

From: [Barnes, Renee A HLTH:EX](#)
To: [Lindstein, Sarah GCPE:EX](#)
Cc: [Canitz, Shelley L HLTH:EX](#)
Subject: ADM APPROVED - Core Messaging - Tobacco - January 2015_FINAL
Date: Saturday, January 9, 2016 1:09:05 PM
Attachments: [Core Messaging - Tobacco - January 2015_FINAL.docx](#)

Hi there,

ADM approved.

Thanks,
Renee

From: Paton, Arlene HLTH:EX
Sent: Friday, January 8, 2016 5:19 PM
To: Barnes, Renee A HLTH:EX
Subject: Core Messaging - Tobacco - January 2015_FINAL

I just made one change on the last page, looks good, thanks.

From: [Barnes, Renee A HLTH:EX](#)
To: [Plank, Sarah GCPE:EX](#)
Cc: [Lindstein, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Heinze, Laura R GCPE:EX](#)
Subject: ADM APPROVED w/DIRECTION - IN on e-cig legislation date change
Date: Thursday, January 28, 2016 3:51:27 PM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 DRAFT.docx](#)
Importance: High

Arlene has approved; however, [a final copy of this needs to be sent to Kellie O'Brien in the MO!](#)

Sarah - will you send to Kellie?

Next steps:

- I believe the DBN for the Minister only reached their office today or hasn't as yet.
- As we have stated that Feb. 1 is one of the choices in the DBN and that is Monday, we need to delay.
- Kellie needs to review this with MTL immediately.
- Therefore, tomorrow PPH will extend an email out to the stakeholders who responded to the consultation advising them that we will not be bringing in the regulation on Feb 1 and will look at a later date (TBD).

Renee Barnes

Executive Coordinator

Assistant Deputy Minister's Office, Population and Public Health

Ministry of Health | Mobile: 250 886-2944 | Phone: 250 952-1468

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From: Lindstein, Sarah GCPE:EX
Sent: Thursday, January 28, 2016 9:44 AM
To: Barnes, Renee A HLTH:EX
Cc: Heinze, Laura R GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: For Arlene's review- IN on e-cig legislation date change

Hi Renee- I did up a quickie IN on this. Matt Herman and Shelley Canitz have reviewed and are good with this.

Can you please have Arlene review asap?

Thanks

From: [Barnes, Renee A HLTH:EX](#)
To: [Lindstein, Sarah GCPE:EX](#)
Subject: ADM APPROVED: (Due today) GCPE - Tobacco-e-cig
Date: Tuesday, January 19, 2016 9:11:08 AM

Arlene has approved

From: Paton, Arlene HLTH:EX
Sent: Monday, January 18, 2016 6:41 PM
To: Barnes, Renee A HLTH:EX
Subject: RE: FOR ADM APPROVAL: (Due today) GCPE - Tobacco-e-cig

Looks fine,t hanks.

Regards,

Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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From: Barnes, Renee A HLTH:EX
Sent: Monday, January 18, 2016 9:32 AM
To: Paton, Arlene HLTH:EX
Subject: FOR ADM APPROVAL: (Due today) GCPE - Tobacco-e-cig
Importance: High

FOR ADM APPROVAL

- Shelley has approved and reflected tracked changes in docs so you can see.

From: Lindstein, Sarah GCPE:EX
Sent: Monday, January 18, 2016 9:27 AM
To: Barnes, Renee A HLTH:EX
Subject: FW: Need approvals also please: Core Messaging- all good/edits tracked by Shelley
Importance: High

Hi Renee- I left the tracked changes from Shelley in these so Arlene can review the changes- normally I would send cleaned up copies.

Can Arlene review please, and approve? End of day would be best, thanks!

Sarah

From: Lindstein, Sarah GCPE:EX
Sent: Friday, January 15, 2016 10:46 AM
To: Herman, Matt HLTH:EX
Cc: Canitz, Shelley L HLTH:EX
Subject: Need approvals also please: Core Messaging- all good/edits tracked by Shelley
Importance: High

Hi Matt- these all were reviewed by Shelley- with tracked changes. Please review today please!

Thanks

- KM Tobacco in Pharmacies
- IN: E-cig legislation Discussion Paper
- IN: flavoured tobacco
- KM- Smoking/E-cig and Flavoured Tobacco Legislation

From: [Lindstein, Sarah GCPE:EX](#)
To: [Heinze, Laura R GCPE:EX](#)
Subject: Core message updates- Tobacco
Date: Thursday, January 21, 2016 3:36:55 PM
Attachments: [Core Messaging - Tobacco - January 2016.docx](#)

I know I already sent this one to you...got it back a second time from Ashely with another (very minor) change to it. So, this is the updated, updated one.

CORE MESSAGING

Updated: July 2015

Ministry of Health

TOBACCO

- Tobacco use is the single most preventable cause of disease and death in British Columbia.
- B.C. is committed to reducing smoking throughout the province, and protecting all British Columbians from the danger of second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 14.3 per cent.
- As part of this commitment and our commitment to healthy families, we are investing \$38.2 million in B.C.'s smoking cessation program which offers smokers the choice of coverage for nicotine replacement therapies or prescription drugs.
- By doing this we are making the healthy choice the easier choice. By reducing the number of people who smoke, not only will we prevent or delay the onset of diseases like heart attacks and cancer, but also avoid the millions of dollars cost on our health care system.

Facts about government work on tobacco

- In addition to having the nation's lowest smoking rate, smokers 45 and over has dropped from 18.7 per cent in 2011 to 16.2 percent in 2013.
- Since the Smoking Cessation program was launched on Sept. 30, 2011, approximately 323,405 orders for nicotine replacement therapies have been placed.

- We have a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
 - Through B.C.'s smoking cessation program, British Columbians have access to a free 12-week supply of nicotine gum or patches or, if they are on Fair PharmaCare, coverage of prescription smoking cessation medication.
 - Government provides annual funding to BC Lung Association for QuitNow Services.
 - Smoking is banned inside all public/work places and within a three-metre buffer zone around the doors and windows of most public buildings and workplaces. Both the retail display and promotion of tobacco where youth can see it, and sales of tobacco in public buildings, is banned.
 - In 2008, all health authorities in B.C. went smoke-free, which means smoking is restricted on all health authority property, including hospitals and health facilities.
 - Knowing that most people start smoking before age 18, all K to 12 schools in B.C. are completely tobacco free.
 - To ensure children are no longer subjected to second-hand smoke in any vehicle, smoking in vehicles is prohibited when children under 16 are present.

Facts about e-cigarette legislation and flavoured tobacco

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.

- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our first goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.

Flavored tobacco:

- The Premier's mandate letter in June 2014 required us to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- I'm pleased to see that on March 6, 2015, the federal government announced proposed regulatory amendments to the *Tobacco Act* to further restrict flavours used to market cigars that appeal to youth.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

CORE MESSAGING

Updated: January 2016

Ministry of Health

TOBACCO

- Tobacco use is the single most preventable cause of disease and death in British Columbia.
- B.C. is committed to reducing smoking throughout the province, and protecting all British Columbians from the danger of second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 15.3 per cent.
- As part of this commitment and our commitment to healthy families, we have invested more than \$38.2 million in B.C.'s Smoking Cessation program which offers smokers the choice of coverage for nicotine replacement therapies or prescription drugs.
- By doing this we are making the healthy choice the easier choice. By reducing the number of people who smoke, not only will we prevent or delay the onset of diseases like heart attacks and cancer, but also avoid the millions of dollars cost on our health-care system.

Facts about government work on tobacco

- In addition to having the nation's lowest smoking rate, smokers 45 and over has dropped from 18.7 per cent in 2011 to 15.3 percent in 2013/14.
- Since it began in 2011, the province has invested more than \$38 million into the program. More than 187,000 have used the program to try to quit; that's 25% of British Columbians who smoke.

- We have a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
 - Through B.C.'s Smoking Cessation program, British Columbians have access to a free 12-week supply of nicotine gum, patches, lozenge or inhaler or, if they are on Fair PharmaCare, coverage of prescription smoking cessation medication.
 - Government provides annual funding to BC Lung Association for QuitNow.
 - Smoking is banned inside all public/work places and within a three-metre buffer zone around the doors and windows of most public buildings and workplaces. Both the retail display and promotion of tobacco where youth can see it, and sales of tobacco in public buildings, is banned.
 - In 2008, all B.C. health authorities went smoke-free, restricting smoking on all health authority property, including hospitals and health facilities.
 - Knowing that most people start smoking before age 18, all K-12 school grounds in B.C. are completely tobacco free.
 - To ensure children are no longer subjected to second-hand smoke in any vehicle, smoking in vehicles is prohibited when children under 16 are present.

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- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.

- That's why we introduced the *Tobacco Control Amendment Act*, which will expand the scope of the *Tobacco Control Act* to permit regulation of e-cigarettes and associated products.
- Our first goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the *Tobacco Control Act* to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.

Flavored tobacco:

- The Premier's mandate letter in June 2014 required us to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- I'm pleased to see that in December 2015, the federal government new regulations came into effect and will further restrict the use of flavours that appeal to youth in cigars.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [hlth Ministerial and Executive Assistants](#)
Cc: [Plank, Sarah GCPE:EX](#); [Heinze, Laura R GCPE:EX](#); [Stovel, Laura GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#); [May, Stephen GCPE:EX](#)
Subject: e cigarettes draft version of the consultation paper
Date: Monday, October 19, 2015 10:52:00 AM
Attachments: [TVPCA_Oct2.pdf](#)

Understand this has gone up to you through Arlene for approval. I am not sure where this is at in the process. As this paper is targeted at stakeholders I have told program that once approved, they can likely post online, but that it doesn't seem like something we'd do a news release on. I believe they are sending out to stakeholders when approved.

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: [MacDougall, Cindy GCPE:EX](#)
To: [May, Stephen GCPE:EX](#); [Belanger, Matthew GCPE:EX](#)
Cc: [Plank, Sarah GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Heinze, Laura R GCPE:EX](#); [Shepherd, Brent GCPE:EX](#); [Lawrie, Hannah GCPE:EX](#)
Subject: Final IN: flavoured tobacco
Date: Thursday, November 26, 2015 1:08:45 PM
Attachments: [IN Flavoured Tobacco Nov 26 2015 FINAL.docx](#)

Approved by ADM Arlene Paton.

Cindy MacDougall ~ Senior Public Affairs Officer ~ Government Communications and Public Engagement,
Ministry of Health ~ 250 952-3552 ~ cell 250 920-8534 ~ Cindy.MacDougall@gov.bc.ca

From: [Lindstein, Sarah GCPE:EX](#)
To: [Barnes, Renee A HLTH:EX](#)
Cc: [Heinze, Laura R GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#)
Subject: For Arlene's review- IN on e-cig legislation date change
Date: Thursday, January 28, 2016 9:44:20 AM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 DRAFT.docx](#)

Hi Renee- I did up a quickie IN on this. Matt Herman and Shelley Canitz have reviewed and are good with this.

Can you please have Arlene review asap?

Thanks

From: [Plank, Sarah GCPE:EX](#)
To: [Paton, Arlene HLTH:EX](#)
Cc: [Thistle-Walker, Carlene GCPE:EX](#); [Heinze, Laura R GCPE:EX](#)
Subject: FOR REVIEW - IN_E-cig Legislation Implementation Date_Jan 26_16_FINAL (3).docx
Date: Thursday, January 28, 2016 5:39:49 PM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 FINAL \(3\).docx](#)

Hi Arlene – can you please have a quick look and let me know if this is okay to send up to the minister’s office?

Thx, S.

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Lindstein, Sarah GCPE:EX](#); [Plank, Sarah GCPE:EX](#); [Heinze, Laura R GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#)
Cc: [May, Stephen GCPE:EX](#)
Subject: FW: Clean Air Coalition's Release on Menthol Flavoured Tobacco
Date: Friday, January 15, 2016 1:29:01 PM
Attachments: [CAC NR Ban on Menthol Flavoured Tobacco JAN15 FINAL.pdf](#)

FYI – on call for action on flavoured tobacco during HMM. They have sent to MO.

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Canitz, Shelley L HLTH:EX
Sent: Friday, January 15, 2016 1:27 PM
To: Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Barnes, Renee A HLTH:EX
Subject: FW: Clean Air Coalition's Release on Menthol Flavoured Tobacco

FYI

From: Mary Stambulic [<mailto:MStambulic@hsf.bc.ca>]
Sent: Friday, January 15, 2016 1:20 PM
To: Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX
Cc: Mark Collison
Subject: Clean Air Coalition's Release on Menthol Flavoured Tobacco

Hello Matt and Shelley –

I wanted to let you know that the Clean Air Coalition issued a news release before 1pm today urging Canada's Health Ministers to move quickly towards a national ban on menthol and other flavoured tobacco products when they meet in Vancouver during National Non-Smoking Week next week. We've also let the minister's office know that we issued the release.

Here is a copy for you. It has also been posted on our Clean Air Coalition of BC website:
<http://www.cleanaircoalitionbc.com/newsroom/index>

If you have any questions, please let either Mark or myself know.

Kind regards,
Mary

Mary Stambulic

Manager, Advocacy and Stakeholder Relations | BC & Yukon
Heart and Stroke Foundation

DIRECT 250 410 8201 (Victoria) | **EXT** 8811 | **E** mstambulic@hsf.bc.ca
heartandstroke.ca

JOIN A TEAM WITH HEART. Every seven minutes in Canada, heart disease and stroke takes another life. Canvass with us this February to collect life-saving donations that help create survivors. [Register today.](#)

FAITES PARTIE D'UNE ÉQUIPE QUI A DU CŒUR. Les maladies du cœur et les AVC fauchent une vie toutes les sept minutes au pays. En février, sollicitez avec nous des dons qui aident à créer des survivants. [Inscrivez-vous](#)

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Heinze, Laura R GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#)
Cc: [Stovel, Laura GCPE:EX](#)
Subject: FW: draft version of the consultation paper
Date: Tuesday, October 6, 2015 10:17:00 AM
Attachments: [TVPCA October 2 GCPE.docx](#)

Good to go with Stovie's changes?

Carlene Thistle-Walker | Communications Manager
Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Thistle-Walker, Carlene GCPE:EX
Sent: Friday, October 2, 2015 12:44 PM
To: Heinze, Laura R GCPE:EX; Lindstein, Sarah GCPE:EX
Cc: Stovel, Laura GCPE:EX
Subject: FW: draft version of the consultation paper

Can someone take a look at this and make sure no issues?

Carlene Thistle-Walker | Communications Manager
Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Stovel, Laura GCPE:EX
Sent: Friday, October 2, 2015 12:43 PM
To: Thistle-Walker, Carlene GCPE:EX
Subject: RE: draft version of the consultation paper

Just some CP style edits before I make it look pretty.

From: Canitz, Shelley L HLTH:EX
Sent: Friday, October 2, 2015 11:30 AM
To: Stovel, Laura GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX
Subject: Re: draft version of the consultation paper

my brain is failing me....

From: Canitz, Shelley L HLTH:EX
Sent: October-02-15 11:27 AM
To: laurel.stovel@gov.bc.ca; Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX
Subject: draft version of the consultation paper

Laura - will you please make this doc look polished? Carlene, any comments on the doc?

From: [Canitz, Shelley L HLTH:EX](#)
To: [Plank, Sarah GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#)
Subject: FW: FYI - 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
Date: Friday, January 29, 2016 1:55:05 PM
Attachments: [1043464 - DBN - Recommendations for the Tobacco and Vapour Products Regulation.doc](#)
[1043464 - Appendix A - Bill14 Consultation.pdf](#)
[1043464 - Appendix B - Synopsis of Responses.docx](#)

The DBN has gone to MO

From: Barnes, Renee A HLTH:EX
Sent: Friday, January 29, 2016 1:22 PM
To: Canitz, Shelley L HLTH:EX
Cc: Herman, Matt HLTH:EX
Subject: FYI - 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation

FYI – sent to the MO. Stay tuned.

From: HLTH PPH Documents Processing HLTH:EX
Sent: Friday, January 29, 2016 11:25 AM
To: Paton, Arlene HLTH:EX
Cc: Barnes, Renee A HLTH:EX; Muller, Bev HLTH:EX
Subject: FW: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation

FYI – this decision note has been sent to the MO.

Melissa Ostropolski

Documents Coordinator | Assistant Deputy Minister's Office | Population and Public Health | Ministry of Health
PO BOX 9646 Stn Prov Gov't V8W 9P1 | Melissa.Ostropolski@gov.bc.ca | wk: 250-952-1447

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From: Docs Processing HLTH:EX
Sent: Friday, January 29, 2016 9:34 AM
To: O'Brien, Kellie HLTH:EX; Jukes, Shaina HLTH:EX; HLTH Ministers Office
Cc: Docs Processing HLTH:EX; Andrachuk, Andrea HLTH:EX; Stearn, Anne HLTH:EX; Michell, Jennifer HLTH:EX; Benbow, Nicole C HLTH:EX
Subject: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation

Hi All:

The attached briefing document has been prepared by PPH for Minister's approval on recommendations for the Tobacco and Vapour Products Regulation. This has been approved by Arlene Paton, ADM and Lynn Stevenson, Associate DM. Staff have advised that the Minister is expecting this briefing document this morning.

We would appreciate receiving a copy of the signed document once Minister has approved.

Please connect with Andrea if a briefing is required.

Thanks so much,

Kathy Simonson

Program Coordinator / DPU / Deputy Minister's Office / Ministry of Health

5-3 1515 Blanshard St, Victoria BC V8W 3C8

Telephone 250 952-0998

kathy.simonson@gov.bc.ca

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From: [Canitz, Shelley L HLTH:EX](#)
To: [Plank, Sarah GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#)
Subject: FW: FYI - 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
Date: Friday, January 29, 2016 1:55:06 PM
Attachments: [1043464 - DBN - Recommendations for the Tobacco and Vapour Products Regulation.doc](#)
[1043464 - Appendix A - Bill14 Consultation.pdf](#)
[1043464 - Appendix B - Synopsis of Responses.docx](#)

The DBN has gone to MO

From: Barnes, Renee A HLTH:EX
Sent: Friday, January 29, 2016 1:22 PM
To: Canitz, Shelley L HLTH:EX
Cc: Herman, Matt HLTH:EX
Subject: FYI - 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
FYI – sent to the MO. Stay tuned.

From: HLTH PPH Documents Processing HLTH:EX
Sent: Friday, January 29, 2016 11:25 AM
To: Paton, Arlene HLTH:EX
Cc: Barnes, Renee A HLTH:EX; Muller, Bev HLTH:EX
Subject: FW: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
FYI – this decision note has been sent to the MO.

Melissa Ostropolski

Documents Coordinator | Assistant Deputy Minister's Office | Population and Public Health | Ministry of Health

PO BOX 9646 Stn Prov Gov't V8W 9P1 | Melissa.Ostropolski@gov.bc.ca | wk: 250-952-1447

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From: Docs Processing HLTH:EX
Sent: Friday, January 29, 2016 9:34 AM
To: O'Brien, Kellie HLTH:EX; Jukes, Shaina HLTH:EX; HLTH Ministers Office
Cc: Docs Processing HLTH:EX; Andrachuk, Andrea HLTH:EX; Stearn, Anne HLTH:EX; Michell, Jennifer HLTH:EX; Benbow, Nicole C HLTH:EX
Subject: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
Hi All:

The attached briefing document has been prepared by PPH for Minister's approval on recommendations for the Tobacco and Vapour Products Regulation. This has been approved by Arlene Paton, ADM and Lynn Stevenson, Associate DM. Staff have advised that the Minister is expecting this briefing document this morning.

We would appreciate receiving a copy of the signed document once Minister has approved.

Please connect with Andrea if a briefing is required.

Thanks so much,

Kathy Simonson

Program Coordinator / DPU / Deputy Minister's Office / Ministry of Health

5-3 1515 Blanshard St, Victoria BC V8W 3C8

Telephone 250 952-0998

kathy.simonson@gov.bc.ca

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From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Lindstein, Sarah GCPE:EX](#)
Subject: FW: IN_E-cig Legislation Implementation Date_Jan 26_16_FINAL (3).docx
Date: Friday, January 29, 2016 8:54:00 AM
Attachments: [IN_E-cig Legislation Implementation Date Jan 26_16_FINAL \(3\).docx](#)

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Plank, Sarah GCPE:EX
Sent: Thursday, January 28, 2016 6:38 PM
To: O'Brien, Kellie HLTH:EX
Cc: Thistle-Walker, Carlene GCPE:EX; Heinze, Laura R GCPE:EX
Subject: IN_E-cig Legislation Implementation Date_Jan 26_16_FINAL (3).docx

Hi Kellie – here is the issues note on this. Do you know if the BN went to the minister? Not sure about sending this directly to him – unless I can let him know that a DBN is coming or something as well? Thoughts?

Thx, S.

Sarah Plank

Communications Director | Ministry of Health
Government Communications & Public Engagement
Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

From: [Plank, Sarah GCPE:EX](#)
To: [Belanger, Matthew GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [Heinze, Laura R GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [May, Stephen GCPE:EX](#)
Subject: FW: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30
Date: Thursday, November 19, 2015 1:50:56 PM

This is closed. Thanks.

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 1:11 PM
To: Lake, Terry HLTH:EX
Cc: hlth Ministerial and Executive Assistants; Belanger, Matthew GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; Lawrie, Hannah GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX; Plank, Sarah GCPE:EX; Shepherd, Brent GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX
Subject: RE: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Minister,

Just wanted to add to this for your info – the reporter’s assertion that “all provinces” are moving in this direction is not accurate.

Our info is that only three provinces have made moves to restrict menthol:

Alberta

Ontario

Nova Scotia

Also of note, both Alberta and Nova Scotia are now facing legal challenges to those plans from the tobacco companies.

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 12:43 PM
To: Lake, Terry HLTH:EX
Cc: hlth Ministerial and Executive Assistants; Belanger, Matthew GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; Heinze, Laura R GCPE:EX; Lawrie, Hannah GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX; Plank, Sarah GCPE:EX; Shepherd, Brent GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Minister,

Global is looking to get you on menthol cigarettes this afternoon, if possible. Not sure if you have the opportunity to do a quick on camera?

Our messages are below.

Reporter: John Hua

Media Outlet: Global

Phone Number: 604-351-7072

Email: john.hua@globalnews.ca

Deadline: 2:30

Call Time: 12:31

Topic: Menthol cigarettes – re: following other provinces’ leads and banning menthol cigarettes all together

Messaging:

Will we be banning menthol cigarettes?:

- Menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.
- The federal legislation is targeting sweet-flavoured tobacco that is most attractive to youth.

If asked about the federal legislation is not going far enough to protect youth from flavoured tobacco and Ontario and Alberta have introduced their own legislation on flavoured tobacco- why aren’t we?

- We are confident that, between the federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth.
- Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.
- Governments need to be as efficient as possible, which is why we’ve been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products.
- It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.
- B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.
- B.C. believes the proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Heinze, Laura R GCPE:EX](#); [Plank, Sarah GCPE:EX](#)
Subject: s.13
Date: Tuesday, March 8, 2016 4:59:00 PM

I don't think anything needed from us here?

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement

B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Thiessen-Wale, Katherine HLTH:EX
Sent: Tuesday, March 8, 2016 4:57 PM
To: Canitz, Shelley L HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: s.13

s.13

Katherine Thiessen-Wale
Director, Legislation
Legislation and Intergovernmental Relations Branch
Ministry of Health
250-952-2283 / 250-216-6441

From: Canitz, Shelley L HLTH:EX
Sent: Tuesday, March 8, 2016 4:15 PM
To: Thiessen-Wale, Katherine HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: s.13

s.13

(Arlene – anything else to add?)

Shelley Canitz - Director

Tobacco Control and Injury Prevention

Healthy Living and Health Promotion Branch Population and Public Health Division Ministry of Health

250 952 2304

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From: [Heinze, Laura R GCPE:EX](#)
To: [Scheffel, Emile HLTH:EX](#)
Cc: [Merrifield, Katy PREM:EX](#); [Plank, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [May, Stephen GCPE:EX](#)
Subject: FW: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 10:43:03 AM
Attachments: [Revised - TVPCA- Oct 20 2015.pdf](#)
[1041294 - Discussion Paper Proposed Tobacco and Vapour Products Control Regulation.docx](#)
[IN E-cig Legislation Discussion Paper Oct20 15 FINAL.docx](#)

Hi there,

Attached is an IN on this consultation/the legislation. Just let me know if any questions.

Thx

Laura

From: Paton, Arlene HLTH:EX
Sent: Tuesday, October 20, 2015 11:27 AM
To: Scheffel, Emile HLTH:EX
Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX
Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input. Please let me know if any concerns, thank you!

Regards,

Arlene Paton

Assistant Deputy Minister

Population and Public Health

Ministry of Health

PO Box 9646 Stn Prov Govt

Victoria BC V8W 9P1

Tel: 250-952-1731

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From: [Cowan, Darynn HLTH:EX](#)
To: [Foran, Grace E HLTH:EX](#)
Cc: [Andrachuk, Andrea HLTH:EX](#); [Docs Processing HLTH:EX](#); [Plank, Sarah GCPE:EX](#)
Subject: FW: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 11:44:20 AM
Attachments: [Revised - TVPCA- Oct 20 2015.pdf](#)
[1041294 - Discussion Paper Proposed Tobacco and Vapour Products Control Regulation.docx](#)

Hi Grace,

Further to email below, Shelley Canitz has asked me to followup to find out whether the MO has reviewed the consultation paper that Arlene sent on Tuesday, as they wanted to get the paper posted today I believe.

The eApp assignment is still sitting with Docs.

Thx so much!

Darynn Cowan | Executive Coordinator, Assistant Deputy Minister's Office, Population and Public Health, Ministry of Health | P: 250.952.1468 | F: 250.952.1713

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From: Cowan, Darynn HLTH:EX
Sent: Tuesday, October 20, 2015 11:39 AM
To: HLTH PPH Documents Processing HLTH:EX
Cc: Foran, Grace E HLTH:EX; Andrachuk, Andrea HLTH:EX; Docs Processing HLTH:EX
Subject: FW: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Per email below, please move this up via eApps....thx!

