



## Legislation Text

---

File #: AR-19-205, Version: 1

---

TAMRMS#: B06

### **AUMA Resolution - Advertisement & Promotion of Vaping Products**

Presented by: Trevor Duley, Manager of Government Relations, Office of the Chief Administrative Officer

### **RECOMMENDATION(S)**

1. That Council endorse the resolution entitled, "Advertisement and Promotion of Vaping Products to Youth" provided as an attachment to the April 23, 2019 agenda report entitled AUMA Resolution - Advertisement and Promotion of Vaping Products and refer it to the 2019 Alberta Urban Municipalities Association Convention for consideration.
2. That Council appoint Councillor Hansen as the Resolution Champion for the "Advertisement and Promotion of Vaping Products" for the 2019 Alberta Urban Municipalities Association Convention.

### **PURPOSE OF REPORT**

Further to Council's direction at the April 1, 2019 Council Meeting regarding the advertisement and promotion of vaping products, City Administration has prepared a resolution for Council's review and approval for submission to the 2019 Alberta Urban Municipalities Association (AUMA) Convention. The deadline to submit resolutions is May 31, 2019.

### **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**

On April 1, 2019 Council passed the following motion:

(CM-19-013)

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.

## BACKGROUND AND DISCUSSION

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. Health Canada (2019, March 13) states that:

- There is substantial evidence that e-cigarette (a type of vaping product) use results in symptoms of dependence;
- There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults; and,
- Children and youth are especially susceptible to the harmful effects of nicotine, including addiction. They may become dependent on nicotine with lower levels of exposure than adults.

The University of Waterloo notes that the percentage of Albertans who are smokers has been steadily declining since 1999, from 26% in 1999 to 15.8% in 2015. Given that Health Canada notes there is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes, and that vaping rates are quickly increasing, vaping poses a threat to the progress made on preventing teen nicotine addiction.

The 2016-17 Canadian Student Tobacco, Alcohol and Drugs Survey, administered to Canadians between grades 7 and 12 indicates that (Government of Canada, 2018, June 12):

- The number of Alberta high school students who admit to vaping almost tripled between 2015 and 2017, from 8% to 22%;
- 15% of Canadian students in grades 10-12 used a vaping product in the past 30 days, up from 9% in 2014-15; and,
- 53% of Canadian students in grades 7-12 responded it would be "fairly easy" or "very easy" to get a vaping product such as e-cigarettes if they wanted to.

The Conference Board of Canada notes that in 2012, tobacco use resulted in \$6.5 billion in direct healthcare costs, and 45,464 deaths were attributable to smoking in Canada (Conference Board of Canada, 2017, October).

At the time of development of this resolution (April 2019), the Government of Canada is considering new regulations through the *Tobacco and Vaping Products Act* for vaping products that would restrict the advertisement of products by limiting the locations where advertisements can be placed and the display of vaping products in certain retail locations; limiting the content in advertisements; and informing the public through a health warning on advertisements. These changes would ensure

vaping advertising is treated similarly to that of tobacco advertising. Whether these will be adopted or not, and a timeline for implementation is not known at this time. There are no known FCM resolutions on this topic. Per Council's direction on April 1, 2019, a letter was submitted to the Government of Canada on this topic.

Since there is no timeline on implementation of federal legislation, because of the dramatic increase in youth vaping in Alberta, and that all provinces other than Alberta and Saskatchewan regulate e-cigarette use and restrict the promotion and advertisement of vaping products, the resolution argues this topic is provincial in-scope. In Alberta, vaping advertisements are not restricted, and are on display in locations that youth frequent, unlike tobacco products. This includes at the checkout at convenience stores, and outside the store near schools. The resolution notes the Government of Alberta has an opportunity to be nimble and address this rising issue quickly and effectively.

In the event the Government of Canada has established a timeline for implementation, or implemented nation-wide vaping regulations come Fall 2019, this resolution may no longer be required. Alternatively, there may be gaps in the federal regulations that the Alberta Government can address through amendments to the *Tobacco and Smoking Reduction Act*.

There is also little precedent for municipal regulation of product advertisement in Alberta, with most examples of product regulation existing at the provincial and federal orders of government. Minor changes to the Alberta *Tobacco and Smoking Reduction Act* to better regulate the advertisement of vaping products in a similar manner to that of tobacco should help to reverse the trend of rising rates of youth vaping in Alberta.

## **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

There are no active AUMA resolutions on this topic.

Per Council direction on April 1, 2019, City Administration worked with the Office of the Mayor to submit a letter to the Federal Government on this topic.

AUMA staff have reviewed the proposed resolution to ensure alignment with the AUMA's resolution format and process. The draft resolution was also shared with intergovernmental staff in Alberta cities for feedback.

## **IMPLICATIONS OF RECOMMENDATION(S)**

### Financial:

None at this time.

### Legal / Risk:

None at this time.

### Program or Service:

None at this time.

Organizational:

Should the recommended motions be approved by Council, Administration will submit the proposed resolution to the AUMA.

Administration will monitor the development and implementation of regulations by the Government of Canada, which may result in a need to work with the AUMA's Municipal Governance Committee to adjust for a new nation-wide regulatory framework.

**ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. Council may choose not to approve the Resolution, and not to appoint a Resolution Champion.

Alternative 2. Council may choose to approve the Resolution, but to appoint a different Resolution Champion.

Report Date: April 23, 2019

Author: Trevor Duley

Department: Office of the Chief Administrative Officer

Chief Administrative Officer: Kevin Scoble