Ontario

Ministry of Health

Smoke-Free Ontario Act, 2017

How the Act Affects: Online Sales and Age Verification for Ontario Retailers

The Basics

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) regulates the sale, supply, display and promotion of tobacco products and vapour products, as well as the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational).

Retailers that sell tobacco and vapour products have a legal responsibility to ensure that they and their employees understand and comply with the requirements under the *SFOA, 2017*. It is prohibited and an offence under *SFOA, 2017* to sell or supply tobacco and vapour products to a person who is less than 19 years old.

Online retailers operating in Ontario are required to ensure that there is a process for verifying the age of any potential customer and that the recipient is at least 19 years of age. Sellers are also advised to ensure that delivery agents (e.g., couriers) are aware of this requirement and consider indicating on the package that it can only be received by a person who is at least 19 years of age.

The goal of this fact sheet is to ensure online Ontario retailers understand their responsibilities under the *SFOA, 2017* in order to reduce youth access to tobacco and vapour product promotional material as well as prevent sales to youth.

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

Responsibilities of Online Retailers

Under the *Smoke-Free Ontario Act, 2017* (SFOA, 2017), online retailers operating in Ontario must:

- Ensure that they do not sell or supply tobacco or vapour products to a person who is less than 19 years old;
- Have a system in place to verify the age of potential customers before selling or supplying tobacco and vapour products; and

- Comply with all applicable laws related to the sale of tobacco and vapour products.

Note: The *SFOA, 2017*, is not the only source of the law. Retailers are also responsible for compliance with other applicable laws related to the sale and supply of tobacco and vapour products such as the *Tobacco and Vaping Products Act* (TVPA).

Penalties

There are several penalties that a retailer could face for violating the SFOA, 2017. Retailers are advised to review the Act to understand their responsibilities and the fines that may result from failing to comply.

You may also obtain information by calling toll-free:

• **INFOline** 1-866-532-3161

• **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Time).

For specific information on SFOA, 2017 rules applicable to retailers, contact your local Public Health Unit. For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Government of Ontario website: Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3 | ontario.ca.