May 11, 2017

Dear [Redacted]

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: CSSD 12-2017]

On April 11, 2017, the Department of Health and Community Services transferred your request for access to the following records to the Department of Children, Seniors and Social Development:

"Please provide all briefing materials and submissions to Cabinet relating to e-cigarettes since January 1, 2016."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Children, Seniors and Social Development to provide access to some of the requested information. In particular, access is granted to the following records:

- Background information shared with the minister, including questions and answers, statistics;
- News release information
- Speeches
- Technical briefing presentation

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):

- Sections 27 (1) (a), (b), (c), (g) and (h):
  In this section, "cabinet record" means
  (a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
  (b) draft legislation or regulations submitted or prepared for submission to the Cabinet;
  (c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;
  (g) a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet;
  (h) a record created during the process of developing or preparing a submission for the Cabinet.
• Section 27 (2)(a):
  The head of a public body shall refuse to disclose to an applicant
  (a) a cabinet record.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have
provided you with as much information as possible. In accordance with your request for a copy of the
records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy
Commissioner to review the decision to provide partial access to the requested information, as set
out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A
request to the Commissioner must be made in writing within 15 business days of the date of this
letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify
your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL, A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you
receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of
the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the
response is sent electronically to you or five business days in the case where records are mailed to
you. It is the goal to have the responsive records posted to the Completed Access to Information
Requests website within one business day following the applicable period of time. Please note that
requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at (709) 729-6370 or by email at
jennifertaylor@gov.nl.ca.

Sincerely,

Jennifer Taylor
ATIPP Coordinator

Enclosures
Section 42: Access or correction complaint

(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
   (b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to
   (a) a request that is disregarded under section 21;
   (b) a decision respecting an extension of time under section 23;
   (c) a variation of a procedure under section 24; or
   (d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Section 52: Direct appeal to Trial Division by an applicant

(1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days
   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
   (b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).
# Seniors, Wellness and Social Development

**Announcement Plan – Amendments to the Smoke-Free Environment Act, 2005 and Tobacco Control Act**

May 31, 2016

<table>
<thead>
<tr>
<th>Date and Activity</th>
<th>Stakeholder Engagement</th>
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| **Thursday June 2, 2016**  
1st Reading of Bill in HOA  
Bill posted online | **Phone Calls following 1st Reading: (email if not available by phone)**  
Courtesv phone calls – Bill introduced; invite groups to attend the Press Conference; notice of Press Conference will be emailed on Fri June 3; groups can share with their members and encourage them to attend to show support for the Bill; further details will be shared at the Press Conference and through email on Monday, June 6 with a link to the Press Release and the Bill.  
**SWSD - ADM/Director to make calls**  
- Alliance for the Control of Tobacco (ACT) – Kevin Coady  
- Canadian Cancer Society – Matthew Piercey  
- NL Lung Association – Greg Noel  
- Provincial Wellness Advisory Council – Dr. Catherine Donovan, Chair  
**SWSD - Brent Meade, DM, will make calls**  
- Atlantic Convenience Stores Association – Mike Hammoud  
- Canadian Vaping Association  
- City of St. John’s – Kevin Breen  
- St. John’s Board of Trade  
**HCS - ADM/Chief Medical Officer of Health/Director to make calls/emails**  
- Service NL  
- Cancer Control Advisory Committee – Ms. Sharon Smith, Chair  
**SWSD - Meeting following 1st Reading: (Brent Meade, DM, to meet)**  
- Hookah Lounge owner – Muhammad El Bakri  
**Mark Flemming of GMO - offer Technical Briefing to opposition parties on Friday, June 3.** |
| **Friday, June 3, 2016**  
Technical Briefing for Opposition Parties | **SWSD and HCS – DM of SWSD to chair technical briefing for opposition parties with Bernie Squires, Health Promotion Consultant, SWSD; and Darryl Johnson, Director of Environmental Public Health, HCS (participation of Dr. David Allison, Chief Medical Officer of Health – TBC).** |
| **Monday, June 6, 2016**  
Early-a.m. – Technical Briefing for government caucus | **SWSD and HCS – DM of SWSD to chair technical briefing for caucus with Dr. David Allison, Chief Medical Officer of Health; Bernie Squires, Health Promotion Consultant, SWSD; and Darryl Johnson, Director of** |
| Mid-a.m. – Technical Briefing for media in the East Block media centre immediately followed by Press Conference (news release and backgrounder distributed) |
| Environmental Public Health, HCS. |

