

Chapter 15

Health—Monitoring Enforcement of Tobacco and Vapour Products’ Legislative Requirements

1.0 MAIN POINTS

It is illegal for retailers to sell tobacco or vapour products to minors under 18 years of age and for the public to use these products in public places. There are also restrictions around the display and promotion of these products at retail locations. The Ministry of Health uses the Saskatchewan Health Authority’s tobacco enforcement officers to enforce the legislative restrictions. Officers conduct inspections assessing whether the more than 1,200 retailers in Saskatchewan sell products to minors and properly display and promote tobacco and vapour products.

At June 2021, our audit found the Ministry needs to improve its monitoring of the Authority’s enforcement of the legislative requirements over the sale, promotion, and use of tobacco and vapour products.

The Ministry does not sufficiently monitor whether youth test shopper inspections are done annually, warning letters and notices of violations are delivered promptly to non-compliant retailers, and non-compliant retail locations are reinspected timely. For example, our analysis found more than half of 225 retail locations that previously sold to youth test shoppers did not receive another inspection within the expected six months. We also found retailers were not notified of their non-compliance promptly; it took up to nine weeks after the violation. These delays increase the risk retailers will continue selling tobacco and vapour products to minors.

The Ministry has not determined clear rationale and guidance for routine inspection frequency. Our analysis found 19% of retail locations did not receive an annual inspection in 2020–21. Not performing routine inspections frequently (e.g., annually) increases the risk that retailers do not comply with the law.

The Ministry also did not provide detailed guidance, including timelines, to tobacco enforcement officers on how to handle complaints. Between July 2020 and June 2021, the Authority received eight complaints. We found tobacco enforcement officers did not follow up (e.g., inspect retail locations) on five of the eight complaints about retailers selling to minors. Without clear guidance, complaints may not be properly addressed and retailers may continue to break the law without consequence.

In addition, the Ministry needs to:

- Maintain a complete list of retail locations selling tobacco and vapour products
- Enhance written reports on enforcement activities to senior management
- Update its Enforcement Manual

Effective and active enforcement restricts access to tobacco and vapour products by youth, which protects them from the harms associated with the use of such products.



2.0 INTRODUCTION

This chapter outlines results from our audit of the Ministry of Health's processes to monitor the Saskatchewan Health Authority's enforcement of provincial legislative requirements over the sale, promotion, and use of tobacco and vapour products for the 12-month period ending June 30, 2021. Our audit did not include monitoring enforcement activities of the RCMP and policing services (e.g., Regina Police Service).¹

Tobacco means any form of tobacco in which it is used or consumed, including snuff and raw leaf.² Vapour products means any or all of the following: e-cigarettes, e-substances, e-liquid, cartridges from, or components of, e-cigarettes.^{3,4}

The Ministry of Health uses the Authority to conduct tobacco and vapour enforcement activities (e.g., retail location inspections).

2.1 Federal and Provincial Legislation for Tobacco and Vapour Products

Federal, provincial, and territorial governments share responsibility for regulating tobacco and vapour products.

In general, the Federal Government is responsible for regulating the manufacture, sale (e.g., on-line sales), labelling, and promotion (e.g., television) of tobacco and vapour products in Canada, including regulating restrictions around product flavours. Provincial legislation is designed to reduce youth access to tobacco and vapour products, and to protect all Saskatchewan residents from the harms associated with environmental tobacco and vapour smoke (e.g., second-hand smoke).

The Tobacco and Vapour Products Control Act regulates tobacco and vapour product use, sale, display, and advertisement in Saskatchewan.

2.2 Importance of Monitoring Enforcement of Legislative Requirements

Tobacco use is one of the primary causes of preventable morbidity and mortality worldwide. A 2017 report shows an estimated 45,464 deaths in 2012 attributable to smoking in Canada (or nearly one in five deaths). Nearly all deaths attributable to smoking fall into three main categories: cancers, cardiovascular diseases, and respiratory diseases.⁵

¹ The RCMP and municipal policing services throughout the province enforce the ban on smoking and vaping in vehicles when children under the age of 16 are present.

² For the purpose of this audit, tobacco products include tobacco-related products. Under *The Tobacco and Vapour Products Control Act*, s. 2(k) "tobacco-related product" means a cigarette paper, tube, filter, maker; pipe; or any other product used in association with tobacco.

³ *The Tobacco and Vapour Products Control Act*, ss. 2(i), (k1).

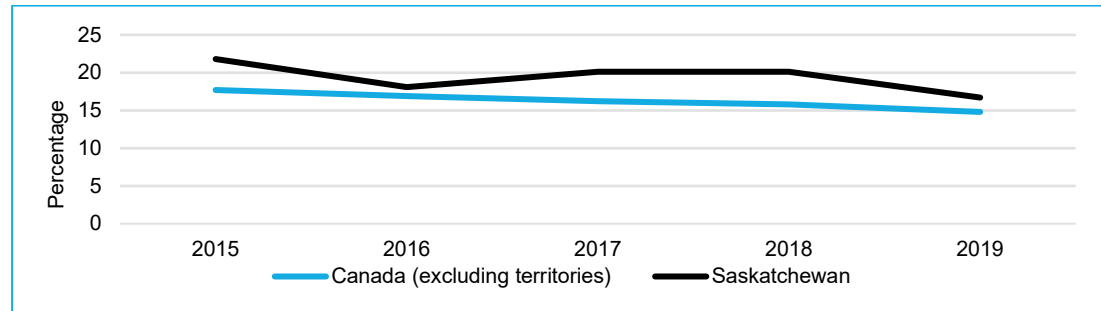
⁴ Vaping is the act of inhaling an aerosol, known as vapour, produced by a vaping device. This vapour is inhaled into the lungs simulating the feeling and effect of smoking a conventional cigarette. When vape devices are turned on, the battery warms a heating component which converts e-liquid into an aerosol or causes vaporisation. Vapour products do not contain tobacco, but can contain nicotine.

⁵ Dobrescu, A., Bhandari, A., Sutherland, G., Dinh, T., *The Costs of Tobacco Use in Canada, 2012*, (2017). Ottawa: The Conference Board of Canada.

The most recent data from Statistics Canada found that Saskatchewan's youth cigarette smokers aged 15 to 19 years smoke at nearly three times the national average (22% versus 8%); along with Newfoundland and Labrador, Saskatchewan ranks as the highest use rate in Canada. Moreover, in 2017, 15% of Canadians aged 15 years and older tried vaping.⁶

Despite Saskatchewan ranking higher than national levels, the overall rate of smoking is declining (see **Figure 1**).

Figure 1—Rates of Smoking in Canada and Saskatchewan Among Youth Over 15 Years of Age (2015–19)



Source: Statistics Canada, *Table 13-10-0096-01 Health Characteristics, Annual Estimates*, DOI: doi.org/10.25318/1310009601-eng.

