/2013/fin/O326n04.htm>)

TABLE 2 below shows average cigarette prices for each province and territory, from 2006 to 2013.

TABLE 2: AVERAGE CIGARETTE PRICES (PER 200 CIGARETTES), BY PROVINCE/TERRITORY, 2006-2013^{xiv}

	March 31, 2006	May 1, 2007	April 24, 2008	April 17, 2009	April 1, 2010	April 13, 2011	April 24, 2012*	April, 2013
BRITISH COLUMBIA	\$79.84	\$86.34	\$86.34	\$87.40	\$87.40	\$93.23	\$95.35	\$95.35
ALBERTA	\$75.78	\$87.61	\$87.61	\$90.55	\$90.55	\$90.55	\$88.70	\$88.70
SASKATCHEWAN	\$84.15	\$91.30	\$91.30	\$90.12	\$97.06	\$97.06	\$96.99	\$105.79
MANITOBA	\$84.15	\$91.13	\$91.13	\$92.23	\$97.71	\$102.19	\$111.56	\$120.16
ONTARIO	\$67.97	\$74.57	\$74.57	\$74.49	\$74.49	\$80.16	\$80.41	\$80.41
QUÉBEC	\$63.58	\$70.23	\$70.23	\$70.18	\$70.18	\$70.81	\$72.75	\$76.95
NEW BRUNSWICK	\$71.67	\$78.83	\$78.83	\$78.81	\$78.81	\$90.67	\$79.57	\$84.09
NOVA SCOTIA	\$80.34	\$89.71	\$89.71	\$89.59	\$100.89	\$102.67	\$102.80	\$107.40
PEI	\$78.88	\$85.38	\$90.68	\$95.70	\$95.70	\$101.89	\$100.71	\$102.73
NFLD. & LABRADOR	\$84.89	\$93.08	\$93.08	\$92.93	\$95.19	\$95.19	\$93.68	\$97.07
YUKON TERRITORY	\$69.79	\$76.37	\$76.37	\$92.65	\$92.65	\$92.65	\$88.77	\$88.77
NWT	\$86.48	\$92.91	\$92.91	\$104.83	\$106.09	\$108.61	\$113.39	\$113.39
NUNAVUT	\$74.92	\$92.91	\$92.91	\$92.65	\$92.65	\$92.65	\$97.17	\$97.17

*NOTE THAT IN 2012-2013 THE TOTAL PRICES ARE CALCULATED USING ACTUAL AVERAGE PRE-TAX PRICES IN EACH PROVINCE/TERRITORY, RATHER THAN A NATIONAL AVERAGE PRE-TAX PRICE, AS WAS USED IN PREVIOUS YEARS

^{xiv} Source: Non-Smokers' Rights Association/Smoking and Health Action Foundation, www.nsra-adnf.ca Available at: http://www.nsra-adnf.ca/cms/file/files/130417_map_and_table.pdf

4.2 TAX INCREASES

TABLE 3 below outlines the tax increases that have taken place federally and provincially since December 2003.

TABLE 3: PROVINCIAL/TERRITORIAL AND FEDERAL TOBACCO TAX INCREASES, DECEMBER 2003-OCTOBER 2013, FOR 200 CIGARETTES AND FOR 200 ROLL-YOUR-OWN CIGARETTES (100G), BY EFFECTIVE DATE OF THE INCREASE^{xv}