**SWSD and HCS – DM of SWSD to chair technical briefing for media with Dr. David Allison, Chief Medical Officer of Health; Bernie Squires, Health Promotion Consultant, SWSD; and Darryl Johnson, Director of Environmental Public Health, HCS.**

**SWSD and HCS – Minister of SWSD and Dr. David Allison (participation of Hon. Dr. Haggie TBC) to hold news conference in media centre immediately following the technical briefing (deliver remarks and invite questions from media)**

**SWSD - Email with link to Press Release and the Bill following news conference to:**
- ACT – Kevin Coady and he can notify membership
- Canadian Cancer Society – Matthew Piercey
- NL Lung Association – Greg Noel
- NL Public Health Association – Darrell Wade and he can notify membership
- Provincial Wellness Advisory Council – notify Chair and members
- Cancer Control Advisory Committee - notify Chair and members
- Directors for Health Promotion in the RHAs
- City of St. John’s – Kevin Breen
- NL Federation of School Councils
- NL English School District

**HCS - Email with link to Press Release and the Bill:**
- RHA's – CEO's/VPs
- Environmental Health Officers
- Regional MOH – Dr. Claudia Sarbu
- Dean and the Associate Dean for Community Health – Dr. Shree Mulay
- Other appropriate officials in the health system to be identified by HCS.

May 31, 2016
First Reading:
“Mr. Speaker, I move, seconded by the Minister of Health and Community Services, for leave to introduce a Bill entitled ‘An Act to Amend the SMOKE-FREE ENVIRONMENT ACT, 2005 AND the TOBACCO CONTROL ACT’, Bill No. 35 and I further move that the said Bill be now read the first time.”
Newfoundland Labrador

Bill 35
An Act to Amend the Smoke-Free Environment Act, 2005 and the Tobacco Control Act

Technical Briefing, June 2016
<table>
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<tr>
<th>Health Hazard</th>
<th>Objective/Outcome</th>
<th>Protection of Public Health</th>
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<tr>
<td>• Flavoured Tobacco Products</td>
<td>• Preventing the uptake of smoking by children and youth</td>
<td>• Reduction in disease and death</td>
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<tr>
<td>• Electronic Cigarettes</td>
<td>• Preventing exposure to harms of secondhand smoke and vapour</td>
<td>• Reduction in health care costs</td>
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<tr>
<td>• Hookah/Water pipes</td>
<td>• Reducing smoking prevalence</td>
<td></td>
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• An Act to Amend the Smoke-free Environment Act, 2005 and the Tobacco Control Act

• Amendments:
  - Flavoured Tobacco
  - Electronic Cigarettes
  - Hookah/Water pipes

• Amendments are evidence based and consistent with actions in other provinces and territories
Flavoured Tobacco

Amendments - Tobacco Control Act
Section 2 - Definitions

(d) “flavoured tobacco” means tobacco that

(i) has a characterizing scent or flavour, other than tobacco, that is noticeable before or during use, or both,
(ii) by its packaging, labelling, advertising or otherwise, is represented as being flavoured, or
(iii) is prescribed in the regulations as being flavoured,

but does not include tobacco exempted by the regulations.
Flavoured Tobacco

Amendments - *Tobacco Control Act*

- Title of the Act will change to *Tobacco and Vapour Products Control Act*

- Prohibit the sale of flavoured tobacco products including menthol flavoured products

- Applies to: cigarettes, cigarillos (little cigars), fine-cut tobacco, smokeless tobacco (chewing tobacco, snus), and water pipe tobacco
Flavoured Tobacco

Amendments - Tobacco Control Act

- Regulations will exempt: adult-oriented products such as cigars with a retail price of $4 each or more, weighing 5 grams or more and having a wine, port, rum or whisky flavour; and pipe tobacco that has a wine, port, rum or whisky flavour

- To come into force July 1, 2017
Amendments – Both Acts
Section 2 - Definitions

“e-cigarette” means

(i) a product or device, whether or not it resembles a cigarette, containing a power source and heating element designed to vapourize an e-substance for inhalation or release into the air, or