While nationally and provincially smoking rates are decreasing, vaping rates are steadily increasing. Since the 2016–17 Canadian Student Tobacco, Alcohol, and Drug Survey, vaping prevalence among students doubled in Canada and tripled in Saskatchewan.⁷ The latest 2018–19 survey shows 33% of Grades 7–9 students and 61% of Grades 10–12 students in Saskatchewan tried vaping (with or without nicotine).⁸

Research suggests vaping may represent a less harmful mode of nicotine delivery compared to smoke inhalation from traditional cigarettes.⁹ Although, long-term exposure to vapour might cause nicotine dependence and increase the risk of respiratory and cardiovascular health effects despite the lower number and levels of toxicants in vapour aerosol than tobacco smoke.¹⁰ Moreover, young people who vape have an increased risk of subsequent smoking, and vice versa.¹¹

Although vaping might assist established smokers in quitting smoking, there are widespread concerns that vaping could undermine smoking reduction efforts, especially among young people.¹² With evidence frequently emerging of the harmful effects vaping causes to respiratory health (e.g., increased airway inflammation and oxidative stress, reduced lung function), the long-term implications of vaping (including second-hand vaping)

⁶ Health Canada, *Canadian Tobacco, Alcohol and Drugs Survey (CTADS): Summary of Results for 2017*, www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-survey/2017-summary.html#n2 (24 March 2021). We note the report flags the Saskatchewan rate as having moderate sampling variability and to interpret with caution.

⁷ Health Canada, *Detailed tables for the Canadian Student Tobacco, Alcohol and Drugs Survey 2016–17*, www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2016-2017-supplementary-tables.html#6 (29 March 2021).

⁸ Health Canada, *Detailed tables for the Canadian Student Tobacco, Alcohol and Drugs Survey 2018–19*, www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2018-2019-detailed-tables.html (29 March 2021).

⁹ Hammond, D., Reid, J.L., Rynard, V.L., Fong, G.T., Cummings, K.M., McNeill, A. et al. *Prevalence of vaping and smoking among adolescents in Canada, England, and the United States: repeat national cross sectional surveys*. *BMJ* 2019; 365 :i2219 DOI:10.1136/bmj.i2219.

¹⁰ *Ibid.*, p. 1.

¹¹ Hammond D, Reid JL, Cole AG, Leatherdale ST. *Electronic cigarette use and smoking initiation among youth: a longitudinal cohort study*. *CMAJ*. 2017 Oct 30;189(43):E1328-E1336. doi: 10.1503/cmaj.161002. PMID: 29084759; PMCID: PMC5662449.

¹² Hammond, D., Reid, J.L., Rynard, V.L., Fong, G.T., Cummings, K.M., McNeill, A. et al. *Prevalence of vaping and smoking among adolescents in Canada, England, and the United States: repeat national cross sectional surveys*. *BMJ* 2019; 365 :i2219 DOI:10.1136/bmj.i2219.



is not yet fully known.^{13,14} Furthermore, recent research suggests a COVID-19 diagnosis is five times more likely in youth who vape.¹⁵

Enforcement processes restrict access to tobacco and vapour products, especially appealing to youth (e.g., fruit-flavoured vapour products) while providing adult users with reasonable access. It also protects the public from harmful environmental second-hand smoke. Given how rapidly the vaping market is evolving and the growing evidence of negative health consequences, it is important for the Ministry of Health to minimize public health risks by effectively monitoring inspections of tobacco and vapour product at retail locations, as well as regulating the use of such products in public places.

3.0 AUDIT CONCLUSION

We concluded that, for the 12-month period ended June 30, 2021, the Ministry of Health had, other than in the following areas, effective processes to monitor the Saskatchewan Health Authority’s enforcement of provincial legislative requirements over the sale, promotion, and use of tobacco and vapour products.

The Ministry needs to:

- **Establish a formalized process to maintain a complete list of retail locations subject to inspections**
- **Work with the Saskatchewan Health Authority to have youth test shopper inspections conducted annually, warning letters and notices of violations delivered promptly to non-compliant retailers, and non-compliant retail locations reinspected frequently**
- **Set clear guidance on the frequency of periodic, routine inspections as well as the process for handling complaints**
- **Enhance written reports on enforcement activities provided to senior management (e.g., include follow ups on non-compliant retailers, complaints, trends)**
- **Update its Enforcement Manual to align with current practice**

Figure 2—Audit Objective, Criteria, and Approach

Audit Objective:

The objective of this audit was to assess whether the Ministry of Health has effective processes, for the 12-month period ended June 30, 2021, to monitor the Saskatchewan Health Authority’s enforcement of provincial legislative requirements over the sale, promotion, and use of tobacco and vapour products. Our audit did not include monitoring enforcement activities of the RCMP and policing services (e.g., Regina Police Service).

¹³ Miyashita, L., & Foley, G., *E-cigarettes and respiratory health: the latest evidence*, (2020), J Physiol. 2020 Nov; 598(22), 5027–5038. DOI: 10.1113/JP279526. Epub 2020 Jun 18.

¹⁴ Ballbè M., Martínez-Sánchez, J. M., Sureda, X., Fu, M., Pérez-Ortuño, R., Pascual, J. A., Saltó, E., & Fernández, E., *Cigarettes vs. e-cigarettes: Passive exposure at home measured by means of airborne marker and biomarkers*, (2014) Environ Res. 2014 Nov;135, 76–80 DOI: 10.1016/j.envres.2014.09.005.

¹⁵ Bandara, N. A., Herath, J., Merhmoush, V., *Addressing the intersection between COVID-19 and young people vaping: timely resources needed*, (2020), CMAJ October 26, 2020 192 (43) E1310: DOI: doi.org/10.1503/cmaj.76793.

Audit Criteria:

Processes to:

1. Promote awareness of legislative requirements for sale, promotion, and use of tobacco and vapour products

- Maintain clear and appropriate requirements for selling, promoting, and publicly-using tobacco and vapour products
- Educate retailers on requirements for tobacco and vapour product sales, promotions, and use and implications of non-compliance
- Inform owners of public places (e.g., restaurants, public buildings, schools) of requirements

2. Assess key information about enforcement activity

- Maintain guidance for examining compliance with legislation requirements (e.g., inspection procedures, IT systems, fines and corrective actions)
- Collaboratively set risk-based plans for inspections (e.g., retail locations, public places)
- Oversee compliance assessment with requirements (e.g., use qualified staff, complete inspections in accordance with established process)
- Investigate complaints about inappropriate tobacco and vapour sales, promotion, or use within a reasonable time

3. Address and report non-compliance

- Communicate action required for resolution of non-compliance within a reasonable time (i.e., non-compliance from inspections or complaints)
- Require prompt action on non-compliance based on severity
- Escalate action on continued non-compliance (e.g., more frequent inspections)
- Report on enforcement activities to senior management and public
- Take necessary action to adjust requirements (e.g., policy, legislation)

Audit Approach:

To conduct this audit, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry of Health's processes, we used the above criteria based on our related work, reviews of literature including reports of other auditors, and consultations with management. Ministry management agreed with the above criteria.