DATE	PROVINCE/ TERRITORY	200 CIG.	200 RYO (100G)	NOTES
DEC. 20, 2003	BRITISH COLUMBIA	\$3.80	\$1.90	
MAR. 17, 2004	NOVA SCOTIA	\$5.00	\$2.26	
MAR. 31, 2004	NFLD. & LABRADOR	\$2.00	\$5.00	
MAR. 31, 2004	PEI	\$5.00	\$2.26	
APR. 1, 2004	SASKATCHEWAN	\$3.00	\$1.50	
APR. 20, 2004	MANITOBA	\$4.00	\$2.00	
MAY 19, 2004	ONTARIO	\$2.50	\$1.25	
JAN. 19, 2005	ONTARIO	\$1.25	\$0.625	
MAR. 22, 2005	NFLD. & LABRADOR	\$2.00	\$5.00	
FEB. 1, 2006	ONTARIO	\$1.25	\$0.625	
MAR. 31, 2006	NFLD. & LABRADOR	\$1.00	\$2.50	
JULY 1, 2006	FEDERAL	\$0.56	\$0.19	Adjustment for GST decrease from 7% to 6%
OCT. 28, 2006	SASKATCHEWAN	\$1.60	\$0.80	Adjustment for PST decrease from 7% to 5%
DEC. 15, 2006	NUNAVUT	\$10.80	\$5.40	
MAR. 24, 2007	NOVA SCOTIA	\$2.00	\$1.00	
APR. 20, 2007	ALBERTA	\$5.00	\$2.50	
JAN. 1, 2008	FEDERAL	\$0.59	\$0.195	Adjustment for GST decrease from 6% to 5%
APR. 24, 2008	PEI	\$5.00	\$2.01	
JULY 1, 2008	YUKON	\$15.60	\$16.32	
FEB. 18, 2009	BRITISH COLUMBIA	\$1.20	\$0.60	
MAR. 26, 2009	MANITOBA	\$2.00	\$1.00	
APR. 1, 2009	NWT	\$11.60	\$2.80	
APR. 8, 2009	ALBERTA	\$3.00	\$11.50	
JUN. 23, 2009	NOVA SCOTIA	\$10.00	\$5.00	
MAR. 24, 2010	MANITOBA	\$4.00	\$2.00	
MAR. 25, 2010	SASKATCHEWAN	\$5.40	\$2.70	
MAR. 30, 2010	NFLD. & LABRADOR	\$2.00	\$2.00	
APR. 1, 2010	NWT	\$1.20	\$0.60	Decrease in NWT RYO tax rate
JULY 1, 2010	ONTARIO	-\$5.00	-\$2.00	Not a change to tobacco tax; implementation of the 8% provincial portion of HST
JULY 1, 2010	BRITISH COLUMBIA	-\$6.00	-\$2.40	Not a change to tobacco tax; implementation of the 7% provincial portion of HST
JULY 1, 2010	NOVA SCOTIA	-\$1.54	-\$0.69	Not a change to tobacco tax; increase in provincial portion of HST from 8% to 10%
JAN. 1, 2011	QUÉBEC	\$0.60	\$0.30	Increase to coincide with QST increase from 7.5% to 8.5%, given that QST does not apply to tobacco products
MAR. 23, 2011	NEW BRUNSWICK	\$10.50	\$5.25	
APR. 1, 2011	NWT	\$2.40	\$3.00	
APR. 7, 2011	PEI	\$5.90	\$6.58	

^{xv} Source: Rob Cunningham, Canadian Cancer Society. April 13, 2011. *Tobacco Tax Increases, 2004-2011*. AND Personal communication, March 20, 26, and 28, 2013, and April 4 and 16, 2013.

APR. 13, 2011	MANITOBA	\$4.00	\$2.00	
JAN. 1, 2012	QUÉBEC	\$0.60	\$0.30	Increase to coincide with QST increase from 8.5% to 9.5%, given that QST does not apply to tobacco products
FEB. 23, 2012	NUNAVUT	\$8.00	\$6.00	
APR. 18, 2012	MANITOBA	\$5.00	\$2.50	
NOV. 21, 2012	QUEBEC	\$4.00	\$2.00	
MAR. 21, 2013	SASKATCHEWAN	\$8.00	\$4.00	
MAR. 27, 2013	NEW BRUNSWICK	\$4.00	\$5.26	
MAR. 27, 2013	NFLD. & LABRADOR	\$3.00	\$0	
APR. 1, 2013	BRITISH COLUMBIA	\$5.60	\$2.80	Increase to adjust for elimination of HST (7% provincial portion)
APR. 1, 2013	PEI	-\$5.80	-\$1.80	Not a change to tobacco tax; implementation of the 9% provincial portion of HST
APR. 5, 2013	NOVA SCOTIA	\$4.00	\$2.00	
APR. 16, 2013	MANITOBA	\$8.00	\$4.00	
OCT. 1, 2013	BRITISH COLUMBIA	\$2.00	\$1.00	

RYO=ROLL-YOUR-OWN; GST=GOODS & SERVICES TAX; PST=PROVINCIAL SALES TAX; HST=HARMONIZED SALES TAX; QST= QUÉBEC SALES TAX

5. SMOKE-FREE SPACES

In Canada, smoke-free legislation exists at three levels of government: federal, provincial/territorial and municipal. When regulations exist at multiple levels, the strongest measures are generally enforced.^{xvi} Smoke-free regulations have been implemented in a variety of settings, including workplaces, bars and restaurants, vehicles carrying children, multi-unit dwellings, and some outdoor areas.

