

March 2023

Tobacco and Vapour Products Control Act

THREE-YEAR REPORT • 2023

ENVIRONMENTAL HEALTH UNIT
POPULATION HEALTH DIVISION
DEPARTMENT OF HEALTH AND SOCIAL SERVICES



Government of
Northwest Territories

Executive Summary

In March 2020, the Government of the Northwest Territories overhauled its Tobacco Control legislation to include the regulation of vapour products and accessories. The legislation restricts where tobacco products, vapour products and accessories, and cannabis accessories are accessed, sold, and displayed. The *Tobacco Vapour Products Control Act* along with the *Smoking Control and Reduction Act*, the *Tobacco Tax Act*, Federal legislation and WSCC regulations all impact how and where tobacco, vaping products and accessories can be accessed, used, and displayed. These changes to NWT legislation are meant to deter uptake and reduce the risk of normalization of smoking.

The *Tobacco and Vapour Products Control Act* came into force on March 31, 2020. As required under section 51 of the Act, the Minister is required to table a report in the Legislative Assembly regarding the implementation of the Act within three years of it coming into force.

Enforcing tobacco laws in Canada is typically done by Environmental Health Officers (EHOs), RCMP, authorized peace officers, municipal enforcement, and/or tobacco enforcement officers appointed under their respective provincial and territorial tobacco control legislation.

The NWT *Tobacco And Vapour Products Control Act* includes provisions for the appointment of tobacco control inspectors. These inspectors can inspect without a warrant places where tobacco or tobacco accessories are sold, places where tobacco or tobacco accessories cannot be sold, and places where smoking is prohibited. EHOs have assumed the role of inspectors under the Act. EHOs are responsible for enforcing the Act and regulations.

To ensure that businesses are following the law, premises that sell tobacco and tobacco products are inspected at minimum once a year. Inspections are also carried out on a complaint basis.

During the public health emergency, some premises were not inspected. In person inspection visits to communities were delayed or deferred, premises were not open or available for inspection and there were occasional community closures (due to memorials, pandemic restrictions, or other reasons).

The following statistics represent the status as well as the historic information in regard to the *Tobacco and Vapour Products Control Act* and Regulations since the coming into force date of the legislation.

Number of Tobacco and Vaping Product Premises in the NWT: 66

Tobacco and Vaping Product Inspections per Fiscal Year	
Fiscal Year	Totals
2020 – 2021	51
2021 – 2022	20
2022 – 2023 * current year	39

Number of Complaints: 1

Nature of Complaint(s):

- Illegal product on display contrary to section 12(2) of the *Tobacco Control Act*.
- Premises removed product and has not been found to have product on display or for sale since inspection follow up.

Number of Fines:

- None issued.

Results of Inspections (*Most Frequent Observations recorded on inspections)

- No violations were observed at the time of inspection.
- The new *Tobacco and Vapour Products Control Act* was reviewed with the retailer.
- Improved compliance of the *Tobacco and Vapour Products Control Act* and regulations.
- Replaced signage during inspection.
 - Age sign/ health signage provided to operators and posted.
- Removal of all prohibited products and accessories on display during inspection- voluntary compliance by operators.



% Routine inspections vs. inspections in response to a complaint

99.3%

of inspections completed routinely.

0.7%

of inspections completed in response to a complaint.

% of retailers complying with signage requirements upon inspection

98%

of retailers.



