

From: [Rob Cunningham](#)
To: [Rob Cunningham](#)
Subject: BC e-cigarette legislation to come into force September 1
Date: Friday, June 10, 2016 3:43:36 PM

The BC Government has announced that provincial legislation on e-cigarettes (Bill 14, adopted May 2015) will come into force on Sept. 1, 2016. Below is a government news release.

Here is a link to Bill 14:

<http://www.bclaws.ca/civix/document/id/lc/billsprevious/4th40th:gov14-3>

Regulations under Bill 14 have been adopted, with BC regulations now entitled Tobacco and Vapour Products Control Regulations.

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<https://news.gov.bc.ca/releases/2016HLTH0049-001002>

Health

British Columbia News

Legislation comes into force to regulate e-cigarettes

<https://news.gov.bc.ca/11210>

Friday, June 10, 2016 12:45 PM

Media Contacts

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New laws around the sale, promotion and use of e-cigarettes will come into effect on Sept. 1, 2016.

The Tobacco and Vapour Products Control Act is designed to protect youth from the unknown effects of e-cigarette vapour and from becoming addicted to nicotine, which is why it will treat e-cigarette use exactly the same as tobacco, with the same bans and restrictions. There are no restrictions on adults buying e-cigarettes.

The Tobacco and Vapour Products Control Act was introduced as an amendment in spring 2015 to help stop the growing use of e-cigarettes by young people in British Columbia.

Prevalence of e-cigarette use is highest among young people: one in five youth in Canada have tried an e-cigarette. The act as amended requires retailers to ensure e-cigarettes are sold only to adults aged 19 and above, and to ensure that no retail displays are targeted to youth. As well, there should be no retail advertising for e-cigarettes shown where youth can see it. In addition, an exception on the indoor use restriction was made so that a small number of customers in adult-only stores could learn how to use vapour products or to test products that they wish to buy.

Under the new act, e-cigarettes cannot be sold in public buildings and their use is banned on public and private school grounds, in indoor public spaces and workplaces. These amendments also ban the use of tobacco and e-cigarettes on health authority properties; however, health authorities can establish designated smoking and vaping areas at their

discretion. Health authorities continue to provide leadership in promoting the reduction of tobacco use.

Great progress has been made in reducing tobacco prevalence in the province, and British Columbia continues to have the lowest smoking rate in Canada, at approximately 15.3%. Since the B.C. Smoking Cessation Program began in 2011, the Province has invested more than \$51.5 million into the program and more than 223,000 have used the program to try to quit; that's 37% of British Columbians who smoke.

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.

Learn more:

For information on B.C.'s Smoking Cessation Program, walk into any pharmacy or visit:
www.health.gov.bc.ca/pharmacare/stop-smoking/

From: [Rob Cunningham](#)
To: [Rob Cunningham](#)
Subject: BC regulatory amendments
Date: Friday, June 10, 2016 4:10:57 PM

Here is a link to the BC regulatory amendments approved June 9, 2016:

[http://www.bclaws.ca/civix/document/id/oic/oic_cur/0401_2016/search/CIVIX_DOCUMENT_ROOT_STEM:\(tobacco\)?1#hit1](http://www.bclaws.ca/civix/document/id/oic/oic_cur/0401_2016/search/CIVIX_DOCUMENT_ROOT_STEM:(tobacco)?1#hit1)

A consolidated version of these amendments with the existing regulation is not yet available. Here is the existing regulation:

<http://www.canlii.org/en/bc/laws/regu/bc-reg-232-2007/latest/bc-reg-232-2007.html>



Canadian Cancer Society
Société canadienne du cancer

E-Cigarette Social Marketing Campaign

Backgrounder

May 3, 2016



Background on Electronic Cigarettes

The interest in and sales of electronic cigarettes (e-cigarettes) have increased substantially since introduction to the Canadian market in 2007. As leaders in cancer prevention and tobacco control, the Canadian Cancer Society is monitoring these products closely to assess short and long term health impacts and regulatory needs in Canada.

Research on the benefits and the harms of e-cigarettes is ongoing. The Society recognizes the potential benefit that e-cigarettes may provide to Canadians trying to quit smoking, though research in this area is evolving.ⁱ At this time, Health Canada has not concluded that e-cigarettes are effective cessation aids.

Many public health experts, including the World Health Organization, have raised concerns about the potential for e-cigarettes to 'renormalize' smoking behaviour and act as a gateway to nicotine addiction and tobacco smoking, particularly for youth. Additionally, concerns exist regarding the damaging effects of nicotine on the developing brain,ⁱⁱ including for youth who use products that contain this addictive drug.

The Society would like the public to consider the following regarding the use of e-cigarettes for both users and non-users:

- A concerning number of **non-smoking youth and adults** are trying e-cigarettes.
- E-cigarettes **have not been approved in Canada** as a smoking cessation product and **Health Canada** does not recommend them as a cessation aid.
- E-cigarettes **with nicotine cannot be legally sold** in Canada, but are nonetheless widely available in vaping stores and on the internet. Nicotine e-juice is also widely available and some 'non-nicotine' e-cigarettes sold in Canada actually do contain nicotine.
- E-cigarettes **without nicotine can be legally sold** in Canada. However, **it is illegal to make a health claim** for these products.
- E-cigarettes aerosol may **contain a variety of substances**, including propylene glycol, glycerol, flavourings and sometimes nicotine.
- There are **no product standards** for the ingredients contained in e-cigarettes and e-juice. As a result, e-cigarette ingredients vary among products and may be unknown to the distributor and consumer.

E-Cigarette Use Statistics

The Propel Centre for Population Health Impactⁱⁱⁱ published a special report on e-cigarette patterns and trends in Canada. This research indicates that:

- 16% of BC youth aged 15-19 years old have tried an e-cigarette.
- Of youth who have tried an e-cigarette, 57% have never smoked, indicating interest among non-smokers.

- About 20% of Canadians aged 15-24 have tried an e-cigarette.
- 18.9% of all Canadian e-cigarette users did not know whether their last e-cigarette contained nicotine.

Purpose of the E-Cigarette Social Marketing Campaign

There are currently no province-wide regulations in BC banning e-cigarette sales to minors or in places where smoking is prohibited. The provincial government has signaled intent to amend the Tobacco Act to include e-cigarettes, effectively banning e-cigarettes from being used indoors, banning the sale of e-cigarettes to anyone under the age of 19, and restricting advertising or promotion of e-cigarettes.^{iv}

The Society provides credible, evidence-based information about risk factors for cancer and recognizes the importance of empowering youth to think critically about the health consequences of their choices. Concerns with e-cigarette products and use include safety, youth smoking initiation, and potential to normalize smoking behaviour and undermine existing tobacco control legislation. The Society is therefore encouraging youth to pause and think about the ingredients in e-cigarettes and the health impact of e-cigarette use before trying these products.

Frequently Asked Questions (FAQs)

1. What are e-cigarettes? What are the ingredients in an e-cigarette?

E-cigarettes are canisters – sometimes resembling cigarettes – that are used to simulate the sensation of smoking but without tobacco or combustion. Batteries within the canisters heat a fluid-filled cartridge that produces a vapour which is inhaled by the user. The e-juice solution varies by brand but commonly includes: varying concentrations of nicotine, propylene glycol, vegetable glycerin, and concentrated flavour additives. Companies producing e-cigarettes and e-juice globally are not required to disclose ingredients and chemicals in their products. In Canada, it is illegal to sell e-cigarettes and e-liquids with nicotine, however nicotine products are widely available in Canada and online.

2. What are the potential risks of using an e-cigarette?

The long-term health effects of using e-cigarettes, specifically inhalation of propylene glycol, are presently unknown. Some e-cigarettes contain nicotine, an addictive drug that adversely affects brain development. This is especially concerning for the fetuses of pregnant women and youth who are using e-cigarettes containing nicotine.^v

The most common adverse effects reported from e-cigarette use include: irritation to the mouth and throat, nausea, headaches, and dry cough.^{vi} In addition, e-cigarette users have noted dry skin, mouth and eyes, rash on the face, itchiness, caffeine sensitivity, minor blood nose issues, and allergy to ingredients.

In Canada there are no standards or safety checks to verify the ingredients contained in e-cigarettes and e-juice. As a result of this unregulated market, e-cigarette ingredients can vary widely among products and be unknown to the distributor and consumer. Liquid nicotine solutions, such as e-juice, used in refillable e-cigarettes also carry a risk of nicotine poisoning if directly ingested or when exposed to skin or eyes.^{vii} These risks have the

potential to be reduced in part through e-cigarette and e-juice product standards, including mandatory childproof containers.

In addition to the direct risks to users, “second-hand” exposure to e-cigarette vapour may expose non-users to toxic emissions. Vapourized nicotine may contain toxic ingredients, either from additives contained in the liquid solution or from excessive heating during use.^{viii}

3. What are the potential benefits of using an e-cigarette?

In comparing e-cigarettes to conventional cigarettes, e-cigarettes are less harmful than regular cigarettes since there is no tobacco, tobacco smoke and fewer chemicals.^{ix} Some health experts acknowledge that e-cigarettes may provide nicotine delivery that can satisfy a smoker’s addiction to both nicotine and smoking behaviours, such as oral fixation.^x

The benefits listed on e-cigarette promotional websites^{xi} and noted by users include:

- No smoke smell, odors or ash
- Perceived control over nicotine intake due to various nicotine strengths in e-liquids (*product testing has found discrepancies between labels and ingredients)
- Ability to vape where smoking is prohibited (*regulations are evolving to limit the places where use of e-cigarettes is allowed)
- Less expensive than tobacco products
- Customization of products, including wide variety of e-liquid flavours

4. Are e-cigarettes with nicotine less harmful than cigarettes?

E-cigarettes with nicotine are likely to be less harmful than regular cigarettes since there is no tobacco, tobacco smoke and fewer chemicals. It is the substances in tobacco and tobacco smoke that irrefutably cause cancer. However, it must be noted that nicotine is an addictive drug and can be found in many e-cigarette and e-juice products.

In addition, e-cigarette aerosol is not merely water vapour and may contain ingredients that raise health concerns, including: nicotine, propylene glycol, glycerin, artificial flavours, volatile organic compounds, formaldehyde, heavy metals and particulates.^{xii}

5. Do e-cigarettes cause cancer?

At this time there are few studies examining the relationship between e-cigarette use and cancer risk. E-cigarettes are likely to be less harmful than regular cigarettes since there is no tobacco and fewer chemicals. However, research indicates that exposure to e-cigarette vapour can produce an inflammatory response in the lungs^{xiii} and/or damage DNA.^{xiv}

The Canadian Cancer Society will continue to monitor emerging evidence on this issue to ensure that the public stays informed about e-cigarettes, potential risk factors and causes of cancer.

