

SUMMARY: Meeting with Convenience Industry Council of Canada

Subject: *Tobacco and Smoking Reduction Act* (TSRA) Review

Location: ATB Place (South Tower), Edmonton, Alberta

Date: November 20, 2019

Participants:

Meeting Chair

- Mr. Jeremy Nixon, MLA for Calgary-Klein, appointed to conduct the TSRA review

Alberta Health

- Ms. Jessica Carlson, Executive Director, Health and Wellness Promotion Branch
- Ms. Kim Schmidt, Manager, Health and Wellness Promotion Branch
- Mr. Shahriar Rozen, Senior Policy Lead, Health and Wellness Promotion Branch

Office of the Chief Medical Officer of Health

- Dr. Andre Corriveau, Deputy Chief Medical Officer of Health

Alberta Treasury Board and Finance:

- Ms. Irene Chan, Executive Director, Strategy and Client Services
- Mr. Lyndon Epp, Senior Manager, Tax Policy
- Mr. Geoffrey Durocher, Tax Policy Analyst

Industry

- Mr. Matthew Ellis, Vice-President, Government and Stakeholder Relations, Convenience Industry Council of Canada

Introduction:

A meeting was held with a representative from Convenience Industry Council of Canada (CICC) to discuss the review of the *Tobacco and Smoking Reduction Act* (TSRA). The Chair opened the meeting with round table introductions. The privacy key messages and tobacco disclaimer were read and acknowledged.¹

Background:

The chair indicated that the TSRA review will assess the effectiveness of the current legislative framework to address tobacco-related harms and to address issues including the recent surge in youth vaping and harms from use of tobacco-like products. He specified the scope of the review:

¹ To meet the transparency and openness requirements of Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (FCTC), please be advised that this meeting will be subject to disclosure. Information, views and opinions intended to inform the development of regulations and related initiatives, as a part of a submission to a formal consultation will not be treated confidentially by Alberta Health and the Government of Alberta. Furthermore, in keeping with Article 5.3 of the FCTC, the Government of Alberta must protect public health policies from the vested interests of the tobacco industry. Alberta Health will conduct this meeting with tobacco Industry Representatives only to the extent necessary to enable the department to effectively regulate the industry and its products

- In scope: Issues related to tobacco, vaping and tobacco-like products; potential policy options to inform possible changes in legislation; review of legislation of other Ministries to identify and reduce potential overlap, inconsistency or conflict.
- Out of scope: Ceremonial use of tobacco by First Nations; policy recommendations that fall under the authority of municipalities, First Nations or the federal government; issues related to cannabis; health care cost recovery litigation against tobacco manufacturers; the decision to impose a tax on vaping products.

Feedback will be used to inform potential amendments to the TSRA, for the spring 2020 session.

Subjects:

The topics discussed during the meeting included:

- CICC Background
- Reducing Youth Access and Keeping Vaping Products Available for Adults
- Sales of Vaping and Tobacco Products
- Flavours
- Advertisement
- Enforcement
- Retailer license

CICC Background

The CICC provided background on their membership, goals and vision.

Reducing Youth Access and Keeping Vaping Products Available for Adults

The CICC representative indicated general support for regulations that ensure that youth do not have access to vaping products and adult smokers have access to products offering less health harms compared to combustible tobacco. He also indicated that most of the adult smokers get their first vaping products from the convenience stores. He contended that the impulse to switch from smoking needs to be facilitated by the easy access of vaping products in convenience stores.

The CICC representative indicated that the CICC has a strong track-record in ensuring compliance with regulations concerning age-restricted products, referencing a study that found that less than 11% of youth are getting vaping products from convenience stores. The CICC representative indicated that member retailers undergo a mandatory age-verification training program named “ID Please”, which educates members and their staff about the legal requirements of asking for ID.

Sales of Vaping and Tobacco Products

The CICC representative indicated that the CICC has experienced a 13% decline in sales of tobacco products from May 2018 to May 2019, referring to it as a steeper decline compared to the previous years, possibly resulting from increased sales of vaping products. However, the sales of tobacco products increased by 3% in three months following May 2019. The CICC representative suspected a strong connection between the fears of acute vaping related illness and an increase in tobacco sales.

The CICC representative also indicated that the majority of CICC convenience stores sell closed pod-systems that are difficult to tamper with.

Flavours

The CICC representative strongly opposed any possible restrictions on flavours. He contended that the CICC sales data indicate that flavours are important to assist smokers with transitioning from combustible tobacco to vaping products. He indicated that mango and mint are the most popular flavours and tobacco flavour is one of the least preferred flavours.

Advertisement

The CICC representative indicated that CICC would support restrictions on advertising. However, he did assert that convenience stores should be allowed to share some communication materials with adult customers to provide information on vaping products.

Enforcement

The CICC representative called for stronger enforcement, suggesting an inspection of all stores including convenience stores and vape shops. The representative highlighted Ontario's rules as an example of stronger enforcement. The CICC would like to see active enforcement extended to online sales.

Retailer license

The CICC representative expressed his support for licensing of all stores selling tobacco and vaping products. He indicated that retail licensing can come with consequences (like fines or suspension) and graduated consequences/fines for non-compliance would be effective to improve compliance with tobacco laws.

Conclusion:

No definitive conclusions were reached or commitments made concerning any possible future changes to Alberta's tobacco and smoking legislative framework.