(ii) a product or device prescribed in the regulations similar in nature or use to a product or device described in subparagraph (i);
Electronic Cigarettes

Amendments - Both Acts

Section 2 (Definitions)

“e-substance” means a solid, liquid or gas

(i) for use in an e-cigarette that, on being heated, produces a vapour, regardless of whether the solid, liquid or gas contains nicotine, and

(ii) that is not a controlled substance within the meaning of the Controlled Drugs and Substances Act (Canada);
Amendments - *Tobacco Control Act*

Section 2 (Definitions)

"vapour products" means

(i) an e-cigarette,

(ii) an e-substance, or

(iii) a cartridge for or component of an e-cigarette;
Electronic Cigarettes

Amendments - *Tobacco Control Act*

- Prohibit the sale to persons under the age of 19
  *(To come into force on Royal Assent)*

- Prohibit the sale where the sale of tobacco products is currently prohibited
  *(To come into force on July 1, 2017)*

- Restrict the promotion and display in the same manner the Province currently regulates tobacco promotion and display at retail
  *(To come into force July 1, 2017)*
Electronic Cigarettes

How will customers know if a retailer sells e-cigarettes and the type available?

- Retailers can post up to three signs indicating availability of e-cigarettes for sale

- Retailers may offer customers a binder or other reference tool containing an inventory of e-cigarette products for purchase
Electronic Cigarettes

Amendments – *Tobacco Control Act*

**Vape Shops (Specialty Stores)**

- will be treated similar to tobacconist shops, provided the only business conducted is the sale of e-cigarettes and associated products
- promotional material or products will not be permitted to be visible from outside the shop or located on the exterior of the shop
- minors will not be permitted entry unless accompanied by an adult
Electronic Cigarettes

Amendments - *Smoke-Free Environment Act, 2005*

- Prohibit the use in indoor public places, workplaces, and in motor vehicles when occupied by a person under the age of 16

(To come into force on Royal Assent)
Amendments – *Smoke-Free Environment Act, 2005*
Section 2 - Definitions

(f.1) “hookah establishment” means an establishment where persons smoke non-tobacco substances from a water pipe;

(m.1) “water pipe” means any ignited or heated smoking equipment used to burn tobacco or non-tobacco substances or a combination of tobacco and non-tobacco substances and draw the resulting smoke through a liquid before it is inhaled;
Hookah/Water Pipe Smoking

Amendments - *Tobacco Control Act*

- Prohibit the sale of non-tobacco shisha to persons under the age of 19 (To come into force on Royal Assent)

- Prohibit the sale of non-tobacco shisha from places where the sale of tobacco products are currently prohibited (To come into force on July 1, 2017)

- Regulate the promotion and display in the same manner that the Province currently regulates tobacco promotion and display (To come into force on July 1, 2017)
Hookah/Water Pipe Smoking

Amendments - Smoke-free Environment Act, 2005

- Prohibit persons under the age of 19 years from entering or working in hookah establishments (To come into force on Royal Assent)

- Prohibit hookah smoking of non-tobacco shisha products in indoor public places and workplaces including any existing hookah establishments (To come into force on July 1, 2017)
## Implementation Dates

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<th>Issues</th>
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<td>Prohibit sale of flavoured tobacco products</td>
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<td>Restrict the display and promotion at retail stores in the same manner as tobacco promotion and display is regulated</td>
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Questions?
Tobacco Control Amendments
Questions and Answers

E-CIGARETTES

1. What is an e-cigarette?

E-cigarettes do not contain tobacco, but instead produce a vapour that resembles smoke. They may be self-contained or disposable, or refillable or rechargeable. A typical e-cigarette consists of three components:

- a cartridge containing the liquid ("e-juice") which is a chemical mixture consisting of a base of propylene glycol or vegetable glycerin and water, and is available with or without nicotine and/or flavours;
- an atomizer containing a heating element which turns the liquid into a vapour; and
- a battery to power the atomizer and the indicator light that glows like a lit cigarette when inhaled.

Under the legislation:

- "e-cigarette" means a product or device, whether or not it resembles a cigarette, containing a power source and heating element designed to vaporize an e-substance for inhalation or release into the air.