6. Does the Canadian Cancer Society recommend the use of e-cigarettes to help people quit smoking?

The Society recognizes the potential benefit that e-cigarettes may provide to Canadians trying to quit smoking. Although a few studies have shown that e-cigarettes with nicotine may help some users quit smoking, Health Canada has not concluded that e-cigarettes are an effective cessation device. To date, no e-cigarette products have been approved by Health Canada.

The Canadian Cancer Society only recommends the use of nicotine replacement products that have been approved by Health Canada. The nicotine replacement products that have been approved to date are gum, patch, lozenge, inhaler and mouth spray.^{xv} We will continue to monitor research around exposure to e-cigarettes for indications of risk and benefits associated with use, particularly related to cancer, normalization of smoking, cessation and reduced harm.

7. Does the Canadian Cancer Society consider e-cigarettes to be a public health concern?

The majority of smokers begin smoking before the age of 18. For this reason, it is important to prevent youth onset of nicotine addiction and tobacco use. While there is currently insufficient research to ascertain whether e-cigarette use translates to conventional tobacco use, public health organizations, including the World Health Organization, have raised concerns about the potential for e-cigarettes to act as a gateway to nicotine addiction and tobacco smoking, particularly for youth. Research shows that some non-smoking youth are trying e-cigarettes before trying conventional tobacco products.^{xvi}

The Canadian Cancer Society holds the opinion that e-cigarettes should be regulated in the same way as conventional cigarettes, including banning sales of e-cigarettes to minors and use of e-cigarettes on school grounds. E-cigarette and e-juice flavours must be regulated so that they these potentially harmful products less attractive to youth.

E-cigarette use should also be prohibited on worksites and in public places to avoid exposing by-standers to the substances in e-cigarette vapour. While e-cigarette vapour would be less harmful than second-hand smoke, the vapour contains potentially harmful substances. Also, smoke-free workplaces and public places are an important motivator to quit smoking. Allowing e-cigarette use in smoke-free places encourages dual use, and undermines the benefits of smoke-free places in supporting cessation efforts.

Ultimately, the public health impact of e-cigarettes will be determined by long-term smoking rates and associated diseases, including lung cancer.

8. What is the “gateway” effect and how likely will use of e-cigarettes lead to nicotine addiction and tobacco use?

Concerns exist regarding the marketing of e-cigarettes and the potential to normalize smoking and adversely impact current tobacco control. In the United States, there is widespread lifestyle advertising for e-cigarettes, including celebrity endorsements, as well as advertisements urging consumers to use e-cigarettes in places where smoking is banned.

Tobacco control successes have included reducing the places where people can smoke and vape. These important public health measures create healthy environments and role models: if children and youth are not exposed to smoking, they will be less likely to consider this behaviour a normal social activity and less likely to try smoking and vaping. To further prevent e-cigarettes from normalizing smoking behaviour, e-cigarette products should be visually distinct from conventional cigarettes.

9. How many people use e-cigarettes? How many youth use e-cigarettes?

According to data collected by Propel from the Canadian Tobacco, Alcohol and Drugs Survey (CTADS), 2013:

- 9% of all Canadians age 15 and older (approximately 2.5 million) reported having ever tried an e-cigarette; 2% had used an e-cigarette in the past 30 days.
- Prevalence of “ever” e-cigarette use varied greatly by smoking status, from 3% among never smokers to 42% among current non-daily smokers.
- Prevalence of e-cigarette use is highest among young people: one in five youth (aged 15- 19) and young adults (aged 20-24) had ever tried an e-cigarette.

10. What is the legal framework for e-cigarettes in Canada? Where can you buy e-cigarettes?

E-cigarettes containing nicotine have not been approved for sale and therefore cannot be legally sold anywhere in the country. Despite this, we know that e-cigarettes containing nicotine are widely available in Canada and online. E-cigarettes without nicotine may be legally sold in Canada; however, it is illegal to make a health claim for these products, such as stating that the product is effective for smoking cessation.

Regulations are needed to prevent young people from experimenting with e-cigarettes and to help prevent e-cigarettes from undermining tobacco control efforts. The Canadian Cancer Society recommends that federal and provincial governments adopt measures regulating:

- sales to minors
- places of use (not allowing in places where smoking is banned by law)
- advertising and promotion
- where e-cigarettes are sold and who can purchase
- product and ingredient labelling
- addition of flavours and other ingredients

In regulating e-cigarettes, provincial governments should maintain some flexibility to revise regulations if e-cigarettes with nicotine are approved for sale by Health Canada. This would allow for exceptions to sell approved e-cigarettes in pharmacies, and potentially to allow limited flavours in approved e-cigarettes, as is currently the case for nicotine gum and other nicotine replacement therapy products.

11. What is the tobacco industry doing in terms of selling e-cigarettes?

The major tobacco companies are increasingly investing in non-cigarette products, including buying e-cigarette companies or launching their own products. Imperial Tobacco owns blu eCigs, one of the bestselling e-cigarettes in the U.S. RJ Reynolds, who owns U.S.-based Lorillard, also markets VUSE. Philip Morris USA has launched e-cigarettes with the Mark Ten brand, while its parent company Altria has purchased e-cigarette company Green Smoke.

The tobacco industry has a long history of marketing to children and using marketing strategies to keep smokers smoking. The involvement of tobacco companies in e-cigarettes is concerning since it is clear that the increase in profits from e-cigarettes demonstrates the potential for these products to hook a new generation of users.

12. What does the public think about the use of e-cigarettes?

A study conducted in 2015 by Vision Critical on behalf of the Canadian Cancer Society, BC & Yukon Division, found that the majority of adults and youth believe that e-cigarettes and e-cigarette vapour are harmful to their health. People also believe that the main reason for using an e-cigarette is to help people quit smoking or to decrease the harmful effects of tobacco use.

13. What is the Society's position on the use of vapour products in public places?

The Society is committed to preventing youth from taking up vaping and smoking, protecting non-smokers from second-hand smoke, and supporting smokers who want to quit. The Canadian Cancer Society supports prohibiting smoking and vaping in both indoor and outdoor public places, including parks, playgrounds, beaches, on the patios of bars and restaurants, on post-secondary campuses, and within 7.5 metres of doorways, windows and air intakes. We applaud the 65 municipalities in BC that have enhanced their local tobacco bylaws to include many of these recommendations and 10 municipalities for taking the additional step of including e-cigarettes and vaping prohibitions in places where smoking is banned. Many businesses' have also enacted their own regulations and prohibit vaping on private premises.

14. E-cigarettes helped me to quit smoking. Why is the Society launching this campaign?

The Canadian Cancer Society recognizes the potential for e-cigarettes to help smokers quit, however Health Canada has not concluded that e-cigarettes are effective for cessation. Although some people have reported that e-cigarettes helped them quit smoking, most e-cigarette users continue to smoke conventional cigarettes. The extent to which "dual" use of e-cigarettes leads to reductions in cigarette smoking or helps to sustain smoking remains unclear. For example, some smokers use e-cigarettes primarily when smoking is not permitted, which has the potential to sustain the smoking behaviour when smokers might otherwise quit. E-cigarettes also have the potential to promote smoking by "normalizing" nicotine use and promoting uptake among young people.

The Canadian Cancer Society is concerned by the number of youth and young adults trying e-cigarettes, especially those who have never smoked. This campaign, developed and launched in BC, encourages the youth target demographic to pause and think about e-cigarettes and consider whether the ingredients are worth inhaling.

15. Why do youth use e-cigarettes?

Eight focus groups conducted by Arbour Education & Clinical Consulting on behalf of the Canadian Cancer Society, BC & Yukon Division, showed a variety of reasons that youth use e-cigarettes, including: perception that e-cigarettes are harmless or safer than cigarettes; belief that e-cigarettes can help a person quit smoking; perception that e-cigarettes are cool, fun and trendy, and come in a variety of attractive flavours; avoid odors, bad breath and yellow teeth; more cost-effective than cigarettes; used in places where smoking is banned; and provide a way to 'smoke' in a socially accepted way.^{xvii}

Youth also expressed concerns about the safety of e-cigarettes, questioned the health impact of chemicals in the flavourings, and acknowledged the potential for e-cigarettes to hook people on nicotine and act as a gateway to cigarette use.

16. Is this campaign telling me to not use e-cigarettes?

The Canadian Cancer Society recognizes the potential for e-cigarettes to help smokers quit, however the evidence to support the claim that e-cigarettes are an effective cessation tool is limited. The Society is committed to providing credible, evidence-based information on the risk factors for cancer and ways to decrease the risk of cancer. We are concerned by the increased use of e-cigarettes amongst non-smoking teens and young adults and are therefore empowering this target demographic to consider the long-term impact of using such products.

The e-cigarette social marketing campaign launches in BC in May 2016 and specifically targets youth and young adults aged 15-24, especially those who have never smoked, to pause and think about e-cigarettes and consider whether the ingredients are worth inhaling.

References

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ⁱⁱ US Department of Health and Human Services. The health consequences of smoking – 50 years of progress. A report of the Surgeon General; 2014. Available from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>.

ⁱⁱⁱ Czoli CD, Reid JL, Rynard VL, Hammond D. E-cigarettes in Canada - Tobacco Use in Canada: Patterns and Trends, 2015 Edition, Special Supplement. Waterloo, ON: Propel Centre for Population Health Impact, University of Waterloo.

^{iv} Canadian Cancer Society. Canadian Cancer Society applauds Government of British Columbia's amendments to regulate e cigarettes. March 2015. Available from: <http://www.cancer.ca/en/about-us/for-media/media-releases/british-columbia/2015/canadian-cancer-society-applauds-government-of-british-columbias-amendments-to-regulate-e-cigarettes/?region=bc>

^v US Department of Health and Human Services. The health consequences of smoking – 50 years of progress. A report of the Surgeon General; 2014. Available from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>.

^{vi} Czoli CD, Reid JL, Rynard VL, Hammond D. E-cigarettes in Canada - Tobacco Use in Canada: Patterns and Trends, 2015 Edition, Special Supplement. Waterloo, ON: Propel Centre for Population Health Impact, University of Waterloo.

^{vii} Centers for Disease Control and Prevention. E-cigarette study sparks national attention around e-cigarettes and nicotine toxicity. May 28, 2015. Available from: http://www.cdc.gov/nceh/hsb/success_stories/ecigarette_study.htm

^{viii} Czoli CD, Reid JL, Rynard VL, Hammond D. E-cigarettes in Canada - Tobacco Use in Canada: Patterns and Trends, 2015 Edition, Special Supplement. Waterloo, ON: Propel Centre for Population Health Impact, University of Waterloo.