Darynn Cowan | Executive Coordinator, Assistant Deputy Minister's Office, Population and Public Health, Ministry of Health | P: 250.952.1468 | F: 250.952.1713

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From: Paton, Arlene HLTH:EX
Sent: Tuesday, October 20, 2015 11:27 AM
To: Scheffel, Emile HLTH:EX
Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX
Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input. Please let me know if any concerns, thank you!

Regards,

Arlene Paton

Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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use by anyone else is strictly prohibited. If you have received this in error, please telephone or e-mail the sender immediately and delete the message.

From: [Paton, Arlene HLTH:EX](#)
To: [O'Brien, Kellie HLTH:EX](#); [Plank, Sarah GCPE:EX](#)
Subject: Fwd: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation
Date: Friday, January 29, 2016 12:06:57 PM
Attachments: [1043464 - DBN - Recommendations for the Tobacco and Vapour Products Regulation.doc](#)
[ATT00001.htm](#)
[1043464 - Appendix A - Bill14 Consultation.pdf](#)
[ATT00002.htm](#)
[1043464 - Appendix B - Synopsis of Responses.docx](#)
[ATT00003.htm](#)

Am also sending directly to you so you have it!

Regards,

Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
(250) 952-1731

Begin forwarded message:

From: "HLTH PPH Documents Processing HLTH:EX"
<HLth.PPHDocs@gov.bc.ca>
Date: January 29, 2016 at 11:25:10 AM PST
To: "Paton, Arlene HLTH:EX" <Arlene.Paton@gov.bc.ca>
Cc: "Barnes, Renee A HLTH:EX" <Renee.Barnes@gov.bc.ca>, "Muller, Bev HLTH:EX" <Bev.Muller@gov.bc.ca>
Subject: FW: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation

FYI – this decision note has been sent to the MO.

Melissa Ostropolski

Documents Coordinator | Assistant Deputy Minister's Office | Population and Public Health |
Ministry of Health

PO BOX 9646 Stn Prov Gov't V8W 9P1 | Melissa.Ostropolski@gov.bc.ca | wk: 250-952-1447

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From: Docs Processing HLTH:EX
Sent: Friday, January 29, 2016 9:34 AM
To: O'Brien, Kellie HLTH:EX; Jukes, Shaina HLTH:EX; HLTH Ministers Office
Cc: Docs Processing HLTH:EX; Andrachuk, Andrea HLTH:EX; Stearn, Anne HLTH:EX; Michell, Jennifer HLTH:EX; Benbow, Nicole C HLTH:EX
Subject: 1043464 - ProgGen DBN FOR MTL - Recommendations for the Tobacco and Vapour Products Regulation

Hi All:

The attached briefing document has been prepared by PPH for Minister's approval on recommendations for the Tobacco and Vapour Products Regulation. This has been approved by Arlene Paton, ADM and Lynn Stevenson, Associate DM. Staff have advised that the Minister is expecting this briefing document this morning.

We would appreciate receiving a copy of the signed document once Minister has approved. Please connect with Andrea if a briefing is required.

Thanks so much,

Kathy Simonson

Program Coordinator / DPU / Deputy Minister's Office / Ministry of Health

5-3 1515 Blanshard St, Victoria BC V8W 3C8

Telephone 250 952-0998

kathy.simonson@gov.bc.ca

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From: [Barnes, Renee A HLTH:EX](#)
To: [Paton, Arlene HLTH:EX](#); [Herman, Matt HLTH:EX](#)
Cc: [Codner, Tamara A HLTH:EX](#); [HLTH PPH Documents Processing HLTH:EX](#); [Plank, Sarah GCPE:EX](#)
Subject: FYI - MIN APPROVED - Tobacco DBN 1043464
Date: Wednesday, February 17, 2016 4:00:52 PM
Attachments: [1043464 - DBN Tobacco, Vapour Recommendations.pdf](#)

MIN APPROVED – see attached detail/approval.

From: Andrachuk, Andrea HLTH:EX
Sent: Wednesday, February 17, 2016 3:53 PM
To: HLTH PPH Documents Processing HLTH:EX; Barnes, Renee A HLTH:EX
Cc: Docs Processing HLTH:EX
Subject: Tobacco DBN 1043464

Please find attached the signed DBN

Thanks,

Andrea Andrachuk | Manager/Executive Operations

Office of the Deputy Minister

Ministry of Health

P: 250.952.1908 | **C:** 250.217.3655 | **email:** andrea.andrachuk@gov.bc.ca

From: McCormick, Erika HLTH:EX
Sent: Wednesday, February 17, 2016 3:26 PM
To: Andrachuk, Andrea HLTH:EX
Cc: O'Brien, Kellie HLTH:EX; Jukes, Shaina HLTH:EX; Lafrance, Martyn HLTH:EX
Subject: DBN 1043464

Hi Andrea,

Please see attached DBN on recommendations for the Tobacco and Vapour Products.

Thanks!

Erika McCormick

Administrative Assistant to the Honourable Terry Lake | Minister of Health

Hlth.minister@gov.bc.ca | 2509533547

PO Box 9050 Stn Prov Govt | Victoria BC | V8W 9E2

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Health Date: Jan. 19, 2016 Minister Responsible: Terry Lake</p>	<p>Discussion Paper on E-cig Legislation</p>
--	---

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia has introduced amendments to the Tobacco Control Act to regulate e-cigarettes, legislation that will help stop the growing use of e-cigarettes by young people in B.C.
- The Tobacco Control Amendment Act amends the Tobacco Control Act to include requirements for retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to make it possible to create regulations to ensure that no retail displays are targeted to youth and no retail advertising for e-cigarettes is shown where youth can see it.
- As well, the amendments will ensure e-cigarettes are not sold in public buildings and their use is banned on public and private school grounds as well as in indoor public spaces and workplaces.
- These amendments also add prohibitions on tobacco and e-cigarette use on health authority properties; however health authorities will have the ability to set designated smoking/vaping areas if they wish.
- Next steps will be finalizing the regulation that will give additional detail to the legislation.
- A discussion paper was sent to stakeholders for input on the regulations, including:
 - Date of coming into force.
 - Minimum age of customers and required identification.
 - Restrictions on the promotion, sale and use of vapour products.
 - An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
 - The use of vapour products and tobacco on health authority property.
- Many of the current regulations related to tobacco remain unchanged.
- The consultation process closed on Nov. 20, 2015 and feedback is being reviewed.
- Currently, these provisions are proposed to come into force spring 2016 and will be enforced by health authority enforcement officers, but this is tentative and subject to change.

ADVICE AND RECOMMENDED RESPONSE:

- **Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.**
- **The evidence as to their benefits and harms has not been established.**
- **That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.**
- **Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.**

- **This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.**
- **The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.**
- **We welcomed stakeholder review of the proposed regulations and they were asked to provide feedback before November 20, 2015. Regulations will be finalized after the review process.**

Communications Contact: Sarah Lindstein Reviewer:
 Program Area Contact: Shelley Canitz
 File Created: Oct. 20, 2015
 File Updated: Jan.19, 2016
 File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Health Date: Oct. 20, 2015 Minister Responsible: Terry Lake</p>	<p>Discussion Paper on E-cig Legislation</p>
--	---

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia has introduced amendments to the Tobacco Control Act to regulate e-cigarettes, legislation that will help stop the growing use of e-cigarettes by young people in B.C.
- The Tobacco Control Amendment Act amends the Tobacco Control Act to include requirements for retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to make it possible to create regulations to ensure that no retail displays are targeted to youth and no retail advertising for e-cigarettes is shown where youth can see it.
- As well, the amendments will ensure e-cigarettes are not sold in public buildings and their use is banned on public and private school grounds as well as in indoor public spaces and workplaces.
- These amendments also add prohibitions on tobacco and e-cigarette use on health authority properties; however health authorities will have the ability to set designated smoking/vaping areas if they wish.
- Next steps will be finalizing the regulation that will give additional detail to the legislation.
- A discussion paper will be sent to stakeholders for input on the regulations, including:
 - Date of coming into force.
 - Minimum age of customers and required identification.
 - Restrictions on the promotion, sale and use of vapour products.
 - An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
 - The use of vapour products and tobacco on health authority property.
- Many of the current regulations related to tobacco remain unchanged.
- The consultation process closes on Nov. 20, 2015 and regulations will be finalized after the feedback is reviewed.
- Currently, these provisions are proposed to come into force February 1, 2016 and will be enforced by health authority enforcement officers, but this is tentative and subject to change.

ADVICE AND RECOMMENDED RESPONSE:

- **Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.**
- **The evidence as to their benefits and harms has not been established.**
- **That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.**

- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.
- We are welcoming stakeholder review of the proposed regulations and they are asked to provide feedback before November 20, 2015. Regulations will be finalized after the review process.

Communications Contact: Sarah Lindstein Reviewer:
 Program Area Contact: Shelley Canitz
 File Created: Oct. 20, 2015
 File Updated:
 File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

From: [Plank, Sarah GCPE:EX](#)
To: [O'Brien, Kellie HLTH:EX](#)
Cc: [Thistle-Walker, Carlene GCPE:EX](#); [Heinze, Laura R GCPE:EX](#)
Subject: IN_E-cig Legislation Implementation Date_Jan 26_16_FINAL (3).docx
Date: Thursday, January 28, 2016 6:37:50 PM
Attachments: [IN_E-cig Legislation Implementation Date_Jan 26_16_FINAL \(3\).docx](#)

Hi Kellie – here is the issues note on this. Do you know if the BN went to the minister? Not sure about sending this directly to him – unless I can let him know that a DBN is coming or something as well? Thoughts?

Thx, S.

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

Key Messages – E-Cigarette & Flavoured Tobacco Legislation

Jan. 2016

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the *Tobacco Control Amendment Act*, which will expand the scope of the *Tobacco Control Act* to permit regulation of e-cigarettes and associated products.
- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the *Tobacco Control Act* to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.
- The Ministry of Health released a consultation paper on the proposed regulation. The consultation period ended on October Nov. 20, 2015 and the ministry is reviewing the submissions

If asked about flavoured:

- The Premier's mandate letter given to me in June 2014 required me to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so

that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.

- I'm pleased to see that, the federal government's regulation on restricting flavours appealing to youth now applies to a wider range of cigars.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.
- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to flavoured tobacco – as so much of the market will be covered by these changes.

Key Messages – E-Cigarette & Flavoured Tobacco Legislation

October 2015

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the *Tobacco Control Amendment Act*, which will expand the scope of the *Tobacco Control Act* to permit regulation of e-cigarettes and associated products.
- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the *Tobacco Control Act* to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.
- We are welcoming the public's review of the proposed regulations and they are asked to provide feedback via e-mail by October 30th.

If asked about flavoured:

- The Premier's mandate letter given to me in June 2014 required me to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.

- I'm pleased to see that on March 6, 2015, the federal government announced proposed regulatory amendments to the *Tobacco Act* to further restrict flavours used to market cigars that appeal to youth.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.
- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to flavoured tobacco – as so much of the market will be covered by these changes.

Key Messages – Smoke-free Bylaw

Jan. 2016

- B.C. has a strong, effective tobacco control policy and we invest millions annually in programs that focus on tobacco use prevention, support for smoking cessation and protection from second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest tobacco use rate in Canada, at approximately 15.3 per cent.
- At this time, government does not anticipate a ban on smoking in places like patios and beaches.
- Municipalities, who are better able to gauge local preferences, can strengthen regional tobacco bylaws, including smoking restrictions in outdoor areas.
- Through Healthy Families BC, we are continuing to encourage and support municipalities to expand their attention to healthy living supports, including tobacco bylaws.

Key Messages – Tobacco in Pharmacies

July 2, 2015

- British Columbia's approach has always been to allow pharmacies to make the choice to sell tobacco or not voluntarily, rather than imposing a ban. Because of legislation in B.C., tobacco displays and promotions are not allowed in stores where youth have access – so a store that contains a pharmacy will not see tobacco products on display.
- In addition to a number of pharmacies in B.C. taking steps to stop selling tobacco, we are also seeing pharmacists, as medical professionals, becoming more active in providing advice on tobacco cessation. This includes pharmacies located in grocery stores, warehouses, and larger department-like stores.
- In fact, the QuitNow.ca website has videos available that show how pharmacists can help smokers best quit smoking. We are pleased to see many pharmacists helping customers by providing advice on tobacco cessation – many of those who receive medications through the BC Smoking Cessation Program pick up their products from their pharmacy.
- The fact is pharmacies are the only retail environment with knowledgeable cessation experts on site and the only retail site where nicotine replacement therapies are sold.
- The Clean Air Coalition has put out a document that says most pharmacies in B.C. don't sell tobacco (55 per cent do not).
- Currently, B.C. enjoys the lowest tobacco use rates in the country, at 15.3 per cent.

Key Messages – Tobacco in Pharmacies

Jan. 2016

- British Columbia's approach has always been to allow pharmacies to make the choice to sell tobacco or not voluntarily, rather than imposing a ban. Because of legislation in B.C., tobacco displays and promotions are not allowed in stores where youth have access – so a store that contains a pharmacy will not see tobacco products on display.
- In addition to a number of pharmacies in B.C. taking steps to stop selling tobacco, we are also seeing pharmacists, as medical professionals, becoming more active in providing advice on tobacco cessation. This includes pharmacies located in grocery stores, warehouses, and larger department-like stores.
- As of Jan. 1, 2016, smokers who want to quit can walk into any community pharmacy in the province to access free nicotine replacement therapy products.
- You no longer have to call HealthLink BC at 8-1-1 to join the smoking cessation program and qualify for free nicotine replacement products. Just ask your pharmacist.
- In fact, the QuitNow.ca website has videos available that show how pharmacists can help smokers best quit smoking. We are pleased to see many pharmacists helping customers by providing advice on tobacco cessation – many of those who receive medications through the BC Smoking Cessation Program pick up their products from their pharmacy.

- The fact is pharmacies are the only retail environment with knowledgeable cessation experts on site and the only retail site where nicotine replacement therapies are sold.
- The Clean Air Coalition has put out a document that says most pharmacies in B.C. don't sell tobacco (55 per cent do not).
- Currently, B.C. enjoys the lowest tobacco use rates in the country, at 15.3 per cent.

From: [Barnes, Renee A HLTH:EX](#)
To: [Plank, Sarah GCPE:EX](#)
Cc: [Paton, Arlene HLTH:EX](#); [Herman, Matt HLTH:EX](#); [HLTH PPH Documents Processing HLTH:EX](#); [Canitz, Shelley L HLTH:EX](#)
Subject: QUESTION - Public caller: **s.22** re: Tobacco / Vapor - Feb 1
Date: Friday, January 29, 2016 4:22:25 PM
Attachments: [Telephone Response.docx](#)
Importance: High

Hi Sarah,

MoH Correspondence Unit received a telephone call from above individual wanting to confirm that this is coming into effect on Feb. 1.

QUESTION – Please advise how you would like us to respond?

It may be good to loop in MoH Correspondence Unit should they get more calls/enquiries.

Renee Barnes

Executive Coordinator

Assistant Deputy Minister's Office, Population and Public Health

Ministry of Health | Mobile: 250 886-2944 | Phone: 250 952-1468

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From: Perez De Tagle, Michael HLTH:EX
Sent: Friday, January 29, 2016 3:52 PM
To: HLTH PPH Documents Processing HLTH:EX; Barnes, Renee A HLTH:EX
Subject: Public caller: **s.22**

Hi,

s.22
I spoke to **s.22** regarding tobacco control and bill 14. He wanted to get more information about this law, how it will affect his business and wanted to confirm if it was coming into effect February 1st. He can be reached at **s.22** and his email is : **s.22**

He was very concerned and would like to hear back asap. He said he stands to lose a few thousand dollars if he doesn't hear back from us soon. I advised I would forward to the appropriate division and set expectations to hear from us within 48 business hours.

Thanks,

Michael Perez de Tagle

Correspondence and Information Services Analyst|Correspondence and Documents Management |Ministry of Health|1515 Blanshard Street, Victoria, BC, V8W 3C8
|Phone: 250.952.2474

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From: [Docs Processing HLTH:EX](#)
To: [Foran, Grace E HLTH:EX](#)
Cc: [Plank, Sarah GCPE:EX](#); [Docs Processing HLTH:EX](#); [Cowan, Darynn HLTH:EX](#); [Andrachuk, Andrea HLTH:EX](#)
Subject: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 2:24:16 PM

I sent it to Lynn this morning. Should I call it back and send to you?

Thanks so much,

Kathy Simonson

Program Coordinator / DPU / Deputy Minister's Office / Ministry of Health

5-3 1515 Blanshard St. Victoria BC V8W 3C8

Telephone 250 952-0998

kathy.simonson@gov.bc.ca

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From: Foran, Grace E HLTH:EX

Sent: Thursday, October 22, 2015 2:17 PM

To: Cowan, Darynn HLTH:EX; Docs Processing HLTH:EX; Andrachuk, Andrea HLTH:EX

Cc: Plank, Sarah GCPE:EX

Subject: FW: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper

See the answer below. Kathy, do you have the BN, etc. If so, are you able expedite its coming over to me, pls. so we can get it officially into the MO.

From: Scheffel, Emile HLTH:EX

Sent: Thursday, October 22, 2015 2:14 PM

To: Foran, Grace E HLTH:EX

Cc: Merrifield, Katy HLTH:EX

Subject: RE: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Grace,

I've reviewed and have no concerns, but I don't believe it has formally made its way to the Minister yet. Would prefer it come directly from program for his signoff.

Sorry I didn't make that clear earlier, I thought it would proceed through the same channels as a DBN.

Thanks E

From: Foran, Grace E HLTH:EX

Sent: Thursday, October 22, 2015 2:12 PM

To: Scheffel, Emile HLTH:EX

Subject: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Emile: Arlene's office is asking whether the Minister/MO has reviewed the consultation paper that Arlene sent on Tuesday, as they wanted to get the paper posted today I believe if possible. Please advise....many thanks!!

From: Paton, Arlene HLTH:EX

Sent: Tuesday, October 20, 2015 11:27 AM

To: Scheffel, Emile HLTH:EX

Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX

Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input. Please let me know if any concerns, thank you!

Regards,

Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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From: [Lindstein, Sarah GCPE:EX](#)
To: [Barnes, Renee A HLTH:EX](#); [Plank, Sarah GCPE:EX](#)
Cc: [Thistle-Walker, Carlene GCPE:EX](#); [Heinze, Laura R GCPE:EX](#)
Subject: RE: ADM APPROVED w/DIRECTION - IN on e-cig legislation date change
Date: Thursday, January 28, 2016 3:53:12 PM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 FINAL.docx](#)

I've amended it to read 'Final'

Pls send this one!

From: Barnes, Renee A HLTH:EX
Sent: Thursday, January 28, 2016 3:51 PM
To: Plank, Sarah GCPE:EX
Cc: Lindstein, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Heinze, Laura R GCPE:EX
Subject: ADM APPROVED w/DIRECTION - IN on e-cig legislation date change
Importance: High

Arlene has approved; however, [a final copy of this needs to be sent to Kellie O'Brien in the MO!](#)

Sarah - will you send to Kellie?

Next steps:

- I believe the DBN for the Minister only reached their office today or hasn't as yet.
- As we have stated that Feb. 1 is one of the choices in the DBN and that is Monday, we need to delay.
- Kellie needs to review this with MTL immediately.
- Therefore, tomorrow PPH will extend an email out to the stakeholders who responded to the consultation advising them that we will not be bringing in the regulation on Feb 1 and will look at a later date (TBD).

Renee Barnes

Executive Coordinator

Assistant Deputy Minister's Office, Population and Public Health

Ministry of Health | Mobile: 250 886-2944 | Phone: 250 952-1468

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From: Lindstein, Sarah GCPE:EX
Sent: Thursday, January 28, 2016 9:44 AM
To: Barnes, Renee A HLTH:EX

Cc: Heinze, Laura R GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: For Arlene's review- IN on e-cig legislation date change

Hi Renee- I did up a quickie IN on this. Matt Herman and Shelley Canitz have reviewed and are good with this.

Can you please have Arlene review asap?

Thanks

From: [Canitz, Shelley L HLTH:EX](#)
To: [Lindstein, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Plank, Sarah GCPE:EX](#); [Heinze, Laura R GCPE:EX](#)
Cc: [Herman, Matt HLTH:EX](#)
Subject: RE: Can I say the new reg won't be in place for Feb 1
Date: Wednesday, January 27, 2016 1:38:27 PM
Attachments: [1043464 - DBN - Recommendations for the Tobacco and Vapour Products Regulation.doc](#)

It had been at Lynn's office and she wanted changes. It is back there now but I haven't heard anything if the edits are ok with her.

In the interim, here is what we sent up but KEEP IN MIND that it is NOT the final version that is going to the MO

Shelley

From: Lindstein, Sarah GCPE:EX
Sent: Wednesday, January 27, 2016 1:25 PM
To: Thistle-Walker, Carlene GCPE:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX; Heinze, Laura R GCPE:EX
Subject: RE: Can I say the new reg won't be in place for Feb 1

Shelley do you have the BN on this?

From: Thistle-Walker, Carlene GCPE:EX
Sent: Wednesday, January 27, 2016 1:04 PM
To: Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX; Heinze, Laura R GCPE:EX
Cc: Lindstein, Sarah GCPE:EX
Subject: RE: Can I say the new reg won't be in place for Feb 1

Looping in Laura and Sarah – I don't think we can say it will not be implemented (even though that is likely) until Minister approves this change. Has BN already gone?

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Canitz, Shelley L HLTH:EX
Sent: Wednesday, January 27, 2016 12:59 PM
To: Thistle-Walker, Carlene GCPE:EX
Subject: FW: Can I say the new reg won't be in place for Feb 1

Carlene – in the discussion paper on the proposed scope of the vapour products regulation, we suggested Feb 1 as the date of implementation. **s.13**

There may be media questions too

From: Herman, Matt HLTH:EX
Sent: Wednesday, January 27, 2016 12:31 PM
To: Canitz, Shelley L HLTH:EX
Subject: Re: Can I say the new reg won't be in place for Feb 1

Let's take the lead from GCPE. They should probably do up an issues note for the non intro on Feb 1st as it was proposed in the discussion paper.

On Jan 27, 2016, at 12:13, Canitz, Shelley L HLTH:EX <Shelley.Canitz@gov.bc.ca> wrote:

any ecig person who calls – I could get GCPE involved too

From: Herman, Matt HLTH:EX
Sent: Wednesday, January 27, 2016 12:02 PM
To: Canitz, Shelley L HLTH:EX
Subject: Re: Can I say the new reg won't be in place for Feb 1

To whom?

On Jan 27, 2016, at 12:01, Canitz, Shelley L HLTH:EX
<Shelley.Canitz@gov.bc.ca> wrote:

From: [Josh Pagé](#)
To: [Heinze, Laura R GCPE:EX](#)
Subject: Re: CBC Radio
Date: Friday, January 22, 2016 11:59:54 AM

that is PERFECT! Thanks, Laura!

J

On Fri, Jan 22, 2016 at 11:49 AM, Heinze, Laura R GCPE:EX <Laura.Heinze@gov.bc.ca> wrote:

Hi Josh,

As discussed – here is a ministry statement on flavoured tobacco. Please let me know if you need anything else!

The province is confident that, between federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth. Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.

Governments need to be as efficient as possible, which is why we've been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products. It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.

That is why we are pleased that in December 2015 the federal government's new regulations came into effect and will further restrict the use of flavours that appeal to youth in cigars. These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.

B.C. believes proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

From: Josh Pagé [mailto:josh.page@cbc.ca]
Sent: Friday, January 22, 2016 10:49 AM
To: Heinze, Laura R GCPE:EX
Subject: CBC Radio

Hi Laura!

Josh from CBC Radio here. I produce the afternoon show for all of the Interior, but am sadly based in Kelowna and there were no CBC folks kicking around today for Minister Lake's presser. I'm kicking around the idea of the flavoured cigarette ban Judy Darcy is pushing for. I'm wondering if it came up in Minister Lake's presser or potential scrum today.

Is there any way you might have some audio once he's done scrumming, if that issue did come up? Any help would be greatly appreciated. Thank you!

Josh Pagé

CBC Radio West

[250-861-3781](tel:250-861-3781) ext. 222

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From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: cover emails for the regulatory discussion paper.
Date: Friday, October 9, 2015 3:52:00 PM

Looks fine by me. I am a bit confused by the highlighted bit. How would that work if it's going to a non-health authority? Presume the approach will be cleared with minister's office?

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Canitz, Shelley L HLTH:EX
Sent: Friday, October 9, 2015 3:23 PM
To: Thistle-Walker, Carlene GCPE:EX
Subject: FW: cover emails for the regulatory discussion paper.

See Matt's note below – would you please give the note a quick look?

From: Herman, Matt HLTH:EX
Sent: Friday, October 9, 2015 3:22 PM
To: Canitz, Shelley L HLTH:EX
Subject: RE: cover emails for the regulatory discussion paper.

Looks good. Will you have GCPE review it please?

From: Canitz, Shelley L HLTH:EX
Sent: Friday, October 9, 2015 2:53 PM
To: Herman, Matt HLTH:EX
Subject: cover emails for the regulatory discussion paper.

Matt – we have some general groups of people who may be interested in the discussion paper. I think a cover email would be good. I think Arlene should send it out to the HAs – but she or you could do it to the other groups.

Main groups

- HAs
- Major NGOs – all the major BC health groups, UBCM
- Major business organizations
- E-cig retailers and their affiliates
- All BC School Superintendents

This would be the general scope of the email to HAs – and we would amend it for the other groups

As you know, earlier this year the Government of BC passed legislation intended to reduce youth access and exposure to vapour products. The legislation also restricted tobacco and vapour product used on health authority property. We are now seeking input from interested parties on the scope of potential regulations related to this legislation. The regulations will provide further detail on the specifics of the requirements around these products. I am pleased to attach a discussion paper that outlines the options for the regulation of vapour products and some additional changes to the regulations regarding tobacco products.

I would appreciate it if you would review this paper and provide **one response from the _____ Health Authority.** The attached regulatory discussion paper provides information on the scope of the proposed regulation and how to respond.

