

**CITY OF HAMILTON
INTERNAL AUDIT REPORT 2012-10
PUBLIC HEALTH SERVICES (PHS) - TOBACCO CONTROL PROGRAM
FOLLOW UP**

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN	FOLLOW UP (FEBRUARY 2014)
1.	<p><u>Tobacco Vendor Inventory</u></p> <p>A key deliverable specified in Schedule A-4 of the agreement between the City of Hamilton's Public Health Services (PHS) and the Ministry of Health Promotion and Sport (Ministry) (now the Ministry of Health and Long Term Care) is the maintenance by PHS of an inventory of all premises where tobacco products are sold.</p> <p>PHS maintains an inventory of such premises based on inspection data in the Tobacco Inspection System (TIS). However, the City's Municipal Law Enforcement Section also has a database of premises licensed to sell tobacco products. A comparison of the information in these two sources identified several differences - e.g. five locations with licenses to sell tobacco which were not included in the TIS. These vendors are not inspected by the Tobacco Enforcement Officers (TEOs) and present a risk that they may not be complying with the Smoke-Free Ontario Act (SFOA).</p>	<p>That PHS update their inventory of tobacco vendors to reflect all the premises licensed to sell tobacco products and thus, subject to inspection.</p> <p>That PHS and the Municipal Law Enforcement Section work co-operatively to regularly exchange related tobacco database changes and update their respective tobacco vendor inventories.</p>	<p>Agreed. Public Health Services will update their inventory of tobacco vendors.</p> <p>Agreed. PHS has been providing its current list of known tobacco vendors to Municipal Law Enforcement annually since 2006. PHS and Municipal Law Enforcement will develop a semi-annual process to jointly review current tobacco vendors with the intent of updating the respective departments' active lists. To be completed by June 2013.</p>	<p>Completed. PHS has updated their inventory of tobacco vendors that are licensed to sell tobacco and are subject to inspection.</p> <p>In progress. PHS and the Municipal Law Enforcement Section shared tobacco vendor inventory information in 2013. However, results of a 2013 review of Licensing carried out indicated several instances of differences in the tobacco vendor databases.</p>

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2.	<p><u>Tobacco Vendor Inspections</u></p> <p>One of the program requirements specified in Schedule A-4 of the agreement between the City's PHS and the Ministry is the daily reporting in the TIS of the data collected from the inspections of tobacco vendors.</p> <p>One of the three TEOs that performs inspections has had difficulties intermittently throughout 2011 and 2012 in uploading inspection data from her computer tablet into the TIS. This results in incomplete records and any statistical information obtained from the TIS can be misleading. In addition, without the daily update of inspection data, PHS is not in compliance with the applicable term of the agreement with the Ministry even though the uploading issues have been reported.</p>	<p>That TIS be updated to include data from all inspections performed in 2011 and 2012.</p> <p>That an alternate procedure for use in times of data uploading issues be developed to ensure all inspection information is reported in TIS on a daily basis as specified in the agreement.</p>	<p>Agreed. Previous Smoke-Free Ontario Act inspections are being updated within the TIS. To be completed by Q1, 2013.</p> <p>Agreed. A policy and procedure will be developed, implemented and monitored pertaining to the frequency of TIS data entry practices. To be completed by Q2, 2013.</p>	<p>Completed. TIS has been updated to include data from inspections performed in 2011, 2012 and 2013.</p> <p>Initiated. A draft procedure has been written. Management in the Tobacco Control Program expects this document to be finalized once the Ministry has responded to a request to amend the information upload frequency.</p>

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3.	<p><u>Automatic Prohibitions of Tobacco Vendors</u> Automatic prohibitions are Ministry directives forbidding vendors from selling tobacco products. Such prohibitions are usually the result of a variety of tobacco sales offences, the most common being the selling of tobacco products to youth under 19 years of age. The Smoke-Free Ontario Act (SFOA) Compliance Protocol states that a vendor that has incurred two tobacco convictions within a five year period will face a six month prohibition and three convictions within a five year period results in a nine month prohibition. However, the staff of the Tobacco Control Program only applies for automatic prohibitions of tobacco vendors after they have been convicted three times.</p>	<p>That staff of the Tobacco Control Program request automatic prohibition orders for vendors convicted of two tobacco sales offences, as per the Smoke-Free Ontario Act.</p>	<p>Agreed. PHS Tobacco Enforcement will apply to the Ministry of Health and Long Term Care (MOHLTC) for automatic prohibitions that are specific to eligible tobacco vendors using the established two registered convictions within the past five year threshold requirement as outlined in the Smoke-Free Ontario Act. Completed in Q4, 2012.</p>	<p>In progress. Tobacco Control Program staff are requesting automatic prohibition orders for vendors convicted of two tobacco sales offences within the past five years. Fourteen of 22 possible automatic prohibition orders have been applied for to the MOHLTC but have not yet been issued.</p>