We examined the Ministry's policies, procedures, IT system, reports, and other records relating to monitoring enforcement of legislative requirements over the sale, promotion, and use of tobacco and vapour products. We interviewed key Ministry and Authority staff responsible for inspecting retail locations and public places. We assessed Ministry inspection processes for consistency with legislation and other jurisdictions. We tested a sample of routine inspections, youth test shopper inspections, and complaints to assess whether staff followed the Ministry's established processes. We also attended five routine inspections with tobacco enforcement officers. In addition, we conducted data analytics on the data in the Ministry's IT system.

4.0 KEY FINDINGS AND RECOMMENDATIONS

4.1 Legislation Recently Updated to Include Vapour Products

Saskatchewan established tobacco legislation back in the early 2000s regulating the sale, promotion, and use of tobacco products in the province.¹⁶ In February 2020, Saskatchewan updated its legislation to add restrictions on vapour products similar to those on tobacco products.

In Saskatchewan, *The Tobacco and Vapour Products Control Act* and *Regulations* set out rules and restrictions on the sale, advertising, and use of tobacco and vapour products (see **Section 5.0** for key provisions on restrictions in the Act). For example, under the Act, it is illegal to sell tobacco or vapour products to any individual younger than 18 years of age.

¹⁶ The former provincial *The Tobacco Control Act* was originally enacted in 2002. Saskatchewan was the first province to introduce provincial legislation prohibiting visual display of tobacco products. Prior to 2002, the Federal Government restricted the sale and promotion of tobacco products.



On September 1, 2021, *The Tobacco and Vapour Products Control Amendment Regulations, 2021*, came into force, limiting the sale of flavoured vapour products to age-restricted vapour product shops, and limiting marketing and availability to youth.

The Ministry of Health, through grants to the Saskatchewan Health Authority, funds tobacco and vapour enforcement activities. In 2020–21, the Ministry spent about \$797,000 on its smoking and vaping prevention, cessation, and enforcement activities; it plans to spend \$543,000 in 2021–22.¹⁷

As part of funding enforcement activities, the Ministry expects the Authority to conduct:

- **Youth test shopper program:** annual inspections of retail locations selling tobacco and vapour product by Authority tobacco enforcement officers and contracted youth to assess whether a retailer will sell or refuse to sell tobacco or vapour products to minors
- **Retail inspections:** annual inspections of tobacco and vapour product retail locations by Authority tobacco enforcement officers to assess compliance with legislative requirements (e.g., no public displays of cigarettes or vape products, appropriate signage)
- **Public space inspections:** complaint-based inspections of public spaces like restaurants by Authority public health inspectors to assess adherence to public space smoking requirements (e.g., no smoking)

4.2 Communications Plan about Legislative Changes in Place

The Ministry of Health established a communications plan to ensure the public and retailers stay informed about legislative changes affecting the sale, promotion, and use of tobacco and vapour products.

We found, in late January 2020, the Ministry issued media releases summarizing the February 2020 legislative changes (i.e., added restrictions for vapour products) to advise the public and retailers. For example, they noted restricting the sale of vapour devices and products to individuals 18 years of age and older; prohibiting the display of such products; and restricting the use of those products in and around public buildings, including schools and school grounds.

In April 2021, the Ministry developed a communications plan for the legislative changes taking effect in September 2021 (i.e., restricting the sale of flavoured vapour products). The Ministry included two phases in its communications plan—introduction and implementation. Both phases use media releases to inform the public and retailers about the legislative changes.

For the introduction phase, we found the Ministry issued a media release in April 2021 advising that only specialized, adult-only (i.e., 18 years of age and older) vape shops will sell flavoured vapour products beginning September 2021.

¹⁷ The Ministry of Health spent about \$127,000 on legislative changes in 2020–21. Information provided by the Ministry of Health.

For the implementation phase, the Ministry intended to issue a second media release in August 2021 as a reminder communicating the amendments coming into force, as well as details about tobacco tax increases.

Having a communications plan that directs timely media releases along with active enforcement, not only helps ensure the public and retailers stay well informed of upcoming legislative changes, but also that retailers implement those changes (e.g., restrict vapour product sales).

4.3 Tobacco and Vapour Products' Legislative Requirements Publicly Available

The Ministry of Health makes retailers, owners of public places, and the public aware of legislative requirements mainly through its website and its guide for retailers.

The Ministry uses its website to provide these interested groups with information on the legislative requirements for the sale, promotion, and use of tobacco and vapour products. We found the website easy to navigate and sufficiently covers all of the relevant legislative requirements. It also gives guidance to the public on how to contact the Authority (e.g., email, phone numbers) for complaints or if non-compliance is observed (e.g., sale to a minor, vaping in enclosed public places).

The Ministry also maintains a guide, *Toolkit for Responsible Tobacco and Vapour Retailers*, for retailers available on its website. See **Figure 3** for guide content summary. It outlines retailers' responsibilities to follow legislative requirements regarding the sale and promotion of tobacco and vapour products (e.g., no selling to minors). It also outlines consequences for non-compliance (i.e., fines and penalties) in accordance with legislative requirements.

Figure 3—Toolkit for Responsible Tobacco and Vapour Retailers Content Summary

- **Section I: Being Informed:** summary of legislative requirements tobacco and vapour retailers should know, and answers to frequently asked questions
- **Section II: Develop Policies & Procedures:** information for retailers to develop policies and procedures to prevent the sale of tobacco and vapour products to minors
- **Section III: Employee Training & Tools:** training tool samples intended to help prevent retail employees from selling tobacco and vapour products to minors like quizzes to assess their understanding of legislative requirements
- **Section IV: On-Going Monitoring Tools:** checklist samples for retailers to track staff's understanding and compliance with laws
- **Section V: Employee Training to Prevent Tobacco and Vapour Product Sales to Minors for Clerks & Others Who Sell Tobacco and Vapour Products:** training material samples with regards to sale and promotion of tobacco and vapour products retailers could use for their staff (e.g., key legislative points and definitions, examples of appropriate ID, etc.).

Source: Adapted from the Ministry of Health's *Toolkit for Responsible Tobacco and Vapour Retailers*, 2021.

We found the guide consistent with current legislative requirements as well as sufficiently detailed and easy to understand.

