

TO: Chair and Members of the Board of Health

FROM: Dr. Alexander Summers, Medical Officer of Health
Emily Williams, Chief Executive Officer

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SUBMISSION TO INFORM THE SECOND LEGISLATIVE REVIEW OF THE TOBACCO AND VAPING PRODUCTS ACT

Recommendation

It is recommended that the Board of Health receive Report No. 05-24 re: “Submission to Inform the Second Legislative Review of the Tobacco and Vaping Products Act” for information.

Key Points

- In 2018, Canada enacted the *Tobacco and Vaping Products Act (TVPA)* to create a new legal framework to regulate both tobacco and vaping products.
- In April 2022, the Middlesex-London Health Unit prepared and submitted [feedback](#) in response to Health Canada’s public consultation to fulfill the mandated 3-year legislative review of the *Tobacco and Vaping Products Act*, with a particular emphasis on the *Act*’s ability to address youth vaping.
- On September 7, 2023, Health Canada launched a [public consultation](#) seeking feedback to inform the second legislative review of the *Tobacco and Vaping Products Act*, with an emphasis on tobacco-related provisions.
- The Middlesex-London Health Unit, on behalf of the Southwest Tobacco Control Area Network, submitted feedback to Health Canada on November 10, 2023, attached as [Appendix A](#), providing evidence-informed measures to reduce the health harms associated with commercial tobacco use for consideration.

Background

Canada has a rich history of initiatives aimed at controlling the use, sale, and promotion of commercial tobacco. Despite a decline in commercial tobacco product use, tobacco addiction remains a significant public health concern, causing more than 46,000 deaths annually due to related illnesses ([Canadian Centre on Substance Use and Addiction, 2023](#)). In 2018, Canada’s Tobacco Strategy was unveiled, including the implementation of new measures to regulate both tobacco and vaping products under the *Tobacco and Vaping Products Act (TVPA)*. The federal tobacco strategy sets an ambitious goal of reducing tobacco use prevalence to below 5 percent by 2035, mitigating the considerable health burdens and costs associated with its use. Due to limitations in the available scientific evidence used to inform government vaping policy, the rapid exponential growth of the vapour product and nicotine delivery device marketplace, and concerning trends regarding youth initiation, the *TVPA* includes, as a legal requirement, a legislative review of its provisions three years after coming into force, and every two years thereafter.

Between March 16 and April 27, 2022, the *TVPA* underwent its first legislative review, with an emphasis on the *Act*’s ability to address youth vaping. Staff from the Middlesex-London Health Unit prepared feedback for Board of Health endorsement and [submission to Health Canada](#), proposing recommendations for strengthened policy measures and improved public health messaging about the potential health harms associated with vapour product use.

The Second Legislative Review – Tobacco Provisions

The second legislative review of the *TVPA* was launched in the fall of 2023, with a [public consultation](#) period of September 7 to November 17. The second legislative review had a concentration on tobacco-related provisions. Specifically, the assessment of the *TVPA* is intended to assess progress toward achieving the *TVPA*'s objectives related to commercial tobacco products, and to assess the adequacy of the federal legislation to address tobacco use in Canada.

The *TVPA* is designed to fulfill four specific objectives concerning commercial tobacco products in Canada:

1. To safeguard young individuals and others from inducements to use commercial tobacco and subsequent dependence;
2. To shield the health of young persons by restricting access to tobacco products;
3. To prevent the public from being deceived or misled regarding the health hazards associated with commercial tobacco product use; and
4. To boost public awareness of these hazards.

This legislative review, alongside the results of the first assessment pertaining to the *Act*'s ability to address vaping, will collectively establish a foundational assessment of the *TVPA*'s effectiveness.

Collaborative Action to Provide Public Health Unit Feedback

On November 10, 2023, the Middlesex-London Health Unit, on behalf of the Southwest Tobacco Control Area Network (SWTCAN), submitted feedback to the Controlled Substances and Cannabis Branch of Health Canada in response to the call for feedback. The submission, attached as [Appendix A](#), provides an endorsement of evidence-informed recommendations prepared by public health unit staff from Simcoe Muskoka District Health Unit and the Central East Tobacco Control Area Network. In summary, the submission proposes the following recommendations for consideration:

- Implementation of a “smoke-free generation” policy which prohibits the sale of commercial tobacco products to anyone born after 2008 and lowers the level of nicotine in cigarettes to non-addictive levels.
- Implementation of vaping policies to decrease appeal to youth such as increased taxation and bans on all flavors including mint and menthol.
- Increase funding for smoking cessation interventions such as fully funded pharmacological cessation aids like nicotine replacement therapy.
- Address inducements to tobacco use including controls on tobacco and vaping depictions on-screen, closer monitoring of online sales of tobacco and vapor products, and increased tobacco and vapour product manufacturers’ reporting requirements on sales data, research, and product development.
- Engaging with Indigenous populations, supporting a community-centered and community-directed approach to explore the impact of intergenerational trauma intertwined with a culture of accepting commercial tobacco use.
- Enhancing compliance with and enforcement for commercial tobacco control.

Next Steps

The Middlesex-London Health Unit, as the anchor agency for the Southwest Tobacco Control Area Network (SWTCAN), will continue to work to address the ongoing health risks of nicotine and commercial tobacco through comprehensive and collaborative health promotion interventions.

This report was prepared by the Family and Community Health Division.



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