Sincerely,

Arlene Paton

From: [Canitz, Shelley L HLTH:EX](#)
To: [Lindstein, Sarah GCPE:EX](#)
Cc: [Heinze, Laura R GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#)
Subject: RE: Draft In- regulations for e-cig
Date: Wednesday, January 27, 2016 4:06:33 PM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 DRAFT.docx](#)
Importance: High

Here are my comments – if ok with you, please send on to Matt – I will let him know this is imminent

From: Lindstein, Sarah GCPE:EX
Sent: Wednesday, January 27, 2016 3:43 PM
To: Canitz, Shelley L HLTH:EX
Cc: Heinze, Laura R GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: Draft In- regulations for e-cig

Shelley- I've done a quick IN off the information in the BN you gave me. Can you please review and let me know if any changes? And if there are any more updates...

Thanks
Sarah

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Canitz, Shelley L HLTH:EX](#); [Stovel, Laura GCPE:EX](#)
Cc: [Parasram, Karen HLTH:EX](#)
Subject: RE: draft version of the consultation paper
Date: Tuesday, October 6, 2015 10:29:00 AM
Attachments: [TVPCA October 2 GCPE.DOCX](#)

Laura made a couple of comments on the doc but still needs to make it look pretty. Otherwise fine.
When do you need that back by?

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Canitz, Shelley L HLTH:EX
Sent: Tuesday, October 6, 2015 10:06 AM
To: Stovel, Laura GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX
Subject: RE: draft version of the consultation paper

Carlene/Laura – any concerns?

From: Canitz, Shelley L HLTH:EX
Sent: Friday, October 2, 2015 11:30 AM
To: Stovel, Laura GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX
Subject: Re: draft version of the consultation paper

my brain is failing me....

From: Canitz, Shelley L HLTH:EX
Sent: October-02-15 11:27 AM
To: laurel.stovel@gov.bc.ca; Thistle-Walker, Carlene GCPE:EX
Cc: Parasram, Karen HLTH:EX
Subject: draft version of the consultation paper

Laura - will you please make this doc look polished? Carlene, any comments on the doc?

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: may I have the latest IN re cigs or the vapour leg?
Date: Wednesday, January 20, 2016 1:28:00 PM
Attachments: [IN E-cig Legislation Discussion Paper Jan 19 16 FINAL.docx](#)

This should be it.

Carlene Thistle-Walker | Communications Manager

Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Canitz, Shelley L HLTH:EX
Sent: Wednesday, January 20, 2016 1:20 PM
To: Thistle-Walker, Carlene GCPE:EX
Subject: may I have the latest IN re cigs or the vapour leg?

Shelley Canitz - Director

Tobacco Control and Injury Prevention
Healthy Living and Health Promotion Branch Population and Public Health Division Ministry of Health
250 952 2304

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From: [Plank, Sarah GCPE:EX](#)
To: [Heinze, Laura R GCPE:EX](#)
Subject: RE: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30
Date: Thursday, November 19, 2015 1:41:04 PM

Sure

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 1:34 PM
To: Plank, Sarah GCPE:EX
Subject: Fwd: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Do you want to send to John since you spoke w him and I'm out for a wee bit?

Sent from my iPhone

Begin forwarded message:

From: "Lake, Terry HLTH:EX" <Terry.Lake@gov.bc.ca>
Date: November 19, 2015 at 1:32:57 PM PST
To: "Heinze, Laura R GCPE:EX" <Laura.Heinze@gov.bc.ca>
Cc: hlth Ministerial and Executive Assistants <hlthmaea@Victorial.gov.bc.ca>, "Belanger, Matthew GCPE:EX" <Matthew.Belanger@gov.bc.ca>, "Beneteau, Nicole GCPE:EX" <Nicole.Beneteau@gov.bc.ca>, "Frattaroli, Angela GCPE:EX" <Angela.Frattaroli@gov.bc.ca>, "Heinze, Laura R GCPE:EX" <Laura.Heinze@gov.bc.ca>, "Lawrie, Hannah GCPE:EX" <Hannah.Lawrie@gov.bc.ca>, "MacDougall, Cindy GCPE:EX" <Cindy.MacDougall@gov.bc.ca>, "May, Stephen GCPE:EX" <Stephen.May@gov.bc.ca>, "Plank, Sarah GCPE:EX" <Sarah.Plank@gov.bc.ca>, "Shepherd, Brent GCPE:EX" <Brent.Shepherd@gov.bc.ca>, "Thistle-Walker, Carlene GCPE:EX" <Carlene.ThistleWalker@gov.bc.ca>
Subject: Re: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

No - please send bullets.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 12:43 PM
To: Lake, Terry HLTH:EX
Cc: hlth Ministerial and Executive Assistants; Belanger, Matthew GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; Heinze, Laura R GCPE:EX; Lawrie, Hannah GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX; Plank, Sarah GCPE:EX; Shepherd, Brent GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Minister,

Global is looking to get you on menthol cigarettes this afternoon, if possible. Not sure if

you have the opportunity to do a quick on camera?

Our messages are below.

Reporter: John Hua

Media Outlet: Global

Phone Number: 604-351-7072

Email: john.hua@globalnews.ca

Deadline: 2:30

Call Time: 12:31

Topic: Menthol cigarettes – re: following other provinces’ leads and banning menthol cigarettes all together

Messaging:

Will we be banning menthol cigarettes?:

- Menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.
- The federal legislation is targeting sweet-flavoured tobacco that is most attractive to youth.

If asked about the federal legislation is not going far enough to protect youth from flavoured tobacco and Ontario and Alberta have introduced their own legislation on flavoured tobacco- why aren’t we?

- We are confident that, between the federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth.
- Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.
- Governments need to be as efficient as possible, which is why we’ve been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products.
- It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.
- B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.
- B.C. believes the proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

From: [Lake, Terry HLTH:EX](#)
To: [Heinze, Laura R GCPE:EX](#)
Cc: [hlth Ministerial and Executive Assistants](#); [Belanger, Matthew GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [Lawrie, Hannah GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [May, Stephen GCPE:EX](#); [Plank, Sarah GCPE:EX](#); [Shepherd, Brent GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#)
Subject: Re: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30
Date: Thursday, November 19, 2015 1:36:59 PM

Right - and with new fed govt we may more regulation. We have always advocated for a federal approach to be most effective.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 1:10 PM
To: Lake, Terry HLTH:EX
Cc: hlth Ministerial and Executive Assistants; Belanger, Matthew GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; Lawrie, Hannah GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX; Plank, Sarah GCPE:EX; Shepherd, Brent GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX
Subject: RE: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Minister,

Just wanted to add to this for your info – the reporter’s assertion that “all provinces” are moving in this direction is not accurate.

Our info is that only three provinces have made moves to restrict menthol:

Alberta

Ontario

Nova Scotia

Also of note, both Alberta and Nova Scotia are now facing legal challenges to those plans from the tobacco companies.

From: Heinze, Laura R GCPE:EX
Sent: Thursday, November 19, 2015 12:43 PM
To: Lake, Terry HLTH:EX
Cc: hlth Ministerial and Executive Assistants; Belanger, Matthew GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; Heinze, Laura R GCPE:EX; Lawrie, Hannah GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX; Plank, Sarah GCPE:EX; Shepherd, Brent GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: MEDIA REQUEST: John Hua - Global - Mentol Cigarette ban - 604-351-7072 - DL 2:30

Minister,

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Media Outlet: Global

Phone Number: 604-351-7072

Email: john.hua@globalnews.ca

Deadline: 2:30

Call Time: 12:31

Topic: Menthol cigarettes – re: following other provinces’ leads and banning menthol cigarettes all together

Messaging:

Will we be banning menthol cigarettes?:

- Menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.
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If asked about the federal legislation is not going far enough to protect youth from flavoured tobacco and Ontario and Alberta have introduced their own legislation on flavoured tobacco- why aren’t we?

- We are confident that, between the federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth.
- Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.
- Governments need to be as efficient as possible, which is why we’ve been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products.
- It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.
- B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.
- B.C. believes the proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

From: [Lake, Terry HLTH:EX](#)
To: [Heinze, Laura R GCPE:EX](#)
Cc: [May, Stephen GCPE:EX](#); [Belanger, Matthew GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Shepherd, Brent GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [Pilling, Lisa GCPE:EX](#); [Lawrie, Hannah GCPE:EX](#); [Plank, Sarah GCPE:EX](#); [hlth Ministerial and Executive Assistants](#)
Subject: Re: MEDIA REQUEST: Richard Zussman/CBC Kelowna -- Flavoured tobacco -- DL: ASAP
Date: Friday, January 22, 2016 11:58:35 AM

This is fine. I did NL on this as well.

Terry Lake DVM
Minister of Health

On Jan 22, 2016, at 11:32 AM, "Heinze, Laura R GCPE:EX" <Laura.Heinze@gov.bc.ca> wrote:

Hi there,

Judy Darcy is speaking out today on the issue of flavoured tobacco it seems. We have a couple of requests from CBC (one from CBC Kelowna and one from Richard Zussman) on a reply. Their turnaround time (at least Richard's) is quite tight, as he's pulling this together for noon, so I gave him the highlights on background over the phone that the feds were moving on it and it is something that we've been working with them on -- that they are in the best position to legislate nationally, and look to be making progress on that front.

However, I have also said I'd send a more formal statement ASAP -- is the below ok?
This is based on our previous responses and messaging.

Reporter: Richard Zussman and Josh Page

Media Outlet: CBC/CBC Kelowna

Phone Number:

Email:

Deadline:

Call Time: 1130/1100

Topic: Flavoured tobacco

The province is confident that, between federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth. Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.

Governments need to be as efficient as possible, which is why we've been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products. It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.

That is why we are pleased that in December 2015 the federal government's new regulations came into effect and will further restrict the use of flavours that appeal to youth in cigars. These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.

B.C. believes proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Laura Heinze

Manager, Media Relations – Ministry of Health

(250) 952-3387

(cell) 250-208-6295

Laura.Heinze@gov.bc.ca

From: [Plank, Sarah GCPE:EX](#)
To: [Thistle-Walker, Carlene GCPE:EX](#)
Cc: [Heinze, Laura R GCPE:EX](#)
Subject: **s.13**
Date: Tuesday, March 8, 2016 6:33:02 PM

Indeed!

Would you mind tomorrow putting it in the calendar for May for now just so we don't lose track of it?

Thank you!!

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

On Mar 8, 2016, at 6:18 PM, Thistle-Walker, Carlene GCPE:EX
<Carlene.ThistleWalker@gov.bc.ca> wrote:

Excellent. Hopefully Ange will be on the tobacco file by then :)

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Plank, Sarah GCPE:EX
Sent: Tuesday, March 8, 2016 5:07 PM
To: Thistle-Walker, Carlene GCPE:EX
Cc: Heinze, Laura R GCPE:EX
Subject: **s.13**

s.13

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Plank, Sarah GCPE:EX](#)
Cc: [Heinze, Laura R GCPE:EX](#)
Subject: s.13
Date: Tuesday, March 8, 2016 6:18:45 PM

Excellent. Hopefully Ange will be on the tobacco file by then :)

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Plank, Sarah GCPE:EX
Sent: Tuesday, March 8, 2016 5:07 PM
To: Thistle-Walker, Carlene GCPE:EX
Cc: Heinze, Laura R GCPE:EX
Subject: s.13

s.13

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

On Mar 8, 2016, at 4:59 PM, Thistle-Walker, Carlene GCPE:EX
<Carlene.ThistleWalker@gov.bc.ca> wrote:

I don't think anything needed from us here?

Carlene Thistle-Walker | Communications Manager
Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Thiessen-Wale, Katherine HLTH:EX
Sent: Tuesday, March 8, 2016 4:57 PM
To: Canitz, Shelley L HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: s.13

s.13

Katherine Thiessen-Wale
Director, Legislation
Legislation and Intergovernmental Relations Branch
Ministry of Health
250-952-2283 / 250-216-6441

From: Canitz, Shelley L HLTH:EX
Sent: Tuesday, March 8, 2016 4:15 PM
To: Thiessen-Wale, Katherine HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: s.13

s.13

(Arlene – anything else to add?)

Shelley Canitz - Director
Tobacco Control and Injury Prevention
Healthy Living and Health Promotion Branch Population and Public Health Division Ministry of Health
250 952 2304

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From: [Thistle-Walker, Carlene GCPE:EX](#)
To: [Plank, Sarah GCPE:EX](#)
Cc: [Heinze, Laura R GCPE:EX](#)
Subject: **s.13**
Date: Tuesday, March 8, 2016 7:12:34 PM

You betcha!

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Plank, Sarah GCPE:EX
Sent: Tuesday, March 8, 2016 6:33 PM
To: Thistle-Walker, Carlene GCPE:EX
Cc: Heinze, Laura R GCPE:EX
Subject: **s.13**

Indeed!

Would you mind tomorrow putting it in the calendar for May for now just so we don't lose track of it?

Thank you!!

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

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<Carlene.ThistleWalker@gov.bc.ca> wrote:

Excellent. Hopefully Ange will be on the tobacco file by then :)

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From: Plank, Sarah GCPE:EX
Sent: Tuesday, March 8, 2016 5:07 PM
To: Thistle-Walker, Carlene GCPE:EX
Cc: Heinze, Laura R GCPE:EX
Subject: **s.13**

s.13

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

On Mar 8, 2016, at 4:59 PM, Thistle-Walker, Carlene GCPE:EX
<Carlene.ThistleWalker@gov.bc.ca> wrote:

I don't think anything needed from us here?

Carlene Thistle-Walker | Communications Manager
Government Communications & Public Engagement
B.C. Ministry of Health

Tel: 250.952.1644 | **Mobile:** 250.812.3291 | **email:** carlene.thistle-walker@gov.bc.ca

From: Thiessen-Wale, Katherine HLTH:EX
Sent: Tuesday, March 8, 2016 4:57 PM
To: Canitz, Shelley L HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: RE: ^{s.13}

s.13

Katherine Thiessen-Wale
Director, Legislation
Legislation and Intergovernmental Relations Branch
Ministry of Health
250-952-2283 / 250-216-6441

From: Canitz, Shelley L HLTH:EX
Sent: Tuesday, March 8, 2016 4:15 PM

To: Thiessen-Wale, Katherine HLTH:EX; Tes, Sabryna HLTH:EX
Cc: Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX; Thistle-Walker, Carlene GCPE:EX
Subject: s.13

s.13

(Arlene – anything else to add?)

Shelley Canitz - Director

Tobacco Control and Injury Prevention

Healthy Living and Health Promotion Branch Population and Public Health Division Ministry of Health
250 952 2304

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From: [Andrachuk, Andrea HLTH:EX](#)
To: [Foran, Grace E HLTH:EX](#); [Cowan, Darynn HLTH:EX](#); [Docs Processing HLTH:EX](#)
Cc: [Plank, Sarah GCPE:EX](#); [Stearn, Anne HLTH:EX](#)
Subject: RE: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 2:24:17 PM

Hi Grace,

I see this has been sent to Lynn for final approval before going over to the MO. As per our discussion we will wait until she has approved and then send to the MO.

Thanks,

Andrea Andrachuk | Manager/Executive Operations

Office of the Deputy Minister

Ministry of Health

P: 250.952.1908 | C: 250.217.3655 | email: andrea.andrachuk@gov.bc.ca

From: Foran, Grace E HLTH:EX
Sent: Thursday, October 22, 2015 2:17 PM
To: Cowan, Darynn HLTH:EX; Docs Processing HLTH:EX; Andrachuk, Andrea HLTH:EX
Cc: Plank, Sarah GCPE:EX
Subject: FW: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper
See the answer below. Kathy, do you have the BN, etc. If so, are you able expedite its coming over to me, pls. so we can get it officially into the MO.

From: Scheffel, Emile HLTH:EX
Sent: Thursday, October 22, 2015 2:14 PM
To: Foran, Grace E HLTH:EX
Cc: Merrifield, Katy HLTH:EX
Subject: RE: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Grace,

I've reviewed and have no concerns, but I don't believe it has formally made its way to the Minister yet. Would prefer it come directly from program for his signoff.

Sorry I didn't make that clear earlier, I thought it would proceed through the same channels as a DBN.

Thanks E

From: Foran, Grace E HLTH:EX
Sent: Thursday, October 22, 2015 2:12 PM
To: Scheffel, Emile HLTH:EX
Subject: Quick Q: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Emile: Arlene's office is asking whether the Minister/MO has reviewed the consultation paper that Arlene sent on Tuesday, as they wanted to get the paper posted today I believe if possible. Please advise....many thanks!!

From: Paton, Arlene HLTH:EX
Sent: Tuesday, October 20, 2015 11:27 AM
To: Scheffel, Emile HLTH:EX
Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX
Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input. Please let me know if any concerns, thank you!

Regards,
Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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From: [Plank, Sarah GCPE:EX](#)
To: [Canitz, Shelley L HLTH:EX](#)
Cc: [Scalzo, Lee G HLTH:EX](#); [Parasram, Karen HLTH:EX](#); [Herman, Matt HLTH:EX](#); [Lindstein, Sarah GCPE:EX](#)
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change
Date: Friday, January 29, 2016 2:47:43 PM

Here is what I would recommend:

Thank you for your important input about the development of new regulations related to the *Tobacco and Vapour Products Control Act* during the consultation in November 2015. Given the large volume of feedback we received, we are continuing to review the submissions. As you know, the consultation document had proposed an implementation date of February 1, 2016. Based on the feedback we received, and the lead-time retailers will require to implement the changes required, we expect the regulation will come into force later this spring. We will continue to keep you informed as further details are confirmed.

Thanks,
Sarah.

From: Canitz, Shelley L HLTH:EX
Sent: Friday, January 29, 2016 2:16 PM
To: Plank, Sarah GCPE:EX
Cc: Scalzo, Lee G HLTH:EX; Parasram, Karen HLTH:EX; Herman, Matt HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

Sarah – I will watch on the weekend and Monday for word back from you
Shelley

From: Plank, Sarah GCPE:EX
Sent: Friday, January 29, 2016 2:09 PM
To: Canitz, Shelley L HLTH:EX
Cc: Scalzo, Lee G HLTH:EX; Parasram, Karen HLTH:EX; Paton, Arlene HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

Hi Shelley, The minister has not yet approved this, so we need to hang tight on sending anything. I expect we may not hear back from him on it today.

I think we probably need to just keep answering inquiries as one-offs until he has signed off on the approach for moving forward.

That said, I will get back to you shortly with some updated language so it is ready to go when we get the go-ahead.

Sarah.

From: Canitz, Shelley L HLTH:EX
Sent: Friday, January 29, 2016 2:07 PM
To: Plank, Sarah GCPE:EX
Cc: Scalzo, Lee G HLTH:EX; Parasram, Karen HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

Sarah – any updated language yet? We are ready here to send message out to distribution list as soon as we get it

From: Plank, Sarah GCPE:EX
Sent: Friday, January 29, 2016 8:11 AM
To: Canitz, Shelley L HLTH:EX; Barnes, Renee A HLTH:EX
Cc: Scalzo, Lee G HLTH:EX; Parasram, Karen HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

I will want to tweak this a bit, if the minister gives approval re: timeline. I will get to that a bit later this morning. The minister hasn't yet got the BN, so we don't know what he will want yet. Will keep you posted.

S.

From: Canitz, Shelley L HLTH:EX
Sent: Friday, January 29, 2016 8:10 AM
To: Plank, Sarah GCPE:EX; Barnes, Renee A HLTH:EX
Cc: Scalzo, Lee G HLTH:EX; Parasram, Karen HLTH:EX
Subject: FW: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change
Any updates? Do let me know when we can send this out
thanks

From: Paton, Arlene HLTH:EX
Sent: Thursday, January 28, 2016 6:17 PM
To: Canitz, Shelley L HLTH:EX; Barnes, Renee A HLTH:EX; Plank, Sarah GCPE:EX
Cc: Herman, Matt HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

I've tweaked it a little below, otherwise looks fine to me, Shelley. Sarah, what do you think?

Thank you for your important input about the development of new regulations related to the *Tobacco and Vapour Products Control Act* during the consultation in November 2015. Given the large volume of feedback we have received, we are currently reviewing submissions and will not be bringing in new regulations on February 1, 2016 (the potential date mentioned in the consultation paper). We will confirm the implementation date shortly.

We just need to get the green light from the minister's office re sending it out. Thanks.

Regards,

Arlene Paton

Assistant Deputy Minister

Population and Public Health

Ministry of Health

PO Box 9646 Stn Prov Govt

Victoria BC V8W 9P1

Tel: 250-952-1731

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From: Canitz, Shelley L HLTH:EX
Sent: Thursday, January 28, 2016 4:06 PM
To: Barnes, Renee A HLTH:EX; Plank, Sarah GCPE:EX
Cc: Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX
Subject: RE: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change

Sarah and Arlene – how is this for a proposed email

Thank you for your important input into the consultation process. We will not be bringing in the regulations on February 1, 2016, and will confirm the implementation date at a later time.

From: Barnes, Renee A HLTH:EX
Sent: Thursday, January 28, 2016 4:01 PM
To: Canitz, Shelley L HLTH:EX

Cc: Herman, Matt HLTH:EX; Paton, Arlene HLTH:EX
Subject: REVISED - URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change
Importance: High

NEW DIRECTION:

- Once your email has been developed for stakeholders, please send to Arlene and Sarah Plank (copy me).
- Sarah (GCPE) will obtain MTL approval and will review from an issues perspective PRIOR to going out tomorrow.

From: Barnes, Renee A HLTH:EX
Sent: Thursday, January 28, 2016 3:58 PM
To: Canitz, Shelley L HLTH:EX
Cc: Herman, Matt HLTH:EX
Subject: URGENT ACTION REQ - Email to Stakeholders tomorrow re: e-cig legislation date change
Importance: High

Hi there,

As I understand, the MIN DBN (1043464) has not reached the MO yet.

One of the options for MTL was to keep the Feb. 1 implementation date. Since this Monday is February 1, we have run out of time for MIN to review and make a decision.

As you know the attached IN was just drafted to cover off this topic.

ACTION REQUIRED:

- Shelley – Arlene has asked if you would send out emails tomorrow (Jan. 29) to the stakeholders that were involved in the consultation process.
 - Please say something to the effect:
 - “Thank you for your important input into the consultation process. We will not be bringing in the regulations on February 1, 2016, and will confirm the implementation date to you at a later time.”

Renee Barnes

Executive Coordinator

Assistant Deputy Minister's Office, Population and Public Health

Ministry of Health | Mobile: 250 886-2944 | Phone: 250 952-1468

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From: Barnes, Renee A HLTH:EX
Sent: Thursday, January 28, 2016 3:51 PM
To: Plank, Sarah GCPE:EX
Cc: Lindstein, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Heinze, Laura R GCPE:EX
Subject: ADM APPROVED w/DIRECTION - IN on e-cig legislation date change
Importance: High

Arlene has approved; however, a final copy of this needs to be sent to Kellie O'Brien in the MO!

Sarah - will you send to Kellie?

Next steps:

- I believe the DBN for the Minister only reached their office today or hasn't as yet.
- As we have stated that Feb. 1 is one of the choices in the DBN and that is Monday, we need to delay.
- Kellie needs to review this with MTL immediately.
- Therefore, tomorrow PPH will extend an email out to the stakeholders who responded to the

consultation advising them that we will not be bringing in the regulation on Feb 1 and will look at a later date (TBD).

Renee Barnes

Executive Coordinator

Assistant Deputy Minister's Office, Population and Public Health

Ministry of Health | Mobile: 250 886-2944 | Phone: 250 952-1468

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From: Lindstein, Sarah GCPE:EX

Sent: Thursday, January 28, 2016 9:44 AM

To: Barnes, Renee A HLTH:EX

Cc: Heinze, Laura R GCPE:EX; Thistle-Walker, Carlene GCPE:EX

Subject: For Arlene's review- IN on e-cig legislation date change

Hi Renee- I did up a quickie IN on this. Matt Herman and Shelley Canitz have reviewed and are good with this.

Can you please have Arlene review asap?

Thanks

From: [Heinze, Laura R GCPE:EX](#)
To: [Scheffel, Emile HLTH:EX](#)
Cc: [Merrifield, Katy PREM:EX](#); [Plank, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [May, Stephen GCPE:EX](#)
Subject: RE: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 11:15:03 AM

As soon as the minister approves it ☺

From: Scheffel, Emile HLTH:EX
Sent: Thursday, October 22, 2015 10:44 AM
To: Heinze, Laura R GCPE:EX
Cc: Merrifield, Katy HLTH:EX; Plank, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX
Subject: Re: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Thanks! Do we have a confirmed posting date?

From: Heinze, Laura R GCPE:EX
Sent: Thursday, October 22, 2015 10:43 AM
To: Scheffel, Emile HLTH:EX
Cc: Merrifield, Katy HLTH:EX; Plank, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX
Subject: FW: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi there,

Attached is an IN on this consultation/the legislation. Just let me know if any questions.

Thx

Laura

From: Paton, Arlene HLTH:EX
Sent: Tuesday, October 20, 2015 11:27 AM
To: Scheffel, Emile HLTH:EX
Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX
Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input. Please let me know if any concerns, thank you!

Regards,

Arlene Paton

Assistant Deputy Minister

Population and Public Health

Ministry of Health

PO Box 9646 Stn Prov Govt

Victoria BC V8W 9P1

Tel: 250-952-1731

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From: [Merrifield, Katy HLTH:EX](#)
To: [Heinze, Laura R GCPE:EX](#); [Scheffel, Emile HLTH:EX](#)
Cc: [Plank, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#); [Lindstein, Sarah GCPE:EX](#); [Beneteau, Nicole GCPE:EX](#); [Frattaroli, Angela GCPE:EX](#); [MacDougall, Cindy GCPE:EX](#); [May, Stephen GCPE:EX](#)
Subject: RE: Tobacco and Vapour Products Control Act Regulation Discussion Paper
Date: Thursday, October 22, 2015 4:47:53 PM

This is now approved!

