

Guidelines for Registration as a Tobacconist with the Ontario Ministry of Health Promotion

Applying for Registration as a Registered Tobacconist

Introduction

Under the *Smoke-Free Ontario Act* (SFOA), restrictions have been placed on the display of tobacco products sold by retail vendors. Restrictions include:

- Countertop displays of tobacco products are prohibited.
- Customers are not allowed to handle cigarettes or other tobacco products prior to purchase.
- As of May 31, 2008, no tobacco products may be displayed.

The Ontario Ministry of Health Promotion recognizes that some retailer's main business activity is selling specialty tobacco products (e.g., cigars, pipe tobacco, humidors) and that elements of the display ban would place undue burden on these businesses. Furthermore, such specialty tobacco products are generally not attractive to youth. In recognizing this, the SFOA provides an exemption from the tobacco display restrictions in respect of specialty tobacco products for retailers that register as a tobacconist with the Ministry of Health Promotion.

To access this exemption, the regulation specifies that a retail establishment must be registered with the Ontario Ministry of Health Promotion as a tobacconist. Registration is location-specific. To be registered with the Ministry as a tobacconist for a specific location, a retail establishment must meet the following criteria:

- at least 50% of the establishment's total sales revenue from the previous twelve months are from specialty tobacco products, or if in operation for less than one year, then either the above sales requirement or at least 50% of the establishment's total inventory purchases consists of specialty tobacco products.

Under the regulation, a registered tobacconist is exempted from the above display provisions with respect to the display of specialty tobacco products, subject to the following conditions:

- Minors (younger than age 19) shall not be permitted to enter a tobacconist, unless accompanied by an adult who is at least 19 years of age or older. If a person appears to be less than 25 years old, the Tobacconist must request identification and be satisfied that the person is at least 19 years old.
- Customers can only enter the premises from the outdoors or from the areas of an enclosed shopping mall that are:
 - i. open to the public,
 - ii. common to most of the retail establishments or other businesses within the mall, and

- iii. not part of the retail establishment or other business within the mall.

In other words, customers can enter the establishment only from the outdoors or from an indoor common area such as a mall concourse. This means that customers cannot enter the Tobacconist retail store from another store.

- The establishment must not be a thoroughfare (for example, a person must not be able to access an enclosed shopping mall from the outdoors by passing through the establishment).

Responsibilities of Proprietors who are Registered Tobacconists

All proprietors of tobacconist retail stores must comply fully with the act and regulation. This includes:

Compliance with display restrictions in respect of cigarettes

The display exemption applies to specialty tobacco products only, not to cigarettes.

- Countertop displays of cigarettes are prohibited.
- Customers are not allowed to handle cigarettes prior to purchase.
- As of May 31, 2008, no cigarettes may be displayed.

Restrictions on the Promotion of Cigarettes and Other Tobacco Products

Any kind of promotional material that reflects a particular brand of tobacco product is prohibited. Some examples of prohibited displays are:

- Decorative panels and backdrops associated with particular brands (often referred to as “power walls”)
- Backlit or illuminated panels
- Promotional lighting
- Three-dimensional exhibits

Sales Signs

Signs referring to sale of tobacco products are permitted only to inform customers that a retailer sells tobacco products and the product price. Further:

- The size of the sign may not exceed 968 square centimeters.
- The sign must be black text and white background.
- The text of the sign must not be visible from outside the retail establishment.
- The sign must not identify a brand of tobacco or tobacco-related product.
- A retailer may post a maximum of three signs referring to tobacco products and/or tobacco product accessories.

Required Signs

All retailers must post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations in order to ensure that everyone knows that smoking is prohibited. Further, retailers of tobacco products must post where it is clearly visible to the purchaser and retailer at the point of sale:

- an *Age Restriction and Health Warning* sign.

- a *Government I.D.* sign.

For information on acquiring required signage, please contact your local public health unit. As a tobacconist premise is considered an “enclosed public place” under the Smoke Free Ontario Act, smoking is prohibited.

Applying to be a registered Tobacconist

To apply to register as a registered tobacconist with the Ontario Ministry of Health Promotion, please review and complete the attached documents:

- **Application for Registration as a Tobacconist with the Ontario Ministry of Health Promotion.**
- **STATEMENT OF PROFESSIONAL ACCOUNTANT.**

The applicant is encouraged to complete the application properly by providing the information that is requested.

In order to demonstrate to the Ministry that your retail business generates 50% or more of its gross sales revenue from the sale of specialty tobacco products (or if in operation for less than one year, then either the above sales requirement or at least 50% of the establishment’s total inventory purchases consists of specialty tobacco products), your application must be accompanied by a statement completed by a professional accountant that certifies as true and verifiable your proportion of total sales that are derived from the sale of specialty tobacco items.

Specialty tobacco items include the following:

- Cigars
- Pipe tobacco
- Humidors
- Ashtrays
- Lighters
- Pipes
- Snuff
- Cigar clips
- Cigar and lighter cases

NOTE: Specialty tobacco items do not include cigarettes.

The statement must be completed and signed by a person who is a licensed professional accountant. This means the person holds one or more of the following three accounting designations:

- Certified General Accountant (CGA).
- Chartered Accountant (CA).
- Certified Management Accountant (CMA).

In order to locate a licensed professional accountant who holds one of the three accounting designations, you may contact the appropriate designating bodies below.

For CMAs:

The Society of Management Accountants of Ontario
70 University Avenue, Suite 300
Toronto, Ontario M5J 2M4
Telephone: 1-800-387-2991
Fax: 416-977-6079
Internet website: <http://www.cma-canada.org/ontario/index.asp>

For CGAs:

Certified General Accountants of Ontario
240 Eglinton Avenue East
Toronto, Ontario, M4P 1K8
Telephone: 416-322-6520 or 1-800-668-1454
Internet website: www.cga-ontario.org

For CAs:

The Institute of Chartered Accountants of Ontario
69 Bloor Street East
Toronto, ON M4W 1B3
Tel: 416-962-1841 or Toll-Free at 1-800-387-0735
Fax: 416-962-8900
Internet website: www.icao.on.ca

Completed applications accompanied with a signed statement must be submitted in paper copy. By submitting this application, the applicant agrees that at any time during the application process or following registration as a tobacconist, the Ministry may request and the applicant will submit any records on which this application was based, and on which continuing registration is based. Any misrepresentation made in an application may result in a decision to decline the application or revoke registration as a registered tobacconist.

Your completed application should be mailed to:

Smoke-Free Ontario
Ontario Ministry of Health Promotion
21st floor, 393 University Avenue
Toronto, Ontario, M7A 2S1

ATTENTION: Tobacconist Applications

If you have questions, you may call (416) 326-2025