

SUMMARY: Meeting with Canadian Vaping Association

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

Location: McDougal Centre, Calgary Alberta

Date: November 13, 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. Richard Thorne, 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. Sam Tam, President, Canadian Vaping Association
- Mr. Darryl Tempest, Executive Director, Canadian Vaping Association
- Mr. Shawn Kreger, National Board Member, Canadian Vaping Association
- Ms. Danielle Rowland-Dow, Treasurer, Canadian Vaping Association

Introduction:

A meeting was held with representatives from Canadian Vaping Association (CVA) 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

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

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:

- 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:

- CVA Background
- Adult Only Access
- Advertising Restrictions
- Nicotine Strength
- Maintaining the risk reduction possibilities of vaping products
- Taxation

CVA Background

The CVA representatives stated that they formed as a national organization in 2014. Since 2018, the CVA representatives stated that the vaping market has changed significantly with the introduction of the federal government's *Tobacco and Vaping Products Act*. Since that time, the CVA representatives stated that they have observed four issues in the vaping products market: retailers selling high nicotine products, an increased number of retail access points, brand advertising and off shore products.

Adult Only Access

The CVA representatives contended that vaping product sales should be limited to adult only vape shops. The CVA representatives believe a wide diversity of retail channels for vaping products is a primary driver of youth access. They indicated that prior to 2018 and the introduction of high nicotine vaping products in convenience stores, youth vaping was not as high as it is now.

Online access to vape products should include requirements for age verification software and delivery systems currently used by alcohol and cannabis industries.

The CVA representatives asserted that the convenience store channel was a significant source of social sourcing of vaping products among youth. Additionally, under age minors, working in convenience stores, have a significant incentive to "bootleg" or supply vaping products to youth. The CVA representatives supported more active enforcement of vaping regulations.

Advertising Restrictions

The CVA representatives called for a ban on advertising for vaping products. They described the use of promotions and give aways of vaping products. The CVA representatives contend that these activities, as well as lifestyle promotions of vaping products are inappropriate and need to be restricted.

Nicotine Strength

The CVA representatives called for a cap on nicotine levels in vaping products. They supported a 20ml nicotine cap. CVA recommended that should high nicotine concentration levels continue to be available

it should only be only available in adult only environments where smokers can get the information/consultation needed to help them successfully transition to vaping. The CVA representatives highlighted Ontario's rule around licensing specialty vape shops and the exemptions provided to them as an example of effective regulation.

Maintain the risk reduction possibilities of vaping products

The CVA representatives affirmed their support for the continuance of flavours in vaping products. They contended that flavours are important for smokers making the switch to vaping products and that any ban may have unintended consequences, including the potential for health harms from black market or DIY products.

The CVA representatives indicated that they are waiting for Health Canada to release their relative risk statements concerning the harm reduction potential of vaping products.

Taxation

The CVA representatives indicated that they recommend a vaping products tax applied to nicotine levels. They stated that a nicotine level tax would continue to advance public health goals while being efficient to collect. Additionally, the Alberta vape industry is concentrated on the manufacture and sale of consumables for open vape systems. A nicotine tax would have less small business impact than a volume-based tax.

The CVA representatives stated their belief that youth are not as price sensitive as many presume; a tax on vaping products may not dissuade youth from purchasing vaping products as much as some think. Conversely, an effective way to dissuade youth from using vaping products are fines; the CVA representatives expressed their belief that fines for youth, particularly when they are punitive, can be an effective deterrent.

Conclusion:

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