

SMOKE-FREE ONTARIO ACT, 2017

Test Shopping for Tobacco and Vapour Products

It is your responsibility as a tobacco and/or vapour product retailer to make sure that you and all of your employees are fully trained **before** selling tobacco or vapour products. When everyone has been trained, have them sign off on the last page of this education binder to show that they understand the law.

Steps, and related fines, everyone at your business must follow before selling tobacco and/or vapour products to anyone:

- Do not sell tobacco or vapour products to anyone under 19 years of age (most high school students are under 19 years old). This is the law and can cost you \$490 or more in fines. In addition to the clerk, your business can also be fined \$490 or more.
- You and your staff **must** ask for and examine **government-issued identification (ID)** with a picture and date of birth from anyone who looks to be younger than 25 years old. This, too, is the law and can cost the clerk \$490 and your business another \$490 or more in fines if ID is not examined. Be sure you and your staff check the date of birth on the ID and make sure the customer is at least 19 years old. Compare the photo on the ID to the customer. If you have any doubts, do not sell tobacco or vapour products to the customer. Types of government-issued ID include, but are not limited to, a driver's licence from Ontario (or another province or country), a passport (from Canada or another country), or a citizenship card.

To ensure compliance with the Smoke-Free Ontario Act, 2017, Simcoe Muskoka District Health Unit (SMDHU) tobacco enforcement officers (TEOs) administer an enforcement program which includes the use of trained youth test shoppers. The test shoppers, who are between 15 and 18 years of age, will come into your business at any time of day and ask to buy tobacco and/or vapour products. They will not pressure you or your employees to sell to them or to break the law in any way. The law requires you to check the age of all young people who appear to be less than 25 years old by looking at their ID and refusing to sell to them if they are under 19 years of age. In certain circumstances, the test shopper of a specialty vape store or tobacconist will be under the age of 25 but older than 18.

As the result of an enforcement check, employees and business owners can be charged for:

- sell or supply any tobacco and/or vapour products to anyone under 19 years of age.
- not asking for and checking the identification of any customer who looks to be younger than 25 years old.

Fines and Penalties for Illegally Selling Tobacco and Vapour Products to Persons Under 19

Vapour product retailers – If found guilty for a first offence, a business can be fined between \$490 and \$10,000 and the employee can be fined between \$490 and \$4,000. Corporations, partnerships, and sole proprietor business owners are responsible for their actions and for the actions of their employees.

Businesses found guilty more than once can face higher fines. The maximum fine for selling vapour products to someone under 19 years of age is \$150,000 for a business corporation and \$100,000 for an individual.

Tobacco retailers – If found guilty for a first offence, a business can be fined between \$490 and \$20,000 and the employee can be fined between \$490 and \$8,000. Corporations, partnerships, and sole proprietor business owners are responsible for their actions and for the actions of their employees.

Businesses found guilty more than once can face higher fines. The maximum fine for selling tobacco products to someone under 19 years of age is \$300,000 for a business corporation and \$200,000 for an individual.

Automatic Prohibition for the Sale, Storage, and Delivery of Tobacco (Tobacco Retailers only) for Six, Nine, or Twelve Months

A premises with two or more tobacco sales convictions against any owner (past or present) at that address within a five-year period is subject to a Notice of Prohibition Against the Sale, Storage, and Delivery of Tobacco Products (known as an automatic prohibition or “AP”). This makes it illegal to sell, store, and take delivery of tobacco products at the business. The AP may be for six, nine, or twelve months, depending on the number of convictions during that five-year period. It bans tobacco wholesalers or distributors from delivering tobacco products to the business for the time period shown on the AP. The retailer is required to post a sign provided by SMDHU to inform the public entering the business about the AP. The sign must stay up until the AP time period is finished. For the purpose of an AP, tobacco sales offences are subsections 3 (1) or (2), section 7 or 8, or subsections 10 (1) or 22 (4) of the Smoke-Free Ontario Act, 2017, and section 8 or 29 of the Tobacco Tax Act.

For more information, please contact your area TEO or Health Connection at 705-721-7520 or 1-877-721-7520 Monday to Friday between 8:30 AM and 4:30 PM.

Government-issued ID must contain **both** picture and date of birth, as in these samples:

Ontario Enhanced Driver's Licence

1.2 NAME/ NOM: DOE JOHN
 2. ADDRESS: 123 ANY STREET, TORONTO, ONTARIO M0M 0M0
 3. NUMBER/ NUMERO: D6101 - 40706 - 60905
 4. ISS/DEL: 2009/04/23 4b EXP/EXP: 2014/04/23
 5. DD/REF: MZ2043307 16 HGT/HAUT: 178 cm
 13 SEX/SEXE: M
 9 CLASS/ CATEG: G2 D6101-40706-60905 1966/09/05
 12 REST/ COND: J
 1. DOB/DCN: 1966/09/05 *4980342*

Alberta DRIVER'S LICENCE

No: 134711-320 Class: 56
 Cond/End: None Exp: 20 NOV 2023
 SAMPLE, Sam
 24 My Place Street
 Anywhere AB T5J 2M6
 DOB: 20 NOV 1971
 Sex: M Eyes: Bro Hair: Bro
 Ht: 182 cm Wt: 83 kg
 Iss: 17 MAY 2018
 NOV 71 DONOR 0006-81780

Callout boxes for Ontario ID:

- Should be the first letter in their last name (points to 'D')
- Should match the date of birth, should be month +50 for the female person (points to '09')
- Should match the date of birth (points to '05')

Callout boxes for Alberta ID:

- Should match the photo and customer (points to photo)
- Should match the date of birth (points to '20 NOV 1971')
- Should match the date of birth (points to 'NOV 71')

TIPS

- ✓ Ask for ID from anyone who looks **under 25** years old.
- ✓ If a young person has no ID, then you cannot sell.
- ✓ Place the **Check the Date Sticker** near register.
- ✓ Do not assume that customers showing ID are 19 years old.
- ✓ Look at the date of birth and photo on the ID.
- ✓ Look at the “AGE 19” date (turns 19 years old on this date).
- ✓ Take your time when checking and ID.
- ✓ Use your glasses or magnifying glass to look at the ID if needed.