

Chapter 16

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 19 years of age. 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 these legislative restrictions. Officers conduct inspections to assess almost 1,300 retail locations in Saskatchewan that sell tobacco and vapour products.

By July 2025, the Ministry implemented all six remaining recommendations we made about its monitoring of the Authority’s enforcement of tobacco and vapour products’ legislation.

The Ministry took steps to maintain a complete list of tobacco and vapour product retailers. It adopted a risk-based approach to inspect retailers and improved its frequency of inspections to meet its new inspection requirements. We found the Ministry is on target to complete routine compliance and youth test shopper inspections at retail locations at least once every two fiscal years. It also strengthened completion of youth test shopper reinspections—completing almost 73% within the required six months following an infraction.

The Ministry updated its timeframes for handling complaints related to the sale and promotion of tobacco and vapour products. Tobacco enforcement officers consistently met these timeframes, with almost 87% of complaints resolved within one month.

Additionally, the Ministry enhanced its quarterly reporting to both Ministry and Authority senior management, including providing supplementary reports about delayed inspections, overdue infractions, and outstanding complaints.

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

2.1 Background

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



Tobacco products mean tobacco in any form in which it is used or consumed including snuff and raw leaf tobacco.¹ Vapour products mean any or all of the following: e-cigarettes; e-substances; and a cartridge from, or component of, an e-cigarette.^{2,3}

In general, the Federal Government is responsible for regulating the manufacture, sale (e.g., online sales), labelling, and promotion (e.g., advertising) of tobacco and vapour products sold in Canada, including 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 smoke and vapour.⁴

The Tobacco and Vapour Products Control Act and *The Tobacco and Vapour Products Control Regulations* regulate tobacco and vapour product use, sale, display, and advertisement in Saskatchewan. The Ministry of Health uses the Saskatchewan Health Authority to conduct tobacco and vapour enforcement activities (e.g., inspections of retail locations), including the youth test shopper program.⁵

2.2 Focus of Follow-Up Audit

This chapter describes our second follow-up audit of management's actions on the recommendations we made in 2021.

We concluded, for the 12-month period ended June 30, 2021, the Ministry of Health had effective processes to monitor the Saskatchewan Health Authority's enforcement of tobacco and vapour products' legislative requirements over the sale, promotion, and use of tobacco and vapour products, except for the areas in our eight recommendations.⁶ By 2023, the Ministry implemented two recommendations.⁷

To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry's progress toward meeting our recommendations, we used the relevant criteria from the original audit. Ministry management agreed with the criteria in the original audit.

To carry out our follow-up audit, we discussed progress made by Ministry management, reviewed updated guidance, analyzed inspection data, and evaluated key reports provided to senior management.

¹ For the purposes 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, a cigarette tube, a cigarette filter, a cigarette maker, a pipe or any other product used in association with tobacco that is prescribed.

² *The Tobacco and Vapour Products Control Act*, ss. 2(i), (k.1).

³ Vaping is the act of inhaling an aerosol, known as vapour, produced by a vaping (vape) device. This vapour is inhaled into the lungs. When vape devices are turned on, the battery warms the heating component that converts the e-liquid into an aerosol form to allow for vaporization. Vapour products do not contain tobacco but can deliver nicotine.

⁴ www.saskatchewan.ca/residents/health/wellness-and-prevention/tobacco-and-vapour-products/tobacco-and-vapour-products-legislation (3 October 2025).

⁵ The purpose of the youth test shopper 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.

⁶ *2021 Report – Volume 2, Chapter 15*, pp. 85–106.

⁷ *2023 Report – Volume 2, Chapter 20*, pp. 181–191.

3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation, including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at July 31, 2025, and the Ministry of Health's actions up to that date.

3.1 Complete List of Retail Locations Maintained

We recommended the Ministry of Health establish a formalized process to maintain a complete list of retail locations that sell tobacco and vapour products. (2021 Report – Volume 2, p. 94, Recommendation 2; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

The Ministry of Health maintains a complete list of tobacco and vapour product retail locations. At July 31, 2025, almost 1,300 locations sell tobacco and vapour products in Saskatchewan.

The Ministry receives listings quarterly of retailers registered to collect taxes from the sale of tobacco and vapour products. The Ministry of Finance provides the Ministry of Health with listings of retailers licensed under *The Vapour Products Tax Act*, and tobacco retailers registered to collect PST.^{8,9} The Ministry sends the listings to the Authority's tobacco enforcement officers (TEOs) to update the IT system used to track enforcement activities. *The Tobacco and Vapour Products Compliance and Enforcement Program Manual* states TEOs are responsible for maintaining an up-to-date list of retailers (retail locations).

To assess the completeness of the Ministry of Health's list of retail locations at July 2025, we performed the following:

- Determined whether the list contained all six retail locations included in Health Canada's latest Vaping Compliance and Enforcement Reports.¹⁰ We found the Ministry's list appropriately reflected these locations still operating at July 2025.
- Determined whether the list contained all retail locations included in the Ministry's listing of complaints. We found the Ministry's list appropriately reflected these locations still operating at July 2025.
- Selected a sample of 30 retail locations from the Ministry of Finance's quarterly listings of licensed retailers to determine whether the Ministry of Health's list included them. We found the Ministry's list appropriately reflected all 30 retail locations.