- "e-substance" means a solid, liquid or gas for use in an e-cigarette that, on being heated, produces a vapour, regardless of whether the solid, liquid or gas contains nicotine.

2. Why is Government regulating the sale and use of e-cigarettes?

As part of Government's ongoing efforts to prevent and reduce smoking, and protect public health, changes are being made to the Province's tobacco control legislation to address the use and sale of e-cigarettes.

While there are reports that e-cigarettes are estimated to be less harmful than smoking tobacco, from a public health perspective, our Government is concerned with:

- protecting youth, from the unknown effects of exposure to e-cigarette vapour and becoming addicted to nicotine;
- reducing e-cigarettes easy accessibility to children and youth;
- reducing exposure to e-cigarette vapour in indoor public places, workplaces, and in motor vehicles when a person under the age of 16 is present; and
- reducing the potential of e-cigarettes to re-normalize smoking

Government is regulating e-cigarette products, similar to that of tobacco products, and not banning them. Adults (19 years and older) who want access to e-cigarettes to help them quit smoking or as an alternative to smoking tobacco will continue to have access to e-cigarettes at many retail outlets and e-cigarette speciality stores.
(Additional information): There is limited scientific evidence about the harms or benefits of e-cigarettes. There is still much to learn about these products, including potential long term health impacts or benefits as a cessation tool to help smokers quit. In the absence of sufficient evidence of safety and quality, and emerging concerns about health risks, government is taking a precautionary approach and regulating these products, similar to that of tobacco products.

3. **Are e-cigarettes a gateway to tobacco use for youth?**

While more data is needed to determine whether e-cigarettes are a gateway to tobacco use for youth, we do know that youth in our Province are trying and using these products. According to the 2013, Canadian Tobacco, Alcohol and Drug Survey:

- Newfoundland and Labrador youth aged **15-19, 25.6%**, reported ‘ever trying’ e-cigarettes compared to the **Canadian** average of **19.8%**; and

- Newfoundland and Labrador youth aged **20-24, 41%** reported ‘ever trying’ e-cigarettes; double the Canadian average of 20.1%.

4. **Have other provinces passed legislation related to e-cigarettes?**

Yes, Newfoundland and Labrador’s amendments are similar to legislation of seven other provinces: NS, NB, PEI, QC, ON, MB and BC.

5. **Are e-cigarettes regulated by the Federal Government?**

**E-cigarettes containing nicotine** are regulated by Health Canada. To date, no e-cigarettes containing nicotine have been authorized by Health Canada for sale in the Canadian marketplace.

**E-cigarettes without nicotine** do not require authorization from Health Canada, if they do not make a health claim.

In 2009, Health Canada issued an advisory to Canadians not to use e-cigarettes as they may pose health risks and have not been fully evaluated for safety, quality and efficacy in this country.

Health Canada is currently reviewing the issue of e-cigarettes.

6. **Is there a risk of legal action?**

Government’s view is that the public health benefits of this legislation is very important to the health of the residents of our Province, and in particular our youth. We are confident in the legislation and are prepared to defend it in the event of any legal challenge.
7. **Will e-cigarettes be regulated in the same manner as tobacco products?**

Yes, the sale, display and use of e-cigarettes will be regulated in a similar way that tobacco products are currently regulated.

8. **What changes will be made under the Smoke-free Environment Act, 2005?**

**Effective on Royal Assent (immediately):**

The use of e-cigarettes will be prohibited in all public places (e.g., food premises, licensed liquor establishments, retail stores, etc.), workplaces and in a motor vehicle when the motor vehicle is occupied by a person under the age of 16.

9. **What changes will be made under the Tobacco Control Act?**

**Effective on Royal Assent (Immediately upon the Bill becoming law):**

- The name of the Act will change from the *Tobacco Control Act* to the *Tobacco and Vapour Products Control Act*; and

- The sale of vapour products to persons under the age of 19 will be prohibited. Vapour products include e-cigarettes, e-substances and a cartridge for, or component, of an e-cigarette.

**Effective July 1, 2017 (delayed proclamation):**

- The sale of vapour products will be prohibited in places where the sale of tobacco products is currently prohibited. Examples of places include pharmacies, temporary facilities, personal care homes, child care centres, schools, universities, recreational facilities and government buildings.

