

Smoke-free Places Act

Phase Two Consultation on Regulation

The Yukon *Smoke-free Places Act* came into effect on May 15, 2008. Phase one of the regulation development addressed four main issues including smoking near doorways, windows and air intakes, the posting of no-smoking signs, the sale of products resembling tobacco products and penalties for offences under the Act. The Act also places conditions on the sale, display and advertisement of tobacco products that came into force on May 15, 2009. A regulation is needed to provide clarity about these conditions to retailers.

The purpose of this discussion paper is to outline the issues and options for Phase two of the regulation, and to seek your input. You can provide input by:

- responding to our online survey; to do this follow the easy steps listed on the last page of this document
- sending your comments by e-mail to hss@gov.yk.ca
- calling Benton Foster, Tobacco Education and Enforcement Officer at 867-667-8321 or Lauren Muir, Policy Analyst at 867-456-6518 (toll-free from Yukon Communities: 1-800-661-0408, ext. 8321 or ext. 6518)
- mailing your written comments to:
Government of Yukon
PO Box 2703 (HP305)
Whitehorse, Yukon Y1A 2C6

All comments must be received by 4:30 p.m., June 29, 2009. We look forward to hearing from you.

Tobacco products are not to be displayed

The *Smoke-free Places Act* prohibits the display of tobacco products in places where tobacco products are sold because displays of tobacco products normalize smoking to children and youth and can trigger impulse purchases of tobacco by former smokers and individuals trying to quit.

The Act requires retailers to take steps to ensure customers cannot view or handle the tobacco product before purchasing it. Tobacco products, promotional signs, a tobacco manufacturer's colours, logos and any other product-identifying symbols cannot be visible at any time indoors or from outside the retailer's premises (for example, through a window).

On peut obtenir la version française de ce document en communiquant avec notre bureau au 667-8392 (sans frais, au 1-800-661-0408, poste 8392) ou en la téléchargeant à partir du site www.hss.gov.yk.ca/programs/health_promotion/smokefree_places_act/.

Issue 1: Definition of “Display”

The proposed regulation defines the word “display” to provide clarity to retailers on how they can store and dispense tobacco products without contravening the Act. For the purposes of this Act, “display” means to be visible at any time except for the shortest possible time while a tobacco product is being retrieved for immediate sale to a customer.

To think about:

Does the proposed definition of “display” provide retailers with the clarity they need to sell tobacco products while remaining compliant to the display ban?

Share your comments with us via the methods outlined above.

Tobacco products not to be advertised or promoted

The advertisement or promotion of tobacco products is not permitted under the *Smoke-free Places Act S(9)(1)*. The ban includes advertising or promotion of tobacco products both inside and outside of any place where tobacco products are sold. At the same time, it is recognized that signs are needed to clearly identify to the public places where tobacco products are sold. The *Smoke-free Places Act S(9)(2)* allows retailers to post “one or more signs listing the tobacco products offered for sale and their prices if the signs comply with the requirements prescribed by the regulations.” Allowing signs with the essential content will strike a balance between the retailer’s need to provide information to customers interested in purchasing tobacco products, and the need to minimize exposure to this type of information for children, former smokers and smokers trying to quit.

Issue 2: Interior Signage Requirements

Under the proposed regulation, retailers may post up to 3 informational signs anywhere inside the retailer’s establishment as long as they meet the interior signage requirements presented below.

Interior Signage Requirements	
Maximum number of signs	3
Maximum number of signs displayed at each till	1
Maximum size of sign	Area of 929cm ² or 144 inches ² (e.g., 12 x 12”)
Background of sign	White
Font color	Black
Font type/style	Plain, consistent, no bold, italics or underline
Permitted content	May advertise the types of products for sale and the prices or price range for each type. May advertise that a catalogue/price list is available upon request. *See example on the next page
Other details	No colors, pictures, brand names or logos

*Example of acceptable content for an interior sign

Tobacco Pricing			
Cigarettes	20s	25s	Carton
Full price	\$(x)	\$(x)	\$(x)
Mid Price	\$(x)	\$(x)	\$(x)
Budget Price	\$(x)	\$(x)	\$(x)
Smokeless tobacco	Price Range: \$(x) to \$(x)		
Cigars	Price Range: \$(x) to \$(x)		
Loose tobacco (pouch)	Price Range: \$(x) to \$(x)		
Loose tobacco (tub)	Price Range: \$(x) to \$(x)		

Note: \$(x) means insert price here.

In addition to the interior signage retailers may offer customers a sales binder or price list presenting an inventory of all tobacco products available for purchase. The sales binder must not be distributed or displayed, and can only be made available for viewing at the request of a customer. You may present the following in your sales binder:

- Pictures of product packages
- Product descriptions
- Nicotine content
- Health warnings
- Prices

To think about:

Do the signage requirements, in combination with a sales binder or price list, enable retailers to inform the public about the kinds of tobacco products available for sale? Is there any other information that customers interested in purchasing tobacco products need to know?

Share your comments with us via the methods outlined at the beginning of this document.

Issue 3: Exterior Signage Requirements

Retailers may also want to place signs outside their establishment. The proposed requirements are designed to allow retailers to use exterior signs to inform customers that tobacco products are available for sale. The proposed regulation sets out the number, size, and content of the exterior signs. Details of the proposed exterior signage requirements are presented below:

Exterior Signage Requirements	
Maximum number of signs	2
Maximum size of sign	Area of 4645 cm ² or 720 inches ² (e.g., 2 x 2.5')
Permitted content	"Tobacco Products Sold Here"

To think about:

Does the proposed exterior signage adequately inform the public that tobacco products are available for sale inside the premises?

Share your comments with us via the methods outlined at the beginning of this document.

Provide your input on these issues using our Online Survey Form

Follow these easy steps!

1. Log on to <http://www.gov.yk.ca/survey/smokefreephasetwosurvey.htm>
2. Enter the security code listed on the bottom right hand corner of this page into the provided field and click "Next".
Please Note: All responses are anonymous; the security code cannot be used to identify you in any way.
3. Reply to the questions by clicking on the box beside your response ("Yes" or "No") and enter your comments in the comment box below each question. Click "Next" to move on to the next issue. You may click the "Back" button to review your comments for the previous issue.
4. At the end of the online survey you will be prompted to click the "Send Response" button. Click this button to complete the survey process and send us your input.