^{ix} Czoli CD, Reid JL, Rynard VL, Hammond D. E-cigarettes in Canada - Tobacco Use in Canada: Patterns and Trends, 2015 Edition, Special Supplement. Waterloo, ON: Propel Centre for Population Health Impact, University of Waterloo.

^x Non-Smokers Rights Association. E-cigarettes: Understanding the Potential Risks & Benefits. April 2015. Available from: <https://www.nsra-adnf.ca/cms/>.

^{xi} Vapour Art. Which are the benefits of electronic cigarettes over tobacco cigarettes? Accessed May 2, 2016 from: <http://www.vapourart.com/en/faq-item/which-are-benefits-electronic-cigarettes-over-tobacco-cigarettes>

^{xii} Goniewicz ML, Knysak J, Gawron M, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tobacco Control*. 2014; 23: 133–139. Available from: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4154473/>

^{xiii} Lerner CA, Sundar IK, Yao H, et al. Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung. Khan MF, ed. *PLoS ONE*. 2015;10(2):e0116732. doi:10.1371/journal.pone.0116732. Available from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4319729/>

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^{xv} Canadian Cancer Society. Our perspective on e-cigarettes. December 2014. Available from: <http://www.cancer.ca/en/about-us/news/national/2014/perspective-on-e-cigarettes/?region=bc>

^{xvi} Arbour Education & Clinical Consulting. B.C. Youth Perceptions about E-Cigarettes and Health Messaging: Focus Group Findings. May 2015.

^{xvii} Arbour Education & Clinical Consulting. B.C. Youth Perceptions about E-Cigarettes and Health Messaging: Focus Group Findings. May 2015.

From: [Lyz Gilgunn](#)
To: [Robert Nuttall](#); [Rob Cunningham](#); [Gabriel Miller](#); [Canitz, Shelley L HLTH:EX](#); [Ricketts-Glassel, Jennifer HLTH:EX](#); [Parasram, Karen HLTH:EX](#)
Cc: [Lisa Hurlbutt](#); [Sheila Dong](#); [Sandra Krueckl](#)
Subject: E-cig Social Marketing Campaign: Backgrounder and Creatives
Date: Tuesday, May 10, 2016 3:46:50 PM
Attachments: [CCS E-Cig Backgrounder.pdf](#)

Hello!

We are approaching launch week (May 24) for the e-cigarette social marketing campaign. We are excited to share the first cut of the social media spots (Dropbox links below), as well as the finalized internal backgrounder (attached PDF). We are working closely with Rethink to launch these ads via the most appropriate youth-oriented online channels and will share once finalized.

Actions:

- Please review the creatives and respond with concerns by EOD **Thursday, May 12**.
- #1 Egg: https://www.dropbox.com/s/xw78pie86mv4q9w/CanadaianCancer_Egg_FC02_Option2.mov?dl=0
- #2 Ooze: https://www.dropbox.com/s/owzlvllzr09v56y/CanadianCancer_Ooze_FC03_V2.mov?dl=0

Apologies for the tight turnaround, however things are moving quickly to launch before the end of the school year and the last week of May is identified as most appropriate. We are working on the transit shelter logistics for filming youth interaction with the TSA. The plan is to coincide with the launch of the social media spots, with a video to follow about two-weeks post launch (early June). We will share updates as we receive them. In the meantime, please respond with questions, concerns and constructive feedback on the two videos.

Lyz Gilgunn

Health Promotion Coordinator

Canadian Cancer Society, BC and Yukon Division

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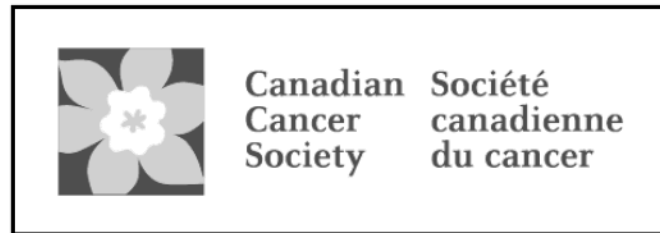
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About half of all cancers can be prevented. Discover the next step to reduce your risk—it's your life! Visit itsmylife.cancer.ca to stop cancer before it starts.

The 5 Ws of Plain and Standardized Tobacco Packaging

Rob Cunningham
Canadian Cancer Society



Webinar, Clean Air Coalition of BC
June 7, 2016

GET READY FOR PLAIN PACKAGING

World No Tobacco Day



World No Tobacco Day, May 31, 2016



**WHO Director-
General Dr
Margaret Chan**

“Strip back the glamour and glossy packaging that contain tobacco products, and what is left? A product that kills almost 6 million people every year. Tobacco packaging is a form of advertising and promotion that often misleads consumers and serves to hide the deadly reality of tobacco use. ... plain packaging works.”

World No Tobacco Day, May 31, 2016



**UN Secretary-
General Ban
Ki-moon**

“the United Nations is lending its support to one simple measure with proven effectiveness in reducing demand: the plain packaging of tobacco products. ... Plain packaging reduces the attractiveness of tobacco products, restricts tobacco advertising and promotion, limits misleading labeling, and increases the effectiveness of health warnings. On this World No Tobacco Day, I call on Governments around the world to get ready for plain packaging.”

Global Momentum

- UK, France – May 20, 2016
- Ireland – awaiting commencement date
- Under consideration: Norway, Hungary, New Zealand, Canada, Belgium, Singapore, Sweden, Finland, South Africa
- included in international guidelines under WHO Framework Convention on Tobacco Control

World No Tobacco Day, May 31, 2016

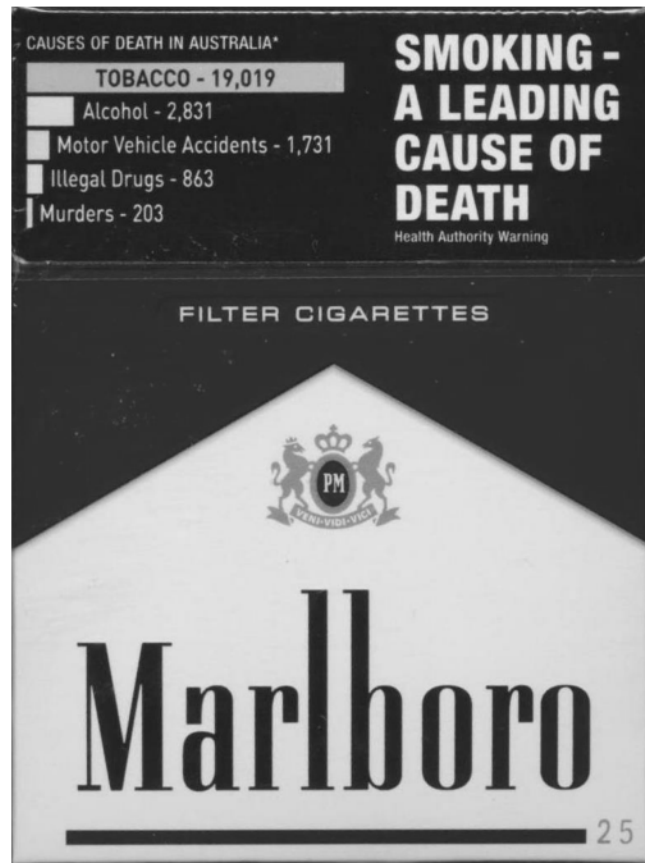


**New Zealand Health
Minister (left)**

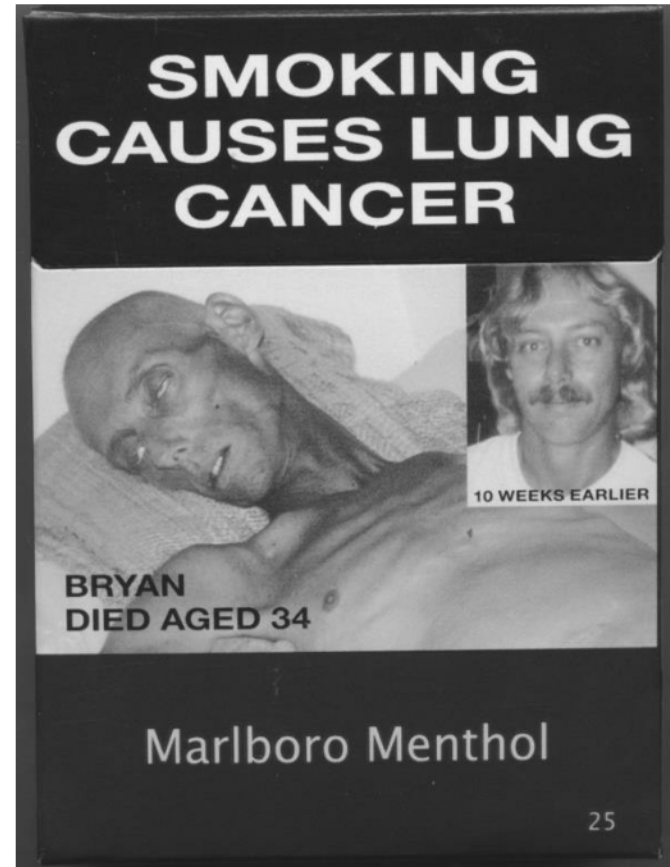


**Norwegian Health
Minister**

Plain packaging – Dec. 1, 2012

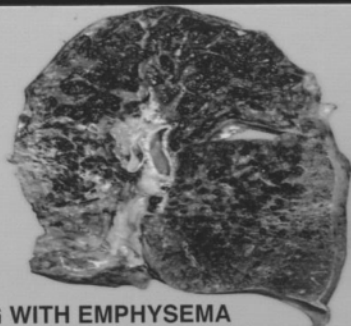


Before



After

SMOKING CAUSES EMPHYSEMA



LUNG WITH EMPHYSEMA

Benson & Hedges

Smooth

25

SMOKING HARMS UNBORN BABIES



Dunhill

Blonde Blend

25

SMOKING CAUSES PERIPHERAL VASCULAR DISEASE

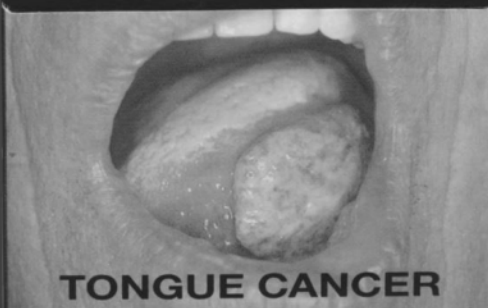


GANGRENE

Marlboro Gold

25

SMOKING CAUSES MOUTH CANCER



TONGUE CANCER

Marlboro Gold

25

SMOKING CAUSES BLINDNESS



Dunhill

Blonde Blend

25

SMOKING CAUSES LUNG CANCER



10 WEEKS EARLIER

BRYAN
DIED AGED 34

Marlboro Menthol



Cigarillo/ small cigar tin



RYO tobacco pouch



Tube for single sale cigar



Bag for multiple cigars





House of Commons
Canada

Towards zero consumption

Generic packaging
of tobacco products



Standing Committee on Health
The Hon. Roger Simmons, P.C., M.P.
Chairman

June 1994

1994



Mandate Letter

Nov. 13, 2015



MINISTER OF HEALTH MANDATE LETTER

Office of the
Prime Minister



Cabinet du
Premier ministre

Ottawa, Canada K1A 0A2

Included as a “top priority”:

“Introduce plain packaging requirements for tobacco products, similar to those in Australia and the United Kingdom.”