- Restrict the display and promotion of e-cigarettes in the same manner the Province currently regulates tobacco promotion and display.

- Minors will not be permitted entry into a vape products specially store unless accompanied by an adult.

10. **Will the current regulations under the Tobacco Control Act and Smoke-free Environment, 2005 be amended?**

Yes, the next step in our review process is to assess the current regulations to see what changes are necessary to align with the amendments set out in Bill 35.

11. **What are the display and promotion restrictions for e-cigarettes under the Tobacco Control Act?**

The current restrictions in place for the display and promotion of tobacco products at retail will apply to the sale and promotion of vapour products.
Products must not be visible inside the premises and products cannot be promoted or advertised as being sold in the premises by using materials such as posters and counter top displays.

However, retailers are permitted to post signs similar to those regulating tobacco products (e.g., 8.5 X 11, black lettering on white background). In addition, a catalogue outlining the types of products available for sale can be provided to the customer.

Effective July 1, 2017, vapour product specialty stores (e.g., vape shops) will be regulated in similar fashion to tobacconist shops. They will only be able to display vapour products provided:

- the only business conducted is the sale of vapour products;
- products and promotional material are not visible from outside the shop or located on the exterior of the shop

12. **Are there any exemptions for e-cigarette use in indoor public places and workplaces?**

Similar to the exemptions provided for the use of tobacco products, under the *Smoke-free Environment Act, 2005*, designated e-cigarette use rooms will be permitted only in:

- long-term care facilities for use by residents of the facilities; and
- workplaces that are a remote worksite, as designated by the regulations, an underground mining operation or a marine installation or structure as defined by section 152 of the *Canada-Newfoundland Atlantic Accord Implementation Act (Canada)*.

The room must meet the ventilation requirements of the *Smoke-free Environment Regulations*.

13. **Will adults be able to purchase e-cigarettes?**

Yes, adult consumers wanting to purchase e-cigarettes will be able to continue to purchase these products at convenient stores/gas stations and specialty vape shops.

14. **Who will enforce the legislation?**

Inspectors with the Department of Service NL will enforce the provisions of the *Tobacco and Vapour Products Control Act* and enforce the provisions of the *Smoke-free Environment Act, 2005*.

15. **What are the penalties under the legislation?**

**Under the Tobacco and Vapour Products Control Act:**

A retailer guilty of an offence can be fined. The penalty ranges from $500 to $5,000 depending on whether it is a 1st, 2nd, or 3rd offence.

**Under the Smoke-free Environment Act, 2005:**
An operator of a long-term care facility, owner of a public place, or an employer can face a fine of not less than $500 and not more than $5,000 if found guilty of contravening the Act.

16. Where can the public obtain information about the Bill and the amendments?

Additional Q and A

Sampling of Vapour Products in Vapour Products Shops

Issue:

Currently, customers of vapour products shops may sample electronic cigarettes and flavours of e-substances in the shop prior to purchasing an item.

Under Bill 35, this practice of sampling will be prohibited.

Bill 35 will amend *Smoke-free Environment Act, 2005* to prohibit the use of e-cigarettes in indoor public places, workplaces and motor vehicles with persons under the age of 16. There is no exemption to allow e-cigarette smoking in vapour products shops.

Question:

**Why is vapour product sampling not permitted under Bill 35?**

Answers:

