

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
17 June 2019 / 17 juin 2019**

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**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-OPH-HPP-0006

**SUBJECT: OTTAWA PUBLIC HEALTH SUBMISSION TO HEALTH CANADA ON
REDUCING YOUTH ACCESS AND APPEAL OF VAPING PRODUCTS:
POTENTIAL REGULATORY MEASURES**

**OBJET : RECOMMANDATIONS DE SANTÉ PUBLIQUE OTTAWA EN VUE DE
RÉDUIRE L'ACCÈS DES JEUNES AUX PRODUITS DE VAPOTAGE ET
DIMINUER L'ATTRAIT DE CES PRODUITS, PRÉSENTÉES À SANTÉ
CANADA : MESURES RÉGLEMENTAIRES POSSIBLES**

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 potential regulatory measures to reduce youth access and appeal of vaping products, 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 prenne connaissance de la communication de la médecin chef en santé publique à Santé Canada sur les mesures réglementaires possibles visant à réduire l'accès des jeunes aux produits de vapotage et à diminuer l'attrait de ces produits, comme l'indique le document 1, et approuve les recommandations qui y figurent.

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.

As per the report recommendations, the Mayor of Ottawa and the Board of Health Chair submitted the following correspondence:

- Letter to the Premier of Ontario, the Honourable Doug Ford and the Deputy Premier and Minister of Health and Long-Term Care, the Honourable Christine Elliott, recommending to prohibit the sale of flavoured vapour products designed to appeal to youth and the advertising of vaping devices at point of sale.
- Letter to the Minister of Health, the Honourable Ginette Petitpas Taylor in response to Health Canada's consultation on potential measures to reduce the impact of vaping products advertising on youth and non-users of tobacco products.

In addition, the Medical Officer of Health submitted comments on Health Canada's consultation for further restrictions on advertising and promotion of vaping products, and to enhance the health-related labeling measures.

On April 11, 2019, Health Canada announced public consultation on [Reducing Youth Access and Appeal of Vaping Products: Potential Regulatory Measures](#), with a submission deadline of May 25, 2019. The [Tobacco and Vaping Products Act](#) (TVPA), which came into effect in March 2018, regulates the manufacture, sale, labelling and promotion of tobacco and vaping products. The above-referenced consultation sought input on other possible federal measures under the [TVPA](#) that could reduce the youth appeal and access to vaping products.

Measures under consideration included:

- prohibiting the manufacture and sale of vaping products with certain flavours or flavour ingredients and/or prohibiting the promotion of certain flavours;
- restricting the concentration and/or delivery of nicotine in vaping products;
- regulating design features;
- restricting online retail access; and
- restricting product packaging.

OPH provided a submission to Health Canada, as outlined below.

DISCUSSION

Since March 2019, OPH has made progress on its Let's Clear the Air 3.0 Strategy, including: explored opportunities to strengthen smoke-free and vape-free legislation to reduce youth access and appeal of vaping products; worked with youth, in a peer-to-peer approach, to increase their knowledge about the harms associated with vaping; and worked with the Emergency and Protective Services Department to harmonize the City's smoking related by-laws

By reducing youth access and appeal of vaping products, the negative health impacts associated with vapour products can be mitigated, especially among youth. In order to protect young people and others from the harms associated with e-cigarette use, OPH recommends further regulations for vaping products in order to align with tobacco product regulations.

In Ottawa, data shows that vaping rates are increasing among youth; they are using vapour products with nicotine, they are attracted to the variety of e-liquid flavours and they believe that regular vaping presents only slight or no health risks.

Vaping among Ottawa's youth has surpassed tobacco use. In 2017, 10% of Ottawa students have used an e-cigarette, compared to 6% that smoked cigarettes in the past 12 monthsⁱ; 23% of Ottawa high school students in grades 9-12 have used an e-cigarette at least once. Almost half (48%) of Ottawa students in grade 9-12 believe that regular vaping presents only slight or no health risksⁱⁱ. Studies have also shown a relationship between vaping product use and the intention to smoke cigarettes among youthⁱⁱⁱ.

Regulations could be designed to preserve harm reduction while protecting youth and ensuring adults are making informed choices. Overall, OPH recommends that nicotine

e-liquids, salts and delivery devices should be subject to the same regulations as combustible cigarettes.

See Document 1 for OPH's full submission to Health Canada that includes the supporting evidence and rationale for each recommendation. In summary, OPH's recommendations are as follows:

1) Prohibit the manufacture and sale of all vaping flavours and products that evidence shows are designed to appeal to youth.

- Restrictions on flavouring agents in vaping products and products that are designed to appeal to youth is an evidence-based strategy that will help prevent youth initiation and de-normalize vaping and smoking behaviour among youth and young adults.

2) Apply restrictions to the concentration of nicotine to align with combustible cigarettes.

- Restrictions on nicotine concentration in vaping products would mitigate the risk of nicotine addiction among youth and young adults.

3) Require that device manufacturers label devices to warn against modification or use of a modified device.

4) Establish regulation to align with online sale of alcohol or cannabis.

5) Expand regulations under the TVPA to advertising, endorsement and promotion online, by social media and other electronic platforms (e.g. video games).

6) Require that all nicotine containing vaping products be child proof, tamper evident and safety compliant.

7) Prohibit colour of vaping products and require all product packaging be aligned with tobacco controls.

- The alignment of vaping products with tobacco controls is consistent with the protection of youth and young adults from nicotine initiation and addiction.

8) Develop a public information campaign regarding the myths and risks associated with vaping.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

To inform the development of the Medical Officer of Health's submission to Health, Canada in response to the potential regulatory measures to reduce youth access and appeal of vaping products, OPH staff consulted with the Eastern Tobacco Control Area Network.

LEGAL IMPLICATIONS

There are no legal impediments to the Board of Health approving this report's recommendation.

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.

SUPPORTING DOCUMENTATION

Document 1 - Medical Officer of Health's submission to Health Canada in response to potential regulatory measures to reduce youth access and appeal of vaping products.

DISPOSITION

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

ⁱ Ottawa Public Health. Public Health Monitoring of Risk Factors in Ontario-OSDUHS (2017). Centre for Addiction and Mental Health; 2018.

ⁱⁱ Ottawa Public Health. Public Health Monitoring of Risk Factors in Ontario-OSDUHS (2017). Centre for Addiction and Mental Health; 2018.

ⁱⁱⁱ [National Academies of Sciences, Engineering, and Medicine. *Public Health Consequences of E-cigarettes*. 2018; Washington, D.C.: The National Academies Press.](#)