



## CITY OF ST. ALBERT ADMINISTRATIVE BACKGROUNDER

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### TITLE: ADVERTISEMENT & PROMOTION OF VAPING PRODUCTS

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#### PURPOSE OF REPORT

On March 7, 2019 Councillor Hansen provided notice in accordance with Section 23 of Procedure Bylaw 3/2018 of her intention to make the proposed motion below:

*In order for Council to debate the motion, it must be formally moved.*

#### PROPOSED MOTION(S):

That Council authorize the Mayor to submit a letter to the Government of Canada, supporting regulations associated with the *Tobacco and Vaping Products Act*, to ban the advertisement and promotion of vaping products to youth; and

That Council direct Administration to draft a resolution, requesting that the Provincial Government establish regulations complementary to any federal regulations that may be enacted, to ban the advertisement and promotion of vaping products to youth for submission to the 2019 AUMA Convention.

#### ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

#### ALIGNMENT TO LEVELS OF SERVICE DELIVERY

N/A

#### ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

N/A

#### BACKGROUND:

##### Resolution Approval Process:

The Alberta Urban Municipalities Association (AUMA) Convention is scheduled for September 25-27, 2019 in Edmonton. As part of its annual convention, the AUMA membership may deliberate proposed resolutions from the Board and/or member municipalities. The deadline to submit a resolution to the convention is May 31, per the AUMA's Resolutions Policy.

Should Council approve the proposed motion, Administration would draft a proposed AUMA Resolution regarding the advertisement and promotion of vaping products to youth and bring the resolution forward for Council approval at the April 23, 2019 Council meeting. Administration would also work with the Mayor's Office to send a letter to the Federal Government on the same topic, requesting stronger federal regulations (which are currently being considered).

There are no active AUMA resolutions on this topic.

At the 2018 AUMA Convention, St. Albert City Council's emergent resolution, *Consumption of Liquor and Cannabis in Public Spaces*, was passed by the AUMA.

#### Vaping Products:

Vaping is the act of inhaling or exhaling an aerosol produced by a vaping product, such as an electronic cigarette. Vaping doesn't require burning like cigarette smoking. The device heats a liquid into a vapour, which then turns to aerosol. This vapour is often flavoured and can contain nicotine.

Health advocates have raised concerns regarding rising rates of youth vaping. Some of these organizations state that:

- There is substantial evidence that e-cigarette (a type of vaping product) use result in symptoms of dependence;
- There is substantial evidence that e-cigarette use increases risk of every using combustible tobacco cigarettes among youth and young adults;
- 15% of Canadian students in grades 10-12 used a vaping product in the past 30 days, up from 9% in 2014-15;
- While teen smoking rates have been declining since 1999, vaping poses a threat to the progress made on preventing teen nicotine addiction, which may eventually lead them to smoke; and,
- The number of Alberta high school students who admit to vaping almost tripled between 2015 and 2017, from 8% to 22%.

The Government of Canada's new vaping education campaign shares several points:

- Even though vaping is less harmful than smoking, there are still consequences;
- Vaping can deliver nicotine to the body, causing cravings and leading to addiction and physical dependence. In teens, vaping nicotine can alter brain development;
- Vaping can expose users to other chemicals, such as nickel, tin and aluminum, that can cause lung damage; and,
- The long-term health impacts of vaping are still largely unknown. Some of the chemicals found in vaping liquid, like vegetable glycerine and propylene glycol are safe for use in cosmetic and sweetener products, but the long-term safety of inhaling these substances is unknown and continues to be assessed.

### Current Legislative State:

On May 23, 2018, the federal government enacted the *Tobacco and Vaping Products Act (TVPA)*, to regulate the manufacture, sale, labelling and promotion of tobacco products and vaping products sold in Canada. The *TVPA*, and its corresponding regulations, have been a key component in the federal government's strategy to protect the health of Canadians from tobacco related death and disease.

Considering the growing emergence of vaping products, based on a 2015 report provided to the House of Commons' Standing Committee on Health, the *TVPA* was amended to include a new legal framework for regulating vaping products to protect young persons from nicotine addiction and tobacco use, while allowing adults access to vaping products as a less harmful alternative to smoking.

New regulations for tobacco and vaping products are currently being considered by the Government of Canada (as of March 2019), that would further restrict the advertisement of vaping products, by:

- Limiting the places where advertisements can be placed;
- Limiting the content in advertisements;
- Informing the public through a health warning on advertisements; and,
- Limiting the display of vaping products in certain retail locations and points of sale, including online.

Approval of the motion would signal City support for these further restrictions, and a letter would be submitted requesting the Government of Canada to proceed in this manner, and expeditiously.

The federal government provides a "baseline" regulatory framework, and provincial and municipal governments may provide an additional level of regulation. Some provinces have already enacted legislation that restricts the promotion and advertisement of vaping products. For instance, British Columbia has its own *Tobacco and Vapour Products Control Act*.

Alberta does not have any such provincial legislation in place, although Alberta's Health Minister has previously stated with the introduction of the federal *TVPA*, Alberta Health is conducting a gap analysis regarding the *TVPA* to determine if additional action can or should be taken by the province.

Anti-smoking and health advocates have raised concerns that there are gaps within the *TVPA*, and the Alberta government could take immediate action to close these gaps through minor legislative amendments to the Alberta *Tobacco and Smoking Reduction Act*. If, and once the new regulations for the *TVPA* are approved, it is unknown at this time as to how long the implementation period would be.

On March 12, 2019, Edmonton City Council unanimously supported a motion to examine what more could be undertaken at a municipal level to discourage the sale and promotion of vaping products to youth. The report is due back to Edmonton City Council in June.

*Desired Future State:*

It is City Administration's understanding that the intent of the motion is that a more comprehensive regulatory framework should be in place, and that the Government of Alberta and Government of Canada both have a key role in doing so, as to ensure that youth will be prevented from accessing vaping merchandise to the furthest extent possible and to prevent vaping rates amongst youth from increasing. An approved AUMA resolution would help to send this message to the Government of Alberta, and a letter to the Government of Canada would do the same.

Report Date: April 1, 2019

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Committee/Department: Office of the Deputy Chief Administrative Officer

Chief Administrative Officer: Kevin Scoble