

September 18, 2020

SEP 23 2020

Fred Eisenberger, Mayor  
City of Hamilton  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, Ontario L8P 4Y5

Dear Fred Eisenberger,

Thank you for your letter of January 20, 2020, addressed to the Honourable Patty Hajdu, Minister of Health, concerning vaping. I have been asked to respond on the Minister's behalf. I apologize for the delay in responding.

Canada has a strong regulatory framework for vaping products, with a focus on preventing uptake by youth and non-smokers. On May 23, 2018, Parliament passed the *Tobacco and Vaping Products Act* - [www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html](http://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html). The Act establishes significant restrictions to prevent uptake of vaping products by youth, including prohibiting the sale of vaping products to persons under 18 and restricting the promotion of vaping products across all media channels, including social media. The Act specifically restricts the promotion of vaping products with candy and dessert flavours, among others.

The Government of Canada is very concerned about the rapid rise in youth vaping. Results of the 2018-19 Canadian Student Tobacco, Alcohol and Drugs Survey show that e-cigarette prevalence rates have doubled among students in 2018-19 since the last survey in 2016-17 - [www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey.html](http://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey.html). Twenty percent (20%) of students (approximately 418,000) had used an e-cigarette in the past 30 days, an increase from 10% in 2016-17. Students who have used an e-cigarette in the past 30 days are vaping frequently, with 40% of them (approximately 165,000 students) reporting daily or almost daily use. Given these results, the Government is taking further action, including putting in place additional controls through regulations, investing in public education and intensifying enforcement of the legislation.

On July 8, 2020, the Minister of Health announced the publication of the final *Vaping Products Promotion Regulations* (<https://www.canada.ca/en/health-canada/news/2020/07/health-canada-confirms-ban-of-advertising-for-vaping-products-wherever-they-can-be-seen-or-heard-by-youth.html>). These regulations (<http://gazette.gc.ca/rp-pr/p2/2020/2020-07-08/html/sor-dors143-eng.html>) prevent vaping products from being advertised in ways that the ads can be seen or heard by young people, in order to protect youth from being exposed to advertisements that can induce them to try vaping. It is now prohibited to advertise vaping products in public



spaces if the ads can be seen or heard by youth, whether in stores, online or other media channels. In addition, the display of vaping products at point-of-sale where youth have access is prohibited. These changes also require that any permitted ads displayed where youth are not permitted convey a health warning about vaping product harms.

To help ensure that Canadians are aware of the risks of vaping and nicotine addiction, on December 19, 2019, the Minister of Health also announced new regulations that will require that all vaping substances display important health and safety information - <http://www.gazette.gc.ca/rp-pr/p2/2019/2019-12-25/pdf/g2-15326.pdf>. These regulations started to come into force on July 1, 2020. Vaping products containing nicotine must display its nicotine concentration and a health warning about the addictiveness of nicotine. In addition, the products must be packaged in child-resistant containers and display a toxicity warning and first-aid treatment statement. All vaping substances must display a list of ingredients, regardless of nicotine content. For a brief overview of the regulation of vaping products in Canada, please consult the backgrounder available at: [www.canada.ca/en/health-canada/news/2019/12/backgrounder-regulation-of-vaping-products-in-canada.html](http://www.canada.ca/en/health-canada/news/2019/12/backgrounder-regulation-of-vaping-products-in-canada.html).

Building on feedback from consultations that Health Canada conducted in 2019, the Department is developing additional regulations to further reduce the appeal of these products to young Canadians, including proposals restricting nicotine concentration and flavours. In April 2019, Health Canada consulted Canadians on potential regulatory measures to reduce youth access and appeal of vaping products, including measures to restrict the concentration and/or delivery of nicotine, prohibit the manufacture and sale of vaping products with certain flavours or flavour ingredients, and/or prohibit the promotion of certain flavours - <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures/document.html>. The summary of the feedback received can be accessed by visiting: <https://www.canada.ca/en/health-canada/services/publications/healthy-living/consultation-summary-reducing-youth-access-appeal-vaping-products.html#a4>.

The Government of Canada has also intensified its public education and enforcement efforts. Health Canada has invested more than \$12 million in a national public education campaign - Consider the Consequences of Vaping ([www.canada.ca/vaping-info](http://www.canada.ca/vaping-info)) - which launched in December 2018 to inform youth and their parents of the harms and risks of vaping. A recent evaluation of the advertising campaign found that 26% of teens who reported having seen the ads decided not to try vaping as a result. In terms of enforcement of the legislation, between July and December 2019, Health Canada inspectors visited more than 3,000 specialty vape shops and convenience stores across the country, seizing more than 80,000 units of non-compliant vaping products. The Department has also taken action to shut down illegal promotions by major national brands. These measures will better protect youth from the harms of vaping and, with continued public education, reduce the appeal of vaping products.



As you know, provincial, territorial and municipal laws also regulate vaping products and their use. Certain provinces have increased the minimum age to 19 or 21, as well as undertaken or announced additional restrictions on vaping products or their promotion based on the needs in their respective jurisdictions. We recognize the recent action the Government of Ontario has taken in this area.

Vaping does have risks and the potential long-term health effects of vaping remain unknown. Non-smokers and young people should not vape. Vaping is a less harmful option than smoking for Canadians who currently use combustible tobacco products - switching completely to vaping will reduce their exposure to many toxic chemicals found in tobacco smoke. Additional information on vaping and our approach to regulating vaping products is available at [www.canada.ca/vaping](http://www.canada.ca/vaping).

Thank you for writing. Please be assured that your comments as well as those from other governments and public health stakeholders are being taken into consideration as we continue to take action to protect the health of Canadians.

Yours sincerely,

Dana Beaton, A/Director General  
Tobacco Control Directorate  
Controlled Substances and Cannabis Branch  
Health Canada