This supplement focuses on federal and provincial/territorial levels, although municipal-level by-laws and policies also exist in a number of areas. Additional detail on smoke-free laws may be found at: <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>

5.1 FEDERAL LEGISLATION AND REGULATIONS

Workplaces and Federal Buildings

At the federal level, the *Non-Smokers' Health Act*^{xvii} (1985, passed in 1988) restricts smoking in federally regulated workplaces such as federal government offices, banks and inter-provincial transportation. The *Act* requires that "Every employer, and any person acting on behalf of an employer, shall ensure that persons refrain from smoking in any work space under the control of the employer". The *Act* also allows for designated smoking rooms and designated smoking areas.^{xvi}

In addition to the *Non-Smokers' Health Act*, the Treasury Board of Canada (the primary employer for the federal government) further restricts smoking in federal government buildings, allowing for designated smoking rooms in limited situations - for example buildings built prior to 1989 do not have to have separately ventilated smoking rooms. The Treasury Board also suggests that departments take measures to reduce the effects of tobacco smoke at building entrances.^{xvi}

In 2003, Bill C-45 (S.C. 2003, c.21)^{xviii} amended the Criminal Code of Canada to include a new provision requiring employers and managers to take "reasonable steps to prevent bodily harm" to

^{xvi} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/cop-cdp/part-section3-eng.php> [Note: at time of publication, this URL was no longer active].

^{xvii} Non-Smokers' Health Act: <http://laws-lois.justice.gc.ca/eng/acts/N-23.6/page-1.html>

^{xviii} Source: http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c45&Parl=37&Ses=2

their employees as a result of their work. This places a legal obligation on employers to provide a safe (i.e., smoke-free) work environment, or risk being charged with an offence.^{xix}

As of 2008, Correctional Services Canada prohibits smoking indoors in all federally regulated prisons. Smoking on prison grounds is restricted to designated areas.^{xvi, xx}

The Non-Smokers' Health Regulations (SOR/90-21) may be accessed at:

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-90-21/index.html>

Transportation

Due to a combination of the *Non-Smokers Health Act* and voluntary restrictions on the part of public transportation providers, Canadians are largely protected from secondhand smoke on almost all public transportation which is under federal regulations. Exceptions would include enclosed smoking rooms in some airports.^{xvi}

5.2 PROVINCIAL/TERRITORIAL LEGISLATION

In most settings, provincial legislation (described below) is stronger than federal regulations and establishes a higher standard.

5.2.1 Indoor Public Places and Workplaces (Restaurants and Bars)

All Canadian provinces and territories have implemented legislation requiring 100% smoking bans inside enclosed restaurants and bars (with smoking rooms/areas completely prohibited).^{xxi} TABLE 4 below outlines the dates of implementation of these bans in each province. To date, three provinces and one territory, as well as at least 32 municipalities in Canada, have extended this ban to the patios of bars and restaurants.^{xxii}

TABLE 4: IMPLEMENTATION DATES FOR 100% SMOKE-FREE INDOOR PUBLIC PLACE AND WORKPLACE LEGISLATION (INCLUDING RESTAURANTS AND BARS)^{xxi,xxii}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE
NORTHWEST TERRITORIES	MAY 31, 2004
NUNAVUT	MAY 31, 2004
NEW BRUNSWICK	OCT. 1, 2004
MANITOBA	OCT. 1, 2004
SASKATCHEWAN	JAN. 1, 2005 (PUBLIC PLACES); MAY 31, 2009 (WORKPLACES)
NEWFOUNDLAND AND LABRADOR	JULY 1, 2005*
ONTARIO	MAY 31, 2006
QUÉBEC	MAY 31, 2006
NOVA SCOTIA	DEC. 1, 2006*
ALBERTA	JAN. 1, 2008*
BRITISH COLUMBIA	MAR. 31, 2008
YUKON TERRITORY	MAY 15, 2008*
PRINCE EDWARD ISLAND	SEPT. 15, 2009

