

SUMMARY: Meeting with Imperial Tobacco

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. Sebastien Charbonneau, Directory Government and Regulatory Affairs, Imperial Tobacco
- Mr. Gavin Mullard, Head, Scientific Engagement, Imperial Tobacco
- Mr. Scott Munnoch, Council, Temple Scott Associates

Introduction:

A meeting was held with representatives from Imperial Tobacco 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:

- Vaping products as a reduced harm alternative for smokers.
- Measures to address use of vaping products by youth.
- The role of flavours in getting smokers to switch from cigarettes to vaping products.
- The role of nicotine in vaping products in getting them to switch from cigarettes.
- The need for quality and safety standards for vaping products.
- A tax framework for vaping products.
- Vaping products regulations across the globe
- Recent US illnesses and the evidence linking them to THC.

Vaping Products as a Reduced Harm Alternative

The Imperial Tobacco representatives indicated that they consider vaping products as a way reduce tobacco use by transitioning adult smokers from combustible tobacco to a harm reduction product. Imperial Tobacco representatives cited studies from the Public Health Agency of England, the Royal College of Physicians and messaging from Health Canada to support the claim.

Measures to address use of vaping products by youth

The Imperial Tobacco representatives indicated that they do not believe that youth should be using their vaping products. Current issues concerning youth use of vaping products are attributable to youth access to vaping products and enforcement according to the Imperial Tobacco representatives. The representatives stated that they support penalties and consequences for furnishing youth with vapour products. Additionally, the Imperial Tobacco representatives noted that their organization is proactively supporting the convenience industry associations with training to prevent youth access to their products. The Imperial Tobacco representatives stated their belief that convenience stores have a robust track record in ensuring compliance with regulations concerning age restricted products.

The Imperial Tobacco representatives discussed their three step age verification system for online sales and indicating they were evaluating an in store retail age verification system. Additionally, the Imperial Tobacco representatives discussed their plans to introduce a retailer education campaign.

The Imperial Tobacco representatives indicated that advertising in convenience stores needed to be maintained to communicate with smokers considering transitioning to vaping products and to counter misinformation in the marketplace. The Imperial Tobacco representatives did acknowledge that there was an opportunity for limiting the advertising without compromising what they considered to be an important channel of information. The regulatory limitations imposed by Ontario on convenience store advertising was highlighted.

The role of flavours in getting smokers to switch from cigarettes to vaping products

The Imperial Tobacco representatives indicated that they consider flavours in vaping products an important component for current smokers to switch to vaping products. They did not support a ban of

flavours as they contend adult smokers taste evolve as they moving away from consuming combustible tobacco.

The role of nicotine in vaping products in getting smokers to switch from cigarettes

The Imperial Tobacco representatives noted that nicotine is an important component in vaping products that allow current smokers to switch to vaping products. They further contended that the toxins in combustible tobacco is the source of smoking related illness. Maintaining levels of nicotine aligned with combustible cigarettes therefore does not compromise the reduction of health harms of switching to vaping products.

Need for quality and safety standards for vaping products

The Imperial Tobacco representatives indicated that the quality and safety standards of the vaping products was an important component of ensuring that they are able to reduce health harms. They stated that their products where high quality and manufactured to a high standard when compared to other vaping systems.

A tax framework for vaping products

Imperial Tobacco representatives identified that high taxes could compromise quality standards and encourage the black market or DIY markets, which could lead to unintended consequences. Representatives further identified that taxes should not create a high barrier to adoption, consider the risk profile of the products, be harmonized across jurisdictions, and tax the consumable components of vaping products.

Vaping products regulations across the globe

The Imperial Tobacco representatives discussed the regulatory regimes employed by New Zealand and the United Kingdom.

Recent US illnesses and the evidence linking them to THC

The Imperial Tobacco representatives discussed the recent cases of respiratory illnesses and death in the United States that have been linked to vaping products. They mentioned that the US Centre for Disease Control linked the majority of those cases to THC (cannabis) vaping and the presence of Vitamin E Acetate in the vaping fluid.

Conclusion:

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