We note the Ministry did not update its website or its guide to retailers until June 2021—15 months after legislation changed to add restrictions around vapour products similar to those of tobacco products. This delay increased the risk retailers and owners or operators of public places were unaware of or did not understand the changes impacting them



(e.g., retail locations displaying vapour products). However, the Ministry mitigated this risk by using routine inspections done by tobacco enforcement officers at vapour product retail locations to educate them about the changes (see **Section 4.10**).

The Ministry increases transparency by having current, understandable, and publicly available information for the requirements about the sale, promotion, and use of tobacco and vapour products. This also allows for more retailers, and owners or operators of public places to understand, implement, and follow legislative requirements.

4.4 Enforcement Guidance Not Maintained to Reflect Current Practices

The Ministry of Health has not updated its Enforcement Manual to reflect the accountability structure between the Ministry and the Saskatchewan Health Authority, or current inspection practices.

The Environmental Health Unit within the Ministry is responsible for legislation and monitoring the enforcement of legislative requirements for tobacco and vapour products. The Minister of Health appointed three qualified tobacco enforcement officers, employed by the Authority, to conduct retail inspections for compliance with legislation (e.g., prohibiting display of tobacco and vapour products in a retail business where youth have access).^{18,19}

Also, as part of their duties, tobacco enforcement officers administer a youth test shopper program to ensure retailers comply with restrictions on the sale of tobacco and vapour products to youth under 18 years of age. The test shopper program engages minors, with tobacco enforcement officer support (e.g., the officer waits in the vehicle while two youth enter the retail location), to pose as shoppers without identification to assess whether a retailer will sell them tobacco or vapour products.

The Ministry maintains the Enforcement Manual for the Authority's tobacco enforcement officers. The Manual generally outlines powers and responsibilities for tobacco enforcement officers under the Act and Regulations. However, the Manual is outdated (last updated in 2018).

We found the Manual:

- Does not reflect current inspection practices. The manual notes tobacco enforcement officers are to complete inspections on a complaint basis. In practice, the Ministry expects tobacco enforcement officers to inspect retail locations annually. It also does not reference the youth test shopper program, which started in 2014.
- Does not set out the reporting or accountability structure between the Ministry and the Authority (e.g., no indication of the Ministry's ultimate responsibility for the tobacco and vapour enforcement program or the Authority's responsibilities about enforcing the legislative requirements and reporting to the Ministry).

¹⁸ The latest Minister's Order to appoint tobacco enforcement officers was signed in September 2020.

¹⁹ The Ministry of Health expects the tobacco enforcement officers to have a post-secondary education in any field and/or enforcement experience and on-the-job training; all three officers met these requirements. During our interviews, all three officers showed understanding and knowledge about inspections and enforcement activities.

- Does not reflect the current structure of the Authority (i.e., former regional health authorities referenced).

Without clearly outlining roles and responsibilities as well as clarifying the accountability structure between the Ministry and the Authority for the tobacco and vapour control program, there is a risk of a lack of understanding around responsibilities and roles, especially in the case of staff turnover.

- 1. We recommend the Ministry of Health update its Enforcement Manual to reflect the structure, accountability, and inspection practices for the tobacco and vapour control program.**

4.5 List of Retail Locations Incomplete

The Ministry of Health does not have a complete list of tobacco and vapour retail locations subject to inspection.

The Ministry uses an IT system to track retail locations and associated inspection results. At June 2021, the IT system had 1,245 retail locations (48 are specialized vape shops) selling tobacco and vapour products across Saskatchewan.²⁰ The IT system assigns each tobacco enforcement officer retail locations to inspect. Of the three tobacco enforcement officers employed, two Regina officers are responsible for retail inspections in southern Saskatchewan (56% of retail locations), while one Saskatoon officer is responsible for inspections in central and northern Saskatchewan (44% of retail locations). Given the amount of working days in a year and annual retail inspection expectations by the Ministry, this equates to each officer inspecting two to three retail locations per day for each type of inspection (routine and youth test shopper inspections).

The Ministry currently uses an informal process for adding and removing retail locations from its IT system. It relies on tobacco enforcement officers to identify any new or closed tobacco and vapour retail locations while in various communities conducting inspections and update the Ministry's IT system.

We found this is not a reliable mechanism for the Ministry to know when a new retailer began its operations or when a retail location closed. For example, we attended an inspection at a retail location that received its first routine inspection in May 2021. The tobacco enforcement officer identified and added the retail location to the IT system in 2020. However, the retail location has been open since 2012; therefore, it operated for seven years without a youth test shopper inspection and two years without a routine inspection.²¹ During the first routine inspection, the tobacco enforcement officer noted several minor non-compliances (e.g., the sign for vapour product prices did not conform to regulations, no sign advising legal-age requirements for buying tobacco and vapour products).

During the audit, we also found nine retail locations subject to inspection not in the Ministry's IT system:

- Six specialized vape shops previously inspected by Health Canada enforcement officers in October–December 2019

²⁰ Starting September 1, 2021, only specialized vape shops can sell flavoured vapor products.

²¹ The Ministry started the youth test shopper program in 2014 and routine inspections in 2019.



- Three retail locations (two vape shops and one convenience store) that had complaints lodged against them between July 2020 and June 2021

At the time of our testing, the Ministry had not yet added these retail locations to its IT system.

We found other jurisdictions have a more formal process for maintaining a list of retail locations. For example, other provinces (e.g., British Columbia, Manitoba) require retailers to be licensed or registered. This helps ensure all retail locations are tracked and subject to inspection.

Management indicated that by August 31, 2021, the Ministry of Finance, for tax purposes, will require all vapour product retailers to be licensed subject to *The Vapour Products Tax Act*. The Ministry of Health could use this licensing information to help confirm it has a complete vapour product retail locations list in its IT system.

Without a complete list of retail locations, the Ministry does not know how many retail locations selling tobacco and vapour products remain uninspected and how many are non-compliant (e.g., selling tobacco and vapour products to minors).

- 2. We recommend the Ministry of Health establish a formalized process to maintain a complete list of retail locations that sell tobacco and vapour products.**

4.6 Annual Youth Test Shopper Inspections Not Done as Required

Tobacco enforcement officers do not conduct youth test shopper inspections annually as required by the Ministry of Health.

In 2014, the Ministry of Health implemented the youth test shopper program. The purpose of the program is to have minors attempt to buy tobacco or vapour products at a retail location. The Saskatchewan Health Authority employs about 10–12 youth for the program each year. Tobacco enforcement officers usually bring two youths aged 15–17 years to each inspection.

The Ministry of Health uses standard operating procedures for the youth test shopper program. The procedures provide tobacco enforcement officers with clear, detailed, step-by-step guidance to complete and record youth test shopper inspections in the Ministry's IT system. For example, officers complete the inspection checklist in the IT system and attach the report that youth fill out noting whether the retailer sold them products.