*LEGISLATION ALSO APPLIES TO ALL OF (OR MOST OF) ANY OUTDOOR PREMISES (E.G. PATIOS) OF RESTAURANTS/BARS

^{xix} Physicians for a Smoke-Free Canada, December 8, 2003. *Exposing workers to cigarette smoke could be a criminal offence* [press release]. Available at: http://www.smoke-free.ca/eng_home/news_press_Dec9-03-c-45.htm

^{xx} Correctional Service Canada. Available at: <http://www.csc-scc.gc.ca/text/plcy/doc/259-cd.pdf>

^{xxi} Collishaw, N. November 2009. *History of Tobacco Control in Canada*. Ottawa: Physicians for a Smoke-Free Canada. Available at: http://www.smoke-free.ca/pdf_1/2009/History%20of%20tobacco%20control%20in%20Canada.pdf and, Smoking and Health Action Foundation. March 2013. *Provincial and Territorial Smoke-Free Legislation Summary*. Available at http://www.nsr-aadnc.ca/cms/file/files/Prov-Terr_Summary_Table_March_2013-FINAL.pdf.

^{xxii} Source: Rob Cunningham, Canadian Cancer Society. August 1, 2012. *Summary List of Provinces and Municipalities in Canada Prohibiting Smoking on Patios of Bars and Restaurants*.

5.2.2 Vehicles

Vehicles Carrying Children

Currently, nine provinces and one territory have adopted laws prohibiting smoking in vehicles carrying children. TABLE 5 below outlines the dates of implementation and applicable age of these bans in each province. Some Canadian municipalities have also banned smoking in vehicles carrying children^{xxiii}.

TABLE 5: IMPLEMENTATION DATES FOR LEGISLATION PROHIBITING SMOKING IN VEHICLES CARRYING CHILDREN^{xxiii}

PROVINCE/TERRITORY	APPLICABLE AGE*	EFFECTIVE IMPLEMENTATION DATE
NOVA SCOTIA	19	APR. 1, 2008
YUKON TERRITORY	18	MAY 15, 2008
ONTARIO	16	JAN. 21, 2009
BRITISH COLUMBIA	16	APR. 7, 2009
PRINCE EDWARD ISLAND	19	SEPT. 15, 2009
NEW BRUNSWICK	16	JAN. 1, 2010
MANITOBA	16	JULY 15, 2010
SASKATCHEWAN	16	OCT. 1, 2010
NEWFOUNDLAND AND LABRADOR	16	JULY 1, 2011
ALBERTA	18	NO FIXED DATE; Royal assent March 21, 2012

*APPLICABLE AGE REFERS TO UNDER THE AGE (I.E., "19" MEANS SMOKING IS PROHIBITED IN A VEHICLE CARRYING SOMEONE UNDER 19).

**The Tobacco Reduction Amendment Act, 2013^{xxiv} received Royal Assent on Dec. 11, 2013, but was not yet in force and no implementation date had been set at the time of publication

Public Transportation

All provinces and territories prohibit smoking in public transport. A number of provinces and territories also prohibit smoking in public transit shelters and stations.^{xvi}

5.2.3 Multi-Unit Dwellings (MUDs)

Smoke-free policies for multi-unit dwellings (such as apartments, condominiums, housing co-ops, etc.) are an emerging issue in tobacco control policy. Currently, most restrictions on smoking in MUDs are at the level of the individual building, landlord, or housing provider, although a few are at the regional/municipal level. Several provincial housing organizations have adopted policies (or are in the process of doing so), including Newfoundland and Labrador Housing Corporation, Nova Scotia Department of Community Services^{xxv}, and notably the Yukon Housing Corporation, which became 100% smoke-free (with smoking only allowed on private balconies or patios, and outside at least 5m from a shared entrance in the multi-unit buildings) on January 1, 2012.^{xxvi}

For more information on smoke-free housing, visit www.smokefreehousing.ca.

^{xxiii} Sources: Rob Cunningham, Canadian Cancer Society. August 30, 2011. *Laws Banning Smoking in Vehicles Carrying Children – International Overview*.

^{xxiv} Bill 33: Tobacco Reduction Amendment Act, 2013. Available at: http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=033&legl=28&session=1

^{xxv} Source: Pippa Beck, Non-Smokers' Rights Association. Personal communication, Jan. 15, 2011.