Katy Merrifield

Chief of Staff to the Honourable Terry Lake

Minister of Health

Office: (250) 953-3547

Katy.Merrifield@gov.bc.ca

From: Heinze, Laura R GCPE:EX
Sent: Thursday, October 22, 2015 11:15 AM
To: Scheffel, Emile HLTH:EX
Cc: Merrifield, Katy HLTH:EX; Plank, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX
Subject: RE: Tobacco and Vapour Products Control Act Regulation Discussion Paper

As soon as the minister approves it ☺

From: Scheffel, Emile HLTH:EX
Sent: Thursday, October 22, 2015 10:44 AM
To: Heinze, Laura R GCPE:EX
Cc: Merrifield, Katy HLTH:EX; Plank, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX
Subject: Re: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Thanks! Do we have a confirmed posting date?

From: Heinze, Laura R GCPE:EX
Sent: Thursday, October 22, 2015 10:43 AM
To: Scheffel, Emile HLTH:EX
Cc: Merrifield, Katy HLTH:EX; Plank, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX; Lindstein, Sarah GCPE:EX; Beneteau, Nicole GCPE:EX; Frattaroli, Angela GCPE:EX; MacDougall, Cindy GCPE:EX; May, Stephen GCPE:EX
Subject: FW: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi there,

Attached is an IN on this consultation/the legislation. Just let me know if any questions.

Thx
Laura

From: Paton, Arlene HLTH:EX

Sent: Tuesday, October 20, 2015 11:27 AM

To: Scheffel, Emile HLTH:EX

Cc: Cowan, Darynn HLTH:EX; Herman, Matt HLTH:EX; Canitz, Shelley L HLTH:EX; Plank, Sarah GCPE:EX

Subject: Tobacco and Vapour Products Control Act Regulation Discussion Paper

Hi Emile – am sending you the consultation paper with cover BN by email as we're trying to post the paper in the next day or two if possible and GCPE wanted to make sure that you and the minister were aware. I don't believe there is anything unanticipated in the paper and we have a list of associations and interested parties to whom we will send the paper to directly, seeking their input.

Please let me know if any concerns, thank you!

Regards,

Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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From: [Stevenson, Lynn HLTH:EX](#)
To: [Plank, Sarah GCPE:EX](#)
Subject: RE: tobacco and vapour products reg
Date: Thursday, January 28, 2016 4:50:12 PM

Yes I just went back and reread this (to be clear I did see and earlier draft of the bn but sent it back as it was not clear).. **s.13**

s.13

From: Plank, Sarah GCPE:EX
Sent: Thursday, January 28, 2016 4:46 PM
To: Stevenson, Lynn HLTH:EX
Subject: RE: tobacco and vapour products reg

From Laura in my office:

This is what we've said to media in the past when asked when the regulation was going to be implemented. **s.13**

- The legislation outlines the scope of change we intend to implement. The regulations will provide greater detail on how the legislation will be implemented, and we will seek feedback on the implementation of the regulations.
- The date of implementation of the regulation is to be determined, but will be within the year.
- Businesses and organizations will need some time to prepare for when this legislation is brought into force by regulation.

s.13

Thx, S.

From: Plank, Sarah GCPE:EX
Sent: Thursday, January 28, 2016 4:45 PM
To: Stevenson, Lynn HLTH:EX
Subject: tobacco and vapour products reg

This is the draft BN...

S.

Sarah Plank

Communications Director | Ministry of Health

Government Communications & Public Engagement

Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

From: [Lindstein, Sarah GCPE:EX](#)
To: [Canitz, Shelley L HLTH:EX](#)
Cc: [Herman, Matt HLTH:EX](#); [Heinze, Laura R GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#)
Subject: RE: update on vaping regulations?
Date: Wednesday, January 27, 2016 3:07:23 PM

Thanks for the heads up Shelley

From: Canitz, Shelley L HLTH:EX
Sent: Wednesday, January 27, 2016 3:04 PM
To: Lindstein, Sarah GCPE:EX
Cc: Herman, Matt HLTH:EX
Subject: FW: update on vaping regulations?
Importance: High

FYI – the first para is the area of concern – he represents a number of BC vapour products retailers.

From: Michael Geoghegan [[mailto: s.22](#)]
Sent: Wednesday, January 27, 2016 3:00 PM
To: Herman, Matt HLTH:EX
Cc: Canitz, Shelley L HLTH:EX; Dylan Godfrey; Dylan Godfrey; Scheffel, Emile HLTH:EX; Kendall, Perry HLTH:EX; Lake.MLA, Terry LASS:EX
Subject: update on vaping regulations?
Importance: High

Hi Matt:

I just left a message with Shelley. We were hoping to receive an update on the vaping regulations and I was told by Shelley this would happen before February as we are now rapidly approaching that date I was wondering where we were on that.

Also further to the email I sent previously, here is some additional information I hope you would be interested in: <http://www.churnmag.com/news/smokers-who-switch-to-vaping-dramatically-improve-cardiovascular-health/>

In a new **study** pioneered by Dr. Konstantinos Farsalinos, researchers recruited a group of smokers and offered them the chance to switch to vaping. Scientists monitored their progress for a full year. By the end of the study, some had completely quit smoking, others had reduced their cigarette use dramatically, and some had continued tobacco use with no major changes. Those who had completely switched to vaping or reduced their tobacco consumption by both smoking and vaping experienced major changes to their heart health.

Many of the smokers had worrisome hypertension at the beginning of the study. But after switching completely to vaping, there was an average decline in systolic blood pressure of 16.3 mm Hg. Those who were dual users (both vaping and smoking) also lowered their blood pressure by an average of 10.8 mm Hg.

Perhaps most interesting of all, the researchers found that those who quit smoking and vaping completely had no further decrease in their blood pressure than those who ditched cigarettes and substituted with vaping. Ultimately, just by trading tobacco cigs for vapor devices, participants were able to continue the experience of smoking while experiencing dramatic benefits to their cardiovascular health.

This study is significant because it contradicts several previous misconceptions about vaping. Many health advocates have claimed that when smokers switch the vaping, they still experience increased cardiovascular risk because they still use nicotine. This study proves that this simply isn't true.

Sincerely,

Michael Geoghegan

cell 250-881-0969

From: [Michael Geoghegan](#)
Sent: Wednesday, December 16, 2015 4:03 PM
To: Matt.Herman@gov.bc.ca
Cc: [Shelley L HLTH:EX Canitz](#) ; [Dylan Godfrey](#) ; [Dylan Godfrey](#) ; [Emile HLTH:EX Scheffel](#) ; [Perry HLTH:EX Kendall](#) ; terry.lake.MLA@leg.bc.ca
Subject: UK Prime Minister endorses e-cigarettes in Question period

Matt:

I thought you might also be interested in knowing that in a recent Question period British Prime Minister David Cameron has endorsed e-cigarettes in helping people quit smoking as sees it as something that "helps the health of the nation":

<https://www.youtube.com/watch?v=JWLkTrgb8Vo&app=desktop>

Michael Geoghegan

www.mgcltd.ca

cell 250-881-0969

From: [Michael Geoghegan](#)
Sent: Wednesday, December 16, 2015 10:45 AM
To: Matt.Herman@gov.bc.ca
Cc: [Shelley L HLTH:EX Canitz](#) ; [Dylan Godfrey](#) ; [Dylan Godfrey](#) ; [Emile HLTH:EX Scheffel](#) ; [Perry HLTH:EX Kendall](#)
Subject: Scotland's largest health board is to allow the use of electronic cigarettes within its hospital grounds.

Hi Matt:

All the best of the season to you. I wanted to make sure you were aware of the fact that **Scotland's largest health board is to allow the use of electronic cigarettes within its hospital grounds.** Tobacco smoking was banned in all health grounds in Scotland in April, but health boards were given discretion over the use of vaping devices. NHS Lothian was the only one of the 13 health boards at the time to allow restricted use of e-cigarettes. NHS Greater Glasgow and Clyde has said it will do so too, after new evidence that they help tackle tobacco smoking.

The link to the story is here: <http://www.bbc.com/news/uk-scotland-glasgow-west-35102530>

Health regulations regarding vaping should not be governed by the deep pockets of big pharma and big tobacco but by what science is telling us. Speaking of which you may have heard of the popcorn lung issue being raised by Harvard. The Harvard study whipped up a storm of hyperbolic headlines including [“Harvard study finds that E-cigarette flavors cause lung disease”](#) and [“Chemicals in Flavored E-Cigarettes Tied To ‘Popcorn Lung’ Disease.”](#)

But [Dr. Konstantinos Farsalinos](#), an expert on e-cigarette research and an opponent of putting diacetyl in e-liquids, writes, **“tobacco cigarette smoke contains high levels of diacetyl and acetyl propionyl, on average 100 and 10 times higher,” compared to average e-cigarette exposure:**

<http://dailycaller.com/2015/12/09/how-the-media-totally-exaggerated-study-on-risk-of-popcorn-lung-from-e-cigarettes/#ixzz3uVfWNNiQ>

We have an opportunity to get this right by doing what is correct from a scientific basis and by keeping the principles of harm reduction first and foremost. You have an opportunity to make smoking obsolete with a device that is 94% less toxic.

Sincerely,

Michael Geoghegan
www.mgcltd.ca
cell 250-881-0969

From: [Michael Geoghegan](#)

Sent: Saturday, November 21, 2015 6:53 PM

To: Matt.Herman@gov.bc.ca

Cc: [Shelley L HLTH:EX Canitz](#) ; [Dylan Godfrey](#) ; [Dylan Godfrey](#) ; [Emile HLTH:EX Scheffel](#)

Subject: a billion lives documentary

Matt:

I wanted to make sure you saw this video for a new documentary coming out regarding efforts by big pharma and big tobacco to suppress vaping <https://www.youtube.com/watch?v=O11lyOp7vQ0>

Mike Geoghegan
www.mgcltd.ca
cell 250-881-0969

From: [Michael Geoghegan](#)
Sent: Friday, November 20, 2015 11:33 PM
To: Matt.Herman@gov.bc.ca
Cc: [Shelley L HLTH:EX Canitz](#) ; [Dylan Godfrey](#) ; [Dylan Godfrey](#) ; [Emile HLTH:EX Scheffel](#)
Subject: thank you fro the conference call Friday afternoon

Dear Matt Herman:

Thank you for the conference call Friday afternoon. We strongly believe that the BC Ministry of Health working with the BC Vapour Alliance British Columbia will have the best outcome in terms of the health and safety of consumers.

Given the positive nature of the discussion we are now hopeful that our concerns and suggestions will be incorporated into a revised set of vaping regulations. In addition to following up with Ottawa and Health Canada we remain willing to work with your on the other matters you raised in the conference call.

I also want to pass along my thanks to Emile for helping to set this conference call up.

Kindest regards,

Michael Geoghegan
www.mgcltd.ca
cell 250-881-0969



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Lindstein, Sarah GCPE:EX](#)
To: [Plank, Sarah GCPE:EX](#); [Thistle-Walker, Carlene GCPE:EX](#)
Subject: RE: update re: tobacco and vapour control act
Date: Wednesday, October 28, 2015 1:43:48 PM
Attachments: [QA Tobacco legislation updated Jun 1 15.docx](#)
[2015HLTH0011-000285.pdf](#)

We should have this covered well in our existing materials- I've dug some up, but if they don't meet what exactly you're looking for- I would check with Shelley.

Sarah Lindstein | Public Affairs Officer

Government Communications & Public Engagement

B.C. Ministry of Health

Sarah.Lindstein@gov.bc.ca

Please note new number: 250-952-2462

From: Plank, Sarah GCPE:EX
Sent: Wednesday, October 28, 2015 1:41 PM
To: Lindstein, Sarah GCPE:EX; Thistle-Walker, Carlene GCPE:EX
Subject: Fwd: update re: tobacco and vapour control act
FYI...

Also, do we have materials that say what the specific changes will be as a result of the regulations? Or should I ask Shelley? I don't want to ask if we already have that info in our materials. Where will I find them?

Thx, S.

Sarah Plank

Communications Director | Ministry of Health

Government Communications & Public Engagement

Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

Begin forwarded message:

From: "Plank, Sarah GCPE:EX" <Sarah.Plank@gov.bc.ca>
Date: October 28, 2015 at 1:39:28 PM PDT
To: "Canitz, Shelley L HLTH:EX" <Shelley.Canitz@gov.bc.ca>
Cc: "Parasram, Karen HLTH:EX" <Karen.Parasram@gov.bc.ca>
Subject: Re: update re: tobacco and vapour control act

Thanks so much Shelley. This is very helpful.

As far as our materials, news release and op/Ed are good ideas. Probably some social media content too for the main gov online channels, minister and health authorities.

S.

Sarah Plank

Communications Director | Ministry of Health

Government Communications & Public Engagement

Mobile: [250.208.9621](tel:250.208.9621) | Email: sarah.plank@gov.bc.ca

Sent from my iPhone

On Oct 28, 2015, at 1:34 PM, Canitz, Shelley L HLTH:EX <Shelley.Canitz@gov.bc.ca> wrote:

Sarah – another issue is preparing the HA enforcement staff to begin their progressive enforcement of the legislation. Karen will be leading that with the HAs. Some of her materials (e.g. policy manuals) might be publicly posted on our website.

From: Canitz, Shelley L HLTH:EX

Sent: Wednesday, October 28, 2015 9:41 AM

To: Plank, Sarah GCPE:EX

Cc: Parasram, Karen HLTH:EX

Subject: RE: update re: tobacco and vapour control act

Sarah – as it may be hard for us to meet on this, I will give a high level overview of what I think is needed and we can start from there.

1. Consultation period ends Nov 20. I expect it may take us a couple of weeks to process information and brief up. If there are no major changes, we can finalize the regulation fairly quickly. However, if some significant points are raised, it may take us a while to go through legal advice and drafting – so that would push the date back. I will try to keep you informed closer to that time – certainly, when we finalize the BN for the Minister.
2. Depending on the date of implementation (proposed as Feb 1 2016 but it is subject to change, based on feedback during consultation), we would want to give as much warning as possible to retailers that sell e-cigs. Unfortunately, there is no registration system for those products so we do not have a way of contacting them.
3. One way to contact them is to send a final copy of the regs and any communications materials to all on our consultation distribution list – it includes major retail orgs, health orgs and e-cig associations, as well as individuals and health authorities.
4. I think we need some GCPE support to talk about this in a plain language way – NR, maybe an op-ed, some ads/fact sheets or something – any suggestions from your end?

Thanks

Shelley

From: Plank, Sarah GCPE:EX

Sent: Monday, October 26, 2015 6:03 PM

To: Canitz, Shelley L HLTH:EX

Subject: update re: tobacco and vapour control act

Hi Shelley,

I have a reference to this in my ministry comm plan which I am working to finalize. Can you tell me a little more about what you see as the communications roll-out looking like for this?

Consultations on the new regulation related to the new [Tobacco and Vapour Products Control Act](#) will occur in Fall 2015, with the regulation brought into force in Winter 2015/16.

What do you think is needed?

Thanks,

Sarah.

Sarah Plank

Communications Director | Ministry of Health

Government Communications & Public Engagement

Office: 250.952.1889 | Mobile: 250.208.9621 | Email:

sarah.plank@gov.bc.ca

CORE MESSAGING

Updated: Jan. 2016

Ministry of Health

TOBACCO

- Tobacco use is the single most preventable cause of disease and death in British Columbia.
- B.C. is committed to reducing smoking throughout the province, and protecting all British Columbians from the danger of second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 15.3 per cent.
- As part of this commitment and our commitment to healthy families, we are investing \$38 million in B.C.'s smoking cessation program which offers smokers the choice of coverage for nicotine replacement therapies or prescription drugs.
- By doing this we are making the healthy choice the easier choice. By reducing the number of people who smoke, not only will we prevent or delay the onset of diseases like heart attacks and cancer, but also avoid the millions of dollars cost on our health care system.

Facts about government work on tobacco

- In addition to having the nation's lowest smoking rate, smokers 45 and over has dropped from 18.7 per cent in 2011 to 15.3 percent in 2013/14.
- Since it began in 2011, the province has invested more than \$38 million into the program. More than 187,000 have used the program to try to quit; that's 25% of British Columbians who smoke.

- We have a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
 - Through B.C.'s smoking cessation program, British Columbians have access to a free 12-week supply of nicotine gum, patches, lozenge or inhaler or, if they are on Fair PharmaCare, coverage of prescription smoking cessation medication.
 - Government provides annual funding to BC Lung Association for QuitNow.
 - Smoking is banned inside all public/work places and within a three-metre buffer zone around the doors and windows of most public buildings and workplaces. Both the retail display and promotion of tobacco where youth can see it, and sales of tobacco in public buildings, is banned.
 - In 2008, all health authorities in B.C. went smoke-free, which means smoking is restricted on all health authority property, including hospitals and health facilities.
 - Knowing that most people start smoking before age 18, all K to 12 school grounds in B.C. are completely tobacco free.
 - To ensure children are no longer subjected to second-hand smoke in any vehicle, smoking in vehicles is prohibited when children under 16 are present.

Facts about e-cigarette legislation and flavoured tobacco

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.

- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our first goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.

Flavored tobacco:

- The Premier's mandate letter in June 2014 required us to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- I'm pleased to see that in December 2015, the federal government new regulations came into effect and will further restrict the use of flavours that appeal to youth in cigars.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Key Messages – Tobacco in Pharmacies

July 2, 2015

- British Columbia's approach has always been to allow pharmacies to make the choice to sell tobacco or not voluntarily, rather than imposing a ban. Because of legislation in B.C., tobacco displays and promotions are not allowed in stores where youth have access – so a store that contains a pharmacy will not see tobacco products on display.
- In addition to a number of pharmacies in B.C. taking steps to stop selling tobacco, we are also seeing pharmacists, as medical professionals, becoming more active in providing advice on tobacco cessation. This includes pharmacies located in grocery stores, warehouses, and larger department-like stores.
- In fact, the QuitNow.ca website has videos available that show how pharmacists can help smokers best quit smoking. We are pleased to see many pharmacists helping customers by providing advice on tobacco cessation – many of those who receive medications through the BC Smoking Cessation Program pick up their products from their pharmacy.
- The fact is pharmacies are the only retail environment with knowledgeable cessation experts on site and the only retail site where nicotine replacement therapies are sold.
- The Clean Air Coalition has put out a document that says most pharmacies in B.C. don't sell tobacco (55 per cent do not).
- Currently, B.C. enjoys the lowest tobacco use rates in the country, at 15.3 per cent.

From: [Plank, Sarah GCPE:EX](#)
To: ["john.hua@globalnews.ca"](mailto:john.hua@globalnews.ca)
Subject: Statement from ministry of health
Date: Thursday, November 19, 2015 1:50:19 PM

Hi John,

As discussed, here is a statement from the ministry of health...

The province is confident that, between federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth. Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.

Governments need to be as efficient as possible, which is why we've been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products. It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.

B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.

B.C. believes proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Also, just in case this stat is helpful to you, menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.

Feel free to get back in touch if you have any questions.

Thanks,
Sarah.

Sarah Plank
Communications Director | Ministry of Health
Government Communications & Public Engagement
Office: 250.952.1889 | Mobile: 250.208.9621 | Email: sarah.plank@gov.bc.ca

Key Messages – Tobacco Litigation Document Application

July 8, 2015

- This is a ruling on an application for part of a very important case.
- We reviewed the judge's ruling thoroughly, and have given notice that we will be seeking leave to appeal.
- Holding tobacco companies accountable is a priority for the B.C. government and we are doing everything we can to ensure a successful outcome on behalf of British Columbians.
- Our government has been a leader in Canada when it comes to efforts to recover tobacco-related health care costs.
- This is a lengthy, complex and very significant case.
- Our government also is dedicated to ensuring the sanctity and privacy of British Columbian's personal health records – this is what we have been fighting for in this hearing.

If asked about case length:

- From the outset of this litigation, the tobacco industry has sought ways to derail it. Its attempts, including constitutional and jurisdictional challenges and various appeals, have been unsuccessful and although the industry has caused significant delays, B.C.'s commitment and determination to hold tobacco companies to account will not waver.
- Just as B.C. did what was required to successfully resolve its smuggling claims against some of the defendant tobacco companies, we will do everything we can to ensure a successful outcome for British Columbians in this case. It is a complex and significant case and we are entirely committed to seeing it through.

If asked about case cost:

- In 2012, British Columbia partnered with five other Canadian provinces to retain a national legal consortium to prosecute health-

care cost-recovery claims against Canadian tobacco manufacturers.

- The lawyers on this case, representing B.C., New Brunswick, Nova Scotia, Saskatchewan, Manitoba and Prince Edward Island, are working on a contingency fee basis to pursue the individual claims of all of these provinces. B.C. will only pay a fee if the consortium is successful.
- Government does not disclose legal case costs until the case is resolved.

If asked about data protection:

- The government of B.C. takes the privacy and security of British Columbians' health data seriously.
- We are currently reviewing the case, and determining what next steps will be. Anything else is speculative at this point.
- As we consider our decision going forward – including whether we will appeal – the security and confidentiality of health data will be our paramount consideration.
- We will continue to look out for the best interest of British Columbians and their personal health data in this case.

Key Messages – Tobacco Litigation Document Application

Sept 10, 2015

- This is a ruling on an application for part of a very important case.
- We reviewed the judge's ruling thoroughly, and have given notice that we will be seeking leave to appeal.
- Holding tobacco companies accountable is a priority for the B.C. government and we are doing everything we can to ensure a successful outcome on behalf of British Columbians.
- Our government has been a leader in Canada when it comes to efforts to recover tobacco-related health care costs.
- This is a lengthy, complex and very significant case.
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- Just as B.C. did what was required to successfully resolve its smuggling claims against some of the defendant tobacco companies, we will do everything we can to ensure a successful outcome for British Columbians in this case. It is a complex and significant case and we are entirely committed to seeing it through.

If asked about case cost:

- In 2012, British Columbia partnered with five other Canadian provinces to retain a national legal consortium to prosecute health-

care cost-recovery claims against Canadian tobacco manufacturers.

- The lawyers on this case, representing B.C., New Brunswick, Nova Scotia, Saskatchewan, Manitoba and Prince Edward Island, are working on a contingency fee basis to pursue the individual claims of all of these provinces. B.C. will only pay a fee if the consortium is successful.
- Government does not disclose legal case costs until the case is resolved.

If asked about data protection:

- The government of B.C. takes the privacy and security of British Columbians' health data seriously.
- We have given notice that we will be seeking leave to appeal.
- The security and confidentiality of health data was one of our considerations in this decision.
- We will continue to look out for the best interest of British Columbians and their personal health data in this case.

From: [Lindstein, Sarah GCPE:EX](#)
To: [Herman, Matt HLTH:EX](#)
Cc: [Canitz, Shelley L HLTH:EX](#); [Heinze, Laura R GCPE:EX](#)
Subject: Updated- IN on e-cig date for provisions
Date: Thursday, January 28, 2016 8:03:50 AM
Attachments: [IN E-cig Legislation Implementation Date Jan 26 16 DRAFT.docx](#)

Matt- as Shelley mentioned and reviewed for me, the date for provisions isn't going to be Feb. 1

Can you have a look at the changes, and let me know if ok to send to Arlene?

Thx

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Jan.27 2016

Minister Responsible: Terry Lake

E-cig Legislation Implementation Date Change

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia introduced amendments to the Tobacco Control Act to regulate vapour products. The legislation will help stop the growing use of e-cigarettes by young people in B.C., with provisions enforced by health authority enforcement officers.
- The consultation process closed on Nov. 20, 2015 and the review of feedback is now complete (end of January 2016).
- The provisions were originally proposed to come into force Feb. 1, 2016, tentatively and subject to change.
- Given the time needed to review the feedback and the concern by retailers and consumers that Feb. 1, 2016 is too soon for the regulations to come into force, it is recommended the implementation be delayed.

ADVICE AND RECOMMENDED RESPONSE:

- **Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.**
- **The evidence as to their benefits and harms has not been established.**
- **That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.**
- **Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.**
- **This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.**
- **The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.**
- **We welcomed stakeholder review of the proposed regulations, and take their concerns seriously. Their feedback has helped us shape the regulations and we will consider their concerns as we review timelines for the regulations to come into force.**
- **We will not be bringing in the regulations on February 1, as the paper proposed, and will confirm the implementation date at a later time**

Communications Contact: Sarah Lindstein Reviewer:
Program Area Contact: Shelley Canitz
File Created: Jan. 27 2016
File Updated:
File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Jan.27 2016

Minister Responsible: Terry Lake

E-cig Legislation Implementation Date Change

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia introduced amendments to the Tobacco Control Act to regulate vapour products. The legislation will help stop the growing use of e-cigarettes by young people in B.C., with provisions enforced by health authority enforcement officers.
- The legislative amendments mean that e-cigarettes will be treated similarly to other tobacco products, including age restrictions, restrictions on display advertising and bans on public and health authority properties and in workplaces, once the Tobacco and Vapour Products Regulation comes into force.
- The regulation provides greater detail on how the legislation will be implemented.
- The ministry's consultation with stakeholders on the proposed new regulation closed on Nov. 20, 2015. A large volume of feedback was received.
- The consultation paper proposed that the regulation come into force Feb. 1, 2016.
- Many retailers expressed concern with a Feb. 1, 2016 implementation date, as they will need sufficient lead time to implement changes to come into compliance.
- The Feb. 1st date was not included in any of the original announcement materials. Subsequent media responses have indicated that the date of implementation of the regulation is yet to be determined.
- The ministry is summarizing and considering feedback from the consultation before finalizing the draft regulation.

ADVICE AND RECOMMENDED RESPONSE:

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- We consulted with stakeholders on the proposed regulation late last year, and are currently considering their feedback.
- This feedback will help us make sure we get the regulation right.
- Based on the feedback we received, and the lead-time retailers will require to implement the changes required, we expect the regulation will come into force later this spring.

Communications Contact: Sarah Lindstein
Program Area Contact: Shelley Canitz
File Created: Jan. 27 2016
File Updated:
File Location:

Reviewer:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Jan.27 2016

Minister Responsible: Terry Lake

E-cig Legislation Implementation Date Change

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia introduced amendments to the Tobacco Control Act to regulate e-cigarettes. The legislation will help stop the growing use of e-cigarettes by young people in B.C., with provisions enforced by health authority enforcement officers.
- The consultation process closed on Nov. 20, 2015 and the review of feedback is now complete (end of January 2016).
- The provisions were originally proposed to come into force Feb. 1, 2016, tentatively and subject to change.
- Given the time needed to review the feedback and the concern by retailers and consumers that Feb. 1, 2016 is too soon for the regulations to come into force, it is recommended the implementation be delayed until May 1, 2016 or later.