We found the Ministry did not update its inspection procedures requiring annual inspections with youth shoppers at vapour product retail locations until June 2021—15 months after the new legislative requirements for vapour products came into effect in February 2020. Management indicated the delay was due to responding to the COVID-19 pandemic.

Even though the Ministry did not release timely guidance to the Authority on requiring youth test shopper inspections at specialized vape shops, tobacco enforcement officers performed youth test shopper inspections at 12 of the 48 vape shops in its IT system in 2020–21 (one was non-compliant).

The Ministry requires tobacco enforcement officers to conduct annual youth test shopper inspections. We found other jurisdictions follow a similar process (e.g., British Columbia).

As shown in **Figure 4**, tobacco enforcement officers do not perform youth test shopper inspections each year as expected.²² In 2020–21, officers did not inspect 12% of retail locations (2019–20: 5%; 2018–19: 14%). Due to the COVID-19 pandemic, officers did not conduct inspections from March to June 2020 resulting in a higher number of uninspected retail locations compared to 2019–20.

Figure 4—Number of Retail Locations Receiving Youth Test Shopper Inspections

Year	Number of Retail Locations ^A	Retail Locations Inspected	Number of Retail Locations Not Inspected	Percentage of Retail Locations Not Inspected
2018–19	1,082	935	147	14%
2019–20	1,037	985	52	5%
2020–21	1,041	915	126	12%

Source: Adapted from information provided by the Ministry of Health.

^A Note that the youth test shopper program is not done in the far north due to logistics (e.g., current test shoppers would have to stay overnight in order to reach those communities).

In our testing of 30 youth test shopper inspections, we found 11 retail locations not inspected yearly (time between inspections ranged from between 13 and 24 months). We found the inspection checklists, along with the youth test shopper reports, properly completed in the IT system for each of the 30 youth test shopper inspections tested.

Our analysis of inspection records between April 2019 and March 2021 found similar results. Tobacco enforcement officers inspected 339 retail locations later than 12 months (inspection periods ranged between 13 and 24 months).

Not performing youth test shopper inspections at all retail locations as expected increases the risk that retailers who do not comply with the law (i.e., selling tobacco or vapour products to minors) continue to sell to minors for extended periods of time.

3. We recommend the Ministry of Health work with the Saskatchewan Health Authority to conduct required youth test shopper inspections of retail locations that sell tobacco and vapour products.

4.7 Untimely Reinspections of Retail Locations Selling Tobacco or Vapour Products to Youth

Tobacco enforcement officers do not complete all reinspections in a timely manner for retail locations that sold tobacco or vapour products to youth.

If, during a youth test shopper inspection, a retailer sells tobacco or vapour products to the minor, the Ministry expects tobacco enforcement officers to reinspect that retail location to assess for further non-compliance. In cases of additional sales and subsequent non-compliance, the officers issue fines in the amount of \$250 to the individual who sold the tobacco or vapour product (see **Section 4.9**). At March 31, 2021, the Ministry required

²² Results do not include specialized vape shops as the Ministry did not provide guidance for inspecting vape shops until June 2021.



officers to reinspect retail locations within three to six months after the initial, non-compliant sale to minors.

Our analysis of inspection records between April 2019 and March 2021 showed officers did not promptly reinspect retail locations that previously sold to youth (e.g., within six months). Out of 225 non-compliant retail locations (i.e., retailers who sold tobacco or vapour products to minors), we found officers reinspected approximately 55% of those retail locations after six months (ranging from seven to 24 months after the original inspection date).

Our analysis also found 17 retail locations that continued to sell tobacco or vapour products to minors (i.e., sold to youth two or more times). Officers did not reinspect these non-compliant retail locations within six months as required (reinspections ranged between seven and 21 months after the previous inspection date).

Additionally, we found five retail locations not reinspected within six months:

- Four retail locations were reinspected after six months (between seven and nine months after initial inspection date), which was later than expected, but found to be compliant
- One retail location was not reinspected at the time of our testing (May 2021); nine months since initial inspection

In June 2021, the Ministry updated its procedures requiring officers to reinspect non-compliant retail locations within six to 12 months (rather than three to six months). Good practice recommends more frequent inspections for previously non-compliant retail locations (e.g., Saskatchewan Liquor and Gaming Authority requires non-compliant liquor establishments reinspected every three months).²³

Without reinspecting non-compliant retail locations in a timely manner (i.e., six months), the risk retailers will continue to sell tobacco or vapour products to youth without consequences (e.g., fines) increases. Furthermore, this compounds the risk of youth exposure to the harmful effects of tobacco and vapour products, including addiction.

- 4. We recommend the Ministry of Health work with the Saskatchewan Health Authority to reinspect retail locations that sell tobacco and vapour products to youth in a timely manner.**

4.8 Retailers Selling to Youth Not Warned in a Timely Manner

Tobacco enforcement officers do not always deliver warning letters and notices of violations as required when officers find retailers selling tobacco or vapour products to youth during inspections.

In cases of a first offence where retailers sell tobacco or vapour products to youth, the Ministry requires tobacco enforcement officers to issue warning letters and notices of violation. These letters and notices advise retailers they are breaking the law and, if further non-compliance continues, fines will follow.

²³ Studies have shown that retailer compliance is higher when legislation is actively enforced. Active enforcement requires conducting regular compliance checks with retailers. Diemert L, Dubray J, Babayan A, Schwartz R. (2013). *Strategies affecting tobacco vendor compliance with youth access laws. A review of the literature*. Toronto: Ontario Tobacco Research Unit.

At March 31, 2021, in its procedures, the Ministry required officers to deliver warning letters and notices of violations within three weeks of inspection. In June 2021, the Ministry removed this timeframe, and expects officers to deliver these documents as soon as possible.

We found officers did not deliver warning letters and notices of violation promptly. Our testing of 15 non-compliant retailers found:

- Five retailers did not receive warning letters and notices of violations within three weeks (receipt ranged between four and nine weeks after the violation occurred).
- One retailer did not receive a warning letter and notice of violation at all. The officer reinspected the retailer six months later and found them to be compliant (i.e., no sale to minors occurred at reinspection).

Delayed delivery of warning letters and notices of violation increases the risk that retailers may continue breaking the law by selling to minors.

5. We recommend the Ministry of Health work with the Saskatchewan Health Authority to deliver warning letters and notices of violation to non-complaint retailers selling tobacco or vapour products to minors in a reasonable timeframe.

4.9 Tickets Issued to Retailers Continuing to Sell to Youth

Tobacco enforcement officers issue summary offence tickets to retailers and their employees who continue to sell tobacco or vapour products to youth.²⁴

The youth test shopper inspections identify instances of non-compliance. When retailers and their employees continue to sell (i.e., second offence, subsequent non-compliance) tobacco or vapour products to youth, tobacco enforcement officers issue summary offence tickets under *The Summary Offences Procedure Act, 1990*, to non-compliant retailers. The Ministry of Health expects officers to issue the tickets within one week of the inspection that noted non-compliance.