^{xxvi} Source: Rob Cunningham, Canadian Cancer Society. Personal communication, Dec. 21, 2011.

5.2.4 Provincial/Territorial Smoke-Free Legislation Summaries

The following summaries, compiled by the Non-Smokers' Rights Association (and updated where necessary), outline the legislation in each province and territory regarding smoke-free public spaces.^{xxvii} More detailed summaries for each province and territory may be found at: http://www.nsra-adnf.ca/cms/file/files/all_jurisdictions_Mar_2012%281%29.pdf.

British Columbia

The *Tobacco Control Act*, which came into force on March 31, 2008, assures a gold standard of protection in indoor public places and workplaces. Smoking is permitted on patios provided they are not fully or substantially enclosed. Smoking is prohibited within 3 m of any doorway, open window or air intake of a public place or workplace, as well as on school property. In addition, smoking is now prohibited in private vehicles with children under the age of 16 (*Motor Vehicle Amendment Act*, 2008), and in foster care homes and cars (Smoke-Free Environment Policy, Ministry of Children & Family Development, 2008).

Alberta

The *Smoke-Free Places (Tobacco Reduction) Amendment Act*, 2007, which came into force on January 1, 2008, assures a gold standard level of protection in public places and workplaces, both inside and out. Smoking is prohibited on patios, as well as within 5 m of entranceways, windows that open and air intakes of all workplaces and public places. The *Tobacco Reduction (Protection of children in Vehicles) Amendment Act*, 2012, prohibited smoking in private vehicles with children under the age of 18, but was never proclaimed. The *Tobacco Reduction Amendment Act*, 2013, received Royal Assent on December 11, 2013, but was not yet in force and no implementation date had been set at the time of publication; this Act repeals the 2012 amendment, and includes a ban on smoking in private vehicles with children under the age of 18, as well as prohibiting the smoking of “tobacco-like products” in the same places where smoking is prohibited.^{xxiv}

Saskatchewan

The *Tobacco Control Act*, which was amended and came into force in October 2010, now prohibits smoking in private vehicles with children under the age of 16 and in common areas of multi-unit dwellings. This is in addition to existing provisions: smoke-free public places and workplaces that are classified as public places, and all provincial government work sites including crown corporations, boards, commissions or other agencies. In addition, the Occupational Health and Safety Regulations, 1993 prohibit smoking in virtually all other workplaces. In terms of outdoor provisions, the new provincial Act also prohibits smoking within 3 m of doorways, windows or air intakes of enclosed public places as well as on school grounds.

Manitoba

The *Non-Smokers' Health Protection Act (Various Acts Amended)*, which came into force on October 1, 2004, assures a gold standard level of protection in enclosed workplaces and public places. Smoking is prohibited on bar and restaurant patios if more than 25% of the floor area is covered by a roof and more than 50% of its perimeter is more than 50% enclosed. In addition, the *Highway Traffic Amendment Act* bans smoking in private vehicles with children under the age of 16 present.

Ontario

The *Smoke-Free Ontario Act*, which came into force on May 31, 2006, assures a gold standard level of protection in indoor workplaces and public places. Smoking is prohibited on outdoor patios if the patio has a partial or complete roof, regardless of whether the roof is permanent or made of

^{xxvii} This section excerpted from: Non-Smokers' Rights Association. (Winter 2011). *Compendium of Smoke-free Workplace and Public Place Bylaws*; updated where necessary.

temporary coverings. Smoking is prohibited on school grounds, in reserved seating area of outdoor sports arenas or entertainment venues, and within 9 m of entranceways to hospitals, health care and psychiatric facilities. Smoking is also prohibited in private home daycares, regardless of whether children are present or not. As of January 21, 2009, smoking is also now prohibited in private vehicles with children under the age of 16 present (*Smoke-Free Ontario Amendment Act*, 2008).

Québec

The *Tobacco Act*, which came into force on May 31, 2006, assures a gold standard level of protection in enclosed public places and workplaces. Smoking is permitted in not more than 40% of rooms available in hotels—and rooms where smoking is permitted must be grouped together. Smoking is prohibited within 9 m of doorways of health and social service institutions, colleges and universities, non-residential childcare centres, and facilities where activities for minors are held. Smoking is prohibited on school property, and on bar and restaurant patios if they have more than 2 sides and a roof. There is no provision for municipalities to pass stronger smoke-free bylaws in this Act, although the possibility exists pursuant to the *Municipal Powers Act* regarding nuisances.

