

The Non-Smokers Health Protection Act (NSHPA)

Tobacco Retailer Information Bulletin

This bulletin provides tobacco retailers with information about *The Non-Smokers Health Protection Act* (NSHPA) and what is required to comply with the law in Manitoba.

Effective August 15, 2005, retailers will be expected to comply with provisions of the Act that restrict the display, advertising and promotion of tobacco and tobacco-related products. The purpose of the Act is to reduce the harm caused by tobacco use, particularly among children and youth. In addition to protecting Manitobans from exposure to second-hand smoke, the Act also seeks to reduce the influence exerted by advertising, promotion and other inducements to use tobacco and tobacco-related products.

This bulletin includes:

- the relevant NSHPA provisions
- information about displaying tobacco products
- information about in-store signs

NSHPA Provisions

Tobacco not to be displayed

7.2 No person shall display or permit to be displayed tobacco or a tobacco-related product such that it is visible to children in any place or premises in which tobacco or tobacco-related products are sold.

Tobacco not to be advertised or promoted

7.3(1) No person shall advertise or promote tobacco or a tobacco-related product

- (a) in any place or premises in which tobacco or tobacco-related products are sold;*
- (b) in any place or premises to which children are permitted access;*
- (c) on any outdoor sign of any type, including*
 - (i) a billboard or portable sign, or*
 - (ii) a sign on a bench, vehicle, building or other structure*

(d) inside a building or other structure or vehicle if the advertisement or promotion is visible from outside the building, structure or vehicle.

Product and price lists allowed

7.3(2) Notwithstanding subsection (1), a place or premises described in clause (1)(a) may have signage that lists the tobacco or tobacco-related products offered for sale and their prices, if the signage complies with the requirements specified in the regulations.

Displaying Tobacco Products

Removing tobacco and tobacco-related products from public display can help to reduce the impact of tobacco promotion on youth and smokers who are trying to quit.

Tobacco retailers have a range of options to consider for keeping tobacco products out of public view.

Some examples include:

- cabinets;
- vertical or sliding doors on shelves where tobacco products are stored;
- drawers under the counter;
- frosted glass (providing tobacco products cannot be seen through the glass); and
- curtains.

A tobacco product can be shown to a customer over the age of 18, for inspection prior to purchasing.

A tobacco retailer may reasonably allow tobacco products to be in public view while restocking or conducting an inventory of tobacco products.

Tobacco enforcement officers will be responsible for determining whether a tobacco retailer complies with the legislation. They will take a reasonable approach in deciding if a tobacco retailer is conducting a legitimate business activity or is breaking the law.

In-store Signs

As per 7.3(2) above, retailers will be permitted to post in-store signs listing tobacco products for sale and their prices. A regulation, which is currently under development, will outline the requirements for these signs. This regulation will be provided to all tobacco retailers prior to August 15, 2005.

Contact Information

If you have questions about *The Non-Smokers Health Protection Act*, please call Manitoba Health at (204) 788-6735.