If continued non-compliance persists, officers can escalate the matter. Officers will ticket the corporation (i.e., retailer) at a higher fine (\$500), rather than an employee who sold the tobacco or vapour product (\$250). If required, a court can also assess higher penalties up to \$50,000 based on the number of offences.

In 2020–21, tobacco enforcement officers issued 28 summary offence tickets (2019–20: eight; 2018–19: eight).

Our testing of 15 non-compliant retailers found two non-compliant retailers selling to minors during the previous youth test shopper inspection. At the most recent inspection, officers found the retailer sold tobacco or vapour products to youth again, upon which the officers appropriately issued tickets to the retailers the same day.

²⁴ Summary offence tickets are issued for certain health and safety violations.



In addition, our analysis of inspection records between April 2019 and March 2021 identified 17 retail locations that sold tobacco or vapour products to youth two or more times:

- Two retail locations changed owners since the previous inspection. Therefore, officers appropriately issued notices of violation and warning letters to educate the new owners on the legislative requirements.
- Fifteen other retailers appropriately received summary offence tickets within one week. All tickets included the appropriate fines.

Our analysis also found one retailer who sold tobacco or vapour products to youth during the last three inspections. Management indicated that, if at the next inspection, the retailer sells to youth again, the officer will issue a higher fine ticket to the corporation instead of to the retailer's employee. However, we noted at the time of our testing, reinspection for that retail location had not yet occurred; a full nine months after the previous inspection identifying non-compliance. See **Section 4.7** for our recommendation related to reinspecting non-compliant retail locations in a timely manner.

We found no cases where the Ministry took retailers to court.

Having timely enforcement (i.e., issuing tickets to non-compliant retailers) reiterates consequences for non-compliant actions and for breaking the law. It may also help decrease the risk of retailers continuing to sell tobacco or vapour products to minors. This will, in turn, help prevent youth exposure to the harmful risks from tobacco and vapour products.

4.10 Routine Inspections Educational

The Ministry of Health has tobacco enforcement officers educate retailers on the legislative requirements for the sale, use, and promotion of tobacco and vapour products during routine inspections.

In February 2019, the Ministry began conducting routine (i.e., annual) inspections in addition to the youth test shopper program that began in 2014. The Ministry expects officers to educate retailers on legislative requirements during routine inspections. In June 2021, the Ministry formalized the inspection process by creating procedures for officers to follow during routine inspections.

During routine inspections, officers assess retailers' compliance with legislative requirements (e.g., appropriate promotion and signage for tobacco and vapour products) by walking through the retail location (e.g., convenience store, gas station) with the manager or operator. The officers educate the retailers on the requirements and what needs to be corrected, if anything, to reach compliance.

For example, if the required sticker stating it is illegal to sell tobacco or vapour products to persons under 18 years old is missing, the officer will provide the retailer with the sticker and ensure it is applied in the appropriate place (e.g., on the side of the till). During routine visits, officers can also provide or direct retailers to the *Toolkit for Responsible Tobacco and Vapour Retailers* if needed.

We found other jurisdictions (e.g., Manitoba, British Columbia) also use the educational approach during routine inspections.

We accompanied officers during five routine inspections and found they educated retailers on legislative requirements. If the retailer was non-compliant, the officers noted which corrections were needed to reach compliance. The officers also appropriately completed the inspection checklists in the IT system.

However, not all retailers in the province will receive education on legislative requirements if the Ministry does not have a complete list of retail locations (see **Section 4.5**) and routine inspections are not done frequently (see **Section 4.11**).

Providing education during routine inspections helps foster a culture of compliance and enhance retailers' understanding of the legislative requirements before escalating enforcement action on identified non-compliance.

4.11 Frequency of Routine Inspections Not Risk Based

The Ministry of Health has not set a formal requirement for the frequency of routine inspections at retail locations that sell tobacco and vapour products. Informally, the Ministry expects tobacco enforcement officers to complete routine inspections on an annual basis rather than based on risk (e.g., historically non-compliant retail locations).

At March 2021, the Ministry had not documented its expectations for the frequency of routine inspections that aligned with current practice. Rather, it informally expected tobacco enforcement officers to complete routine inspections annually on each retail location in its IT system, and officers attempted to meet this expectation. As we note in **Section 4.4**, the Ministry has not updated its enforcement manual since in 2018, and the manual indicated officers should conduct inspections on a complaint basis.

Similar to youth test shopper inspections, our analysis of routine inspections conducted between April 2019 and March 2021 found officers did not complete annual inspections at all retail locations in the Ministry's IT system. As shown in **Figure 5**, officers did not inspect 19% of retail locations in 2020–21 (2019–20: 27%).

Figure 5—Annual Routine Inspections at Retail Locations

Routine Inspection Year	Retail Locations ^A	Retail Locations Inspected	Retail Locations Not Inspected	Percentage of Retail Locations Not Inspected
2019–20	1,187	866	321	27%
2020–21	1,197	973	224	19%

Source: Adapted from information provided by the Ministry of Health.

^A Number of retail locations does not include an additional 48 specialized vape shops as the Ministry did not require vape shop inspections until June 2021.

In our testing of 30 routine inspections, we found 24 retail locations not inspected yearly (periods between inspections ranged from 13 and 23 months).

Our analysis of inspection records from April 2019 to March 2021 found similar results. Tobacco enforcement officers inspected 492 retail locations later than 12 months (periods between inspections ranged from 13 and 23 months).



In June 2021, the Ministry formalized its procedures for routine inspections including guidance to inspect specialized vape shops (e.g., set written guidance on how to perform inspections). However, the procedures do not specify the frequency for inspections (in practice, done annually).

Even though the Ministry did not provide guidance, officers inspected 33 of the 48 vape shops in 2020–21. The Ministry's checklist that officers used during routine inspections in that period adequately reflected the new legislative requirements (i.e., the checklist in the IT system was updated at the time the revised legislation was introduced).

The Ministry needs to consider whether its expectation for annual routine inspections is attainable with the number of tobacco enforcement officers employed compared to the location and number of retail locations in the province, or if it should consider a risk-based approach for routine inspections. For example, British Columbia's Ministry of Health mandates routine inspections at least every two years, but strives for one inspection per retail location every year. As shown in **Figure 6**, British Columbia also provides some guidance to health authorities on the frequency of routine inspections.

Figure 6—British Columbia's Guidance on the Frequency of Routine Inspections

Considerations for inspection frequency by health authorities may include:

- Whether the retail location is newly in business
- Retailer compliance history, including past contravention(s) and a retailer's placement on the progressive enforcement model [Progressive enforcement model—educate first, warnings second and fines to follow]
- Future compliance likelihood

Factors affecting inspections may include limitations on resources by health authorities such as geographic location or staffing levels.