Implementation in Canada

- Can be done by regulation under federal Tobacco Act
- Process includes consultation



May 31, 2016





May 31, 2016

**CONSULTATION ON
“PLAIN AND STANDARDIZED PACKAGING”
FOR TOBACCO PRODUCTS**

POTENTIAL MEASURES FOR REGULATING THE
APPEARANCE, SHAPE AND SIZE OF TOBACCO
PACKAGES AND OF TOBACCO PRODUCTS

**DOCUMENT FOR CONSULTATION
MAY 2016**



Plain Pack Mockups for Canada



2001



2012



WARNING

Smoking in the car hurts more than just you.

Having the windows open does not protect passengers from the over 70 cancer causing chemicals in tobacco smoke.

You have the will. There is a way.

1-866-366-3667
gosmokefree.gc.ca/quit

Health Canada

CANADIAN CLASSICS

25 CIGARETTES SILVER



"Look at the power of the cigarette... Remember this face and that smoking killed me."

Barb Tarbox died at 42 of lung cancer caused by cigarettes.

You can quit. We can help.

1-866-366-3667
gosmokefree.gc.ca/quit

© The Edmonton Journal

Health Canada

CANADIAN CLASSICS

25 CIGARETTES SILVER



"Just breathing is torture."

"Smoking caused my lungs to collapse four times before I was diagnosed with emphysema at 42. Without my oxygen tank, it feels like I'm breathing through a straw."

– Lena

Need help to quit?

1-866-366-3667
gosmokefree.gc.ca/quit

Health Canada

CANADIAN CLASSICS

25 CIGARETTES SILVER



WARNING

Cigarettes are a major cause of heart disease.

Smokers are up to 4 times more likely to develop heart disease than non-smokers.

You can quit. We can help.

1-866-366-3667
gosmokefree.gc.ca/quit

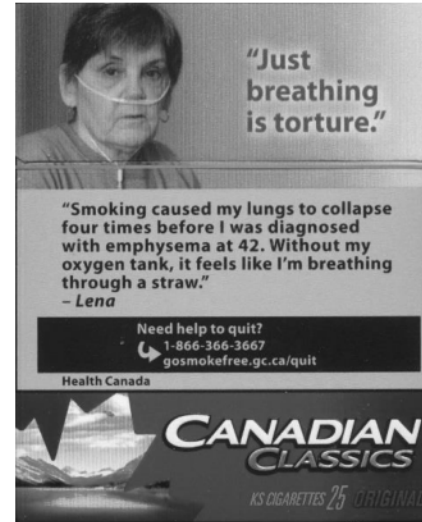
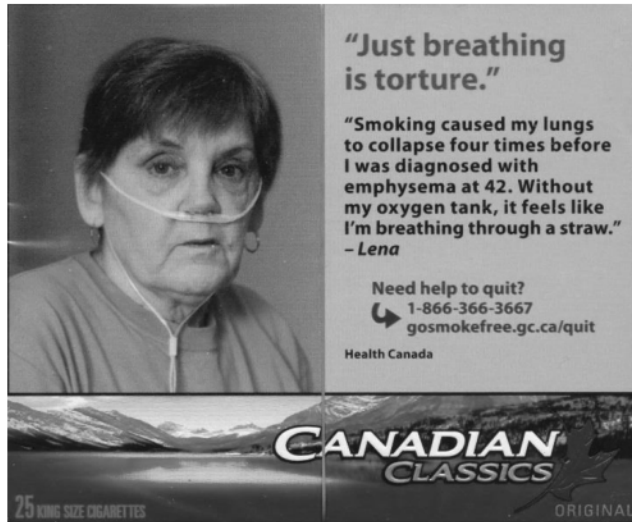
Health Canada

CANADIAN CLASSICS

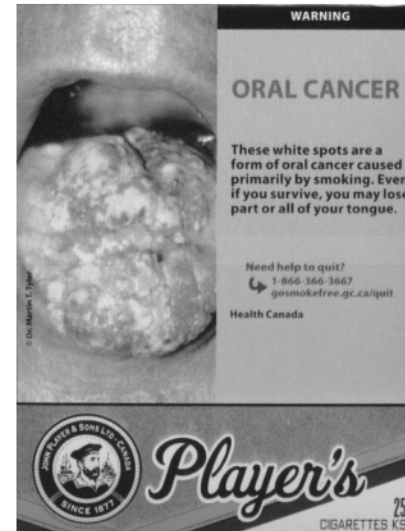
25 CIGARETTES SILVER

Industry moving away from slide & shell packs

(all packs shown are 25 King Size cigarettes)



Canadian Classics
Original KS 25

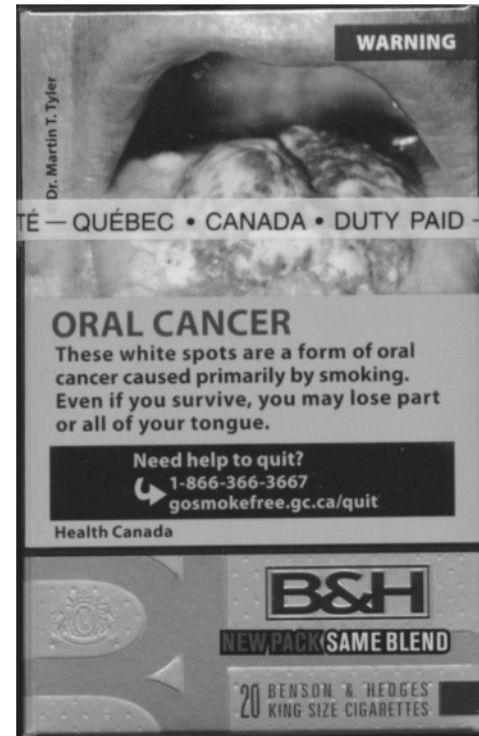


Player's Rich KS 25

Switzerland, 2013



Distorts health warnings



Industry Arguments

- Will not work – then why is industry opposed?
Plain packaging supported by extensive research; Australian experience
- Will cause contraband – nonsense
- Legal claims (but industry lost all plain packaging legal challenges in Australia (2), UK, European Court of Justice)

Industry Legal Arguments

Without Merit

- World Trade Organization (WTO)
- NAFTA
- Canadian Charter

Note: Strong Supreme Court judgment 2007

Note: Trans-Pacific Partnership (TPP) agreement excludes tobacco products from investment chapter

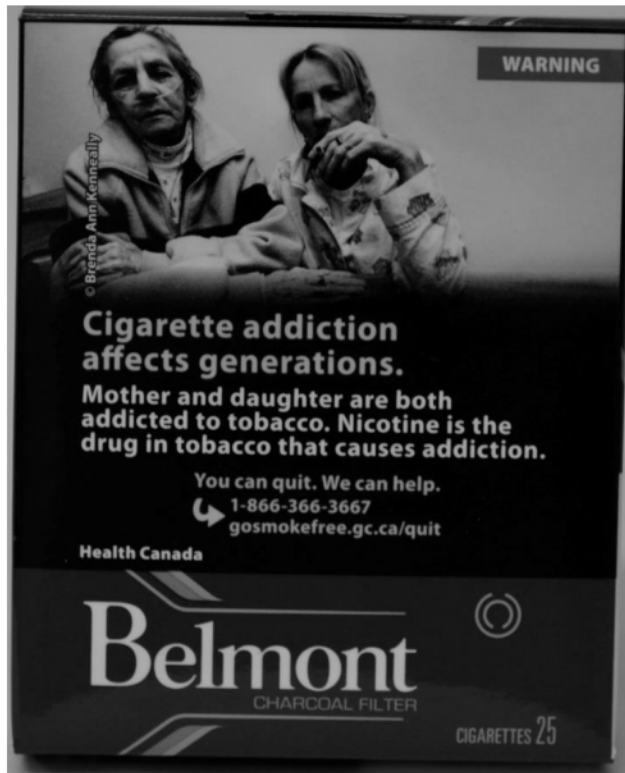


Other Arguments

- Warning already 75%
- Covered up at retail
- What is next? Alcohol? chocolate bars?

Innovative Packaging





Exterior Shell



Interior Package

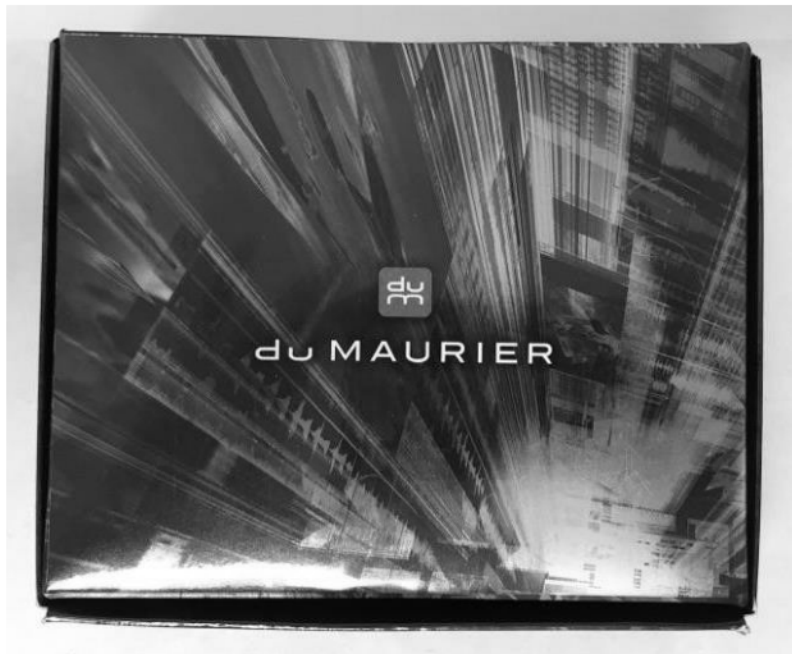
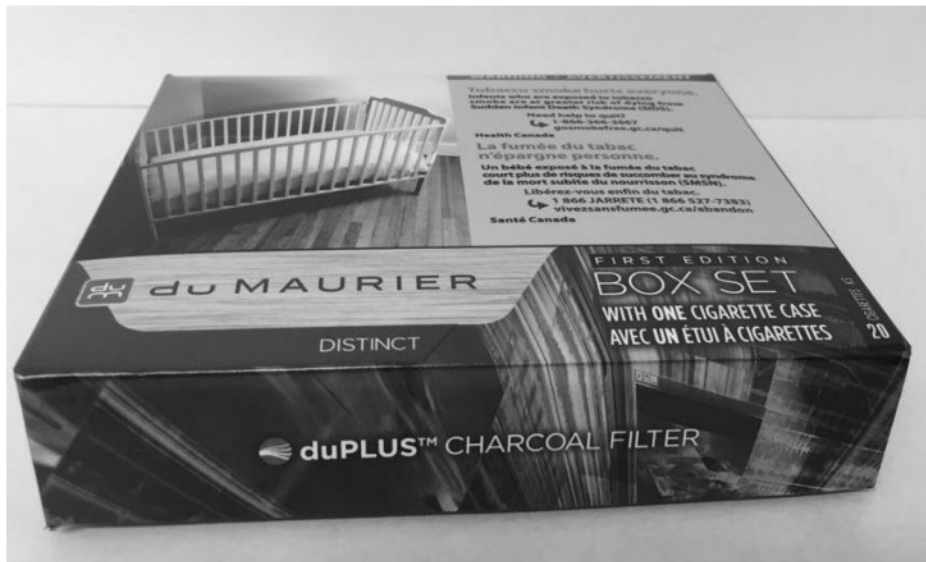