New Brunswick

The *Smoke-free Places Act* which came into force on October 1, 2004, assures a gold standard level of protection in all enclosed public places and workplaces. Smoking is prohibited on bar and restaurant patios if more than 70% is enclosed by walls or a roof or a combination of the two. Smoking is also prohibited on school grounds. There is no provision within the Act for municipalities to pass stronger bylaws. As of January 1, 2010, smoking is also prohibited in private motor vehicles with children under the age of 16 present (*An Act to Amend the Smoke-free Places Act*).

Nova Scotia

The *Smoke-free Places Act* (amended), which came into force on December 1, 2006, assures a gold standard level of protection inside and outside public places and workplaces. Smoking is prohibited on all outdoor patios regardless of whether they have a roof, within 4 m of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces, and on school grounds. Smoking is now also prohibited in motor vehicles with children under the age of 19 present—the first province to do so. Bill No. 6, An Act to Amend Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, was passed on December 13, 2007 and came into force on April 1, 2008.

Prince Edward Island

The amended *Smoke-free Places Act*, which came into force on September 15, 2009, removed designated smoking rooms and greatly improved protection for non-smokers in a variety of environments indoors and out. Smoking is now prohibited in virtually all workplaces and public places including restaurants and bars, private motor vehicles with children under the age of 19 present, construction sites, hospitals and hospital property (Hillsborough Hospital exempted—an outdoor smoking area is permitted), outdoor patios between the hours of 10 pm and 3 am, within 4.5 m of entrances and air intakes of public places and workplaces and within 2.4 m of entrances where all or part of the outdoor area is used as a patio. Designated smoking rooms are permitted in long-term care facilities.

Newfoundland and Labrador

The *Smoke-free Environment Act*, 2005, which came into force on July 1, 2005, assures a gold standard level of protection in enclosed public places. However, designated smoking rooms (DSRs) for employees in some workplaces not ordinarily open to the public continue to be permitted. Smoking is prohibited on all patios—the first jurisdiction in Canada to do so. As of May 31, 2011, smoking is also prohibited in private motor vehicles with children under the age of 16 present (*An Act to Amend the Smoke-free Environment Act*, 2005).

Yukon

The *Smoke-free Places Act*, which came into force on May 15, 2008, assures a gold standard level of protection in workplaces and public places, indoors and out. Smoking is prohibited on patios, within 5 m of doorways, windows and air intakes of workplaces and public places, and on school grounds including post-secondary institutions (a national precedent). Smoking is also prohibited in private motor vehicles with children under the age of 18 present.

Northwest Territories

The *Tobacco Control Act* (in force September 30, 2006), together with the *Environmental Tobacco Smoke Work Site Regulations* (Section 25 of the *Safety Act*, in force May 31, 2004) assure a gold standard level of protection in enclosed public places and workplaces. Smoking is prohibited within 3 m of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking. Smoking is also prohibited within 15m of any entrance or exit of a school.

Nunavut

The *Tobacco Control Act* (in force May 31, 2004) together with the *Environmental Tobacco Smoke Work Site Regulations* (Section 25 of the *Safety Act*, in force May 31, 2004) assure a gold standard level of protection in enclosed public places and workplaces. Smoking is prohibited within 3 m of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking. Smoking is also prohibited within 15 m of any entrance or exit of a school.

Nunavut

The *Tobacco Control Act* (in force May 31, 2004) together with the *Environmental Tobacco Smoke Work Site Regulations* (Section 25 of the *Safety Act*, in force May 31, 2004) assure a gold standard level of protection in enclosed public places and workplaces. Smoking prohibited within 3 m of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking. Smoking is also prohibited within 15 m of any entrance or exit of a school.

5.3 MUNICIPAL LEGISLATION

At the municipal level, a large number of cities and municipalities have implemented smoke-free legislation. In many cases, cities established precedents which were subsequently adopted at the provincial level.

For more information on municipal by-laws (as well as federal and provincial laws) restricting smoking, refer to the Non-Smokers' Rights Association's *Smoke-Free Laws Database*: <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>.