Comment [SC1]: Should we call them vapour products, as the legislation uses that phrase?

s.13

ADVICE AND RECOMMENDED RESPONSE:

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.

- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.
- We welcomed stakeholder review of the proposed regulations, and take their concerns seriously. Their feedback has helped us shape the regulations and we will consider their concerns as we review timelines for the regulations to come into force.
- We will not be bringing in the regulations on February 1, as the paper proposed, and will confirm the implementation date at a later time

Comment [SC3]: Sarah - I think we need to say that the start date isn't next Monday

Communications Contact: Sarah Lindstein Reviewer:
 Program Area Contact: Shelley Canitz
 File Created: Jan. 27 2016
 File Updated:
 File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Jan. 19, 2016

Minister Responsible: Terry Lake

Discussion Paper on E-cig Legislation

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia has introduced amendments to the Tobacco Control Act to regulate e-cigarettes, legislation that will help stop the growing use of e-cigarettes by young people in B.C.
- The Tobacco Control Amendment Act amends the Tobacco Control Act to include requirements for retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to make it possible to create regulations to ensure that no retail displays are targeted to youth and no retail advertising for e-cigarettes is shown where youth can see it.
- As well, the amendments will ensure e-cigarettes are not sold in public buildings and their use is banned on public and private school grounds as well as in indoor public spaces and workplaces.
- These amendments also add prohibitions on tobacco and e-cigarette use on health authority properties; however health authorities will have the ability to set designated smoking/vaping areas if they wish.
- Next steps will be finalizing the regulation that will give additional detail to the legislation.
- A discussion paper was sent to stakeholders for input on the regulations, including:
 - Date of coming into force.
 - Minimum age of customers and required identification.
 - Restrictions on the promotion, sale and use of vapour products.
 - An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
 - The use of vapour products and tobacco on health authority property.
- Many of the current regulations related to tobacco remain unchanged.
- The consultation process closed on Nov. 20, 2015 and feedback is being reviewed.
- Currently, these provisions are proposed to come into force February 1, 2016 and will be enforced by health authority enforcement officers, but this is tentative and subject to change.

ADVICE AND RECOMMENDED RESPONSE:

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.

- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.
- We welcomed stakeholder review of the proposed regulations and they were asked to provide feedback before November 20, 2015. Regulations will be finalized after the review process.

Communications Contact: Sarah Lindstein Reviewer:
 Program Area Contact: Shelley Canitz
 File Created: Oct. 20, 2015
 File Updated: Jan. 19, 2016
 File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Nov. 26, 2015

Minister Responsible: Terry Lake

Flavoured Tobacco

BACKGROUND REGARDING THE ISSUE:

- On Dec. 14, 2015 amendments to the federal Tobacco Act will further restrict flavours used to market cigars that appeal to youth — expanding the laws from the current limit of up to 1.4 grams to now include cigars up to 6 grams.
- Under the federal Tobacco Act, Health Canada began restricting the sale of certain tobacco products with additives intended to produce youth-oriented flavouring in 2010.
- However, tobacco companies began producing larger products (over 1.4 grams) to avoid the ban.
- The federal changes will eliminate the vast majority of flavoured products that continue to be on the market. The amendments include:
 - Banning additives (that create youth-oriented flavours) in cigars weighing more than 1.4 g but less than 6 g, excluding the weight of any mouthpiece or tip.
 - Banning additives (that create youth-oriented flavours) in cigars that have characteristics like a straight seam and have tipping paper — a traditional cigar is wrapped with leaves, while a mass-produced cigar will have straight seams like a cigarette.
- These new regulations will cover the less-expensive candy or fruit flavoured cigar used by youth and will eliminate the vast majority of flavoured products that continue to be on the market.
- The changes do not include a ban on menthol tobacco.
- In November 2014, Minister Lake wrote to the federal government, urging them to ban all forms of flavoured tobacco and include menthol as a banned flavour.
- In May 2015, Nova Scotia became the first province in Canada to ban flavoured tobacco, including menthol.
- Two tobacco companies are challenging Nova Scotia's legislation on the grounds the province exceeded its legal authority with the ban.
- Alberta has also banned flavoured tobacco as of June 1, 2015 and also banned menthol tobacco, which was originally exempt from the legislation, on Sept. 30, 2015. Alberta is also being challenged in court by a tobacco company.
- New Brunswick, Quebec and Ontario are also planning to implement bans, including menthol.

History

- In October 2013 the Canadian Cancer Society called on the federal and provincial governments to ban all flavoured tobacco products, saying that by masking the harsh taste of tobacco, flavoured tobacco may be a gateway product for youth.
- Later in October 2013, Premier Clark confirmed that the province is investigating options for banning the sale of flavoured cigarettes in B.C.
- However, B.C. has not proceeded with banning flavoured tobacco, as the province believes the federal changes will capture the majority of the tobacco market that targets

youth.

- A Youth Smoking Survey conducted by the Canadian Cancer Society measured flavoured tobacco use in 30 days for the first time and showed that nine per cent of youth (247,000 students) used at least one flavoured tobacco product in the past 30 days.
- While B.C. has never regulated the content of tobacco products, it previously had a regulation that required manufacturers to report on cigarette additives, ingredients and smoke constituents. This required significant scientific resources to monitor the regulation.

ADVICE AND RECOMMENDED RESPONSE:

- We know that tobacco use is the single most preventable cause of disease and death in British Columbia.
- Addressing the impact of these products on youth is a concern that all jurisdictions across Canada have, including British Columbia.
- In December, the federal government will put into force changes to the Tobacco Act that further restrict flavours used to market cigars that appeal to youth.
- I'm pleased with the federal changes; the B.C. Ministry of Health feels the changes will significantly reduce the flavours in tobacco that appeal to young people.
- B.C.'s position on this issue has always been that the federal government is in the best position to regulate the content of tobacco products.
- In fact, in June 2015, I received the Premier's mandate letter, which required me to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- That goal has been met with these changes.
- B.C. agrees that restrictions on youth-oriented flavoured tobacco should be the same across Canada — so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- As a result of the federal changes, BC will not be banning flavourings itself, as the federal action protects young people across the country.

Secondary

- B.C. has a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
- Most recently, B.C. introduced legislation to reduce youth access to e-cigarettes.
- Since 2008, throughout B.C. youth have been protected from ads, countertop displays and background walls of tobacco packages.
- Tobacco use of any form is banned 365 days a year on K-12 public and private school grounds, regardless of whether school is in session.
- The Motor Vehicle Act bans smoking in cars when those under 16 are present.
- Licensed day cares and vehicles used to transport children are smoke-free.

ADVICE TO MINISTER

- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 16.2 per cent.

If asked about provinces banning menthol tobacco:

- When I urged the federal government to ban all flavoured tobacco products, I also asked them to consider including menthol as a banned flavour.
- However, menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.

Communications Contact: Cindy MacDougall Reviewer:
Program Area Contact: Shelley Canitz
File Created: Oct. 24, 2013
File Updated: Jun 2, 2015; Nov. 26, 2015
File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Arlene Paton		Laura Heinze

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: Oct. 20, 2015

Minister Responsible: Terry Lake

Discussion Paper on E-cig Legislation

BACKGROUND REGARDING THE ISSUE:

- On March 5, 2015, British Columbia has introduced amendments to the Tobacco Control Act to regulate e-cigarettes, legislation that will help stop the growing use of e-cigarettes by young people in B.C.
- The Tobacco Control Amendment Act amends the Tobacco Control Act to include requirements for retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to make it possible to create regulations to ensure that no retail displays are targeted to youth and no retail advertising for e-cigarettes is shown where youth can see it.
- As well, the amendments will ensure e-cigarettes are not sold in public buildings and their use is banned on public and private school grounds as well as in indoor public spaces and workplaces.
- These amendments also add prohibitions on tobacco and e-cigarette use on health authority properties; however health authorities will have the ability to set designated smoking/vaping areas if they wish.
- Next steps will be finalizing the regulation that will give additional detail to the legislation.
- A discussion paper will be sent to stakeholders for input on the regulations, including:
 - Date of coming into force.
 - Minimum age of customers and required identification.
 - Restrictions on the promotion, sale and use of vapour products.
 - An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
 - The use of vapour products and tobacco on health authority property.
- Many of the current regulations related to tobacco remain unchanged.
- The consultation process closes on Nov. 20, 2015 and regulations will be finalized after the feedback is reviewed.
- Currently, these provisions are proposed to come into force February 1, 2016 and will be enforced by health authority enforcement officers, but this is tentative and subject to change.

ADVICE AND RECOMMENDED RESPONSE:

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.
- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.

- Our primary goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cigarette use in public spaces.
- We are welcoming stakeholder review of the proposed regulations and they are asked to provide feedback before November 20, 2015. Regulations will be finalized after the review process.

Communications Contact: Sarah Lindstein Reviewer:
 Program Area Contact: Shelley Canitz
 File Created: Oct. 20, 2015
 File Updated:
 File Location:

Minister's Office	Program Area	Deputy	Media Manager
	Shelley Canitz	Arlene Paton	Laura Heinze

Regulatory Discussion Paper:

Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

This paper has been developed by the Ministry of Health to seek comments and feedback on the development of proposed regulations regarding vapour products and tobacco control in British Columbia.

In April 2015, the Government of B.C. passed legislation aimed at stopping the use of vapour products by young people in B.C.; the *Tobacco Control Amendment Act* received Royal Assent on May 14, 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour and tobacco products in British Columbia.

The next step will be finalizing the regulation that will give additional detail to the legislation passed earlier this year. This regulatory discussion paper outlines the general scope of the proposed regulatory requirements. The ministry seeks input on the elements of the proposed regulation that deal with:

- ▶ Date of coming into force.
- ▶ Minimum age of customers and required identification.
- ▶ Restrictions on the promotion, sale and use of vapour products.
- ▶ An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
- ▶ The use of vapour products and tobacco on health authority property.

Many of the current regulations related to tobacco remain unchanged.

These provisions are proposed to come into force February 1, 2016 and will be enforced by health authority enforcement officers. Enforcement officers will use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers comply with the regulation. Background information on the penalties for contravening the legislation is set out in Appendix 1 of this document for reference by respondents.

Respondents are encouraged to review the proposed regulatory approach described in this paper and e-mail feedback to the ministry by 11:59 pm on **November 20, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted. An optional template for response is provided in Appendix 2 at the end of this paper.

The *Tobacco Control Amendment Act* can be found at the following location:

https://www.leg.bc.ca/content/data%20-%20ldp/Pages/40th4th/3rd_read/gov14-3.htm.

It is important to note that the information set out in this paper is for consultation purposes only and should not be relied upon to interpret the Act or the regulation. The final regulation may differ from the proposals in this paper.

1. Date of coming into force.

It is proposed that the regulation will come into force on February 1, 2016.

2. Minimum age of customer.

The ministry proposes that retailers be permitted to sell vapour products only to those nineteen years of age and older.

(This proposal is the same as the current requirements for the sale of tobacco.)

3. Proof of age.

The ministry proposes that retailers of vapour products confirm a customer's age by relying upon one of the following forms of identification:

- ▶ a passport;
- ▶ a driver's licence that displays a photograph and the date of birth of the holder; or
- ▶ an identification card issued by a government agency, displaying a photograph and the date of birth of the holder.

(This proposal is the same as the current requirements for the purchase of tobacco.)

4. Place where vapour products cannot be sold.

Section 2.1 of the proposed *Tobacco and Vapour Products Control Act* outlines places where vapour products are not to be sold. The proposed regulation provides additional information on the places where vapour products are not to be sold, including:

- ▶ any place on the campus of a public university or post-secondary institution that is used for education, research or student services.
- ▶ on public body property (e.g., property owned by municipalities; regional districts; library boards; Vancouver Park Board; or Islands Trust councils, committees or boards).

(This proposal is the same as the current requirements for the sale of tobacco.)

5. Prohibitions on display or promotion of vapour products.

Retailers who sell vapour products must ensure that those under 19 years of age cannot see the retail display or promotion of vapour products. If those under 19 years of age are allowed into a place where vapour products are sold (e.g., convenience store or gas station), then there can be no display or promotion of vapour products. A retailer cannot advertise or promote vapour product brands on signs, videos, clothing or other tangible objects to which youth have access.

If only adults are allowed into a place where vapour products are sold, then the adult-oriented store must ensure that no display or promotion of vapour products can be seen from the outside by a minor.

(This proposal is the same as the current requirements for the display or promotion of tobacco.)

6. Retail signage restrictions.

Inside stores that youth can enter, retailers will be permitted to inform the public that tobacco or vapour products are for sale, with up to three general signs that meet the following criteria:

- ▶ Each sign must not be larger than 968 cm² (approximately a letter-sized sheet of paper).
- ▶ The background of the sign must be white and the text of the sign must be black, with numbers/text up to 5 cm in height.
- ▶ The only graphic or design permitted is the "\$" symbol in front of a price.
- ▶ The sign(s) must not include the name, abbreviation or any other thing that could identify a vapour product brand or manufacturer.
- ▶ The sign(s) may advertise only the types of vapour products for sale and the price range for those vapour products.

Stores that restrict youth from entering will be allowed to display promotional signage inside the adult-only area and not visible to youth from outside that area.

7. Use of vapour products in public spaces and workplaces.

These restrictions apply to public spaces and workplaces that are fully or substantially enclosed. A building, structure or vehicle is fully or substantially enclosed when it has a roof or other covering and more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it. Nominal wall space is determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

The ministry proposes that:

- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of a workplace. A workplace is any place in which a person performs services in return for compensation and includes any places that are used in conjunction with the workplace (e.g., bathroom, meeting room, coffee/break room). If the workplace is in a private home, then vapour products cannot be used in that workplace by any person during any period in which a person performs services in return for compensation.
- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of public places such as cafes, stores, casinos, bars, common areas of multi-unit dwellings (e.g., hallways and laundry rooms of apartment buildings, condominiums and dormitories) and transit shelters.

(The proposals listed above are the same as the current requirements for the use of tobacco.)

The ministry proposes that:

- ▶ Tobacco and vapour product use will also be prohibited within a buffer zone of six metres of open windows, air intakes and doorways of these public and workplaces. Managers, owners, lessees and employers will not be responsible for vapour use within these areas as long as people are just passing through the area and are not customers, clients or employees of the public/workplace. It is also important to note that local governments, agencies, owners and managers can set buffer zones that are larger than the zone set by regulation; if a larger buffer zone exists, it takes precedence.

(This proposal increases the buffer zone for tobacco from three metres to six metres and sets the same buffer zone of six metres for vapour products.)

The ministry proposes that vapour product use will be allowed in the following areas:

- ▶ Near a transit shelter, including within the buffer zone.
- ▶ On the patio of a public place that sells food or beverages, or of a casino or bingo hall, as long as the patio is not fully or substantially enclosed and any doorway or air intake between the patio and public place is closed.
- ▶ Within the sleeping or private rooms of a hotel if vapour product use is permitted (although use is banned in common public or work areas such as hallways and banquet rooms).
- ▶ A person in care or a resident (as per the *Community Care and Assisted Living Act* or the *Hospital Act*) may use a vapour product within a room designated for use within a community care facility, assisted living residence or a hospital, if one is provided. Please refer to section 4.23 of the Tobacco Control Regulation for the definition of "person in care or resident."

(These proposals are the same as the current requirements for the use of tobacco.)

8. Restrictions on use of tobacco and vapour products on health authority sites.

The ministry proposes that the use of tobacco and vapour products be restricted at sites owned, leased or operated by Island Health, Vancouver Coastal Health, Fraser Health, Interior Health, Northern Health, the Provincial Health Services Authority and the Providence Health Care Society. If one of these entities wants to allow the use of tobacco and/or vapour products on its grounds, the entity must designate specific areas for that purpose.

Appendix 1: Information on enforcement and penalties for contraventions

Health authority enforcement officers will enforce the legislation and use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers of vapour products comply with the legislation.

Tickets

It is important to note that ticket amounts will be set under the Violation Ticket and Fines Administration Regulation, which is administered by the Ministry of Justice. If an enforcement officer decides to write a ticket, proposed ticket amounts are:

- ▶ Sell vapour products to person under 19: \$575.00
- ▶ Sell vapour products where prohibition order applies: \$575.00
- ▶ Sell vapour products in prohibited place: \$575.00
- ▶ Use vapour products on school property: \$58.00
- ▶ Permit vapour products on school property: \$58.00
- ▶ Use vapour products in prohibited place: \$575.00
- ▶ Permit vapour products use in prohibited place: \$575.00
- ▶ Permit vapour products in workplace: \$575.00
- ▶ Display vapour products in prohibited manner: \$575.00
- ▶ Promote vapour products in prohibited manner: \$575.00
- ▶ Fail to display prohibition order sign: \$575.00
- ▶ Fail to display prohibition sign in accordance with requirements: \$575.00
- ▶ Fail to display point of sale signs: \$345.00

Administrative Hearings

The regulation will specify which matters may be subject to an administrative hearing, the range of penalties that the administrator may impose, and the factors that the administrator must consider when assessing penalties. The ministry proposes that sections of the regulation that deal with the sale and display/promotion of vapour products be included in the administrative penalty system. In addition, the proposed regulation will provide that:

- ▶ The notice of hearing will be in writing, delivered at least forty-five days before the hearing and will describe the contravention and the date, time and place of the hearing.
- ▶ A person may apply to the administrator for an adjournment, but granting an adjournment will be at the administrator's discretion.
- ▶ A hearing may be written, electronic and/or oral.

- ▶ If, after notice has been served, a person fails to attend a hearing or make submissions, the administrator may proceed with the hearing.
- ▶ A defence of due diligence is available.
- ▶ Factors to be considered in imposing a penalty will include any prior written warnings from enforcement officers concerning the subject matter of the contravention, whether the person has an ownership interest in the business found to be in contravention or is an employee or agent.

Contravention	Penalty		
	First Contravention	Second Contravention	Subsequent Contravention
<ul style="list-style-type: none"> • Selling vapour products to a minor • Selling from a place that is prohibited because of an order of the administrator 	\$0-1000 fine and/or 0-30 day prohibition period	\$0-3000 fine and/or 0-90 day prohibition period	\$0-5000 fine and/or 0-180 day prohibition period
<ul style="list-style-type: none"> • Displaying, advertising or promoting vapour products where youth have access • Failure to post prohibition sign 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-4000 fine and/or 30-90 day prohibition period	\$4000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to post point of sale signs 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-3000 fine and/or 30-90 day prohibition period	\$3000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to pay monetary penalty within 30 days 	0-30 day prohibition period	30-90 day prohibition period	90-180 day prohibition period

(This proposal is similar to the current administrative hearing penalties for tobacco-related contraventions.)

If a retailer has been found, through the administrative hearing process, to have contravened the legislation and is prohibited from selling vapour products, signs must be posted to inform customers. The signs will describe the scope of the prohibition (tobacco, vapour products or tobacco and vapour products) and the signs must be posted at:

- ▶ each place where a tobacco or vapour product was displayed for sale at the location identified in the order, and
- ▶ each entrance to the location identified in the order.

Each sign must contain the address of the location, dates on which the prohibition period starts and ends, and specific wording advising that a contravention has occurred and the retailer cannot sell tobacco and/or vapour products.

Appendix 2: Template for Responses to the Regulatory Discussion Paper

Written comments can come in any form, but if respondents wish to use a template to organize their responses, they may fill in this template and send it in to the ministry. Respondents may reply to one, some or all sections.

Name:

Address:

Email:

Telephone:

Date of Written Submission:

1. Date of coming into force.
2. Minimum age of customer.
3. Proof of age.
4. Place where vapour products cannot be sold.
5. Prohibitions on display or promotion of vapour products.
6. Retail signage restrictions.
7. Use of vapour products in public and workplaces.
8. Restrictions on use of tobacco and vapour products on health authority sites.

**MINISTRY OF HEALTH
DECISION BRIEFING NOTE**

CHff # 1043464

PREPARED FOR: Honourable Terry Lake, Minister - **FOR DECISION**

TITLE: Recommendations for the Tobacco and Vapour Products Regulation

PURPOSE: To receive the Minister's feedback on the responses to the consultation on the proposed elements for the Tobacco and Vapour Products Regulation

BACKGROUND:

In October 2015, the Ministry of Health released a paper outlining the proposed Tobacco and Vapour Products Control Regulation (Appendix A). It was sent to those who wrote to the Minister/Ministry on the *Tobacco Control Amendment Act*, health advocacy groups, health authorities (HAs), the Union of British Columbia Municipalities (UBCM), business organizations and school superintendents. The majority of submissions came from current users (110 submissions) and retailers (12 submissions) of vapour products. Responses were also received from vapour products organizations; Canadian Cancer Society, BC Lung Association, regional HAs/Provincial Health Services Authority, one local government and the UBCM (see Appendix B for a synopsis of submissions).

DISCUSSION:

In their submissions, many current users and retailers outlined how vapour products helped them quit tobacco use. Some felt that Ministry was wrong to have any vapour products legislation; others stated that vapour products and tobacco should not be treated the same way, as vapour products are far less harmful than tobacco. Other users, retailers and vapour product associations that did support the regulation going ahead stated that:

1. vapour products can be the tool to help many end their dependence on tobacco so legislation should be narrower in scope (many felt you should be able to test the product in stores so that consumers can try the devices and flavours; others felt there was no harm in the second-hand vapour so indoor use should be allowed);
2. minors should not be allowed to buy vapour products;
3. February 1, 2016 implementation is too soon; choose May 1, 2016 or later and;
4. it would be best if the province delayed finalization until the federal government confirms the scope of their regulation.

Regional HAs were primarily concerned about two key issues:

1. there is no registration for vapour product retailers so they do not know where products are sold (tobacco retailers need a Ministry of Finance authorization);

s.13

Health advocacy organizations were generally supportive but did call for a ban on use on hospitality patios, a 7.5 metre buffer zone and a range of other tobacco control changes.

DECISIONS:

1. s.13

s.13

2.

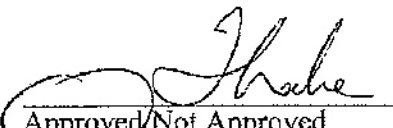
3.

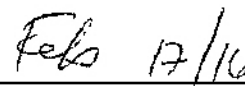
FINANCIAL IMPLICATIONS:

The Ministry provided \$1.175 million in 2015/16 to the regional HAs to support tobacco enforcement. Given the new legislation and subsequent additional need for vapour product enforcement, the Ministry is planning to increase funding by \$500,000 to the regional HAs for a total of \$1.675 million in regional HA tobacco enforcement in 2016/17. The ministry has also allocated internal resources of approximately \$50,000 for the design of new point of sale signs, editing of policy manuals and additional administrative hearings.

RECOMMENDATIONS:

s.13


Approved/Not Approved
Honourable Terry Lake
Minister of Health


Date Signed

Program ADM/Division:
Telephone:
Program Contact (for content):
Drafter:
Date:

Arlene Paton, Population and Public Health Division
(250) 952-1731
Shelley Canitz, Director, Tobacco Control, HL&HP
Shelley Canitz, Director, Tobacco Control, HL&HP
January 26, 2016

**MINISTRY OF HEALTH
INFORMATION BRIEFING NOTE**

Cliff # 10412394

PREPARED FOR: Honourable Terry Lake - **FOR INFORMATION**

TITLE: Discussion Paper: Proposed Tobacco and Vapour Products Control Regulation

PURPOSE: To provide an overview of the stakeholder consultation process that will receive feedback on the proposed elements of the Tobacco and Vapour Products Control Regulation

BACKGROUND:

The *Tobacco Control Amendment Act* received Royal Assent in May 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour products in British Columbia. Health authorities will also be required to restrict tobacco and vapour product use on their property.

DISCUSSION:

A discussion paper outlines the general scope of the proposed regulatory requirements. The ministry seeks input on the elements of the proposed regulation that deal with:

- Date of coming into force.
- Minimum age of customers and required identification.
- Restrictions on the promotion, sale and use of vapour products.
- An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
- The use of vapour products and tobacco on health authority property.

Ministry staff will send the discussion paper electronically to interested parties – general groupings are:

- Health authorities.
- Major non-government organizations – all the major health advocacy organizations, Union of BC Municipalities, health professional groups, university/research organizations.
- Major business organizations.
- E-cig retailers and their affiliates.
- All BC School Superintendents.

The paper will also be posted on the Ministry website.

ADVICE:

The consultation period closes November 20, 2015 and the regulations will be finalized after reviewing the submissions.

Program ADM/Division: Arlene Paton, Population and Public Health Division
Telephone: 250.952.1731
Program Contact (for content): Shelley Canitz, Director, Tobacco Control, HLB
Drafter: Shelley Canitz, Director, Tobacco Control, HLB
Date: October 19, 2015

Regulatory Discussion Paper: Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

This paper has been developed by the Ministry of Health to seek comments and feedback on the development of proposed regulations regarding vapour products and tobacco control in British Columbia.

In April 2015, the Government of B.C. passed legislation aimed at stopping the use of vapour products by young people in B.C.; the *Tobacco Control Amendment Act* received Royal Assent on May 14, 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour and tobacco products in British Columbia.

The next step will be finalizing the regulation that will give additional detail to the legislation passed earlier this year. This regulatory discussion paper outlines the general scope of the proposed regulatory requirements. The ministry seeks input on the elements of the proposed regulation that deal with:

- ▶ Date of coming into force.
- ▶ Minimum age of customers and required identification.
- ▶ Restrictions on the promotion, sale and use of vapour products.
- ▶ An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
- ▶ The use of vapour products and tobacco on health authority property.

Many of the current regulations related to tobacco remain unchanged.

These provisions are proposed to come into force February 1, 2016 and will be enforced by health authority enforcement officers. Enforcement officers will use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers comply with the regulation. Background information on the penalties for contravening the legislation is set out in Appendix 1 of this document for reference by respondents.

Respondents are encouraged to review the proposed regulatory approach described in this paper and e-mail feedback to the ministry by 11:59 pm on **November 20, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted. An optional template for response is provided in Appendix 2 at the end of this paper.