Exterior



Interior













Quebec World Precedent (Nov. 26, 2016)

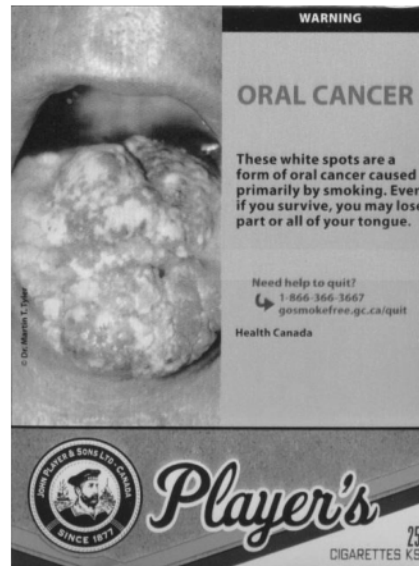
Minimum Warning Surface Area, 46.5 cm²

67 cm²



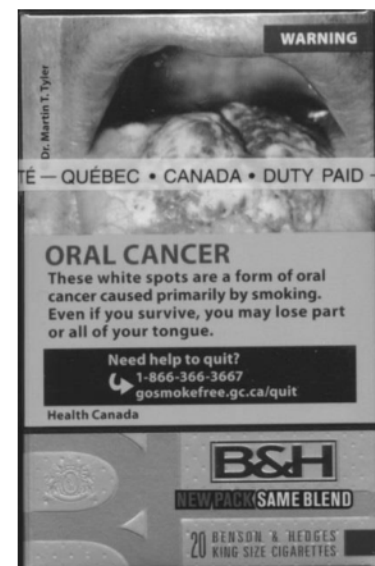
25 King Size
slide & shell

44 cm²



25 King Size flip top
or side opening

38 cm²



20 King Size
flip top

24 cm²

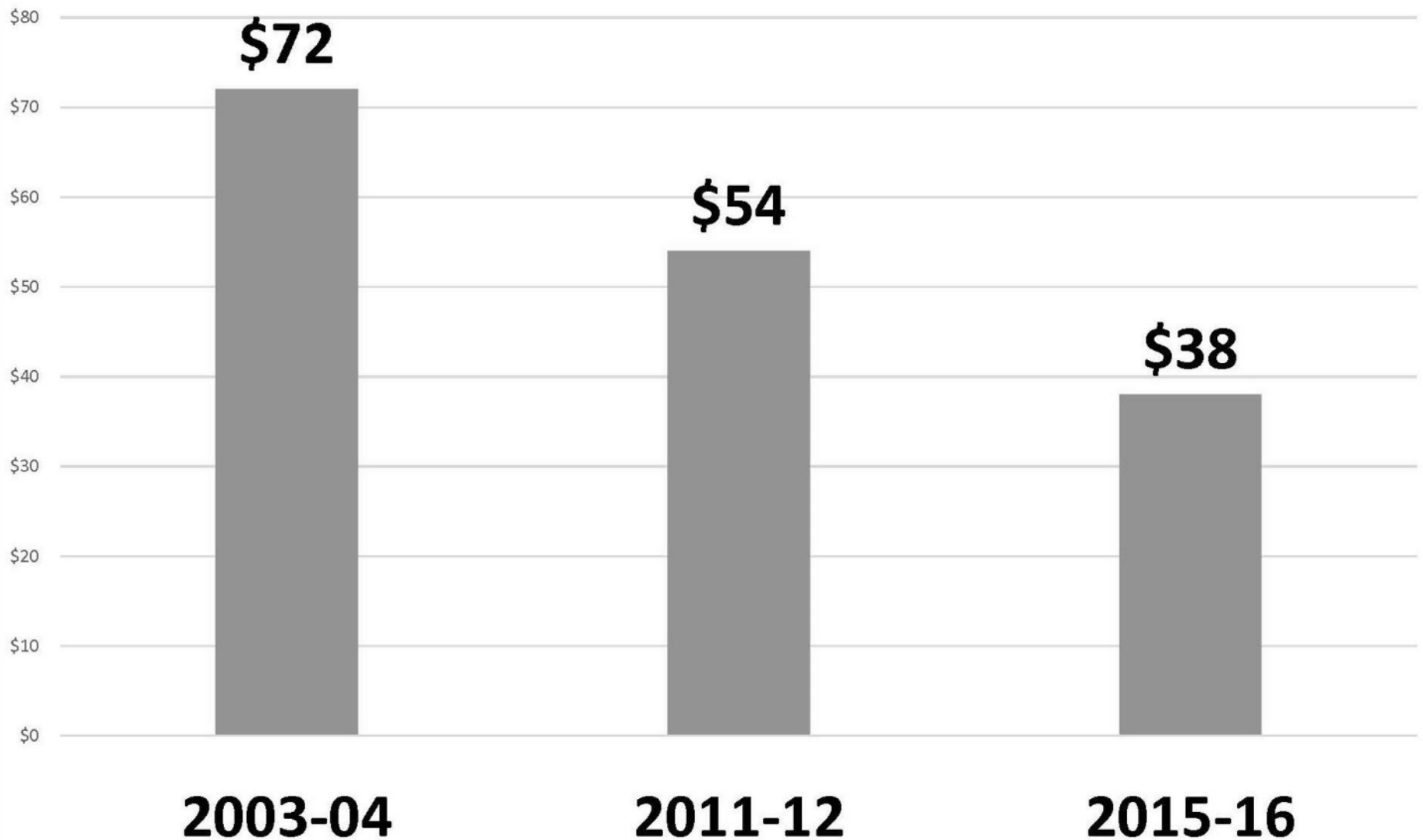


20
Superslims

Federal Tobacco Control Strategy

- expires Mar. 31, 2017
- Tobacco Act, outdated, 20 years old
- Need better funding
- Per capita funding C\$1.05 in Canada vs C\$2.85 for US federal government

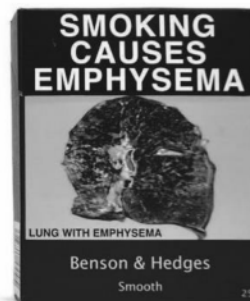
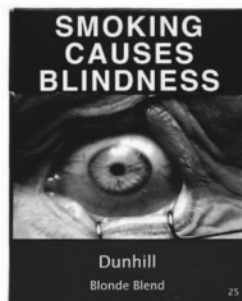
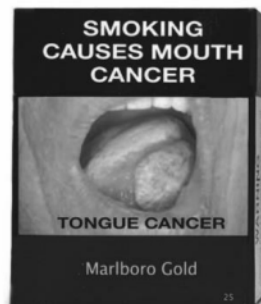
Health Canada's tobacco control budget (\$ million)





Canadian Cancer Society
Société canadienne du cancer

Yes to tobacco plain packaging



Plain packages from Australia

Protect youth. An addictive, cancer-causing product should not be sold in attractive packages.



Canadian Cancer Society
Société canadienne du cancer

Yes to tobacco plain packaging

Tobacco is responsible for **30%** of cancer deaths.

Plain packaging is a key measure that keeps health warnings, but prevents tobacco companies from using the package as mini-billboards to promote tobacco by banning brand colours, graphics and logos.

Package formats would be standardized, prohibiting special formats such as slim/superslim packs targeting women.

Plain packaging is an international trend and has been adopted in Australia, Ireland, the United Kingdom and France.

Dear Member of Parliament:

I support strengthening Health Canada's tobacco control strategy and legislation, and implementing tobacco plain packaging as soon as possible.

First name*: _____

Last name*: _____

Address: _____

City*: _____

Province*: _____

Postal code*: _____

Email: _____

Phone: _____

Signature*: _____

* Required

This postcard will be sent to the local Member of Parliament, the federal Minister of Health and opposition health critics.

☐ I agree to receive periodically news and updates from the Canadian Cancer Society

Plain packaging inevitable in Canada

- **Must do it right**
- **Must overcome industry opposition**

Thank you

From: [Jack Boomer](#)
To: [Scalzo, Lee G HLTH:EX](#)
Subject: FW: Rob Cunningham's presentation for the CAC Knowledge Exchange
Date: Tuesday, June 7, 2016 8:58:56 AM
Attachments: [Cunningham-plain packaging-CAC webinar-2016-06-07.pdf](#)

From: Jack Boomer [s.22]
Sent: Tuesday, June 07, 2016 7:24 AM
Subject: Rob Cunningham's presentation for the CAC Knowledge Exchange
Please find attached Rob's presentation. Melodie's presentation is included in the updated invitation to you with the call in details.
Jack



1057235

June 10, 2016

Re: Update on tobacco and vapour products regulation in British Columbia

In May 2015, the Government of British Columbia passed legislation to ensure youth and non-users were not exposed to electronic cigarettes, while still allowing adults to purchase these products. Last fall, a consultation on the proposed scope of the associated regulations was held. The Ministry of Health sought feedback in five key areas of the proposed regulation:

- 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.

The Ministry of Health reviewed all submissions and appreciates the advice provided by the broad range of interested parties.

As you or your organization may be interested in these changes, I am pleased to provide you with background information on the scope of the new requirements. I have attached a document that outlines the main elements of the regulatory changes that will come into effect on September 1, 2016. A copy of the new *Tobacco and Vapour Products Control Act* and Tobacco and Vapour Products Control Regulation is being prepared and will be sent to you in July 2016.