Source: Adapted from British Columbia's Ministry of Health, *Compliance and Enforcement Policy Manual*.

Lack of clear rationale and guidance for routine inspection frequency, increases the risk of inconsistent inspection practices and improper assessment of officer capacity to complete inspections as expected.

- 6. We recommend the Ministry of Health set a reasonable frequency for conducting periodic routine inspections at retail locations that sell tobacco and vapour products.**

4.12 Timely Follow Up on Non-Compliant Retailers

The Ministry of Health does not provide guidance to tobacco enforcement officers on when to follow up on non-compliant retail locations identified during routine inspections. However, in practice, officers follow up in a timely manner (i.e., three to six months after the non-compliance occurred).

After a routine inspection, the officer provides an inspection report to the retailer. The report outlines areas of compliance and non-compliance with the legislative requirements. See **Figure 7** for the areas officers assess during routine inspections.

Figure 7—Areas/Activities Assessed at Retail Locations during Routine Inspections

- Sale of tobacco or vapour products to youth
- Sale of cigarettes in small quantities
- Tobacco and vapour promotion
- Display of tobacco or vapour products
- Signage listing tobacco and vapour products
- Signs respecting legal age
- Signs respecting the prohibition of smoking and vaping
- Posting sign required by prohibition order
- Sale in prohibited places
- Vending machines

Source: Adapted from the Saskatchewan Health Authority's *Tobacco Retailer Inspection Report*.

If a retailer corrects the non-compliance issue while the officer is on-site, the officer notes the retail location as compliant on the report. However, if the retailer is unable to correct the non-compliance issue while the officer is on site (e.g., unable to cover tobacco or vapour products), the officer must follow up to reassess compliance.

The Ministry has not set guidance for officers on how soon to reinspect retail locations after officers identify non-compliance during routine inspections.

For the 16 routine inspections we tested where officers identified non-compliance issues (i.e., one or more), we found:

- Ten retailers corrected the non-compliance issues during inspections (e.g., covered displayed vapour products, removed promotion poster)
- Six retailers did not correct non-compliance issues during inspections
 - Three retail locations received a follow-up inspection within a month; found to be compliant
 - Two retail locations had not received a follow-up inspection at the time of our testing (May 2021) with one and three months passing respectively since initial routine inspection.
 - One retailer did not receive an inspection report after the officer reinspected the retail location. The officer indicated a follow-up inspection occurred within a month after the identified non-compliance and the retailer addressed the issue.

Overall, officers follow up with non-compliant retailers within three to six months, which is comparable to formal guidance for youth test shopper inspections, but good practice indicates written guidance is necessary. Written guidance would clearly convey Ministry expectations for continual follow-ups for non-compliant retailers in a certain timeframe. This would also allow the Ministry to assess whether officers meet follow-up expectations.

4.13 Complaints Not Always Addressed Promptly or Followed Up

The Ministry of Health does not provide written guidance to tobacco enforcement officers on how to handle complaints related to the sale of tobacco and vapour products. Moreover, officers inconsistently follow up on and resolve complaints.

The public may direct complaints about the sale or promotion of tobacco or vapour products to the Saskatchewan Health Authority via email, phone call, or in person. The Ministry's IT



system is used to log all complaints and then assigns a tobacco enforcement officer to follow up.

The Ministry does not provide written expectations on when officers are to follow up on complaints (e.g., inspect retail locations). The Ministry indicated it expects officers to contact retailers about the complaints within 48 hours.

Between July 2020 and June 2021, the Authority received eight complaints related to the sale of tobacco or vapour products to youth. There were no complaints related to the promotion of products.

We tested all eight complaints and found:

- Three complaints were followed up within four weeks (range of one to four weeks) of receipt of the complaint. We found one convenience store with a complaint against it not included in the list of retail locations in the Ministry's IT system.
- Four complaints received between October 2020 and April 2021 related to two retail locations (three complaints related to the same vape shop retail chain). No evidence (i.e., retailer contacted, retail location inspected) in the IT system existed noting officers addressed the complaints. Officers indicated complaints were not addressed due to the Ministry's lack of direction in inspecting specialized vape shops. We saw evidence of officers seeking guidance from the Ministry on how to proceed. However, the Ministry chose to wait on formally inspecting vape shops until updating the standard operating procedures for youth test shopper inspections (updated in June 2021). Moreover, two of these vape shops with outstanding complaints were not included in the list of retail locations in the Ministry's IT system.
- One complaint had no evidence of inspections or contact with the retailer regarding the complaint, yet the IT system indicated the complaint status as closed.

At the time of our testing, the Ministry had not yet added these retail locations to its IT system.

Without written expectations on how to handle complaints, officers may not resolve complaints promptly or consistently. Without proper and timely follow ups on complaints, especially on complaints related to sales to minors, retailers may continue to break the law selling tobacco and vapour products to youth with no consequences.

- 7. We recommend the Ministry of Health provide clear guidance to the Saskatchewan Health Authority on handling complaints related to the sale and promotion of tobacco and vapour products.**

4.14 Complaints Regarding Tobacco and Vapour Product Use in Public Places Appropriately Handled

Saskatchewan Health Authority public health inspectors appropriately follow up on complaints relating to the use of tobacco and vapour products in public places.

Under the Act, tobacco and vapour product sales are prohibited at many places youth frequent, including schools, arcades, theatres, and amusement parks. Also, the Act bans smoking and vaping in indoor public places, on school grounds, and areas within three metres of public doorways, open windows, and air intakes.

The Ministry of Health relies on the Authority's 73 public health inspectors to address non-compliance with smoking or vaping in public. In its Enforcement Manual, the Ministry gives direction for public health inspectors to only inspect a public place resulting from a complaint.

We found using a complaint-based system for assessing compliance with restrictions on tobacco or vapour product use in public consistent with good practice (e.g., as in Manitoba and British Columbia).

The Authority documents complaints in the Ministry's IT system. From July 2020 to June 2021, there were six complaints related to smoking or vaping in public places. For the two complaints we tested, we found both related to someone smoking in a public place. Officers reasonably followed up within two days of complaint receipt (e.g., a phone call or visit to an operator of a public place).

Timely follow up on complaints related to tobacco and vapour product use in public places helps protect the public from the harms associated with second-hand smoke.

4.15 'No Smoking' Compliance Observed During Public Place Inspections

Public health inspectors assess whether public places comply with tobacco and vapour legislative requirements (i.e., use of tobacco and vapour products).

The Saskatchewan Health Authority's public health inspectors conduct health inspections at public places (e.g., recreational facilities, licenced food establishments).²⁵ The Authority indicated that public support for no smoking and no vaping in public places is high and thus public health inspectors do not often observe non-compliance when completing routine health inspections at public places.