6. MARKETING AND POINT-OF-SALE

6.1 FEDERAL LEGISLATION AND REGULATIONS

6.1.1 Tobacco (Access) Regulations (SOR/99-93)

The *Tobacco Act* prohibits the sale of tobacco products to young persons (18 years of age or less) and requires retailers of tobacco products to post signs that inform the public that furnishing tobacco products to young persons is prohibited by law. These regulations specify the place, manner, form and content of signs to be posted in retail outlets. The regulations also set out the documentation that may be used to verify the age of the person purchasing tobacco products and exempt duty-free shop operators.^{xxviii}

^{xxviii} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/acces/index-eng.php> [Note: at time of publication, this URL was no longer active].

Tobacco Act - Access Regulations

Interpretation

1. In these Regulations, “Act” means the *Tobacco Act*.

Proof of Age

2. Only the following documentation may be used to verify the age of a person for the purposes of subsection 8(2) of the Act:

- a) a driver’s licence;
- b) a passport;
- c) a certificate of Canadian citizenship that contains the person’s photograph;
- d) a Canadian permanent resident document;
- e) a Canadian Armed Forces identification card; or
- f) any other documentation that
 - i. is issued by a federal or provincial authority or a foreign government, and
 - ii. contains the person’s photograph, date of birth and signature.

Self-Service

3. The following persons are exempt from the application of section 11 of the Act:

- a) a manufacturer or wholesaler who sells tobacco products to persons other than consumers at a location to which consumers do not have access; and
- b) a retailer who sells tobacco products at a duty free shop as defined in subsection 2(1) of the Customs Act.

Signs Prohibiting Sales To Minors Posted At Retail

4. (1) Subject to subsection (2), every sign to be posted by a retailer at a retail establishment pursuant to section 9 of the Act must

- a) have a total surface area of not less than 600 cm² and minimum dimensions of 20 cm by 30 cm;
- b) display the following message: “It is prohibited by federal law to provide tobacco products to persons under 18 years of age. Il est interdit par la loi fédérale de fournir des produits du tabac aux personnes âgées de moins de 18 ans.”;
- c) display the message set out in paragraph (b) in such a manner that the message is
 - i. legible,
 - ii. centred on the sign,
 - iii. in black Helvetica Bold type on a white background,
 - iv. in type of such size that the message occupies not less than 30 per cent and not more than 40 per cent of the total surface area of the sign,
 - v. displayed using upper-case lettering for the first letter of the message in each official language and lower-case lettering for the remainder of the message, and
 - vi. surrounded by a red border along the edges of the sign that has a thickness of not less than 1 cm and not more than 1.5 cm; and
- d) be posted
 - i. in such a manner that the sign is conspicuous and not obstructed from view, and
 - ii. at every location in the retail establishment where tobacco products are furnished.

(2) A retailer is exempt from the application of section 9 of the Act if the retailer carries on business in a province in which provincial legislation

- a) prohibits the sale of tobacco products to persons under a specified age that is eighteen years of age or greater; and
- b) requires the posting of notices to that effect in retail establishments that sell tobacco products.

5. The Tobacco Sales to Young Persons Regulations are repealed.

6. These Regulations came into force on February 11, 1999.^{xxix}

^{xxix} This section excerpted from: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-93/FullText.html>

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-93/index.html>

6.1.2 Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms) (SOR/2011-178)

The *Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)* prohibit the use of the terms “light” and “mild”, and variations thereof, on various tobacco products, their packaging, promotions, retail displays, as well as on tobacco accessories. These regulations came into force in September 2011 and apply to cigarettes, little cigars, cigarette tobacco, kreteks, bidis, tobacco sticks, cigarette papers, cigarette tubes and filters.

Research has shown that light and mild tobacco products are not less harmful to smokers’ health than regular tobacco products. Despite this, Health Canada studies have found that a significant proportion of tobacco users believe that these products are less harmful to their health. The current regulations remove these misleading terms from tobacco products, packaging and promotions.^{xxx}

The Regulations may be accessed at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-178/index.html>

6.2 POINT-OF-SALE DISPLAY BANS

Bans on the promotion of tobacco products via displays at the point of sale have been implemented in all provinces at territories as of January 1, 2010. TABLE 6 below outlines the dates of implementation of point-of-sale display bans in each of the provinces and territories.