I believe these changes will assist BC youth in making healthy choices and allow adults to make decisions about vapour products purchase.

Yours truly,

Matt Herman
Executive Director
Healthy Living & Health Promotion
Ministry of Health

Requirements under the *Tobacco and Vapour Products Control Act* and Tobacco and Vapour Products Control Regulation

The new laws around the sale, display, promotion and use of tobacco and vapour products will **come into effect on Sept. 1, 2016**. On that day, all retailers and users of these products must adjust their practices to meet the requirements of the new *Tobacco and Vapour Products Control Act* and the Tobacco and Vapour Products Control Regulation. The information below is intended to give a general overview of the new requirements. A copy of the new *Tobacco and Vapour Products Control Act* and Tobacco and Vapour Products Control Regulation will be released in July 2016.

Most of the changes relate to the sale, display, promotion and use of vapour products/electronic cigarettes. There are some additional changes to the buffer zone and use on health authority sites for tobacco as well as vapour products/electronic cigarettes. All other requirements for tobacco display, sale and use remain as they were in the previous *Tobacco Control Act* and Tobacco Control Regulation, as well as the current *Tobacco Tax Act* and Tobacco Tax Regulation, and the federal *Tobacco Act*. Your local government may also have requirements.

The information provided gives a general overview of the legislative standards, including:

- ▶ the sale, display, promotion and use of vapour products in stores;
- ▶ the use of vapour products in public and work spaces;
- ▶ buffer zone and use on health authority sites for both tobacco and vapour products; and
- ▶ enforcement of the new laws, including penalties.

Requirements for the sale and promotion of vapour products in stores

What is a vapour product?

A vapour product or electronic cigarette is defined as a device that contains an electronic or battery-powered heating element that can vapourize an e-substance.

An e-substance is a solid, liquid or gas that when heated by the element in an e-cigarette, produces a vapour for use in an e-cigarette. All e-substances are covered by the new legislation and it does not matter if the e-substance contains nicotine or is nicotine-free.

Both the device and the e-substance are subject to restrictions on sale, display, promotion and use.

Who can buy vapour products?

Any adult over the age of 19 can purchase a vapour product.

Retailers must ensure that they sell vapour products only to people over 19 years of age. Only government-issued identification (e.g. a passport, driver's licence or identification card with a photograph) can be used to confirm a person's age.

It is important to note that it is illegal to give or provide any vapour products to someone under the age of 19. If you suspect someone is providing vapour products to minors, please contact enforcement staff at your local [regional health authority](#).

Can I display vapour products in my store?

A key goal in the new legislation is ensuring youth are not encouraged to use vapour products. As a result, vapour products cannot be advertised or displayed in stores where those under 19 years of age have access.

- ▶ **If your store allows all ages to enter the store**, then you must ensure that the vapour products and any advertisements for vapour products are not visible to minors in your store. This includes any objects like mugs or hats that promote brands or manufacturers of vapour products. Within your store, you can inform customers that you have vapour products for sale, using basic signs with general information such as the price range of single use or refillable products. The information must be in small black letters on a white background and the page cannot be larger than a standard letter size page.
- ▶ **If your store only allows adults to enter the store**, then you may have vapour products and their promotions out on display. However, you must ensure that people looking into the store from outside cannot see the vapour products or their advertisements.

Any vending machines that sell vapour products must be in adult-only venues.

Can tobacco or vapour products be advertised outside of retail stores – for example, on a sandwich board, newspaper or billboard?

Our advertising regulations will apply to retail premises. If you wish to advertise outside of those premises, then you must review the requirements set by your local and federal governments.

What are the display requirements for tobacco and vapour products in duty free stores?

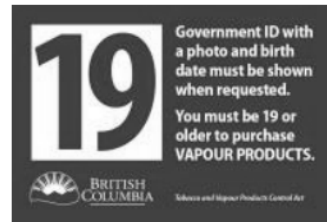
Duty free stores are treated the same as all other retail stores in British Columbia. Duty-free stores that sell tobacco or vapour products can either stop youth from entering their premises or place these products in age-restricted areas.

In the case of displays of these products in duty free stores, federal legislation does not take precedence over provincial legislation. These laws will continue to be enforced in duty free stores by enforcement officers from health authorities.

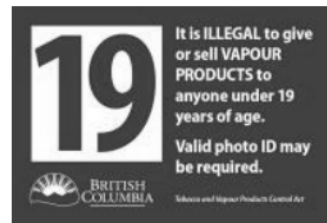
What signs must I post if I want to sell vapour products?

Under the new legislation, anyone selling vapour products must post two mandated warning signs at your cash till or point of sale:

1. One sign faces the customers and informs them they must be at least 19 years of age to buy vapour products.



2. A second sign faces the retailer/employee of retailer and reminds them that only those 19 or older with approved identification can buy vapour products.



You must use only the signs provided by the Ministry of Health. Please contact your local regional health authority to receive your copies of the new signs.

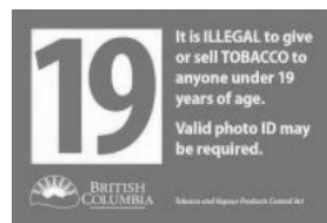
What signs must I post if I want to sell tobacco products?

It is important to note that the Ministry of Health has updated the signs required by tobacco retailers. There are now just two mandated signs that retailers must place at the point of sale:

1. One sign faces the customers and informs them they must be at least 19 years of age to buy tobacco products.



2. A second sign faces the retailer/employee of retailer and reminds them that only those 19 or older with approved identification can buy tobacco products.



You must use only the signs provided by the Ministry of Health. Please contact your local regional health authority to receive your copies of your signs.

Tobacco retailers are no longer required to post the 17cm by 35cm graphic warning sign. These signs may have had a picture of a fish-hook or a small girl with an oxygen mask on. These signs can be removed.

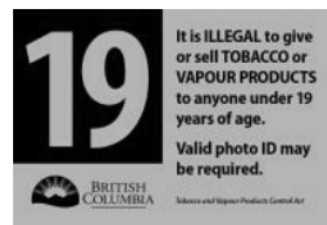
What if my store sells both tobacco and vapour products?

The Ministry of Health has created signs that retailers of both products should use:

1. One sign faces the customers and informs them they must be at least 19 years of age to buy tobacco and vapour products.



2. A second sign faces the retailer/employee of retailer and reminds them that only those 19 or older with approved identification can buy tobacco and vapour products.



Only the signs provided by the Ministry of Health can be used. Please contact your local regional health authority to receive your copies of your signs.

Are there any stores that cannot sell tobacco or vapour products?

There are a number of public places in B.C. that cannot sell tobacco or vapour products. Retail outlets in the following locations cannot sell tobacco or vapour products:

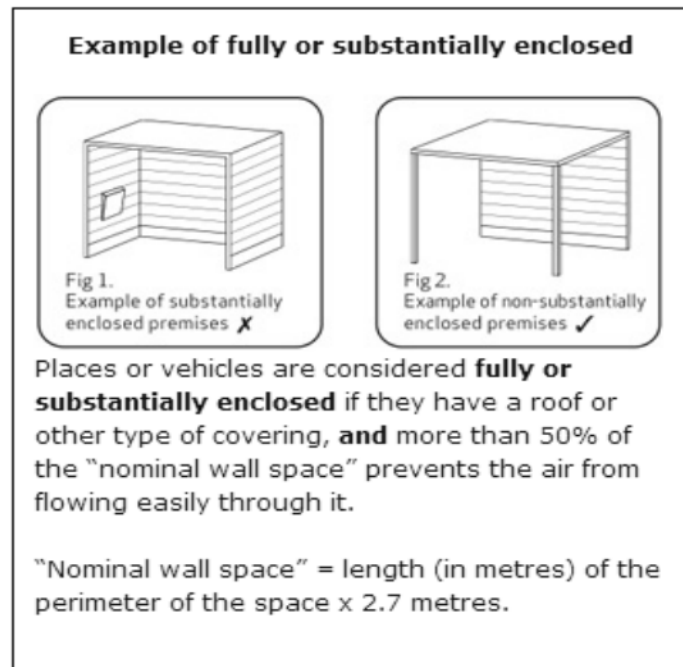
- ▶ Any publicly owned or leased hospital or health-care facility.
- ▶ Any publicly owned or leased post-secondary buildings that are used for education, research or student services.
- ▶ Any municipal or regional district buildings used for athletics, recreation or library services.
- ▶ Any building owned or leased by government or crown corporations or agencies.

Requirements for use of vapour products

What restrictions are there on the use of vapour products?

Vapour products cannot be used inside of substantially enclosed public or workplaces. This includes places such as offices, malls, cafés, stores and other places in which the public can enter and/or people work, along with the break rooms and bathrooms within these sites. The common areas of hotels, apartments and condominiums, such as the hallways, laundry room or party room are also considered public or workplaces.

Business managers, owners or lessees have legal responsibilities to prevent people from using vapour products in most fully or substantially enclosed public places and workplaces.



Businesses and organizations should contact their regional health authority if they require further guidance on whether their premises are fully or substantially enclosed.

Can customers use vapour products in a vapour products store?

An exception was made in the Regulation to allow customers in adult-only vapour products stores to learn how to use vapour products or to test products that they wish to buy. The exception has the following conditions:

- ▶ Retailers/employees can hold and activate vapour products only for the purpose of showing customers how to use the product.
- ▶ Retailers/employees cannot inhale or use the vapour product.
- ▶ A customer can sample an e-substance in the store if:
 - They are testing or sampling products that they intend to purchase and consume off-site; and
 - Only two customers may sample vapour products at any time in a retail store.
- ▶ Retailers/employees cannot use vapour products on site.
- ▶ Retailers must take steps to ensure the second hand vapour does not escape to adjacent premises or public areas.

What are the restrictions on using tobacco or vapour products outdoors?

The Tobacco and Vapour Products Control Regulation sets a six-metre zone around all doorways, air intakes and open windows to any substantially enclosed public and work places in B.C. (previously, the buffer zone was three metres). This means there must be a six-metre area around any doorway, air intake or open window to any public or work place in which no one can stand and use tobacco or vapour products. This protects against emissions entering these places and protects people as they enter or exit.

Places that may be considered public or workplaces include stores, offices, and entrances to condominiums/apartment buildings, work vehicles (e.g., delivery vans), public transit, taxis, cafes, casinos and pubs/bars.

There is an exception to the buffer zone restriction:

- ▶ Tobacco and vapour products can be used on an outdoor hospitality patio (e.g., patio of a bar, casino, café) that is within a buffer zone if there are no open windows, doors or active air intakes between the patio and the hospitality venue. For example, patrons can use vapour products on a casino's patio as long as the doors are closed except for exiting/entering, the windows to the casino are closed and the air intake is not operating.

