




Hamilton

COMMUNICATION UPDATE

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| TO: | Mayor and Members Board of Health |
| DATE: | September 1, 2023 |
| SUBJECT: | Endorsement of Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023 (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| SUBMITTED BY: | Kevin McDonald Director, Healthy Environments Division Public Health Services |
| SIGNATURE: |  |

Please find, below, the information requested by Councillor Maureen Wilson at the August 16, 2023 Public Health Committee meeting.

1. **Summary of Bill 103, *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023***

<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-103>

The *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023* aims to prevent youth from initiating vaping and decrease the current usage of vaping products by targeting legislation changes, including banning the retail sale of flavoured vaping products, increasing minimum purchasing age to 21 years old, and prohibiting the promotion of vapour products.

The Bill makes various amendments to the *Smoke-Free Ontario Act, 2017* (the Act). Here are some highlights:

- The Act is amended to prohibit the promotion of vapour products;
- The Act is amended to provide that no person shall sell or supply a tobacco product, vapour product or prescribed product or substance to a person who is less than 21 years old;
- Currently, the Act prohibits the sale of flavoured vapour products, except those with tobacco, mint, or menthol flavouring. The Act is amended to

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provide that this restriction applies with respect to flavoured vapour products generally, unless the flavour or flavouring agent contained in the vapour product is a tobacco flavour or tobacco flavouring agent. The Act is also amended to restrict high concentration vapour products;

- The Act is amended to provide that vapour products can only be sold in specialty vape stores or designated stores in remote or rural communities (instead of within other locations such as convenience stores), as well as to require that these locations must have approval of the board of health of the area in which the store is to be located. Selling or offering to sell vapour products online is prohibited;
- The Act is amended to provide that the Minister may direct that tax revenue generated from the sale of vapour products at specialty vape stores and at designated stores in remote and rural communities be used for the purpose of educating the public about the health risks associated with vaping, provided that the Legislature has appropriated funds for this purpose; and,
- The Act, as amended, would require Ontario Health to prepare an annual report to the Minister respecting youth vaping that sets out information and recommendations to assist the Minister in developing policies to reduce youth vaping.

The legislative solutions of Bill 103 are designed to make vaping less available and desirable for youth to address the increase in rates of vaping and to prevent the associated harms of vaping.

2. What are we recommending?

We are recommending more stringent vaping regulations by endorsing Bill 103, *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023*.

3. What have we done?

The City of Hamilton Board of Health has a longstanding history of proactive and effective action to prevent tobacco and emerging product use and urged the adoption of a comprehensive tobacco and e-cigarette strategy. Below are a few examples of Hamilton Public Health Services' work:

- Amended By-law 11-080 (2019) to include the prohibition of vaping in City parks, recreation properties, and sports fields;
- Increased in-person education and inspections at vapour product retailers in 2023;

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- Worked with local boards of education to enforce the *Smoke-Free Ontario Act, 2017* on school properties through the creation and implementation of Tobacco/Vape-Free Schools Protocols;
- Worked in partnership with Hamilton Wentworth District School Board to create vaping and cannabis curriculum for Grades 5-8;
- Conducted research supported by Public Health Ontario to assess vaping knowledge, attitudes, and behaviours of middle school aged youth and their parents/caregivers in order to support development of associated programs;
- Implemented the “Use Your Instincts” social marketing campaign in schools and community settings to de-normalize vaping amongst secondary school aged youth;
- Advocated for passage of *Smoke-Free Ontario Act, 2017* and *The Making Healthier Choices Act, 2015* that restrict access, sale, advertising, and promotion of vapour products to minors, including support by Hamilton youth advocates (Unfiltered Facts);
- Collaborated with community partners to provide vaping cessation supports within Hamilton for those who are addicted to nicotine; and,
- Supported McMaster University to become the first 100% smoke & vape free campus in Ontario (2018) in addition to Mohawk College & Redeemer College/University, making all post-secondary campuses in Hamilton smoke/vape-free.

Should you require any further information about this Communication Update, please do not hesitate to contact Jan Johnston, Manager, Tobacco Control Program at Ext. 1974 or Janice.Johnston@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.