If a public health inspector observes non-compliance (e.g., smoke odour, cigarette butts, missing signage for no smoking/no vaping within prescribed distances from public doorways) during a routine inspection, inspectors include comments on their inspection report.

Between April 2020 and June 2021, public health inspectors conducted 21,000 health inspections at various public places. We found only 19 facilities in total (less than 1% of inspected facilities), where some non-compliance related to smoking was noted in the comments section of the inspection checklist in the Ministry's IT system.

²⁵ The objective of health inspections is to prevent injury and illness by reducing physical, chemical and biological hazards. Public health inspectors assess, manage, and communicate health risks to the public. This is achieved through education, inspections, investigations, and enforcement of *The Public Health Act, 1994*. This includes restaurant and other types of food facilities' inspections, communicable disease investigations, and inspection and monitoring of public recreation facilities, public accommodations, water supplies, and sewage disposal systems.



We noted there is no prompt (e.g., question on current checklist) for public health inspectors to document their assessment of tobacco or vapour product use in public places. Having such a question would ensure all public health inspectors consistently assess and note compliance with tobacco and vapour legislative requirements.

4.16 Enhanced Reporting on Enforcement Activities Needed

The Ministry of Health reports some statistics on its inspection activities to senior management, but more is required.

On an annual and quarterly basis, the Ministry provides senior management (i.e., Executive Directors) with inspection volume and some non-compliance statistics on both the youth test shopper and routine inspections. See **Figure 8** for the information included in each report for each type of inspection.

Figure 8—Information Included in Reports to Senior Management

Routine Inspections (each broken down by provincial areas):	
•	Total number of tobacco/vapour retail locations
•	Number of tobacco/vapour retail locations with minimum one routine inspection
•	Percentage of retail locations with minimum one routine inspection
•	Total number of inspections
Youth Test Shopper Inspections (each broken down by provincial areas)	
•	Total number of tobacco/vapour retail locations
•	Number of tobacco retail locations visited at least once
•	Percentage of retail locations visited at least once
•	Total number of youth test shopper visits
•	Number of non-compliant tobacco retailers
•	Number of times tobacco products purchased
•	Number of summary offence tickets issued
•	Non-compliance rate

Source: Adapted from the Ministry of Health's 2020–21 *Year End Report*.

In its 2020–21 year-end report, the Ministry began outlining the top five non-compliance rates by non-compliance type identified during routine inspections (see **Figure 9**).

Figure 9—Top Five Types of Non-Compliance Identified During Routine Inspections in 2020–21

Non-Compliance Type	Non-Compliance Percentage
Signs Respecting the Prohibition of Smoking and Vaping	22.8%
Display of Tobacco and Vapour Products	21.0%
Signs Respecting Legal Age	16.6%
Sales Promotion	8.6%
Signage Listing Tobacco and Vapour Products	7.0%

Source: Adapted from information provided by the Ministry of Health.

In its 2020–21 year-end report, the Ministry reported a non-compliance rate of 10.9% identified during youth test shopper inspections.

The Ministry could further improve reporting by including year-over-year comparisons and strategies to achieve better compliance. It also needs to include the results from the tobacco enforcement officers' inspections of specialized vape shops.

The Ministry does not track and report whether follow up on non-compliant retail locations occurred or how long it took officers to reassess. In addition, the Ministry does not monitor and report on the number and type of complaints received or resolved.

Having more information on enforcement activities and strategies to address non-compliance could aid senior management determining whether enforcement activities meet expectations. It would also allow the Ministry to know whether the enforcement model and approach works as intended, and to make adjustments as necessary.

8. We recommend the Ministry of Health enhance written reports on enforcement activities (e.g., complaints, trends) given periodically to senior management relating to tobacco and vapour products.

5.0 PROVINCIAL LEGISLATIVE RESTRICTIONS ON TOBACCO AND VAPOUR PRODUCTS

Sale

- 4(1) No person shall provide tobacco or a vapour product to a young person [under 18 y.o].
- 5(1) No person shall sell cigarettes unless the cigarettes are in a package that contains no fewer than 20 cigarettes.
- 8 No person shall sell tobacco or vapour products in any of the following places or premises: (a) a school or an independent school; ... (c) a health facility... a video arcade; an amusement park; a theatre; a pharmacy; a retail store if: a pharmacy [is located in or connected to the retail store]
- 9(3) A vending machine that dispenses tobacco or vapour products may be located: (a) in a place or premises to which the public is not permitted access; or (b) in a place or premises to which the public is permitted access if: (i) young persons are not permitted to enter the place or premises

Promotion

- 6(1) ... no person shall advertise or promote tobacco or vapour products in any place or premises in which tobacco or vapour products are sold if young persons are permitted access to the place or premises.
- 6(2) No person shall advertise or promote tobacco or vapour products by means of an advertisement or promotional material placed in the windows of any place or premises in which or vapour products are sold if the advertisement or promotional material is placed so that it is visible from the outside of the place or premises.
- 6(5) No person shall advertise or promote tobacco, vapour products on an outdoor sign of any type, including: (a) a billboard or portable sign; or (b) a sign on a bench, vehicle, building or other structure.
- 6(6) [Retailers] may display a sign that lists the tobacco or vapour products offered for sale and the prices ... if the sign complies with any prescribed requirements.
- 7(2) No retailer shall fail to display in the retailer's premises any sign supplied by the ministry respecting the legal age to purchase tobacco, tobacco-related products or vapour products in Saskatchewan or health warnings respecting tobacco, tobacco-related products or vapour products.

Use

- 10.1(1)... no person shall smoke, hold lighted tobacco or use or consume vapour products in a vehicle while another person who is under the age of 16 years is present in the vehicle
- 11.1(1) ... every proprietor of an enclosed public place shall ensure that: (a) subject to subsection (2), no ashtrays, matches, lighters or other things designed or used to facilitate smoking are provided in the enclosed public place; and (b) the signs required by section 13 are posted in accordance with that section.
- 11.1(3) If a person is contravening section 11 in an enclosed public place, the proprietor shall: (a) request the person to immediately: (i) stop smoking or holding lighted tobacco and to immediately extinguish the lighted tobacco; (ii) stop using or consuming vapour products; or (iii) in the case of a school or independent school: (A) stop smoking, using or consuming tobacco or holding lighted tobacco and to immediately extinguish any lighted tobacco; or (B) stop using or consuming vapour products; (b) inform the person that he or she was committing an offence; and (c) refuse to provide that person with a good or service that the proprietor customarily provides in the enclosed public place until that person ceases contravening section 11.
- 13(1) ... every proprietor of a place or premises to which section 11 applies shall ensure that signs containing a statement respecting the prohibition against smoking, holding lighted tobacco or using or consuming vapour products are posted at the place or premises in accordance with the regulations.

Source: *The Tobacco and Vapour Products Control Act*.



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