NOTE: You may live in a community/municipality that has greater restrictions on outdoor smoke/vape use. Some communities in B.C. ban use on hospitality patios, they may have buffer zones that are larger than six metres or they may ban use on outdoor spaces, such as beaches or playgrounds. If your community has such a bylaw, it takes precedence over the provincial requirement. Whichever requirement is more restrictive is the requirement you must follow. As an example, the provincial legislation allows vapour product use on a hospitality patio. However, your community/municipality bans it through a bylaw. Therefore, the community/municipality bylaw is the one that must be followed.

What is my responsibility as a manager or business owner to enforce the buffer zone?

Owners and managers are required to take reasonable steps to prevent people from smoking/vaping within the six metre buffer zone on their property. They are not required to enforce the law on public property such as sidewalks, unless the person is within the control of the owner (such as a customer or patron) or is their employee. For example, if you place a bench at the doorway to your store, you must make sure people do not use tobacco or vapour products while sitting there.

What are the restrictions for tobacco and vapour product use on health authority sites?

Tobacco and vapour products cannot be used on the grounds of a health authority site, unless in an area that the health authority has decided is a designated use area. Health authorities may designate an area for tobacco products only, for vapour products only or for both products. Health authorities are not required to have designated areas for either product.

Residents of a hospital or residential care facility can use tobacco or vapour products inside the hospital or residential care facility only if there is a designated, specially constructed room that meets the standards set by WorkSafeBC's Occupational Health and Safety Guidelines, Part 4. Only residents can use the room – visitors and staff cannot. However, it is important to note that health authorities are not required to provide such rooms. If residents are concerned about how they will cope without tobacco or vapour products while they are on site, they should speak to facility staff. Nicotine medication can regulate nicotine levels and make the adjustment easier.

The new laws are aligned to health authority policy which has banned tobacco and vapour product use except in designated areas. Many health authorities are seeking to have smoke and vape free premises.

Can a health authority allow e-cigarette/vapour product use in a designated outdoor smoking area but ban smoking tobacco products on the entire health board property?

The legislation gives Health Authorities the discretion to implement designated outdoor smoking areas that allow tobacco **or** e-cigarette/vapour product use. It is up to health authorities to decide if they will designate an area for the use of one, both or neither of these products.

The legislation allows for an exception for prescribed medical products. Does that mean people can use vapour products inside public and work places if their doctor prescribes them?

No, it does not. In this section, 'prescribed' means prescribed by regulation and does not mean a doctor's prescription. In this context, 'prescribed' is a regulatory term and allows our regulation to create a schedule of medical devices approved by Health Canada.

Does this legislation discourage the use of vapour products as a harm reduction tool for tobacco users?

One of the goals in this legislation is to let adults make the choice to use vapour products while ensuring youth cannot buy them and are not encouraged to use them by retail advertisement and displays. If an adult wants to buy a vapour product to use instead of tobacco, they can do so. However, there are many people who do not want to be exposed to the emissions from vapour products in enclosed public or work places.

We do want to remind people that they can get regulated sources of nicotine through a number of approved nicotine replacement products that have been reviewed and approved by Health Canada. Our [BC Smoking Cessation Program](#) offers twelve weeks of nicotine replacement gum, patch, lozenge or inhaler.

Enforcement of the legislation, including penalties

Who enforces the legislation?

Enforcement officers in the regional health authorities are responsible for enforcing the *Tobacco and Vapour Products Control Act* and the Tobacco and Vapour Products Control Regulation.

Their work is guided by a progressive enforcement model that includes: education and awareness, verbal warning, letter warning, ticketing and administrative hearings. Their goal is to ensure everyone is meeting the requirements of the legislation through education and progressive enforcement options. Many times, an enforcement officer will work with retailers to educate them on the requirements and help parties comply with the new laws.

What are the penalties for violations of the legislation?

If an enforcement officer believes a retailer or their employee has contravened the *Tobacco and Vapour Products Control Act* or Regulation, the officer has two main options:

- **A ticket can be issued:** tickets vary from \$345 or \$575 depending on the contravention. Fine amounts for contraventions of the Tobacco and Vapour Products Control Act and Regulation are provided under the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97.
- **A request can be made for an administrative hearing:** an administrative hearing is usually for more serious violations and allows both the retailer and enforcement officer an opportunity to provide evidence in a hearing. If a contravention is found, adjudicators can set monetary penalties and/or suspend tobacco sales authorizations and prohibit the sale of vapour products. Monetary penalties range up to \$5,000, and suspensions of tobacco sales authorizations and prohibition of sale of vapour products range up to 180 days.

If an enforcement officer believes an individual has contravened one of the *Tobacco and Vapour Products Control Act* or Regulation sections that deal with use in a prohibited place, the ticket is \$58 per violation.

From: [Rob Cunningham](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: FW: Tobacco and Vapour Products Control Act and Regulations
Date: Friday, June 10, 2016 3:43:20 PM
Attachments: [1057235 - Update on Tobacco and Vapour Products Reg in BC - Letter.pdf](#)
[Background Information on Tobacco and Vapour Products June 10, 2016.pdf](#)

Hi Shelley

Would there be a link to the new regulations that you could provide?

For the backgrounder attached to this email, would there be a link on the BC government website where this could be found?

Rob

From: Bill14Consultation HLTH:EX [mailto:bill14consultation@gov.bc.ca]

Sent: Friday, June 10, 2016 5:49 PM

Subject: Tobacco and Vapour Products Control Act and Regulations

Good afternoon.

Earlier today the Province of British Columbia released information on the new Tobacco and Vapour Products Control Act and Regulation. The attached documents will provide background information on the scope of the new requirements.

<https://news.gov.bc.ca/releases/2016HLTH0049-001002>

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From: [Rob Cunningham](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: question re application to health authorities
Date: Saturday, June 11, 2016 3:33:53 PM

Thanks very much Shelley

Rob

-----Original Message-----

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]
Sent: Saturday, June 11, 2016 5:53 PM
To: Rob Cunningham
Subject: Re: question re application to health authorities

if it is privately owned centre - perhaps a rehab centre for alcohol - then it would not be covered by the legislation that restricts tobacco use on grounds. The interior would be a workplace and covered by the legislation (including the 6 m buffer zone). I don't have a strong knowledge of psychiatric facilities throughout the province, but my sense is that many are operated by the HAs.....but I could be wrong.

Shelley

From: Rob Cunningham <rcunning@cancer.ca>
Sent: June-11-16 10:33 AM
To: Canitz, Shelley L HLTH:EX
Subject: RE: question re application to health authorities

Thanks Shelley

Thus would it be fair to say that there would be some psychiatric facilities that would be covered by the new smoke-free provisions (those attached to hospitals) but that for some other psychiatric facilities they would not be covered by the new legislative provisions?

Rob

-----Original Message-----

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]
Sent: Saturday, June 11, 2016 1:30 PM
To: Rob Cunningham
Subject: Re: question re application to health authorities

?Rob - there are 5 geographic HAs that cover every part of BC - Northern, Interior, Fraser, Vancouver Coastal and Vancouver Island. They own/manage hospitals, long-term care, office buildings, etc. Many psychiatric facilities are attached to hospitals in BC. The move to regulate use on HA properties comes after 8 years of guidelines implemented by these HAs - in 2008, all these HAs brought in a SF grounds policy and have been steadily restricting use on site (a lot of work by HAs - training, inventive education campaigns, etc). However, their work need the additional support of penalties. So this regulation reflects what HAs have been doing for years but puts it into regulation and allows for progressive enforcement.

Shelley

From: Rob Cunningham <rcunning@cancer.ca>
Sent: June-11-16 5:50 AM
To: Canitz, Shelley L HLTH:EX

Subject: question re application to health authorities

Shelley

Here is an excerpt from the backgrounder circulated yesterday, which I found very helpful:

What are the restrictions for tobacco and vapour product use on health authority sites?

Tobacco and vapour products cannot be used on the grounds of a health authority site, unless in an area that the health authority has decided is a designated use area. Health authorities may designate an area for tobacco products only, for vapour products only or for both products. Health authorities are not required to have designated areas for either product.

I am not as familiar as I should be with health authorities in BC. Do health authorities cover hospitals? Psychiatric facilities?

Rob

From: [Herman, Matt HLTH:EX](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: questions regarding Bill
Date: Tuesday, April 14, 2015 2:03:41 PM
Attachments: [image001.jpg](#)

edited

From: Canitz, Shelley L HLTH:EX
Sent: Friday, March 20, 2015 10:19 AM
To: Herman, Matt HLTH:EX
Subject: RE: questions regarding Bill
Please review my draft reply to Rob Cunningham – I hope to send this to him Monday Rob – my replies are attached to your questions below. On a related matter, we will be consulting on the proposed scope of the regulations later this year – in case you want to review the discussion paper, I will add your name to our notification list

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]
Sent: March 14, 2015 5:44 AM
To: Canitz, Shelley L HLTH:EX
Subject: RE: questions regarding Bill
Thank you Shelley
Rob

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]
Sent: Friday, March 13, 2015 11:36 AM
To: Rob Cunningham
Subject: RE: questions regarding Bill
Rob – I got your voice message – we will get back to you soon. Please note that the House is on a spring break.

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]
Sent: March 9, 2015 12:04 PM
To: Canitz, Shelley L HLTH:EX
Subject: questions regarding Bill
Hi Shelley

I have reviewed Bill 14, and I have a number of questions concerning interpretation. They are as follows:

1. Would a health board have authority to allow e-cigarette use in a designated outdoor smoking area, though maintain a ban on smoking a tobacco product on the entire health board property?
HAs will have the discretion to decide if they will have a designated area and how products can be used (e.g. one area for e-cigarette use and one area for tobacco use or a ban on tobacco use)
2. Would it be authorized by regulations to allow product displays/advertising in specialty e-cigarette stores, but maintain a ban displays/advertising of e-cigarettes in other stores (eg grocery stores, convenience stores)? That is could regulations differ in their application depending on the type of store? I think it would be important to maintain this type of regulatory flexibility. In the context of the Nova Scotia and Ontario bills, an issue has come up about banning visible displays in most stores, but allowing displays in specialty e-cigarette stores (provided the store only sold e-cigarettes and related products, did not allow minors to enter, and ensured that displays were not visible from outside the store.) Our e-cigarette regulation will be similar to what it currently is with tobacco - it does not differentiate between the kind of store – it doesn't matter if you are a

tobacconist, grocery store or gas station – youth cannot see tobacco. This will be similar for e-cigarette – if they want to display their products inside their store, they must not allow youth to enter the store.

