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# Health Canada and JUUL Labs Inc. meeting: Vaping – July 17, 2020

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## Subject:

Vaping Products

## Date:

July 17, 2020

## Participants:

Health Canada (HC)

- Dana Beaton
  - Acting Director General, Tobacco Control Directorate (TCD) (Chair)
- Senior Advisor, Director General's Office, TCD
- Senior Research Analyst, Office of Research and Surveillance, TCD
- Manager, Tobacco Products Regulatory Office, TCD
- Manager, Tobacco Products Regulatory Office, TCD
- Marie Claude-Vachon
  - Acting Associate Director, Office of Compliance for Tobacco and Vaping Products, TCD
- Kazia Peplinskie
  - Acting Director, Office of Policy and Strategic Planning, TCD
- Policy Analyst, Office of Policy and Strategic Planning, TCD (secretariat)



- Krista Locke
  - Director General, Consumer Products and Controlled Substances Directorate (CPCSD), Regulatory Operations and Enforcement Branch (ROEB)
- Acting Senior Advisor, Director General's Office, CPCSD, ROEB
- Omar Lockhat
  - Acting National Director, Tobacco and Vaping and Controlled Substances Division, CPCSD, ROEB

#### JUUL Labs Canada Inc. (JUUL)

- Michael Nederhoff
  - President
- Nick Kadysh
  - Senior Director of Corporate Affairs
- Glenn Thibault
  - Director of Federal Affairs
- Dr. Christopher Harris
  - Senior Scientific Advisor
- Dr. Mark Rubenstein
  - Executive Medical Officer

## Introduction:

A meeting was held at the request of JUUL to discuss various topics related to the regulation of vaping products.

The Chair opened the meeting by doing 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 JUUL representatives.

## Subjects:

### **JUUL's Sales Data**

JUUL indicated they had seen recent data published regarding youth vaping prevalence rates and that underage use of vaping products is of concern to JUUL.

JUUL discussed their sales data and highlighted some of the trends they had observed in Canada. JUUL suggested that COVID-19 and recent provincial legislation on the restriction of vaping products may have negative impacts on the vaping industry.

HC questioned JUUL as to whether they saw an impact from COVID-19 on the retailers that carry JUUL products. JUUL indicated that the impacts were different from province to province.

JUUL committed to provide sales data to HC as new information becomes available.

JUUL collaborated with a large retailer to measure the impact of JUUL's entry onto the market and the impact it has had on cigarette sales. Data will be presented at an upcoming conference. HC asked if JUUL could provide an advance copy of their findings and JUUL agreed to provide HC with a copy of the report.

## Potential New Regulations

HC highlighted the recent news release and publication of the *Vaping Product Promotion Regulations*. HC also indicated that they were exploring further regulatory measures concerning youth use of vaping products.

JUUL indicated there were still some questions about the *Vaping Product Promotion Regulations*, specifically concerning online branding. HC indicated that JUUL could submit a formal question, which HC could consider and provide clarification, but HC urged JUUL to seek advice from their legal council.

JUUL continues to support that vaping products offer a harm reduction alternative to current smokers and that a risk based approach to regulating vaping products should be considered. JUUL also believes that a ban on flavoured vaping products will lead to past smokers returning to cigarettes.

JUUL suggested that the current federal age restriction for vaping should be increased.

JUUL asked if HC had a specific vaping prevalence rate that it would like to see as a result of additional vaping regulations. HC indicated the regulatory impact analysis statement outlines the objectives and goals of each proposed regulation.

JUUL raised concerns towards the restriction of nicotine concentrations and asked if HC had considered whether the proposed intervention would lead to possible intake of more toxic constituents due to compensatory vaping, which could occur when users vape more to achieve the nicotine concentrations they want. HC questioned JUUL as to whether they had this type of data. JUUL indicated that they did have some independent data and offered to share it with HC.



HC asked JUUL what they were doing in regards to age verification. JUUL indicated that gas and convenience stores have implemented a rigorous retail control system, and that the smaller vape shops do not have this kind of rigour. Most businesses have point of sales systems that can scan government issued identification at the time of sale.

HC asked JUUL about online sale age verification and the cost associated with each transaction. JUUL indicated that in order to make a purchase they match account information to public record using a third party verification system as well as require ID at time of delivery.

## Conclusion:

The meeting was then concluded.

## Documents:

- Agenda as prepared by JUUL