The *Tobacco Control Amendment Act* can be found at the following location:

https://www.leg.bc.ca/content/data%20-%20ldp/Pages/40th4th/3rd_read/gov14-3.htm. (You may be prompted for a user name and password; please click on the "cancel" button to be taken directly to the page).

The *Tobacco Control Act* may be found at the following location:

http://www.bclaws.ca/civix/document/id/complete/statreg/96451_01

It is important to note that the information set out in this paper is for consultation purposes only and should not be relied upon to interpret the Act or the regulation. The final regulation may differ from the proposals in this paper.

1. Date of coming into force.

It is proposed that the regulation will come into force on February 1, 2016.

2. Minimum age of customer.

The ministry proposes that retailers be permitted to sell vapour products only to those nineteen years of age and older.

(This proposal is the same as the current requirements for the sale of tobacco.)

3. Proof of age.

The ministry proposes that retailers of vapour products confirm a customer's age by relying upon one of the following forms of identification:

- ▶ a passport;
- ▶ a driver's licence that displays a photograph and the date of birth of the holder; or
- ▶ an identification card issued by a government agency, displaying a photograph and the date of birth of the holder.

(This proposal is the same as the current requirements for the purchase of tobacco.)

4. Place where vapour products cannot be sold.

Section 2.1 of the proposed *Tobacco and Vapour Products Control Act* outlines places where vapour products are not to be sold. The proposed regulation provides additional information on the places where vapour products are not to be sold, including:

- ▶ any place on the campus of a public university or post-secondary institution that is used for education, research or student services.
- ▶ on public body property (e.g., property owned by municipalities; regional districts; library boards; Vancouver Park Board; or Islands Trust councils, committees or boards).

(This proposal is the same as the current requirements for the sale of tobacco.)

5. Prohibitions on display or promotion of vapour products.

Retailers who sell vapour products must ensure that those under 19 years of age cannot see the retail display or promotion of vapour products. If those under 19 years of age are allowed into a place where vapour products are sold (e.g., convenience store or gas station), then there can be no display or promotion of vapour products. A retailer cannot advertise or promote vapour product brands on signs, videos, clothing or other tangible objects to which youth have access.

If only adults are allowed into a place where vapour products are sold, then the adult-oriented store must ensure that no display or promotion of vapour products can be seen from the outside by a minor.

(This proposal is the same as the current requirements for the display or promotion of tobacco.)

6. Retail signage restrictions.

Inside stores that youth can enter, retailers will be permitted to inform the public that tobacco or vapour products are for sale, with up to three general signs that meet the following criteria:

- ▶ Each sign must not be larger than 968 cm² (approximately a letter-sized sheet of paper).
- ▶ The background of the sign must be white and the text of the sign must be black, with numbers/text up to 5 cm in height.
- ▶ The only graphic or design permitted is the "\$" symbol in front of a price.
- ▶ The sign(s) must not include the name, abbreviation or any other thing that could identify a vapour product brand or manufacturer.
- ▶ The sign(s) may advertise only the types of vapour products for sale and the price range for those vapour products.

Stores that restrict youth from entering will be allowed to display promotional signage inside the adult-only area and not visible to youth from outside that area.

7. Use of vapour products in public spaces and workplaces.

These restrictions apply to public spaces and workplaces that are fully or substantially enclosed. A building, structure or vehicle is fully or substantially enclosed when it has a roof or other covering and more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it. Nominal wall space is determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

The ministry proposes that:

- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of a workplace. A workplace is any place in which a person performs services in return for compensation and includes any places that are used in conjunction with the workplace (e.g., bathroom, meeting room, coffee/break room). If the workplace is in a private home, then vapour products cannot be used in that workplace by any person during any period in which a person performs services in return for compensation.
- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of public places such as cafes, stores, casinos, bars, common areas of multi-unit dwellings (e.g., hallways and laundry rooms of apartment buildings, condominiums and dormitories) and transit shelters.

(The proposals listed above are the same as the current requirements for the use of tobacco.)

The ministry proposes that:

- ▶ Tobacco and vapour product use will also be prohibited within a buffer zone of six metres of open windows, air intakes and doorways of these public and workplaces. Managers, owners, lessees and employers will not be responsible for vapour use within these areas as long as people are just passing through the area and are not customers, clients or employees of the public/workplace. It is also important to note that local governments, agencies, owners and managers can set buffer zones that are larger than the zone set by regulation; if a larger buffer zone exists, it takes precedence.

(This proposal increases the buffer zone for tobacco from three metres to six metres and sets the same buffer zone of six metres for vapour products.)

The ministry proposes that vapour product use will be allowed in the following areas:

- ▶ Near a transit shelter, including within the buffer zone.
- ▶ On the patio of a public place that sells food or beverages, or of a casino or bingo hall, as long as the patio is not fully or substantially enclosed and any doorway or air intake between the patio and public place is closed.
- ▶ Within the sleeping or private rooms of a hotel if vapour product use is permitted (although use is banned in common public or work areas such as hallways and banquet rooms).
- ▶ A person in care or a resident (as per the *Community Care and Assisted Living Act* or the *Hospital Act*) may use a vapour product within a room designated for use within a community care facility, assisted living residence or a hospital, if one is provided. Please refer to section 4.23 of the Tobacco Control Regulation for the definition of "person in care or resident."

(These proposals are the same as the current requirements for the use of tobacco.)

8. Restrictions on use of tobacco and vapour products on health authority sites.

The ministry proposes that the use of tobacco and vapour products be restricted at sites owned, leased or operated by Island Health, Vancouver Coastal Health, Fraser Health, Interior Health, Northern Health, the Provincial Health Services Authority and the Providence Health Care Society. If one of these entities wants to allow the use of tobacco and/or vapour products on its grounds, the entity must designate specific areas for that purpose.

Appendix 1: Information on enforcement and penalties for contraventions

Health authority enforcement officers will enforce the legislation and use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers of vapour products comply with the legislation.

Tickets

It is important to note that ticket amounts will be set under the Violation Ticket and Fines Administration Regulation, which is administered by the Ministry of Justice. If an enforcement officer decides to write a ticket, proposed ticket amounts are:

- ▶ Sell vapour products to person under 19: \$575.00
- ▶ Sell vapour products where prohibition order applies: \$575.00
- ▶ Sell vapour products in prohibited place: \$575.00
- ▶ Use vapour products on school property: \$58.00
- ▶ Permit vapour products on school property: \$58.00
- ▶ Use vapour products in prohibited place: \$575.00
- ▶ Permit vapour products use in prohibited place: \$575.00
- ▶ Permit vapour products in workplace: \$575.00
- ▶ Display vapour products in prohibited manner: \$575.00
- ▶ Promote vapour products in prohibited manner: \$575.00
- ▶ Fail to display prohibition order sign: \$575.00
- ▶ Fail to display prohibition sign in accordance with requirements: \$575.00
- ▶ Fail to display point of sale signs: \$345.00

Administrative Hearings

The regulation will specify which matters may be subject to an administrative hearing, the range of penalties that the administrator may impose, and the factors that the administrator must consider when assessing penalties. The ministry proposes that sections of the regulation that deal with the sale and display/promotion of vapour products be included in the administrative penalty system. In addition, the proposed regulation will provide that:

- ▶ The notice of hearing will be in writing, delivered at least forty-five days before the hearing and will describe the contravention and the date, time and place of the hearing.
- ▶ A person may apply to the administrator for an adjournment, but granting an adjournment will be at the administrator's discretion.
- ▶ A hearing may be written, electronic and/or oral.

- ▶ If, after notice has been served, a person fails to attend a hearing or make submissions, the administrator may proceed with the hearing.
- ▶ A defence of due diligence is available.
- ▶ Factors to be considered in imposing a penalty will include any prior written warnings from enforcement officers concerning the subject matter of the contravention, whether the person has an ownership interest in the business found to be in contravention or is an employee or agent.

Contravention	Penalty		
	First Contravention	Second Contravention	Subsequent Contravention
<ul style="list-style-type: none"> • Selling vapour products to a minor • Selling from a place that is prohibited because of an order of the administrator 	\$0-1000 fine and/or 0-30 day prohibition period	\$0-3000 fine and/or 0-90 day prohibition period	\$0-5000 fine and/or 0-180 day prohibition period
<ul style="list-style-type: none"> • Displaying, advertising or promoting vapour products where youth have access • Failure to post prohibition sign 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-4000 fine and/or 30-90 day prohibition period	\$4000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to post point of sale signs 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-3000 fine and/or 30-90 day prohibition period	\$3000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to pay monetary penalty within 30 days 	0-30 day prohibition period	30-90 day prohibition period	90-180 day prohibition period

(This proposal is similar to the current administrative hearing penalties for tobacco-related contraventions.)

If a retailer has been found, through the administrative hearing process, to have contravened the legislation and is prohibited from selling vapour products, signs must be posted to inform customers. The signs will describe the scope of the prohibition (tobacco, vapour products or tobacco and vapour products) and the signs must be posted at:

- ▶ each place where a tobacco or vapour product was displayed for sale at the location identified in the order, and
- ▶ each entrance to the location identified in the order.

Each sign must contain the address of the location, dates on which the prohibition period starts and ends, and specific wording advising that a contravention has occurred and the retailer cannot sell tobacco and/or vapour products.

Appendix 2: Template for Responses to the Regulatory Discussion Paper

Written comments can come in any form, but if respondents wish to use a template to organize their responses, they may fill in this template and send it in to the ministry. Respondents may reply to one, some or all sections.

Respondents must e-mail feedback to the ministry by 11:59 pm on **November 20, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted.

Name:

Address:

Email:

Telephone:

Date of Written Submission:

1. Date of coming into force.
2. Minimum age of customer.
3. Proof of age.
4. Place where vapour products cannot be sold.
5. Prohibitions on display or promotion of vapour products.
6. Retail signage restrictions.
7. Use of vapour products in public and workplaces.
8. Restrictions on use of tobacco and vapour products on health authority sites.

Regulatory Discussion Paper: Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

This paper has been developed by the Ministry of Health to seek comments and feedback on the development of proposed regulations regarding vapour products and tobacco control in British Columbia (BC).

In April 2015, the Government of B.C. passed legislation aimed at stopping the use of vapour products by young people in B.C.; the *Tobacco Control Amendment Act* received Royal Assent on May 14, 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour and tobacco products in British Columbia.

The next step will be finalizing the regulation that will give additional detail to the legislation passed earlier this year. This ~~Regulatory regulatory Discussion discussion Paper paper~~ outlines the general scope of the proposed regulatory requirements. The ~~Ministry ministry~~ seeks input on the elements of the proposed regulation that deal with:

- date of coming into force,
- minimum age of customers and required identification,
- restrictions on the promotion, sale and use of vapour products,
- an increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products, and
- the use of vapour products and tobacco on health authority property.

Many of the current regulations related to tobacco remain unchanged.

These provisions are proposed to come into force February ~~Feb. 1~~, 2016 and will be enforced by health authority enforcement officers. Enforcement officers will use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers comply with the regulation. Background information on the penalties for contravening the legislation is set out in Appendix 1 of this document for reference by respondents.

Respondents are encouraged to review the proposed regulatory approach described in this paper and provide feedback via e-mail to the ~~Ministry ministry~~ by no later than 11:59 pm on **October Oct. 30, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted. An optional template for response is provided in Appendix 2 at the end of the ~~Regulatory Discussion is Paperpaper~~.

The *Tobacco Control Amendment Act* can be found at https://www.leg.bc.ca/40th4th/3rd_read/gov14-3.htm.

It is important to note that the information set out in this paper is for consultation purposes only and should not be relied upon to interpret the Act-act or the regulations. The final regulations may differ from the proposals in this paper.

1. Date of coming into force

It is proposed that the ~~Regulation~~ regulation will come into force on ~~February~~ Feb. 1, 2016.

2. Minimum age of customer

The ~~Ministry~~ ministry proposes that retailers be permitted to sell vapour products only to those nineteen years of age and older. *(This proposal is the same as the current requirements for the sale of tobacco.)*

3. Proof of age

The ~~Ministry~~ ministry proposes that retailers of vapour products confirm a customer's age by relying upon one of the following forms of identification:

- a passport;
- a driver's licence that displays a photograph and the date of birth of the holder; or
- an identification card issued by a government agency, ~~-displaying~~ a photograph and the date of birth of the holder.

(This proposal is the same as the current requirements for the purchase of tobacco.)

4. Place where vapour products cannot be sold

Section 2.1 of the proposed *Tobacco and Vapour Products Control Act* outlines places where vapour products are not to be sold. The proposed ~~Regulation~~ regulation provides additional information on the places where vapour products are not to be sold, including:

- any place on the campus of a public university or post-secondary institution that is used for education, research or student services;
- on public body property (e.g., property owned by municipalities; regional districts; library boards; Vancouver Park Board; or Islands Trust councils, committees or boards.);

(This proposal is the same as the current requirements for the sale of tobacco.)

5. Prohibitions on display or promotion of vapour products

Retailers who sell vapour products must ensure that those under 19 years of age cannot see the retail display or promotion of vapour products. If those under 19 years of age are allowed into a place where vapour products are sold (e.g., a convenience store or gas station), then there can be no display or promotion of vapour products. A retailer cannot advertise or promote vapour product brands on signs, videos, clothing or other tangible objects to which youth have access.

If only adults are allowed into a place where vapour products are sold, then the adult-oriented store must ensure that no display or promotion of vapour products can be seen from the outside by a minor.

(This proposal is the same as the current requirements for the display or promotion of tobacco.)

6. Retail signage restrictions

Inside stores that youth can enter, retailers will be permitted to inform the public that tobacco or vapour products are for sale, with up to three general signs that meet the following criteria:

- each sign must not be larger than 968 cm² (approximately a letter-sized sheet of paper),
- the background of the sign must be white and the text of the sign must be black, with numbers/text up to 5 cm in height,
- the only graphic or design permitted is the "\$" symbol in front of a price,
- the sign(s) must not include the name, abbreviation or any other thing that could identify a vapour product brand or manufacturer, and
- the sign(s) may advertise only the types of vapour products for sale and the price range for those vapour products.

Stores that restrict youth from entering will be allowed to display promotional signage inside the adult-only area and not visible to youth from outside that area.

7. Use of vapour products in public spaces and workplaces

These restrictions apply to public spaces and workplaces that are fully or substantially enclosed. A building, structure or vehicle is fully or substantially enclosed when it has a roof or other covering and more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it. Nominal wall space is determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

The Ministry-ministry proposes that:

- ~~vapour~~ Vapour product use will not be permitted in the fully or substantially enclosed areas of a workplace. -A workplace is any place in which a person performs services in return for compensation and includes any places that are used in conjunction with the workplace (e.g., bathroom, meeting room ~~or~~, coffee/break room). If the workplace is in a private home, then vapour products cannot be used in that workplace by any person during any period in which a person performs services in return for compensation.
- ~~vapour~~ Vapour product use will not be permitted in the fully or substantially enclosed areas of public places such as cafes, stores, casinos, bars, common areas of multi-unit dwellings (e.g., hallways and laundry rooms of apartment buildings, condominiums and dormitories) and transit shelters.

(The proposals listed above are the same as the current requirements for the use of tobacco.)

The Ministry-ministry proposes that:

- ~~tobacco~~ Tobacco and vapour product use will also be prohibited within a buffer zone of six metres of open windows, air intakes and doorways of these public and workplaces. Managers, owners, lessees and employers will not be responsible for vapour use within these areas as long as people are just passing through the area and are not customers, clients or employees of the public/workplace. It is also important to note that local governments, agencies, owners and managers can set buffer zones that are larger than the zone set by regulation; if a larger buffer zone exists, it takes precedence.

(This proposal increases the buffer zone for tobacco from three metres to six metres and sets the same buffer zone of six metres for vapour products.)

The ~~Ministry~~ ministry proposes that vapour product use will be allowed in the following areas:

- ~~near~~ Near a transit shelter, including within the buffer zone.
- ~~on~~ On the patio of a public place that sells food or beverages, or of a casino or bingo hall, as long as the patio is not fully or substantially enclosed and any doorway or air intake between the patio and public place is closed.
- ~~within~~ Within the sleeping or private rooms of a hotel if vapour product use is permitted (although use is banned in common public or work areas such as hallways and banquet rooms).
- ~~a~~ A person in care or a resident (as per the *Community Care and Assisted Living Act* or the *Hospital Act*) may use a vapour product within a room designated for use within a community care facility, assisted living residence or a hospital, if one is provided. -Please refer to section 4.23 of the Tobacco Control Regulation for the definition of "person in care or resident."

(These proposals are the same as the current requirements for the use of tobacco.)

8. Restrictions on use of tobacco and vapour products on health authority sites

The ~~Ministry~~ ministry proposes that the use of tobacco and vapour products be restricted at sites owned, leased or operated by the ~~Island Health Authority, the Vancouver Coastal Health Authority, the Fraser Health Authority, the Northern Health Authority, the Provincial Health Services Authority and the Providence Health Care Society.~~ If one of these entities wants to allow the use of tobacco and/or vapour products on its grounds, the entity must designate specific areas for that purpose.

Appendix 1 – Information on enforcement and penalties for contraventions

Health authority enforcement officers will enforce the legislation and use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers of vapour products comply with the legislation.

Tickets

It is important to note that ticket amounts will be set under the Violation Ticket and Fines Administration Regulation, which is administered by the Ministry of Justice. -If an enforcement officer decides to write a ticket, proposed ticket amounts are:

- Sell vapour products to person under 19—: \$575.00
- Sell vapour products where prohibition order applies: \$575.00
- Sell vapour products in prohibited place: \$575.00
- Use vapour products on school property: \$58.00
- Permit vapour products on school property: \$58.00
- Use vapour products in prohibited place: \$575.00
- Permit vapour products use in prohibited place: \$575.00
- Permit vapour products in workplace: \$575.00
- Display vapour products in prohibited manner: \$575.00
- Promote vapour products in prohibited manner: \$575.00
- Fail to display prohibition order sign: \$575.00
- Fail to display prohibition sign in accordance with requirements: \$575.00
- Fail to display point of sale signs: \$345.00

Administrative Hearings

The regulation will specify which matters may be subject to an administrative hearing, the range of penalties that the ~~Administrator-administrator~~ may impose, and the factors that the ~~Administrator-administrator~~ must consider when assessing penalties. The ~~Ministry-ministry~~ proposes that sections of the regulation that deal with the sale and display/promotion of vapour products be included in the administrative penalty system. -In addition, the proposed regulation will provide that:

- ~~the~~ The notice of hearing will be in writing, delivered at least forty-five days before the hearing and will describe the contravention and the date, time and place of the hearing.
- ~~a~~ A person may apply to the ~~Administrator-administrator~~ for an adjournment, but granting an adjournment will be at the ~~Administrator's-administrator's~~ discretion.
- ~~a~~ A hearing may be written, electronic and/or oral.
- ~~if~~ If, after notice has been served, a person fails to attend a hearing or make submissions, the ~~Administrator-administrator~~ may proceed with the hearing.
- ~~a~~ A defence of due diligence is available.
- ~~factors~~ Factors to be considered in imposing a penalty will include any prior written warnings from enforcement officers concerning the subject matter of the contravention,

whether the person has an ownership interest in the business found to be in contravention or is an employee or agent.

Contravention	Penalty		
	First Contravention	Second Contravention	Subsequent Contravention
<ul style="list-style-type: none"> Selling vapour products to a minor Selling from a place that is prohibited because of an order of the Administrator 	\$0-1000 fine and / or 0-30 day prohibition period	\$0-3000 fine and / or 0-90 day prohibition period	\$0-5000 fine and / or 0-180 day prohibition period
<ul style="list-style-type: none"> Displaying, advertising or promoting vapour products where youth have access Failure to post prohibition sign 	\$0-1000 fine and / or 0-30 day prohibition period	\$1000-4000 fine and / or 30-90 day prohibition period	\$4000-5000 fine and / or 90-180 day prohibition period
<ul style="list-style-type: none"> Failure to post point of sale signs 	\$0-1000 fine and / or 0-30 day prohibition period	\$1000-3000 fine and / or 30-90 day prohibition period	\$3000-5000 fine and / or 90-180 day prohibition period
<ul style="list-style-type: none"> Failure to pay monetary penalty within 30 days 	0-30 day prohibition period	30-90 day prohibition period	90-180 day prohibition period

(This proposal is similar to the current administrative hearing penalties for tobacco-related contraventions.)

If a retailer has been found, through the administrative hearing process, to have contravened the legislation and is prohibited from selling vapour products, signs must be posted to inform customers. The signs will describe the scope of the prohibition (tobacco, vapour products or tobacco and vapour products) and the signs must be posted at:

- each place where a tobacco or vapour product was displayed for sale at the location identified in the order, and
- each entrance to the location identified in the order.

Each sign must contain the address of the location, dates on which the prohibition period starts and ends, and specific wording advising that a contravention has occurred and the retailer cannot sell tobacco and/or vapour products.

Appendix 2

(Written comments can come in any form, but if respondents wish to use a template to organize their responses, they may fill in this template and send it in to the Ministryministry. Respondents may reply to one, some or all sections.)

Template for Responses to the Regulatory Discussion Paper: Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

Name:

Address:

Email:

Telephone:

Date of Written Submission:

- 1. Date of coming into force**
- 2. Minimum age of customer**
- 3. Proof of age**
- 4. Place where vapour products cannot be sold**
- 5. Prohibitions on display or promotion of vapour products**

6. Retail signage restrictions

7. Use of vapour products in public and workplaces

8. Restrictions on use of tobacco and vapour products on health authority sites

Appendix B - Synopsis of Responses to the Regulatory Discussion Paper

Current users/Retailers

- Shouldn't come into effect at all (vapour products are not the same as tobacco products and they object to aligning vapour products with tobacco)
- If it is to be regulated, February 1 is too soon
- Most agree with the ban on sales to youth but the ban on use in public and work places needs to allow for testing and demonstration of products in stores – this will help people stay away from tobacco
- many retailers expressed strong support for a minimum purchase age of 19, saying it was already current practice
- no issue with proof of age requirements
- some felt vapour products should only be in vape shops as staff in convenience stores did not have the expertise to explain the products adequately; others felt it should be sold in all stores, including those in hospitals, as it is a harm reduction tool
- some supported the ban on promotion to those under 19; others felt it could be displayed in the same way as liquor products or promoted widely to encourage people to stop using tobacco

Associations and Manufacturers

BC Vapour Alliance

- Concerned that the legislation equates vapour products and tobacco products as products are far less harmful than tobacco; wants sales only in dedicated adult vape shops; want testing option in stores

Blue Spike

- Want ability to post informational advertising, especially at tobacco points of sale to encourage people to switch – suggest a two-year period to encourage users to switch
- Want greater manufacturing and distribution regulations

ECTA

- Want implementation to be delayed at least a year
- support minimum age to purchase and proof of age requirement; want testing option in stores
- want to allow pictures to show the type of device available, as they look different and text cannot communicate the difference effectively, even in areas where youth have access
- want regular reviews of the regulation in case evidence suggests changes are appropriate

Imperial Tobacco Canada

- need to work with federal government on timing – should see what is in the federal regulations before provincial regulations come into effect
- as Health Canada has not approved products with nicotine for sale, Imperial Tobacco cannot support regulations coming into force until there is federal approval.

- Does not believe vapour products should be treated as severely as tobacco products
- Supports minimum age of purchase and proof of age requirements
- Believes vapour products should have wide display and use as they are a harm reduction tool; they should be promoted to tobacco users.
- Use should be banned in schools, playgrounds and places where youth are often present; other places should allow use at the owner's discretion as there is no evidence that second-hand use is harmful
- BC needs to push for federal action on manufacturing and safety standards

Canadian Vaping Association

- Delay implementation, perhaps until after federal regulations come in
- Supports minimum age of purchase and proof of age requirements
- Testing should be allowed in dedicated vapour stores (tested air quality and submitted results)

Nicoventures (a division of British American Tobacco)

- Should not be regulated like tobacco but as harm reduction tool; federal regulation needs to come first and then provincial – need to have product standards set
- Should be sold to adults only, be cheaper than tobacco and with greater advertising scope (need to promote to smokers but not to minors)
- Use areas should be separate from tobacco use areas
- Give businesses and organizations the chance to decide if vapour products can be used on-site

Western Convenience Stores Association

- Want all stores to allow adults to sample flavours
- Concerned that vape stores will be allowed to advertise but general retailers will not
- Support sales to minors ban

Health authorities and schools

- General support for regulations
- Island Health: s.13

s.13

- Interior Health: s.13

s.13

- PHSA: need continued research into health impacts and use as a cessation tool, with regulation change if needed; want increased health equity lens used to avoid stigmatizing smokers; s.13

- Fraser Health: implementation should be delayed for 6 months;

s.13

s.13

- Vancouver Coastal: s.13

s.13

- Northern Health (late submission): want implementation delayed until May;

s.13

- School District 69 supports the regulatory scope and wants greater information on the health impacts of vapour product use.

Local Government

- UBCM – do not have specific input from membership on proposed regulations but sent along previously approved motions on 7.5 metre buffer zones, a ban on tobacco use on patios, parks, playgrounds and within a 7.5 metre buffer zone to these areas;
- City of Coquitlam (late) – supports the proposed regulation

Non-government organizations

- Physicians for a Smoke-free Canada: 21 should be age of purchase; ban tobacco and vapour products on patios, transit stops, parks, playground, beaches, at public events and campuses; ban tobacco sales in pharmacies; government should divest tobacco shares; require future multi-use dwelling be smoke-free; institute a deposit system for cigarette butts; restrict tobacco sales to pharmacies or government outlets.
- Canadian Cancer Society BC and Yukon – general support but wants a ban on roadside and outdoor signs; supports ban on patios, beaches, parks, playgrounds, transit shelters, post-secondary institutions with an increase in buffer zone to 9 metres

CORE MESSAGING

Updated: July 2015

Ministry of Health

TOBACCO

- Tobacco use is the single most preventable cause of disease and death in British Columbia.
- B.C. is committed to reducing smoking throughout the province, and protecting all British Columbians from the danger of second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 14.3 per cent.
- As part of this commitment and our commitment to healthy families, we are investing \$38.2 million in B.C.'s smoking cessation program which offers smokers the choice of coverage for nicotine replacement therapies or prescription drugs.
- By doing this we are making the healthy choice the easier choice. By reducing the number of people who smoke, not only will we prevent or delay the onset of diseases like heart attacks and cancer, but also avoid the millions of dollars cost on our health care system.