3. Suppose a person is using an e-cigarette in a restaurant and the e-cigarette contains hashish oil, or marijuana (but not nicotine). Would use in a restaurant of this e-cigarette (eg with hashish oil or marijuana) be prohibited by the provisions of Bill 14? (note: consider the definition of “e-substance”). It would be important that this be the case that all e-cigarette use be banned in these places – otherwise how is a manager, proprietor or inspector able to enforce the law – it is impossible to know as an external observer what is in the e-cigarette.

If a proprietor says e-cigarettes cannot be used and the person tells them they have carried hashish into the café and are using it, then the proprietor should call the police, not a health authority enforcement officer, to ensure the hashish is handled appropriately.

4. Health Canada has a process whereby e-cigarettes with nicotine could be approved for sale under the Food and Drugs Act. Suppose 9 months from now Health Canada approves for sale various e-cigarettes with nicotine. Under Bill 14, would use of these e-cigarettes approved under the Food and Drugs Act be prohibited in BC in offices, restaurants and other places where smoking is banned by the provincial Tobacco Control Act? It is important that this be the case; it is currently the case under the Vancouver bylaw, under Nova Scotia legislation, and under pending Ontario Bill 45. More than 200 US municipalities have done so, including New York City, Boston, Chicago and Los Angeles. It is important to protect non-users. It is also important for enforcement to be practicable – how is a manager, proprietor or inspector able to tell from external observation if a particular e-cigarette is approved by Health Canada or not (including whether the characteristics of the e-liquid inside is approved or not).

Our regulation will prescribe which are the approved medical devices. Right now, there are approved nicotine inhalers and mists and we foresee those could be allowed under the regulation, when drafted

5. Regarding section 9 of Bill 14 (enacting section 2.41), is it clear that there is regulatory flexibility in terms of prescribing exemptions? For example, could regulations differ depending on whether e-cigarettes contained nicotine or not, depending on whether the location of sale is a pharmacy or some other store, etc.

Not quite clear what you mean on this matter – our definition of e-substance is in the legislation.

If it is possible to assist with these questions it would be appreciated.

Regards

Rob

DaffodilRob Cunningham



Senior Policy Analyst

Canadian Cancer Society

Tel 1-613-565-2522, ext. 4981 Fax 1-613-565-2278

116 Albert Street, Suite 1010

Ottawa, Ontario, Canada K1P 5G3

From: [Canitz, Shelley L HLTH:EX](#)
To: ["Rob Cunningham"](#)
Subject: RE: questions regarding Bill
Date: Wednesday, April 8, 2015 9:59:00 AM
Attachments: [image001.gif](#)

Hope to get back to you this week, Rob

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]
Sent: April 2, 2015 6:34 PM
To: Canitz, Shelley L HLTH:EX
Subject: RE: questions regarding Bill
Hi Shelley

I wanted to follow-up regarding the questions below.

Do you know when it might be possible to hear back?

Regards

Rob

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]
Sent: Friday, March 13, 2015 11:36 AM
To: Rob Cunningham

Subject: RE: questions regarding Bill

Rob – I got your voice message – we will get back to you soon. Please note that the House is on a spring break.

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]
Sent: March 9, 2015 12:04 PM
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Subject: questions regarding Bill
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3. Suppose a person is using an e-cigarette in a restaurant and the e-cigarette contains hashish oil, or marijuana (but not nicotine). Would use in a restaurant of this e-cigarette (eg with hashish oil or marijuana) be prohibited by the provisions of Bill 14? (note: consider the definition of "e-substance"). It would be important that this be the case that all e-cigarette use be banned in these places – otherwise how is a manager, proprietor or inspector able to enforce the law – it is impossible to know as an external observer what is in the e-cigarette.
4. Health Canada has a process whereby e-cigarettes with nicotine could be approved for sale

under the Food and Drugs Act. Suppose 9 months from now Health Canada approves for sale various e-cigarettes with nicotine. Under Bill 14, would use of these e-cigarettes approved under the Food and Drugs Act be prohibited in BC in offices, restaurants and other places where smoking is banned by the provincial Tobacco Control Act? It is important that this be the case; it is currently the case under the Vancouver bylaw, under Nova Scotia legislation, and under pending Ontario Bill 45. More than 200 US municipalities have done so, including New York City, Boston, Chicago and Los Angeles. It is important to protect non-users. It is also important for enforcement to be practicable – how is a manager, proprietor or inspector able to tell from external observation if a particular e-cigarette is approved by Health Canada or not (including whether the characteristics of the e-liquid inside is approved or not).

5. Regarding section 9 of Bill 14 (enacting section 2.41), is it clear that there is regulatory flexibility in terms of prescribing exemptions? For example, could regulations differ depending on whether e-cigarettes contained nicotine or not, depending on whether the location of sale is a pharmacy or some other store, etc.

If it is possible to assist with these questions it would be appreciated.

Regards

Rob



Rob Cunningham
Senior Policy Analyst
Canadian Cancer Society

Tel 1-613-565-2522, ext. 4981 Fax 1-613-565-2278
116 Albert Street, Suite 1010
Ottawa, Ontario, Canada K1P 5G3

From: [Rob Cunningham](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: Questions regarding Bill
Date: Tuesday, April 14, 2015 7:19:51 PM

School boards (a provincial responsibility) have rules that they enforce that says students cannot use marijuana or hashish on school property.

It was students using e-cigarettes to consume illicit substances that prompted Edmonton school authorities to prohibit all e-cigarette use on school property

The City of Vancouver (a provincial responsibility) bans all e-cigarette use where smoking is banned, regardless of the substance being consumed through the e-cigarette.

Shelley – would there be an answer to my question in terms of the current bill? Is the answer no?

Rob

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]

Sent: Tuesday, April 14, 2015 7:52 PM

To: Rob Cunningham

Subject: RE: Questions regarding Bill

Rob - it is my understanding that only the federal government can make laws related to criminal acts and provinces cannot be seen as doing that. Hashish possession is under the *Controlled Drugs and Substances Act*, which is criminal legislation re such products

-----Original Message-----

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]

Sent: April 14, 2015 4:33 PM

To: Canitz, Shelley L HLTH:EX

Subject: RE: Questions regarding Bill

Shelley

Yes. But federal law also prohibits e-cigarettes with nicotine.

Though federal law prohibits e-cigarettes with nicotine, provinces feel it is necessary to adopt legislation on e-cigarettes.

BC's bill is drafted differently than other provinces. It is important that there not be inadvertent drafting that will weaken the bill and hinder enforcement and intended impact.

Thus again my question 3 - would the described activity be illegal under the BC bill? (it would be illegal under the Ontario and NS bills).

Rob

-----Original Message-----

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]

Sent: Tuesday, April 14, 2015 7:28 PM

To: Rob Cunningham

Subject: RE: Questions regarding Bill

Doesn't federal law prohibit hash oil?

-----Original Message-----

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]

Sent: April 14, 2015 4:23 PM

To: Canitz, Shelley L HLTH:EX

Subject: RE: Questions regarding Bill

Thank you Shelley

I would like to follow up regarding question 3:

3. Suppose a person is using an e-cigarette in a restaurant and the e-cigarette contains hashish oil, or marijuana (but not nicotine). Would use in a restaurant of this e-cigarette (eg with hashish oil or marijuana) be prohibited by the provisions of Bill 14? (note: consider the definition of “e-substance”). It would be important that this be the case that all e-cigarette use be banned in these places – otherwise how is a manager, proprietor or inspector able to enforce the law – it is impossible to know as an external observer what is in the e-cigarette.

My question was not what the proprietor should do, but whether this was illegal. Under the Ontario and Nova Scotia bills it would be illegal. Would it be illegal under the BC bill?

Thank you for your assistance.

Rob

-----Original Message-----

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]

Sent: Tuesday, April 14, 2015 5:08 PM

To: Rob Cunningham

Subject: Questions regarding Bill

Rob – my replies are attached to your questions below. On a related matter, we will be consulting on the proposed scope of the regulations later this year – in case you want to review the discussion paper, I will add your name to our notification list

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]

Sent: March 14, 2015 5:44 AM

To: Canitz, Shelley L HLTH:EX

Subject: RE: questions regarding Bill

Thank you Shelley

Rob

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]

Sent: Friday, March 13, 2015 11:36 AM

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Regards

Rob

[Daffodil]

Rob Cunningham

Senior Policy Analyst

Canadian Cancer Society

Tel 1-613-565-2522, ext. 4981 Fax 1-613-565-2278
116 Albert Street, Suite 1010
Ottawa, Ontario, Canada K1P 5G3

From: [Rob Cunningham](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: Tobacco and Vapour Products Control Act and Regulations
Date: Friday, June 10, 2016 4:09:02 PM

Shelley

Not to worry – I found it.

Rob

From: Rob Cunningham
Sent: Friday, June 10, 2016 6:53 PM
To: 'Canitz, Shelley L HLTH:EX'
Subject: RE: Tobacco and Vapour Products Control Act and Regulations

Thanks Shelley

Would there be unconsolidated version of the new regulatory amendments that were approved?
Rob

From: Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]
Sent: Friday, June 10, 2016 6:46 PM
To: Rob Cunningham

Subject: RE: Tobacco and Vapour Products Control Act and Regulations

Hello, Rob – please accept my apologies but we won't have a consolidated version of the regulation ready until July. When it is ready, I will make sure you get a copy. The same goes for the updates to our website – that is something we will be working on in the coming days/weeks. For now, the backgrounder is the best source of information on the scope of the regulation.

Shelley

From: Rob Cunningham [<mailto:rcunning@cancer.ca>]
Sent: Friday, June 10, 2016 3:43 PM
To: Canitz, Shelley L HLTH:EX
Subject: FW: Tobacco and Vapour Products Control Act and Regulations

Hi Shelley

Would there be a link to the new regulations that you could provide?

For the backgrounder attached to this email, would there be a link on the BC government website where this could be found?

Rob

From: Bill14Consultation HLTH:EX [<mailto:bill14consultation@gov.bc.ca>]
Sent: Friday, June 10, 2016 5:49 PM
Subject: Tobacco and Vapour Products Control Act and Regulations

Good afternoon.

Earlier today the Province of British Columbia released information on the new Tobacco and Vapour Products Control Act and Regulation. The attached documents will provide background information on the scope of the new requirements.

<https://news.gov.bc.ca/releases/2016HLTH0049-001002>

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From: [Rob Cunningham](#)
To: [Canitz, Shelley L HLTH:EX](#)
Subject: RE: Tobacco and Vapour Products Control Act and Regulations
Date: Friday, June 10, 2016 3:53:42 PM

Thanks Shelley

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From: [Canitz, Shelley L HLTH:EX](#)
To: ["Rob Cunningham"](#)
Bcc: [Herman, Matt HLTH:EX](#)
Subject: RE: Tobacco and Vapour Products Control Act and Regulations
Date: Friday, June 10, 2016 3:46:00 PM

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