



Health Canada and the Convenience Industry Council of Canada meeting: Vaping Regulations – February 18, 2021

Subject:

Vaping Regulations

Date:

February 18, 2021

Participants:

Health Canada (HC)

- Sonia Johnson
 - Acting Director General, Tobacco Control Directorate (TCD) Controlled Substances and Cannabis Branch (CSCB) (Chair)
- Denis Choinière
 - Director, Tobacco Products Regulatory Office, TCD, CSCB
- Manager, Tobacco Products Regulatory Office, TCD, CSCB
- Acting Manager, Office of Policy and Strategic Planning, TCD, CSCB
- Policy Analyst, Office of Policy and Strategic Planning, TCD, CSCB (secretariat)



Convenience Industry Council of Canada (CICC)

- Anne Kothawala
 - President & CEO

Introduction:

A meeting was held at the request of the CICC to discuss the proposed regulations on the concentration of nicotine in vaping products.

The Chair opened the meeting with round table introductions.

The Chair reminded participants that this meeting is subject to disclosure as per HC's [Openness and Transparency policies](#). In the interest of transparency, the department stated that it would be making a record of the meeting publicly available. The [handling of information and privacy notice](#) was mentioned and acknowledged.

HC also referred to Article 5.3 of the [World Health Organization Framework Convention on Tobacco Control](#), its international obligation to protect tobacco control policies from the vested interests of the tobacco industry. It was acknowledged by the CICC representatives.

Subjects:

Proposed Nicotine Concentration Regulations

The CICC indicated that the proposed *Concentration of Nicotine in Vaping Products Regulations* (CNVPR) might have negative effects for people who smoke, who are looking to switch to e-cigarettes



as a reduced risk product. The CICC expressed concern that the new regulations could possibly push people who smoke back to smoking cigarettes. HC indicated that although vaping products are less harmful than cigarettes, the proposed new measures seek to address the increase in youth vaping.

The CICC explained that the 15-day implementation period for the proposed new regulations would not be feasible for retailers, as a significant percentage of e-cigarette products would have to be pulled from shelves. HC explained that the proposed implementation period was established to allow retailers enough time to remove non-compliant products. Additionally, HC mentioned that several provinces have already implemented the restrictions outlined in the proposed CNVPR, namely the 20mg/mL limit.

HC invited CICC members to provide more details regarding the challenges they may face regarding the proposed CNVPR as part of the consultation process.

Review of Data around Youth Access to Vape / Review of Responsible Retailing & ID please

The CICC provided an overview of their responsible retailing program called “ID Please” and its role in ensuring convenience stores remain responsible law-abiding retailers. The CICC indicated that HC data shows a higher compliance rate for vaping regulations in convenience stores compared to vape shops. The CICC emphasized the importance of addressing compliance issues with vape shops and online retailers.

The CICC inquired about youth vaping rates for 2020 during the pandemic. HC indicated that the Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) was postponed in 2020 due to



COVID-19, but that the results from the Canadian Tobacco and Nicotine Survey (CTNS) would be available in spring 2021.

Forthcoming Regulations on Flavours

The CICC indicated that flavours in vaping products have been popular amongst adult who smoke transitioning away from cigarettes. The CICC asked when proposed regulations related to vaping flavours might be published. HC indicated that the dates regarding the Forward Regulatory Plan for Restrictions on Flavours in Vaping Products available on the Canada.ca website are outdated. HC explained that the website would be updated in spring 2021 with a new timeline for proposed flavour restriction regulations.

The CICC noted that they agree that youth should not be vaping but that restrictions to prevent youth vaping should apply to all retailers, including vape shops and online channels.

Conclusion:

The meeting was then concluded.

Documents:

- Meeting agenda prepared by the CICC