⁸ Retailers in Saskatchewan, including tobacco and vapour product retailers, are responsible to collect and remit provincial sales tax for non-exempt goods and services, and must register with the Ministry of Finance. When registering, retailers must identify whether they sell tobacco and/or vapour products.

⁹ Effective June 1, 2025, Provincial Sales Tax (PST) at the rate of 6% applies to vapour products. Retailers of vapour products will be required to collect and remit PST on vapour products in addition to the Vapour Products Tax (VPT).

¹⁰ www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/compliance-enforcement/report-april-2023-march-2024.html (23 October 2025).



By having a complete list of all retailers, the Ministry knows 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).

3.2 Inspections and Reinspections Done as Expected

We recommended 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. (2021 Report – Volume 2, p. 95, Recommendation 3; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

We recommended 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. (2021 Report – Volume 2, p. 96, Recommendation 4; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

We recommended the Ministry of Health set a reasonable frequency for conducting periodic routine inspections at retail locations that sell tobacco and vapour products. (2021 Report – Volume 2, p. 100, Recommendation 6; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

The Ministry of Health adopted a risk-based approach to inspecting retail locations selling tobacco and vapour products—thereby improving its ability to complete inspections as expected.

Historically, the Ministry expected tobacco enforcement officers to conduct routine inspections of all retail locations that sell tobacco and vapour products once per fiscal year. It also expected officers to perform youth test shopper inspections at most retail locations each fiscal year.

Since our 2023 follow-up audit, we found the Ministry appropriately adopted a risk-based approach to inspections, as it had been unable to conduct annual inspections for all retail locations every fiscal year.¹¹ The Ministry updated its *Tobacco and Vapour Products Compliance and Enforcement Program Manual* to reflect changes to its requirements for inspections of retail locations that sell tobacco and vapour products. **Figure 1** summarizes the Ministry's requirements for routine and youth test shopper inspections, effective April 1, 2024.

¹¹ In 2022–23, tobacco enforcement officers did not perform routine annual inspections at 203 retail locations and did not perform youth test shopper visits at 117 retail locations.

Figure 1—Requirements for Inspecting Retail Locations Selling Tobacco and Vapour Products

Inspection Type	Requirements Effective April 1, 2024
Routine Compliance Inspections	<ul style="list-style-type: none"> Inspect (minimum) 50% of all provincial tobacco and vapour products retail locations annually All retailers must receive a routine compliance visit at least once every two fiscal years Priority given to new retailers and those locations not inspected for more than two years For inspections with infractions, follow-up inspection must be completed within six months
Youth Test Shopper Program ^A	<ul style="list-style-type: none"> Inspect (minimum) 50% of all retail locations included in the Youth Test Shopper Program annually All retail locations included in the Program must receive a routine test shopper inspection at least once every two fiscal years Inspect those locations that were non-compliant in the previous fiscal year Priority given to new retailers and those locations not inspected for more than two years Non-compliant retail locations must be inspected again within six months

Source: Adapted from the Ministry of Health's *Tobacco and Vapour Products Compliance and Enforcement Program Manual*.
^A Youth test shopper inspections exclude retail locations in the northern region, at age-restricted locations, and on First Nations' reserves.

We analyzed data on routine compliance inspections conducted between October 2023 and July 2025 and found:

- Tobacco enforcement officers performed 1,155 routine compliance inspections—representing inspections at almost 90% of retail locations (i.e., 1,288 total retailers)
- An average time between inspections of about 270 days (i.e., less than a year) and the maximum time between inspections of 438 days (i.e., over a year)—aligning with the Ministry's requirement for inspecting retailers at least once every two fiscal years

We analyzed data on inspections as part of the youth test shopper program conducted between April 2024 and July 2025 and found:

- Tobacco enforcement officers performed 1,035 youth test shopper inspections—representing inspections at over 80% of retail locations (i.e., 1,288 total retailers).
- An average time between inspections of about 250 days (i.e., less than a year) and the maximum time between inspections of 482 days (i.e., over a year)—aligning with the Ministry's requirement for inspecting retailers at least once every two fiscal years.
- For 156 retailers with infractions during youth test shopper inspections in 2023–24, officers reinspected 141 (about 90%) of those retail locations by July 2025. Performing youth test shopper inspections at retail locations as expected decreases 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.



Our analysis of youth test shopper reinspection data between October 2023 and July 2025 found tobacco enforcement officers:

- Performed 178 reinspections to follow up on previously identified infractions, with officers completing 129 reinspections (almost 73%) within the required six months—a significant improvement from our 2023 follow-up audit (i.e., almost 40% completed within six months).

Additionally, our analysis identified 233 new tobacco and vapour product retail locations in the province since the Ministry’s implementation of its new inspection requirements in April 2024. As of July 2025, we found tobacco enforcement officers completed routine compliance inspections at 96 of these new retail locations (about 41%), along with 93 youth test shopper inspections (about 40%). However, we found 35 new retail locations (about 15%) had yet to receive any inspections, including 12 locations that started operations before January 2025 (e.g., one location had gone 476 days without an inspection)—illustrating that officers could better prioritize inspections of new retail locations, as expected by the Ministry.