TABLE 6: IMPLEMENTATION DATES FOR POINT-OF-SALE DISPLAY BANS^{xxxi}

PROVINCE/TERRITORY	EFFECTIVE IMPLEMENTATION DATE
SASKATCHEWAN	MARCH 11, 2002 ^{1,2} (JAN. 19, 2005)
MANITOBA	JANUARY 1, 2004 ^{1,2} (AUG. 15, 2005)
NUNAVUT	FEBRUARY 1, 2004 ¹
PRINCE EDWARD ISLAND	JUNE 1, 2006
NORTHWEST TERRITORIES	JANUARY 21, 2007 ²
NOVA SCOTIA	MARCH 31, 2007 ¹ (SEPT. 1, 2007)
BRITISH COLUMBIA	MARCH 31, 2008 ³
ONTARIO	MAY 31, 2008
QUÉBEC	MAY 31, 2008
ALBERTA	JULY 1, 2008
NEW BRUNSWICK	JANUARY 1, 2009
YUKON TERRITORY	MAY 15, 2009
NEWFOUNDLAND AND LABRADOR	JANUARY 1, 2010

¹As a result of legal proceedings involving the Saskatchewan legislation, enforcement of the legislation in Saskatchewan, Manitoba and Nunavut was affected until after the January 19, 2005 unanimous judgment of the Supreme Court of Canada upholding the Saskatchewan legislation. In Saskatchewan, the legislation was enforced between March 11, 2002 and October 3, 2003, not enforced between October 3, 2003 and January 19, 2005 (although a proportion of retailers continued to comply), and enforced again starting January 19, 2005. In Manitoba, the Government began to enforce the legislation as of August 15, 2005. In Nova Scotia, full enforcement was delayed until September 1, 2007.

²Applies to premises accessible to minors under age 18

³Applies to premises accessible to minors under age 19

^{xxx} This section excerpted from: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/prohibition-interdit/index-eng.php> [Note: at time of publication, this URL was no longer active].

^{xxxi} Source: David Hammond, University of Waterloo, 2011; and, Rob Cunningham, Canadian Cancer Society, Jan. 16, 2012.

6.3 ADVERTISING AND MARKETING BANS

Comprehensive restrictions on tobacco advertising and marketing have been implemented in Canada. Most advertising of tobacco products was prohibited by the *Tobacco Products Control Act* of 1988 and the *Tobacco Act* of 1997. The *Tobacco Act* broadly prohibited promotion of tobacco products (defined as “a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price or distribution, that is likely to influence and shape attitudes, beliefs and behaviours about the product or service”), with a few exceptions (noted below). This effectively banned advertising such as radio and television commercials, billboards, event sponsorship advertising, promotional giveaways and other types of brand advertising.

The *Tobacco Act* allowed limited types of advertising under the following conditions:

- Venues:
 - Direct mail, addressed to a specific adult;
 - Publications with an adult readership of 85% or more;
 - Signs in a place where young persons are not permitted by law (i.e. bars).
- Content:
 - brand-preference and information advertising (i.e., factual information about a product, its characteristics, its availability and its price)
 - Must not mislead or deceive, or be “likely to create an erroneous impression about the characteristics, health effects or health hazards of the tobacco product or its emissions”;
 - Must not constitute lifestyle advertising, defined as advertising that “associates a product with, or evokes positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, vitality, risk or daring.”
 - Cannot be “construed on reasonable grounds to be appealing to young people”.^{xxxii}

However, Bill C-32 removed the exception for print advertising, banning all tobacco advertising in Canadian newspapers and magazines, effective October 8, 2009.^{xxxiii}

Provinces may also have restrictions on advertising and promotion. For example, the combination of federal and provincial legislation in Quebec^{xxxiv} effectively prohibits the tobacco industry from any advertising or promotion of their products.

^{xxxii} Source: Non-Smokers' Rights Association. http://www.nsra-adnf.ca/cms/index.cfm?group_id=1337

^{xxxiii} Source: Rob Cunningham, Canadian Cancer Society. Personal communication, July 28, 2010.

^{xxxiv} Tobacco Act, RSQ, c T-0.01. Available at: <http://canlii.ca/t/xd6>