Facts about government work on tobacco

- In addition to having the nation's lowest smoking rate, smokers 45 and over has dropped from 18.7 per cent in 2011 to 15.3 percent in 2013/14. ~~16.2 percent in 2013.~~
- Since the Smoking Cessation program was launched on Sept. 30, 2011, approximately 323,405 orders for nicotine replacement therapies have been placed.

Comment [SC1]: Please check with Elaine Chong on this

- We have a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
 - Through B.C.'s smoking cessation program, British Columbians have access to a free 12-week supply of nicotine gum, ~~or patches, lozenge or inhaler~~ or, if they are on Fair PharmaCare, coverage of prescription smoking cessation medication.
 - Government provides annual funding to BC Lung Association for QuitNow ~~Services~~.
 - Smoking is banned inside all public/work places and within a three-metre buffer zone around the doors and windows of most public buildings and workplaces. Both the retail display and promotion of tobacco where youth can see it, and sales of tobacco in public buildings, is banned.
 - In 2008, all health authorities in B.C. went smoke-free, which means smoking is restricted on all health authority property, including hospitals and health facilities.
 - Knowing that most people start smoking before age 18, all K to 12 schoolgrounds in B.C. are completely tobacco free.
 - To ensure children are no longer subjected to second-hand smoke in any vehicle, smoking in vehicles is prohibited when children under 16 are present.

Facts about e-cigarette legislation and flavoured tobacco

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.

- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our first goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.

Flavored tobacco:

- The Premier's mandate letter in June 2014 required us to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- I'm pleased to see that on March 6, in December 2015, the federal government announced proposed regulatory amendments to the Tobacco Act new regulations came into effect and will to further restrict the use of flavours that appeal to youth in cigars used to market cigars that appeal to youth.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

Program area: PPH and PSD

- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Regulatory Discussion Paper:

Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

This paper has been developed by the Ministry of Health to seek comments and feedback on the development of proposed regulations regarding vapour products and tobacco control in British Columbia.

In April 2015, the Government of B.C. passed legislation aimed at stopping the use of vapour products by young people in B.C.; the *Tobacco Control Amendment Act* received Royal Assent on May 14, 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour and tobacco products in British Columbia.

The next step will be finalizing the regulation that will give additional detail to the legislation passed earlier this year. This regulatory discussion paper outlines the general scope of the proposed regulatory requirements. The ministry seeks input on the elements of the proposed regulation that deal with:

- ▶ Date of coming into force.
- ▶ Minimum age of customers and required identification.
- ▶ Restrictions on the promotion, sale and use of vapour products.
- ▶ An increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products.
- ▶ The use of vapour products and tobacco on health authority property.

Many of the current regulations related to tobacco remain unchanged.

These provisions are proposed to come into force Feb. 1, 2016 and will be enforced by health authority enforcement officers. Enforcement officers will use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers comply with the regulation. Background information on the penalties for contravening the legislation is set out in Appendix 1 of this document for reference by respondents.

Respondents are encouraged to review the proposed regulatory approach described in this paper and e-mail feedback to the ministry by 11:59 pm on **Oct. 30, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted. An optional template for response is provided in Appendix 2 at the end of this paper.

The *Tobacco Control Amendment Act* can be found at www.leg.bc.ca/40th4th/3rd_read/gov14-3.htm.

It is important to note that the information set out in this paper is for consultation purposes only and should not be relied upon to interpret the act or the regulations. The final regulations may differ from the proposals in this paper.

1. Date of coming into force.

It is proposed that the regulation will come into force on Feb. 1, 2016.

2. Minimum age of customer.

The ministry proposes that retailers be permitted to sell vapour products only to those nineteen years of age and older.

(This proposal is the same as the current requirements for the sale of tobacco.)

3. Proof of age.

The ministry proposes that retailers of vapour products confirm a customer's age by relying upon one of the following forms of identification:

- ▶ a passport;
- ▶ a driver's licence that displays a photograph and the date of birth of the holder; or
- ▶ an identification card issued by a government agency, displaying a photograph and the date of birth of the holder.

(This proposal is the same as the current requirements for the purchase of tobacco.)

4. Place where vapour products cannot be sold.

Section 2.1 of the proposed *Tobacco and Vapour Products Control Act* outlines places where vapour products are not to be sold. The proposed regulation provides additional information on the places where vapour products are not to be sold, including:

- ▶ any place on the campus of a public university or post-secondary institution that is used for education, research or student services.
- ▶ on public body property (e.g., property owned by municipalities; regional districts; library boards; Vancouver Park Board; or Islands Trust councils, committees or boards).

(This proposal is the same as the current requirements for the sale of tobacco.)

5. Prohibitions on display or promotion of vapour products.

Retailers who sell vapour products must ensure that those under 19 years of age cannot see the retail display or promotion of vapour products. If those under 19 years of age are allowed into a place where vapour products are sold (e.g., convenience store or gas station), then there can be no display or promotion of vapour products. A retailer cannot advertise or promote vapour product brands on signs, videos, clothing or other tangible objects to which youth have access.

If only adults are allowed into a place where vapour products are sold, then the adult-oriented store must ensure that no display or promotion of vapour products can be seen from the outside by a minor.

(This proposal is the same as the current requirements for the display or promotion of tobacco.)

6. Retail signage restrictions.

Inside stores that youth can enter, retailers will be permitted to inform the public that tobacco or vapour products are for sale, with up to three general signs that meet the following criteria:

- ▶ Each sign must not be larger than 968 cm² (approximately a letter-sized sheet of paper).
- ▶ The background of the sign must be white and the text of the sign must be black, with numbers/text up to 5 cm in height.
- ▶ The only graphic or design permitted is the "\$" symbol in front of a price.
- ▶ The sign(s) must not include the name, abbreviation or any other thing that could identify a vapour product brand or manufacturer.
- ▶ The sign(s) may advertise only the types of vapour products for sale and the price range for those vapour products.

Stores that restrict youth from entering will be allowed to display promotional signage inside the adult-only area and not visible to youth from outside that area.

7. Use of vapour products in public spaces and workplaces.

These restrictions apply to public spaces and workplaces that are fully or substantially enclosed. A building, structure or vehicle is fully or substantially enclosed when it has a roof or other covering and more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it. Nominal wall space is determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

The ministry proposes that:

- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of a workplace. A workplace is any place in which a person performs services in return for compensation and includes any places that are used in conjunction with the workplace (e.g., bathroom, meeting room, coffee/break room). If the workplace is in a private home, then vapour products cannot be used in that workplace by any person during any period in which a person performs services in return for compensation.
- ▶ Vapour product use will not be permitted in the fully or substantially enclosed areas of public places such as cafes, stores, casinos, bars, common areas of multi-unit dwellings (e.g., hallways and laundry rooms of apartment buildings, condominiums and dormitories) and transit shelters.

(The proposals listed above are the same as the current requirements for the use of tobacco.)

The ministry proposes that:

- ▶ Tobacco and vapour product use will also be prohibited within a buffer zone of six metres of open windows, air intakes and doorways of these public and workplaces. Managers, owners, lessees and employers will not be responsible for vapour use within these areas as long as people are just passing through the area and are not customers, clients or employees of the public/workplace. It is also important to note that local governments, agencies, owners and managers can set buffer zones that are larger than the zone set by regulation; if a larger buffer zone exists, it takes precedence.

(This proposal increases the buffer zone for tobacco from three metres to six metres and sets the same buffer zone of six metres for vapour products.)

The ministry proposes that vapour product use will be allowed in the following areas:

- ▶ Near a transit shelter, including within the buffer zone.
- ▶ On the patio of a public place that sells food or beverages, or of a casino or bingo hall, as long as the patio is not fully or substantially enclosed and any doorway or air intake between the patio and public place is closed.
- ▶ Within the sleeping or private rooms of a hotel if vapour product use is permitted (although use is banned in common public or work areas such as hallways and banquet rooms).
- ▶ A person in care or a resident (as per the *Community Care and Assisted Living Act* or the *Hospital Act*) may use a vapour product within a room designated for use within a community care facility, assisted living residence or a hospital, if one is provided. Please refer to section 4.23 of the Tobacco Control Regulation for the definition of "person in care or resident."

(These proposals are the same as the current requirements for the use of tobacco.)

8. Restrictions on use of tobacco and vapour products on health authority sites.

The ministry proposes that the use of tobacco and vapour products be restricted at sites owned, leased or operated by Island Health, Vancouver Coastal Health, Fraser Health, Northern Health, the Provincial Health Services Authority and the Providence Health Care Society. If one of these entities wants to allow the use of tobacco and/or vapour products on its grounds, the entity must designate specific areas for that purpose.

Appendix 1: Information on enforcement and penalties for contraventions

Health authority enforcement officers will enforce the legislation and use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers of vapour products comply with the legislation.

Tickets

It is important to note that ticket amounts will be set under the Violation Ticket and Fines Administration Regulation, which is administered by the Ministry of Justice. If an enforcement officer decides to write a ticket, proposed ticket amounts are:

- ▶ Sell vapour products to person under 19: \$575.00
- ▶ Sell vapour products where prohibition order applies: \$575.00
- ▶ Sell vapour products in prohibited place: \$575.00
- ▶ Use vapour products on school property: \$58.00
- ▶ Permit vapour products on school property: \$58.00
- ▶ Use vapour products in prohibited place: \$575.00
- ▶ Permit vapour products use in prohibited place: \$575.00
- ▶ Permit vapour products in workplace: \$575.00
- ▶ Display vapour products in prohibited manner: \$575.00
- ▶ Promote vapour products in prohibited manner: \$575.00
- ▶ Fail to display prohibition order sign: \$575.00
- ▶ Fail to display prohibition sign in accordance with requirements: \$575.00
- ▶ Fail to display point of sale signs: \$345.00

Administrative Hearings

The regulation will specify which matters may be subject to an administrative hearing, the range of penalties that the administrator may impose, and the factors that the administrator must consider when assessing penalties. The ministry proposes that sections of the regulation that deal with the sale and display/promotion of vapour products be included in the administrative penalty system. In addition, the proposed regulation will provide that:

- ▶ The notice of hearing will be in writing, delivered at least forty-five days before the hearing and will describe the contravention and the date, time and place of the hearing.
- ▶ A person may apply to the administrator for an adjournment, but granting an adjournment will be at the administrator's discretion.
- ▶ A hearing may be written, electronic and/or oral.

- ▶ If, after notice has been served, a person fails to attend a hearing or make submissions, the administrator may proceed with the hearing.
- ▶ A defence of due diligence is available.
- ▶ Factors to be considered in imposing a penalty will include any prior written warnings from enforcement officers concerning the subject matter of the contravention, whether the person has an ownership interest in the business found to be in contravention or is an employee or agent.

Contravention	Penalty		
	First Contravention	Second Contravention	Subsequent Contravention
<ul style="list-style-type: none"> • Selling vapour products to a minor • Selling from a place that is prohibited because of an order of the administrator 	\$0-1000 fine and/or 0-30 day prohibition period	\$0-3000 fine and/or 0-90 day prohibition period	\$0-5000 fine and/or 0-180 day prohibition period
<ul style="list-style-type: none"> • Displaying, advertising or promoting vapour products where youth have access • Failure to post prohibition sign 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-4000 fine and/or 30-90 day prohibition period	\$4000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to post point of sale signs 	\$0-1000 fine and/or 0-30 day prohibition period	\$1000-3000 fine and/or 30-90 day prohibition period	\$3000-5000 fine and/or 90-180 day prohibition period
<ul style="list-style-type: none"> • Failure to pay monetary penalty within 30 days 	0-30 day prohibition period	30-90 day prohibition period	90-180 day prohibition period

(This proposal is similar to the current administrative hearing penalties for tobacco-related contraventions.)

If a retailer has been found, through the administrative hearing process, to have contravened the legislation and is prohibited from selling vapour products, signs must be posted to inform customers. The signs will describe the scope of the prohibition (tobacco, vapour products or tobacco and vapour products) and the signs must be posted at:

- ▶ each place where a tobacco or vapour product was displayed for sale at the location identified in the order, and
- ▶ each entrance to the location identified in the order.

Each sign must contain the address of the location, dates on which the prohibition period starts and ends, and specific wording advising that a contravention has occurred and the retailer cannot sell tobacco and/or vapour products.

Appendix 2: Template for Responses to the Regulatory Discussion Paper

Written comments can come in any form, but if respondents wish to use a template to organize their responses, they may fill in this template and send it in to the ministry. Respondents may reply to one, some or all sections.

Name:

Address:

Email:

Telephone:

Date of Written Submission:

- 1. Date of coming into force.**
- 2. Minimum age of customer.**
- 3. Proof of age.**
- 4. Place where vapour products cannot be sold.**
- 5. Prohibitions on display or promotion of vapour products.**
- 6. Retail signage restrictions.**
- 7. Use of vapour products in public and workplaces.**
- 8. Restrictions on use of tobacco and vapour products on health authority sites.**

Regulatory Discussion Paper: Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

This paper has been developed by the Ministry of Health to seek comments and feedback on the development of proposed regulations regarding vapour products and tobacco control in British Columbia (BC).

In April 2015, the Government of B.C. passed legislation aimed at stopping the use of vapour products by young people in B.C.; the *Tobacco Control Amendment Act* received Royal Assent on May 14, 2015. When it comes into effect, there will be new legislative requirements for the display, sale and use of vapour and tobacco products in British Columbia.

The next step will be finalizing the regulation that will give additional detail to the legislation passed earlier this year. This ~~Regulatory-regulatory Discussion-discussion Paper-paper~~ outlines the general scope of the proposed regulatory requirements. The ~~Ministry-ministry~~ seeks input on the elements of the proposed regulation that deal with:

- date of coming into force,
- minimum age of customers and required identification,
- restrictions on the promotion, sale and use of vapour products,
- an increase to the size of the buffer zone outside doorways, open windows and air intakes for tobacco and vapour products, and
- the use of vapour products and tobacco on health authority property.

Many of the current regulations related to tobacco remain unchanged.

These provisions are proposed to come into force February-Feb. 1, 2016 and will be enforced by health authority enforcement officers. Enforcement officers will use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers comply with the regulation. Background information on the penalties for contravening the legislation is set out in Appendix 1 of this document for reference by respondents.

Respondents are encouraged to review the proposed regulatory approach described in this paper and provide feedback via e-mail to the ~~Ministry-ministry~~ by no later than 11:59 pm on ~~October~~ **Oct. 30, 2015** at bill14consultation@gov.bc.ca. Attachments will be accepted. An optional template for response is provided in Appendix 2 at the end of the ~~Regulatory-Discussion~~ ~~is~~ ~~Paperpaper~~.

The *Tobacco Control Amendment Act* can be found at https://www.leg.bc.ca/40th4th/3rd_read/gov14-3.htm.

It is important to note that the information set out in this paper is for consultation purposes only and should not be relied upon to interpret the ~~Act-act~~ or the regulations. The final regulations may differ from the proposals in this paper.

1. Date of coming into force

It is proposed that the ~~Regulation~~ regulation will come into force on ~~February~~ Feb. 1, 2016.

2. Minimum age of customer

The ~~Ministry~~ ministry proposes that retailers be permitted to sell vapour products only to those nineteen years of age and older. *(This proposal is the same as the current requirements for the sale of tobacco.)*

3. Proof of age

The ~~Ministry~~ ministry proposes that retailers of vapour products confirm a customer's age by relying upon one of the following forms of identification:

- a passport;
- a driver's licence that displays a photograph and the date of birth of the holder; or
- an identification card issued by a government agency, -displaying a photograph and the date of birth of the holder.

(This proposal is the same as the current requirements for the purchase of tobacco.)

4. Place where vapour products cannot be sold

Section 2.1 of the proposed *Tobacco and Vapour Products Control Act* outlines places where vapour products are not to be sold. The proposed ~~Regulation~~ regulation provides additional information on the places where vapour products are not to be sold, including:

- any place on the campus of a public university or post-secondary institution that is used for education, research or student services;
- on public body property (e.g., property owned by municipalities; regional districts; library boards; Vancouver Park Board; or Islands Trust councils, committees or boards.);

(This proposal is the same as the current requirements for the sale of tobacco.)

5. Prohibitions on display or promotion of vapour products

Retailers who sell vapour products must ensure that those under 19 years of age cannot see the retail display or promotion of vapour products. If those under 19 years of age are allowed into a place where vapour products are sold (e.g., a convenience store or gas station), then there can be no display or promotion of vapour products. A retailer cannot advertise or promote vapour product brands on signs, videos, clothing or other tangible objects to which youth have access.

If only adults are allowed into a place where vapour products are sold, then the adult-oriented store must ensure that no display or promotion of vapour products can be seen from the outside by a minor.

(This proposal is the same as the current requirements for the display or promotion of tobacco.)

6. Retail signage restrictions

Inside stores that youth can enter, retailers will be permitted to inform the public that tobacco or vapour products are for sale, with up to three general signs that meet the following criteria:

- each sign must not be larger than 968 cm² (approximately a letter-sized sheet of paper),
- the background of the sign must be white and the text of the sign must be black, with numbers/text up to 5 cm in height,
- the only graphic or design permitted is the "\$" symbol in front of a price,
- the sign(s) must not include the name, abbreviation or any other thing that could identify a vapour product brand or manufacturer, and
- the sign(s) may advertise only the types of vapour products for sale and the price range for those vapour products.

Stores that restrict youth from entering will be allowed to display promotional signage inside the adult-only area and not visible to youth from outside that area.

7. Use of vapour products in public spaces and workplaces

These restrictions apply to public spaces and workplaces that are fully or substantially enclosed. A building, structure or vehicle is fully or substantially enclosed when it has a roof or other covering and more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it. Nominal wall space is determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

The ~~Ministry~~-ministry proposes that:

- ~~vapour~~ Vapour product use will not be permitted in the fully or substantially enclosed areas of a workplace. A workplace is any place in which a person performs services in return for compensation and includes any places that are used in conjunction with the workplace (e.g., bathroom, meeting room-~~or~~, coffee/break room). If the workplace is in a private home, then vapour products cannot be used in that workplace by any person during any period in which a person performs services in return for compensation.
- ~~vapour~~ Vapour product use will not be permitted in the fully or substantially enclosed areas of public places such as cafes, stores, casinos, bars, common areas of multi-unit dwellings (e.g., hallways and laundry rooms of apartment buildings, condominiums and dormitories) and transit shelters.

(The proposals listed above are the same as the current requirements for the use of tobacco.)

The ~~Ministry~~-ministry proposes that:

- ~~tobacco~~ Tobacco and vapour product use will also be prohibited within a buffer zone of six metres of open windows, air intakes and doorways of these public and workplaces. Managers, owners, lessees and employers will not be responsible for vapour use within these areas as long as people are just passing through the area and are not customers, clients or employees of the public/workplace. It is also important to note that local governments, agencies, owners and managers can set buffer zones that are larger than the zone set by regulation; if a larger buffer zone exists, it takes precedence.

(This proposal increases the buffer zone for tobacco from three metres to six metres and sets the same buffer zone of six metres for vapour products.)

The ~~Ministry~~ ministry proposes that vapour product use will be allowed in the following areas:

- ~~near~~ Near a transit shelter, including within the buffer zone.
- ~~on~~ On the patio of a public place that sells food or beverages, or of a casino or bingo hall, as long as the patio is not fully or substantially enclosed and any doorway or air intake between the patio and public place is closed.
- ~~within~~ Within the sleeping or private rooms of a hotel if vapour product use is permitted (although use is banned in common public or work areas such as hallways and banquet rooms).
- ~~a~~ A person in care or a resident (as per the *Community Care and Assisted Living Act* or the *Hospital Act*) may use a vapour product within a room designated for use within a community care facility, assisted living residence or a hospital, if one is provided. Please refer to section 4.23 of the Tobacco Control Regulation for the definition of "person in care or resident."

(These proposals are the same as the current requirements for the use of tobacco.)

8. Restrictions on use of tobacco and vapour products on health authority sites

The ~~Ministry~~ ministry proposes that the use of tobacco and vapour products be restricted at sites owned, leased or operated by the ~~Island Health Authority, the Vancouver Coastal Health Authority, the Fraser Health Authority, the Northern Health Authority, the Provincial Health Services Authority and the Providence Health Care Society~~. If one of these entities wants to allow the use of tobacco and/or vapour products on its grounds, the entity must designate specific areas for that purpose.

Appendix 1 – Information on enforcement and penalties for contraventions

Health authority enforcement officers will enforce the legislation and use a range of progressive enforcement tools (education, verbal warnings, written warnings, compliance plans, tickets and/or administrative hearings) to ensure retailers of vapour products comply with the legislation.

Tickets

It is important to note that ticket amounts will be set under the Violation Ticket and Fines Administration Regulation, which is administered by the Ministry of Justice. -If an enforcement officer decides to write a ticket, proposed ticket amounts are:

- Sell vapour products to person under 19–: \$575.00
- Sell vapour products where prohibition order applies: \$575.00
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- Use vapour products on school property: \$58.00
- Permit vapour products on school property: \$58.00
- Use vapour products in prohibited place: \$575.00
- Permit vapour products use in prohibited place: \$575.00
- Permit vapour products in workplace: \$575.00
- Display vapour products in prohibited manner: \$575.00
- Promote vapour products in prohibited manner: \$575.00
- Fail to display prohibition order sign: \$575.00
- Fail to display prohibition sign in accordance with requirements: \$575.00
- Fail to display point of sale signs: \$345.00

Administrative Hearings

The regulation will specify which matters may be subject to an administrative hearing, the range of penalties that the ~~Administrator~~ administrator may impose, and the factors that the ~~Administrator~~ administrator must consider when assessing penalties. The ~~Ministry~~ ministry proposes that sections of the regulation that deal with the sale and display/promotion of vapour products be included in the administrative penalty system. -In addition, the proposed regulation will provide that:

- ~~the~~ The notice of hearing will be in writing, delivered at least forty-five days before the hearing and will describe the contravention and the date, time and place of the hearing.
- ~~a~~ A person may apply to the ~~Administrator~~ administrator for an adjournment, but granting an adjournment will be at the ~~Administrator's~~ administrator's discretion.
- ~~a~~ A hearing may be written, electronic and/or oral.
- ~~if~~ If, after notice has been served, a person fails to attend a hearing or make submissions, the ~~Administrator~~ administrator may proceed with the hearing.
- ~~a~~ A defence of due diligence is available.
- ~~factors~~ Factors to be considered in imposing a penalty will include any prior written warnings from enforcement officers concerning the subject matter of the contravention,

whether the person has an ownership interest in the business found to be in contravention or is an employee or agent.

Contravention	Penalty		
	First Contravention	Second Contravention	Subsequent Contravention
<ul style="list-style-type: none"> Selling vapour products to a minor Selling from a place that is prohibited because of an order of the Administrator administrator 	\$0-1000 fine and / or 0-30 day prohibition period	\$0-3000 fine and / or 0-90 day prohibition period	\$0-5000 fine and / or 0-180 day prohibition period
<ul style="list-style-type: none"> Displaying, advertising or promoting vapour products where youth have access Failure to post prohibition sign 	\$0-1000 fine and / or 0-30 day prohibition period	\$1000-4000 fine and / or 30-90 day prohibition period	\$4000-5000 fine and / or 90-180 day prohibition period
<ul style="list-style-type: none"> Failure to post point of sale signs 	\$0-1000 fine and / or 0-30 day prohibition period	\$1000-3000 fine and / or 30-90 day prohibition period	\$3000-5000 fine and / or 90-180 day prohibition period
<ul style="list-style-type: none"> Failure to pay monetary penalty within 30 days 	0-30 day prohibition period	30-90 day prohibition period	90-180 day prohibition period

(This proposal is similar to the current administrative hearing penalties for tobacco-related contraventions.)

If a retailer has been found, through the administrative hearing process, to have contravened the legislation and is prohibited from selling vapour products, signs must be posted to inform customers. -The signs will describe the scope of the prohibition (tobacco, vapour products or tobacco and vapour products) and the signs must be posted at:

- each place where a tobacco or vapour product was displayed for sale at the location identified in the order and
- each entrance to the location identified in the order.

Each sign must contain the address of the location, dates on which the prohibition period starts and ends, and specific wording advising that a contravention has occurred and the retailer cannot sell tobacco and/or vapour products.

Appendix 2

(Written comments can come in any form, but if respondents wish to use a template to organize their responses, they may fill in this template and send it in to the Ministry~~ministry~~. Respondents may reply to one, some or all sections.)

Template for Responses to the Regulatory Discussion Paper: Options for the regulation of vapour products and extending the regulation of tobacco products in British Columbia

Name:

Address:

Email:

Telephone:

Date of Written Submission:

- 1. Date of coming into force**
- 2. Minimum age of customer**
- 3. Proof of age**
- 4. Place where vapour products cannot be sold**
- 5. Prohibitions on display or promotion of vapour products**

6. Retail signage restrictions

7. Use of vapour products in public and workplaces

8. Restrictions on use of tobacco and vapour products on health authority sites

NEWS RELEASE

For Immediate Release
2015HLTH0011-000285
March 5, 2015

Ministry of Health

Legislation enhanced to regulate e-cigarettes

VICTORIA – British Columbia has introduced amendments to the Tobacco Control Act to regulate e-cigarettes, legislation that will help stop the growing use of e-cigarettes by young people in B.C.

“More and more young people are using e-cigarettes,” said Health Minister Terry Lake. “This legislation will limit the exposure to children of the possible dangers of e-cigarette vapour and the potential that e-cigarettes have to normalize smoking behaviour.”

The Tobacco Control Amendment Act amends the Tobacco Control Act to include requirements for retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to make it possible to create regulations to ensure that no retail displays are targeted to youth and no retail advertising for e-cigarettes is shown where youth can see it.