As we describe in **Section 3.4**, the Ministry began providing supplementary reports to senior management at the Ministry and the Saskatchewan Health Authority about delayed inspections. While these supplementary reports do not provide details about new retail locations yet to be inspected, there is an opportunity for the Ministry to incorporate such details into their supplementary reports.

Adopting a risk-based approach in setting the frequency of inspections can help the Ministry allocate resources to the most risky or non-compliant tobacco and vapour product retailers. By inspecting retail locations within expected timeframes, there is a reduced risk that retailers inappropriately display and sell tobacco and vapour products, or illegally sell these products to youth.

3.3 Guidance Provided and Complaints Resolved Timely

We recommended 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. (2021 Report – Volume 2, p. 102, Recommendation 7; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

The Ministry of Health updated the timeframes in its enforcement manual for handling complaints related to the sale and promotion of tobacco and vapour products. Tobacco enforcement officers consistently met the timeframes for resolving complaints.

Since our 2023 follow-up audit, the Ministry of Health updated its enforcement manual to require officers to initiate follow-up of complaints within two business days and resolve complaints within one month.¹²

¹² At the time of our 2023 follow-up audit, the Ministry of Health required tobacco enforcement officers to endeavor to resolve complaints within one week of receipt.

We also found the Ministry began providing the Saskatchewan Health Authority with quarterly reports detailing information (e.g., number of days since receipt of complaint) about outstanding complaints.

We assessed all 67 complaints received relating to the sale and promotion of tobacco and vapour products between October 2023 and July 2025 and found tobacco enforcement officers:

- Initiated follow-up of 37 complaints (about 55%) within two business days as expected
- Resolved 58 complaints (almost 87%) within one month—we found the Ministry appropriately followed up with the Authority to obtain an explanation (e.g., complaint assigned to a public health inspector instead of a tobacco enforcement officer) for complaints not resolved timely¹³

By investigating complaints in a timely manner, especially complaints related to sales to minors, there is less risk of retailers continuing to break the law by selling tobacco and vapour products to youth with no consequences.

3.4 Enhanced Reporting on Enforcement Activities

We recommended 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. (2021 Report – Volume 2, p. 105, Recommendation 8; Public Accounts Committee agreement February 26, 2024)

Status—Implemented

The Ministry of Health improved its quarterly reporting to both Ministry and Saskatchewan Health Authority senior management.

Figure 2 outlines the specific information reported quarterly to senior management at the Ministry and the Authority relating to the tobacco and vapour enforcement program, including reporting enhancements made since our initial audit.

Figure 2—Quarterly Reporting to Senior Management and the Authority

Youth Test Shopper Inspections:

- Total retail locations subject to youth test shopper inspections
- Number and percentage of retail locations visited at least once (target 100%)
- Number of youth test shopper visits
- Number of non-compliant retailers
- Number of products purchased
- Number of summary offence tickets issued
- Non-compliance rate for current year
- 5-year trend of non-compliance rates
- 5-year trend of percentage of retailers visited at least once

¹³ Complaints typically relate to retail locations selling tobacco or vapour products to youth. Tobacco enforcement officers resolve such complaints by conducting youth test shopper inspections at suspected locations.



Routine Retail Location Inspections:

- Total number of retail locations
- Number and percentage of locations with at least one inspection
- Total number of inspections
- Top five retailer infractions (e.g., signs respecting legal age not displayed)

Specialty Vape Shop Inspections (reported separately, but included in overall routine retail location inspection statistics):

- Total number of specialty vape shops
- Number and percentage of specialty vape shops with at least one inspection
- Total number of inspections

Accountability Comments / Narrative:^A

- Ministry update and overview of program changes (e.g., legislative changes)
- Ministry comments and questions in relation to inspections (e.g., delayed inspections), along with responses from the Saskatchewan Health Authority

Supplementary Reports^A:

- Delayed inspections list (e.g., facility name, number of days since infraction, community)
- Outstanding complaints list (e.g., complaint details, time elapsed)
- Overdue infractions list (e.g., facility name, number of days since infraction, region)

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

^A Reporting added after our 2023 follow-up audit.

We found the Ministry improved its quarterly reporting since our 2023 follow-up audit by incorporating explanations of inspection results. For example, we found the reports include explanations from the Authority about its strategies to promote compliance with the inspection requirements or reasons for delayed inspections. We reviewed two quarterly reports and found both showed statistics and trend analysis for routine and youth test shopper inspections.

Additionally, since our last follow-up audit, we found the Ministry began providing supplementary reports to senior management at the Ministry and the Authority communicating which retail locations have delayed inspections, overdue infractions, and outstanding complaints.

By providing sufficient information to senior management at both the Ministry and the Authority on key enforcement activities and strategies to address non-compliance, decision makers have adequate information to determine whether the enforcement approach works as intended or to make appropriate adjustments (e.g., changes to the risk-based inspection requirements).