

How Are the Laws Enforced?

Enforcement officers, employed by the health authorities, are responsible for the day-to-day enforcement of the *Tobacco Control Act* and Regulation. Health Canada employees enforce the federal *Tobacco Act*.

See the brochure *Tobacco Laws in British Columbia* for more information.

Key Facts

- ▶ Tobacco products cannot be sold to anyone under the age of 19.
- ▶ Checking appropriate picture identification is the best way to determine someone's age.
- ▶ Papers, tubes and filters cannot be sold to anyone under 18.
- ▶ Cigarettes must be sold in their original package and cannot be sold individually.
- ▶ Tobacco products cannot be handled by customers before purchase.
- ▶ As part of their job, a minor can handle and sell tobacco to an adult.



Want to Know More?

For information on the federal *Tobacco Act*:
1 866 318-1116 or www.gosmokefree.ca

Visit the Tobacco Control website at:
www.health.gov.bc.ca/tobacco

or, contact your local health authority:

Vancouver Island Health Authority
250 360-1450

Vancouver Coastal Health Authority
604 675-3800

Fraser Health Authority
604 476-7000

Interior Health Authority
250 851-7300

Northern Health Authority
1 877 617-6777

Information in this brochure is intended to provide general information on B.C.'s Tobacco Control Act and Regulation. It should not be used as a substitute for legal or other expert advice.



Promoting Better Health
for All British Columbians

Preventing Tobacco Sales to Minors

Answers to Tobacco
Retailers' Most Common
Questions



Ministry of
Health

Across Canada, the sale of tobacco products to minors is restricted.

To help retailers understand the laws in B.C., here are answers to some of the most common questions. Some laws are set by the provincial *Tobacco Control Act*, others by the federal *Tobacco Act*.

How do you define a minor?

Under the *Tobacco Control Act*, a minor is anyone under the age of 19.

Can minors handle tobacco products?

Yes, it is legal for a minor to handle tobacco products as part of their job. However, it is against the law for a customer to handle a tobacco product before paying for it.

What is a tobacco product?

A tobacco product includes tobacco leaves and anything made from tobacco in any form or for any use.

What about cigarette papers, tubes and filters?

Under the federal *Tobacco Act*, these kinds of products cannot be sold to anyone under the age of 18.

Can I open a pack to sell individual cigarettes?

Cigarettes must be sold in their original package and cannot be sold as partial packs or as single cigarettes to anyone.

Can I sell matches or a lighter to a minor?

Yes, but many retailers choose not to. Matches printed with a tobacco brand cannot be given away for free.

How can I tell if someone is a minor?

The Tobacco Control Regulation says there are three forms of identification that should be used: a passport, a driver's licence or other identification issued by a government agency that includes their picture and date of birth.

When checking someone's identification, look at the year, month and day to make sure they are at least 19 years of age.

You may wish to use a calendar or other kind of date reminder to help, especially for those times when you are busy.

How can I tell if the identification is real?

Some tips include:

- ▶ Does the photo match the customer?
- ▶ Check height, weight, eye colour and age.
- ▶ Make sure the identification hasn't expired.
- ▶ Check to see if the identification has been tampered with or altered.

What happens if someone refuses to show identification?

Many retailers may have a rule: No identification = No sale. You have a right to say no to anyone who may be asking you to break the law.

What can happen to me if I sell tobacco products to a minor or from an open package?

Under provincial legislation, a clerk and/or retailer could receive a ticket for \$575. Some retailers also have a termination policy for staff caught selling tobacco to a minor or from an open package.

Provincial enforcement officers can use one of two penalty options for owner/operators. They could receive 1) a violation ticket for \$575 or 2) a penalty under the Administrative Penalty Process.

First convictions could result in a fine of up to \$1,000 and/or a sales prohibition up to 30 days. These penalties can increase up to \$5,000 and/or a 180-day tobacco sales prohibition.

Federal penalties for a first offence can be as much as \$3,000 and increase for subsequent offences.