“The Canadian Paediatric Society welcomes the Government of British Columbia's regulation of e-cigarettes. This legislation will protect the health of children and youth from the well-established harmful effects of nicotine as well as the toxic by-products of 'vaping',” said Dr. Richard Stanwick, past president of the Canadian Pediatric Society and chief medical health officer for Island Health. “British Columbia's leadership on this issue will complement their current tobacco control efforts in providing clean air not only for children and youth but also all residents of the province.”

As well, the amendments will ensure e-cigarettes are not sold in public buildings and their use is banned on public and private school grounds as well as in indoor public spaces and workplaces. These amendments also add prohibitions on tobacco and e-cigarette use on health authority properties; however health authorities will have the ability to set designated smoking areas if they wish. Health authorities continue to provide leadership in promoting the reduction of tobacco use.

The legislation will be introduced this spring, and the exact date it will be brought into force is currently to be determined. Businesses and organizations will need some time to prepare for this legislation and government anticipates announcing the date of implementation soon.

Together, these amendments under the new name ‘Tobacco and Vapour Products Control Act’ serve to reinforce a commitment to protecting youth, building a smoke-free British Columbia and add to government’s extensive resources and supports to help British Columbians quit smoking.

A backgrounder follows.

Media Contact:

Kristy Anderson
Media Relations Manager
Ministry of Health
250 952-1887 (media line)

Connect with the Province of B.C. at: www.gov.bc.ca/connect

BACKGROUND

For Immediate Release
2015HLTH0011-000285
March 5, 2015

Ministry of Health

B.C. a leader in reducing tobacco use

B.C. has a strong, effective tobacco control policy and invests millions annually in programs that focus on tobacco use prevention, support for smoking cessation and protection from second-hand smoke and now, e-cigarette vapour. Great progress has been made in reducing tobacco prevalence in the province, and B.C. continues to have the lowest smoking rate in Canada, at approximately 16.2%.

Health benefits of quitting smoking

Quitting smoking greatly reduces serious health risks such as cancer, chronic obstructive pulmonary disease and asthma for British Columbians and their families. Each year, more than 6,000 British Columbians die from the effects of tobacco use. Tobacco use is the single most preventable cause of disease and death in British Columbia.

Supports to help people quit

Support provided by the province includes the Smoking Cessation program, which provides up to 12 weeks of nicotine replacement therapy products at no cost, or PharmaCare coverage of prescription drugs for British Columbians wanting to quit smoking. For more information, please call HealthLink BC at 8-1-1. Since the Smoking Cessation Program was launched on Sept. 30, 2011, close to 305,905 orders for nicotine replacement therapies have been placed.

The B.C. PharmaCare program is one of the most comprehensive public drug programs in the country; coverage is available to every British Columbian. PharmaCare bases its drug coverage decisions on rigorous and ongoing reviews of clinical evidence, to ensure it is covering the most beneficial drugs for patients.

Legislation on tobacco and e-cigarette vapour

The Ministry of Health's Tobacco Control Strategy aims to reduce the death, disease and disability caused by tobacco by discouraging young people from starting to smoke; helping smokers to quit; and protecting people from exposure to second-hand smoke. B.C.'s five regional health authorities enforce the current Tobacco Control Act, which prohibits the sale of tobacco to anyone under the age of 19, restricts retail tobacco displays and promotions and bans tobacco use at all schools.

Government wants to protect youth from the unknown effects of e-cigarette vapour and becoming addicted to nicotine, which is why the Tobacco Control Amendment Act will treat e-cigarette use exactly the same as tobacco, with the same prohibitions and restrictions. Adults will still be able to buy e-cigarettes.

Learn more:

Looking for more information on quitting smoking?

Please visit: www.health.gov.bc.ca/pharmacare/stop-smoking/

Looking for support or information on how to plan quitting?

Check out: www.quitnow.ca

Media Contact:

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Connect with the Province of B.C. at: www.gov.bc.ca/connect

QUESTIONS AND ANSWERS

Tobacco Control Amendment Act

June 1, 2015

Q1: What are you announcing today?

- The amendments introduced today will ensure e-cigarettes and other vapour products will be regulated under the *Tobacco Control Act*, which is being amended by the *Tobacco Control Amendment Act* to create the *Tobacco and Vapour Products Act*.

Q2: What are vapour products?

- Vapour products is the term we use to describe e-cigarettes and e-substances, as well as any cartridges and components used in e-cigarettes.
- E-substance is the gas, liquid or solid that, upon being heated, produces a vapour for inhalation in an e-cigarette.

Q3: What will this legislation accomplish?

- This legislation will require retailers to ensure e-cigarettes are only sold to adults aged 19 and older, creates authorities to regulate displays of e-cigarettes which can be used to ensure they are not targeted to youth, and to ensure e-cigarette advertising is not shown where youth can see it.
- It will also prohibit the use of tobacco and e-cigarettes on health authority property, other than in specified areas.
- Health authorities may designate smoking areas on their grounds if they wish, but are not required to do so.
- Health authorities are leaders in reducing tobacco use and we encourage their actions in limiting tobacco use on their property, while at the same time supporting those that use tobacco to use nicotine replacement therapy while on site as well as encouraging smokers to quit.

Q4: What about flavoured tobacco? Wasn't that supposed to be included?

- It is illegal for youth under 19 to buy and use any type of tobacco and this includes flavoured tobacco.
- The Premier's mandate letter given to me in June 2014 required me to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that

regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.

- So, under the federal Tobacco Act, Health Canada began restricting the sale of certain tobacco products with additives intended to produce youth-oriented flavouring a few years ago and this benefited youth across Canada.
- This means that the federal government banned the use of flavoured additives that made cigarettes, little cigars, and blunt wraps more appealing for young people in 2010.
- However, tobacco companies began producing slightly larger cigars to avoid the ban and these small changes allowed them to continue to sell their products.
- Governments need to be as efficient as possible, which is why we've been working closely with the federal government who already has legislation in place that is being expanded to further ban these products.
- This past September, Health Canada proposed an expansion of the federal regulation to prohibit the use of additives in many more cigars – expanding the regulation from the current limit of up to 1.4 grams to now include cigars up to 6 grams.
- The proposed federal changes will eliminate the vast majority of flavoured products that continue to be on the market.

Q5: What does the proposed federal regulation say?

- The federal government consulted in the fall on a proposed regulation that would close the existing loopholes for larger flavoured tobacco products:
 - Ban additives (that create youth-oriented flavours) in cigars weighing more than 1.4 g but less than 6 g, excluding the weight of any mouthpiece or tip.
 - Ban additives (that create youth-oriented flavours) in cigars that have characteristics like a straight seam and have tipping paper – a traditional cigar is wrapped leaves – a mass-produced cigar will have straight seams like a cigarette.
 - These regulations will cover the less-expensive candy or fruit flavoured cigar used by youth, and this is important, considering that the youth smoking survey said that two-thirds of B.C. youth who smoked a small cigar in the last 30 days predominantly smoked flavoured cigars.
 - We believe that the federal regulation will reduce the use of these products by B.C. youth, and we are pleased that the loophole in the legislation will soon be closed.

Q6: People have said the federal legislation is not going far enough to protect youth from flavoured tobacco and Ontario and Alberta have introduced their own legislation on flavoured tobacco- why aren't we?

- We are confident that, between the federal proposals and the amendments to the provincial Tobacco Control Act, the appropriate safeguards will be in place to protect British Columbian youth.
- Having each province introduce individual legislation risks a patchwork approach, leaving some aspects uncovered by existing legislation.
- Governments need to be as efficient as possible, which is why we've been working closely with the federal government who already have legislation in place that can be adjusted to further ban these products.
- It is best to have the federal government spearhead the regulatory frameworks and build on the legislation they already have in place.
- B.C. has significant legislation that bans the sale of tobacco to youth – not only can a retailer not sell to youth, they cannot advertise or display it where youth have access.
- B.C. believes the proposed new federal regulations will close the loophole used by manufacturers to continue to sell flavoured products to youth. We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Q7: What else does B.C. do to protect youth from tobacco?

- Since 2008, throughout B.C. youth have been protected from ads, countertop displays and background walls of tobacco packages.
- Tobacco use of any form is banned 365 days a year on K-12 public and private school grounds, regardless of whether school is in session.
- The Motor Vehicle Act bans smoking in cars when those under 16 are present.
- Licensed day cares and vehicles used to transport children are smoke-free.

Q8: What is the timeline for the federal legislation?

- We don't have a timeline yet but the federal government has assured us they are moving quickly on this issue, and anticipate coming forward with all-encompassing legislation soon.
- We will continue to work with them to ensure they bring their legislation in place as quickly as possible.

Q9: What about menthol cigarettes? If the federal legislation doesn't address menthol cigarettes, shouldn't we?

- Menthol tobacco is primarily used by adults and only five per cent of Canadian smokers use menthol cigarettes.
- The federal legislation is targeting sweet-flavoured tobacco that is most attractive to youth.

Q10: How does the new provincial legislation affect smoking and e-cigarette use in public spaces?

- The new legislation adds the use of e-cigarettes to the places where outdoor tobacco use is currently restricted – so e-cigarettes could not be used on school grounds, within 3 metre buffer zones to public/workplaces and within substantially enclosed transit shelters.
- These restrictions will be provincewide, but local governments, businesses and organizations can increase this protection if they wish
- The new legislation also creates a new restriction – both tobacco and e-cigarettes would be banned on health authority property, unless the health authority establishes a designated use area.

Q11: Why can health authorities allow smoking on sites? Doesn't this encourage tobacco use?

- Health authorities introduced smoke-free policies in 2008.
- Health authorities want to make sure their sites promote health – however, they understand that smoke-free sites can be a challenge to some patients being admitted to hospitals.
- However, health authorities in B.C. have been implementing many tools to help people be smoke-free on-site.
- That's why nicotine replacement therapy is provided to patients while in care to support them in coping with nicotine withdrawal, and they have the option to provide an outside designated smoking area in certain circumstances.

Q12: How does this differ from the original *Tobacco Control Act*?

- Currently, the *Tobacco Control Act* regulation bans tobacco use (of all kinds) 24 hours a day, 365 days a year on all K-12 public and private school grounds/sites, with an exemption for an approved traditional Aboriginal tobacco ceremony
- B.C.'s legislation bans tobacco smoking in 'substantially enclosed' public and workplaces and within a three-metre buffer zone of doorways, open windows and air intakes leading to those places.
- The new legislation adds e-cigarettes to current restrictions, and they are treated exactly like tobacco.

Q13: Do we really need this kind of restrictive legislation on e-cigarettes? They aren't that harmful, are they?

- The health impacts of e-cigarettes are unknown. Just because the products are easily available does not mean they are safe to use.
- No e-cigarettes that make a health claim or contain nicotine have been submitted to Health Canada for approval – so none are approved for sale in Canada.
- E-cigarettes are widely available at corner stores and on the internet.

- This is dangerous because there are no manufacturing standards for e-cigarettes, and people can buy nicotine liquid and customise their e-juice.
- There are also no product standards, so toddlers and youth can easily open the attractive, brightly coloured containers and accidentally ingest the liquid within, risking nicotine poisoning.

Q14: How many youth are using e-cigarettes?

- According to the Canadian Tobacco, Alcohol and Drugs 2013 Survey, overall, 9% (2.5 million) of Canadians 15 years and older have ever tried an e-cigarette.
- Twenty percent (20% or 417,000) of youth aged 15 to 19 and 20% (488,000) of young adults aged 20 to 24 have ever tried an e-cigarette.
- In British Columbia, the 2013 BC Adolescent Health Survey indicated that out of the 21% of youth who ever tried smoking, 16% used e-cigarettes.

Q15: Is the rate of youth using e-cigarettes growing?

- Because e-cigarettes are relatively new, there must be continued research on their use by young adults. Surveys done so far have indicated that their use is very popular among youth and that their popularity is unlikely to decline soon.
- In British Columbia, the 2013 BC Adolescent Health Survey indicates that among the 21% of youth who had ever tried smoking, 16% used e-cigarettes.

Q16: What about people who have used e-cigarettes to quit smoking cigarettes? Isn't that a better option?

- We have heard that people use them to quit smoking, and are not restricting access to e-cigarettes for any adult who wishes to use them.
- I would like to remind tobacco users that Health Canada has approved several forms of nicotine replacement products – for example inhalers, mist, gum and patches,
- However, we do not know how much nicotine users are getting – it may be more than in their tobacco.
- The legislation prohibits displays, advertising and sale of e-cigarettes to minors.
- We do not know the longer-term risks of exposure to vapour products, and we feel that those who do not use e-cigarettes should not have to be exposed to the vapour, especially in enclosed places where multiple users may have vapour products.

Q17: If the health effects of e-cigarettes are unknown, why doesn't the legislation go further in determining product or manufacturing standards?

- We believe that regulating product and manufacturing standards for e-cigarettes should be the responsibility of the federal government.

- Asking individual provinces to determine product standards is risking a patchwork approach, and this product needs more consistent manufacturing and product standards.
- This is something the federal government could address.

Q18: Does this legislation harm people who use vapour products for medicinal reasons?

- An exception is made for prescribed medical devices so that replacement therapies and nebulizers will not be affected.

Q19: Was anyone consulted on this legislation?

- Yes, select health authority tobacco staff were consulted on the smoke-free premises section, because they are responsible for enforcement.

Q20: What level of support is there for these changes?

- Many non-governmental organizations, like the B.C. Healthy Living Alliance were already on-board and provided the Ministry of Health with statements supporting this legislation.
- Union of B.C. Municipalities sent a resolution requesting B.C. move to restrict e-cigarettes, particularly youth use of e-cigarettes.
- Medical health officers have written to public schools asking them to restrict the use of e-cigarettes on school grounds.

Q21: What kind of timeline are we looking at for this legislation to become law?

- The legislation will be introduced this spring, and the exact date it will be brought into force is to be determined.
- Businesses and organizations will need some time to prepare for this legislation and we will announce the date of implementation soon.

Q22: Before this comes into law, will you be consulting with people affected – like business owners who sell e-cigarettes?

- The legislation shows the scope of change we intend to implement.
- We will seek public input on the implementation of this legislation later this year.
- The consultation will begin with a release of a paper that outlines the scope of the regulations B.C. is considering as a result of these legislative changes, including dates of implementation.
- Interested parties will be able to provide comment and advice to government on the scope of the proposed regulations.

Q23: Why is the name of the *Tobacco Control Act* being changed to the *Tobacco and Vapour Products Control Act*?

- Given the scope of the act is extended to include vapour products, the title now reflects the products affected by the legislation.
- The term “vapour products” was added throughout the act. Vapour products is the term we use to describe e-cigarettes, e-substances, and any cartridges and components used in e-cigarettes.
- E-substance is the gas, liquid or solid that, upon being heated, produces a vapour for inhalation in an e-cigarette.

Q24: How will this legislation be enforced, and what kinds of penalties are there?

- Legislation will be enforced by enforcement officers who are employed by the health authorities.
- Fines for use of e-cigarettes in prohibited places will range from \$58 to \$575.
- Fines for displaying or advertising e-cigarettes where youth have access will be \$575 and selling them to those under 19 will be a ticket of \$575.
- Fines will be the same as what we have for our current *Tobacco Control Act*.
- E-cigarette retailers will also be subject to administrative financial penalties – these can range up to \$5000.

Q25: What other jurisdictions have this legislation or are planning to enact it?

- Nova Scotia, Ontario, Manitoba, Quebec and New Brunswick have introduced legislation to regulate e-cigarettes.
- There are also a number of Canadian local governments and U.S. states who have moved forward on this issue.

Q26: Will this affect hookah parlors?

- Under current legislation, hookahs used in public or work places cannot contain tobacco – this would be a violation of the legislation. However, they can use fruit blends or other non-tobacco products and can be used in lounges, unless a local government or landlord bans their use.
- With these amendments, traditional hookahs are not covered under the definition of vapour products in this legislation, so lounges can continue to use traditional hookahs, unless banned by local government or by building policy.
- There are products marketed as e-hookahs but these look the same as an e-cigarette – these will be treated the same as an e-cigarette.

Q27: Can you use e-cigarettes in cars?

- We will also be amending the *Motor Vehicle Act* to ban the use of vapour products when those under 16 are in the vehicle.

Q28: How does your ministry help people quit smoking?

- We offer the BC Smoking Cessation program to help British Columbians quit smoking.
- The program helps B.C. residents stop smoking and using other tobacco products.
- It works by assisting with the cost of a number of different types of smoking cessation aids: eligible non-prescription (over-the-counter) nicotine replacement therapy; chewing gum (brand name Thrive) or patches (brand name Habitrol); or prescription smoking cessation drugs bupropion (brand name Zyban) and varenicline (brand name Champix).
- Each calendar year (January 1 through December 31), eligible B.C. residents can get coverage for either one nicotine replacement therapy product or, for those on select PharmaCare programs, one prescription drug for a single course of treatment lasting for up to 12 consecutive weeks (84 consecutive days).
- Since the Smoking Cessation program was launched on Sept. 30, 2011, approximately 323,405 orders for nicotine replacement therapies have been placed.

CORE MESSAGING

Updated: Jan. 2016

Ministry of Health

TOBACCO

- Tobacco use is the single most preventable cause of disease and death in British Columbia.
- B.C. is committed to reducing smoking throughout the province, and protecting all British Columbians from the danger of second-hand smoke.
- We have made great progress in reducing tobacco prevalence in the province, and we continue to have the lowest smoking rate in Canada, at approximately 15.3 per cent.
- As part of this commitment and our commitment to healthy families, we have invested more than \$38.2 million in B.C.'s smoking cessation program which offers smokers the choice of coverage for nicotine replacement therapies or prescription drugs.
- By doing this we are making the healthy choice the easier choice. By reducing the number of people who smoke, not only will we prevent or delay the onset of diseases like heart attacks and cancer, but also avoid the millions of dollars cost on our health care system.

Facts about government work on tobacco

- In addition to having the nation's lowest smoking rate, smokers 45 and over has dropped from 18.7 per cent in 2011 to 15.3 percent in 2013/14.
- Since it began in 2011, the province has invested more than \$38 million into the program. More than 187,000 have used the program to try to quit; that's 25% of British Columbians who smoke.

- We have a comprehensive strategy in place that includes programs to help prevent the uptake of tobacco by youth, help people quit using tobacco and legislation to protect the public from the dangers of second hand smoke.
 - Through B.C.'s smoking cessation program, British Columbians have access to a free 12-week supply of nicotine gum, patches, lozenge or inhaler or, if they are on Fair PharmaCare, coverage of prescription smoking cessation medication.
 - Government provides annual funding to BC Lung Association for QuitNow.
 - Smoking is banned inside all public/work places and within a three-metre buffer zone around the doors and windows of most public buildings and workplaces. Both the retail display and promotion of tobacco where youth can see it, and sales of tobacco in public buildings, is banned.
 - In 2008, all health authorities in B.C. went smoke-free, which means smoking is restricted on all health authority property, including hospitals and health facilities.
 - Knowing that most people start smoking before age 18, all K to 12 school grounds in B.C. are completely tobacco free.
 - To ensure children are no longer subjected to second-hand smoke in any vehicle, smoking in vehicles is prohibited when children under 16 are present.

Facts about e-cigarette legislation and flavoured tobacco

- Since becoming available, e-cigarettes have become popular with many British Columbians, particularly young people.
- The evidence as to their benefits and harms has not been established.

- That's why we introduced the Tobacco Control Amendment Act, which will expand the scope of the Tobacco Control Act to permit regulation of e-cigarettes and associated products.
- Our first goal is to protect B.C. youth from these products and prevent the normalization of smoking behaviours. There are no limits on the sale to adults.
- This legislation amends the Tobacco Control Act to prohibit retailers from selling e-cigarettes to youth under 19, and to regulate the promotion and display of e-cigarettes, as well as advertising.
- The federal government has since tabled a report with recommendations that supports the legislation we've introduced, including advertising and display restrictions, banning the sale of e-cigarettes to youth, and restricting e-cig use in public spaces.

Flavored tobacco:

- The Premier's mandate letter in June 2014 required us to work with the federal government to enhance the regulation of flavoured tobacco, and, if no progress was made, to begin introducing legislation.
- B.C. has been clear on its position that the federal government is in the best position to regulate the content of tobacco products and that restrictions on youth-oriented flavoured tobacco should be the same across Canada – so that regardless where a youth lives, they cannot be sold something like a bubble-gum flavoured cigar.
- I'm pleased to see that in December 2015, the federal government new regulations came into effect and will further restrict the use of flavours that appeal to youth in cigars.
- These regulations will build on the original restrictions announced in 2009 and close existing loopholes.

- The regulations are necessary to further protect youth Canada-wide; as youth are still using flavoured tobacco, and tobacco manufacturers used the existing regulations to introduce smaller sized products, leaving them uncovered by the legislation.
- We expect the federal changes will reduce youth access to sweetened tobacco – as so much of the market will be covered by these changes.

Heart and Lung Health Advocates Call for National Ban on All Flavoured Tobacco Products

Vancouver – January 15, 2016 – In an effort to protect youth from taking up smoking, the Heart and Stroke Foundation and the BC Lung Association are urging Canada's Health Ministers to move quickly towards a national ban on menthol and other flavoured tobacco products when they meet in Vancouver during National Non-Smoking Week (Jan. 17 to 23rd).

"While positive changes have been made at the federal level to better protect Canadian youth from flavoured tobacco, these changes do not include a ban on menthol flavouring. Neither do they apply to those who smoke flavoured water-pipe tobacco (hookah), to those who consume flavoured chewing tobacco nor to those who consume various other tobacco products," said Scott McDonald, CEO of the BC Lung Association.

"Youth are the highest users of flavoured tobacco products. Today's teenager is tomorrow's potential regular customer," continued McDonald.

"Until we ban all flavoured tobacco products, tobacco companies will continue to exploit gaps and loopholes in regulations and find new ways to market their products to youth, like industry's latest gimmick of cigarettes with squeezable menthol capsules in the filter now available in many Canadian stores," said Adrienne Bakker, CEO, Heart and Stroke Foundation, BC & Yukon.

"Now is the time to address the patchwork of legislation that exists across Canada with regard to flavoured tobacco products. In the absence of federal action on flavoured products, a number of jurisdictions have moved ahead and banned them, including menthol. Others, including BC, are awaiting federal movement on the issue," said Bakker.

"Last year BC Health Minister Terry Lake agreed a national strategy was necessary to create consistent standards on the issue of flavoured tobacco use," continued Bakker. "Given the new federal government's commitment to strengthening the federal tobacco control strategy, and BC's support for tougher regulation, we're hopeful action will be taken."

"The national Youth Smoking Survey for the 2012-13 school year found that among high school students who smoke daily, 43 per cent smoke menthol. In sharp contrast, only 5 per cent of adult smokers use menthol cigarettes. Any legitimate effort to reduce flavoured tobacco use among youth must include a ban on menthol cigarettes," added McDonald.

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The Heart and Stroke Foundation and the BC Lung Association have formed a partnership to raise awareness of the harms of second-hand smoke and to advocate for smoke-free environments for all workers and the public. cleanaircoalitionbc.com

The Heart and Stroke Foundation's mission is to prevent disease, save lives and promote recovery. A volunteer-based health charity, we strive to tangibly improve the health of every Canadian family, every day. Healthy lives free of heart disease and stroke. Together we will make it happen. heartandstroke.ca

For more than 100 years, the BC Lung Association has led the fight for healthy lungs and healthy air. The BC Lung Association is the leading BC organization working to save lives, prevent and improve lung health through research, advocacy, education and support. When you can't breathe, nothing else matters. bc.lung.ca

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Fast Facts

1. Health Canada defines flavoured tobacco products as menthol cigarettes, flavoured cigarillos, cigars, shisha (waterpipe tobacco), pipe tobacco, blunt wraps, bidis, smokeless tobacco, and rolling papers.
2. In 2010, the federal government enacted Bill C-32 banning all tobacco flavours, at any level of additive, as it applies to cigarettes, cigarillos (1.4 grams in weight or less, or with cigarette filter) and blunt wrap. However, if a cigarillo/little cigar weighed more than 1.4g and did not have a cigarette filter, the product could still be flavoured.
3. Exempted from Bill C-32 was menthol flavouring. Also exempted are restrictions on flavoured water-pipe tobacco (hookah), flavoured chewing tobacco and various other flavoured tobacco products.
4. In December 2015, Bill C-32 was amended to extend the original ban on tobacco flavouring to cigars from 1.4g or less to 6g or less. However, these amendments still allowed for menthol flavouring in addition to rum, whisky, wine, and port flavourings.
5. Five provinces to date have adopted legislation to ban menthol cigarettes: Nova Scotia (effective May 31, 2015), Alberta (effective September 30, 2015), New Brunswick (effective January 1, 2016), Quebec (effective August 26, 2016) and Ontario (full implementation effective January 1, 2017). PEI is also currently developing regulations.
6. Menthol (mint) flavoured cigarettes are one of the most dangerous flavoured tobacco products. Menthol has medicinal properties that facilitate and maintain nicotine addiction. Menthol masks the harshness of tobacco smoke, enables deeper inhalation, and increases nicotine absorption¹.
7. Menthol makes it easier for youth to start smoking and harder for them to quit². Youth who smoke menthol cigarettes smoke 60 per cent more cigarettes than their non-menthol smoking peers³. Youth menthol smokers are three times more likely to report that they intend to be smoking in the next year compared to students who did not smoke menthols³.
8. Menthol is the most popular tobacco flavour among youth⁴. One in three school-aged youth who smoke tobacco are using menthol cigarettes.

1. Clark, Pamela I. et al, *Menthol Cigarettes: What do we know?* A background paper presented to the World Health Organization, November 2008.

2. Hersey, J.C. Nonnemaker, J.M., & Homsí, G. *Menthol cigarettes contribute to the appeal and addiction potential of smoking for youth*. *Nicotine and Tobacco Research*, 12 (Suppl 2): S136-S146. December 2010.

3. Azagba, Sunday., et al. *Smoking intensity and intent to continue smoking among menthol and non-menthol adolescent smokers in Canada*. *Cancer Causes & Control*: Volume 25, Issue 6. June 2014.

4. Health Canada. *Youth Smoking Survey 2012-2013*