

SUMMARY: Meeting with National Smokeless Tobacco Company

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. Jeremy Adams, Director, Government and Corporate Affairs, National Smokeless Tobacco Company

Introduction:

A meeting was held with representatives from the National Smokeless Tobacco Company (NSTC) 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:

- Background and Taxation
- Suggested amendments and definitions
- Towards risk-based tobacco taxation in Alberta
- Prohibited places

Background and taxation

The NSTC representative gave the attendees an overview of their company. The NSTC representative indicated that 70% of their business in Canada was in western provinces and that their clientele was majority male. Additionally, the NSTC representative stated that the use of smokeless tobacco was low relative to other tobacco products. Youth use of smokeless tobacco has been stable over time and remains low. The representative provide an overview of the effect of flavour bans on smokeless tobacco; they indicated that consumers were pursuing alternative sources of smokeless tobacco including alternative smokeless products, online sources, grey market and international sources.

Suggested amendments and definitions

The NSTC representative expressed their support for establishing a minimum age for purchase of vaping products. The NSTC representative indicated that the minimum age could be raised to 19 and that they would support that change. The NSTC representative declared that advertising at point of sale and in convenience stores was not appropriate; promotion should be limited to adult only venues. Alignment of price promotion prohibitions for tobacco with vaping products would be supported. Retailers who sell vaping products should be licensed and be required to undertake training according to the NSTC representative. Retailers should be required to conduct mandatory identification requirement for vaping product sales. The NSTC representative also expressed support for a public health model of enforcement with strong oversight.

Towards risk-based tobacco taxation in Alberta

The NSTC representative expressed their support for the concept of introducing a vaping products tax. While they identified some difficulties associated with a vaping tax, including the wholesale market, the NSTC representative suggested introducing a specific tax on vaping products.

The NSTC representative argued for the introduction of more categories for tobacco in Alberta. The NSTC representative asserted that the current tax system unfairly treated smokeless tobacco products relative to other tobacco categories and the harms associated with the products. The NSTC representative requested that Alberta consider the introduction of a risk based tax regime for tobacco and vapour products.

Prohibited Places

The NSTC representative indicated that they were supportive of expanding the number of prohibited places. They expressed their concern about the renormalization of smoking in public spaces and the need to continue denormalize smoking in public spaces.

Conclusion:

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