

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
4 December 2023 / 4 décembre 2023**

**Submitted on November 23, 2023
Soumis le 23 novembre 2023**

**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2023-OPH-HPP-0006

SUBJECT: Ottawa Public Health Submission to Health Canada on the Second
Legislative Review of the Tobacco and Vaping Products Act

OBJET: Soumission de Santé publique Ottawa présentée à Santé Canada sur le
deuxième examen législatif de la Loi sur le tabac et les produits de
vapotage

REPORT RECOMMENDATION

**That the Board of Health for the City of Ottawa Health Unit receive the Medical
Officer of Health's submission to Health Canada on proposed amendments to
tobacco and vaping products regulations, as outlined in Document 1, and
approve the recommendations contained therein.**

RECOMMANDATION DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa reçoive la soumission de la médecin chef en santé publique à Santé Canada sur les modifications proposées aux règlements sur le tabac et les produits de vapotage, tel que décrit dans le document 1, et approuve les recommandations qui y sont contenues.

BACKGROUND

On March 4, 2019, the Board of Health received the report *Let's Clear the Air (LCA) 3.0*, which outlined Ottawa Public Health's (OPH) updated strategy to prevent youth initiation of smoking, vaping and cannabis use and described work with partners to reduce exposure to second-hand smoke and vapour and increase supports for cessation. This report also included recommendations to strengthen smoking legislation and regulations at the municipal, provincial and federal levels.

On June 17, 2019, the Board of Health received the [consultation report](#) on OPH's submission to Health Canada on potential regulatory measures to reduce youth access and appeal of vaping products and approved the recommendations contained therein. On September 16, 2019, the Board of Health also received the [consultation report](#) on the Health Canada submission on proposed vaping products and packaging regulations.

On February 10, 2020 the Board of Health for the City of Ottawa Health Unit received the Medical Officer of [Health's submission to Health Canada](#) on proposed vaping products promotion regulations and approved the contents therein.

On September 7, 2023, Health Canada launched a public consultation process on its [second legislative review of the Tobacco and Vaping Products Act](#) (TVPA). The submission deadline was November 17, 2023. Due the timelines associated with the public consultation process, OPH's draft submission was circulated to Members of the Board of Health for their review and feedback and then submitted to Health Canada in advance of the deadline.

This review, the second legislative review of the TVPA, was focused on the tobacco-related provisions and operation of the TVPA. Specifically, it assessed whether progress was being made towards achieving the tobacco-related objectives of the TVPA and whether the federal response, from a legislative perspective, is sufficient to address tobacco use in Canada. This review served to complement the first review on vaping products and together provided a baseline assessment of the TVPA. The first review

was conducted during the COVID-19 pandemic, which was prohibitive in terms of OPH's capacity to prepare a response focused on vaping and vapour products.

The purpose of this report is to seek the Board's approval of the recommendations outlined in the submission, attached as Document 1.

DISCUSSION

As noted above, in September 2023, Health Canada launched a public consultation process on potential amendments to the *Tobacco and Vaping Products Act* (TVPA) with the objectives of:

- protecting young persons and others from inducements to use tobacco products and the consequent dependence on them;
- protecting the health of young persons by restricting access to tobacco products; and
- preventing the public from being deceived or misled with respect to the health hazards of using tobacco products and to enhance public awareness of those hazards.

Moreover, the legislative review was framed around seven major themes, namely:

1. Canada's tobacco landscape;
2. Addressing inducements to tobacco use;
3. Monitoring the tobacco market;
4. Restricting youth access to tobacco products;
5. Enhancing awareness and preventing Canadians from being deceived or misled;
6. Compliance, enforcement and regulated parties; and
7. Engaging with Indigenous Peoples.

In its submission, OPH responded to specific questions and provided recommendations as well as evidence-based rationale for all the above-noted themes.

OPH is supportive of a public health approach to the regulation of tobacco and vaping products as well as new emerging nicotine-based products to minimize the negative health and social impacts. OPH's submission recommended further restrictions on

tobacco and vaping products to reduce their appeal to young people, encourage more collaboration between government officials and health authorities in implementing additional smoke-free/vape-free regulations (for example, for multi-unit housing, outdoor amenities, etc.), as well as enhancing the surveillance of new nicotine products in international and Canadian markets. The full list of recommendations can be found in Document 1.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

To inform the development of this submission, OPH consulted the Tobacco Control Area Networks (TCANs).

LEGAL IMPLICATIONS

There are no legal impediments to the Board of Health approving the recommendation contained in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ALIGNMENT WITH OTTAWA PUBLIC HEALTH STRATEGIC PRIORITIES

This report aligns with Goal 3 of OPH's 2023-2027 Strategic Plan - Promote Wellbeing and Reduce Harms: Advance innovative and comprehensive approaches to promote mental health and substance use health while reducing stigma; and decreasing harms associated with substance use and addiction across the lifespan.

SUPPORTING DOCUMENTATION

Document 1 - Medical Officer of Health's submission to Health Canada in response to the second legislative review of the Tobacco and Vaping Products Act

DISPOSITION

This report is presented to the Board for approval of the recommendations outlined in the supporting document. OPH will continue to monitor any proposed legislation, regulations and emerging evidence related to tobacco and vaping products regulations and report to the Board of Health as needed.