- Bill 35 aims to protect the public from exposure to the vapour released from an e-cigarette in indoor public places and work places.
- Vape shops are considered public places.
- Workers and other people who do not use vapour products may be exposed to e-cigarette emissions if sampling was permitted. There could be several customers testing an e-cigarette product at the same time which increases exposure.
- Sampling resulting in visible plumes of vapour being released into the air undermines smoking de-normalization efforts (the exhaled vapour resembles smoke).
- The e-cigarette use restrictions of Bill 35 mirror those for tobacco products. The sampling of tobacco products prior to purchase is not permitted under the *Tobacco Control Act*. For example, you cannot ignite and sample a cigar at a tobacco shop.
- Provided an e-cigarette is not activated, a customer can be shown how to use the product in a vapour products shop.
- There are many consumer products in the marketplace that are purchased without sampling prior to purchase.
- While e-cigarettes are likely to be less harmful than cigarettes since they do not involve combustion and the vapour may contain fewer toxic chemicals than second-hand smoke, the long-term health effects of exposure to vaping on health is unknown.
- Most P/Ts with legislation in force do not allow sampling in Vape Shops. Manitoba’s legislation will allow sampling, however, it has not yet been proclaimed.
- This amendment supports the WHO recommendation to end use of e-cigarettes indoors in public and work places, especially where smoking is banned until exhaled vapour is proven not to be harmful to bystanders.
- This amendment supports the Council of Chief Medical Officers of Health (CCMOH) recommendation - make it illegal to use electronic nicotine delivery systems in any locations where smoking is prohibited.
- Smoke-free policies are designed not only to protect non-smokers from second-hand smoke, but also to denormalize smoking as youth are particularly vulnerable to visual cues and social norms.
Additional Q and A

Are e-cigarettes safe for use in indoor public places and workplaces? Is the vapour exhaled harmful to health?

There is currently insufficient evidence to fully evaluate the health risk and/or benefits to users from short- or long-term use of or exposure to e-cigarettes.

Our Government’s decision to regulate the use of e-cigarettes in indoor public places has been informed by several sources. The 2014 World Health Organization Report (WHO) on the regulation of e-cigarettes and similar products recommends that while additional research is needed on many areas of e-cigarette use, regulations are required now to address health concerns, specifically related to:

Indoor use:
• to minimize potential health risks to e-cigarette users and nonusers, legal steps should be taken to end use of e-cigarettes indoors in public and workplaces, especially where smoking is banned until exhaled vapour is proven to be not harmful to bystanders and reasonable evidence exists that smoke-free policy enforcement is not undermined.

• the report says that existing evidence shows that e-cigarette “aerosol” is not merely “water vapour” as is often claimed in the marketing of these products. While they are likely to be less toxic than conventional cigarettes, evidence suggests that exhaled e-cigarette aerosol increases exposure of non-smokers and bystanders to nicotine and a number of toxicants.

Additional Information
• According to the California State Health Officer’s Report on E-Cigarettes: A Community Health Threat, 2015 report: e-cigarettes do not emit a harmless water vapor, but an aerosol that has been found to contain at least 10 toxic chemicals (e.g., formaldehyde, lead, nickel, and acetaldehyde). The aerosol contains high concentrations of ultrafine particles that are inhaled and become trapped in the lungs.

• In October 2014, the American Industrial Hygiene Association (AIHA) released a white paper on e-cigarettes in the indoor environment, and stated that current research indicates that vaping is “not without risk, especially for nearby persons in areas with limited ventilation and persons with compromised health conditions.” Chemical analyses of e-cigarette vapor have found a variety of chemical substances and ultrafine particles that are known to be toxic, carcinogenic, and/or cause respiratory and heart distress.

• In March 2009, Health Canada issued an Advisory to Canadians not to use e-cigarettes as these products may pose health risks and have not been fully evaluated for safety, quality and efficacy in this country.

While more scientific research is needed, on the benefits or harms to both users and those exposed to e-cigarette vapour, it is our Government's position that it is time to act and join other P/Ts across the county and regulate the sale, promotion and use of e-cigarettes in indoor public places, workplaces, and in motor vehicles when occupied by a person under 16 years of age, in the same manner that tobacco products are regulated in the province.
ADDITIONAL Q and A

**Are e-cigarettes proven as a product to help people quit smoking?**

There is currently insufficient evidence to determine whether e-cigarettes are an effective method for quitting smoking. The short-or-long-term benefits or risks of using e-cigarettes are unknown.

In March 2009, Health Canada issued an Advisory to Canadians not to use e-cigarettes as these products may pose health risks and have not been fully evaluated for safety, quality and efficacy in this country.

While there are potential harms associated with e-cigarettes on health, we recognize that they are likely to be less harmful than cigarettes and may hold some benefit for tobacco users. However, the long-term health effects of vaping have not been examined and are therefore unknown at this time. More research is needed.

The 2014 WHO report on the regulation of e-cigarettes and similar products found that there is currently insufficient evidence to conclude that e-cigarettes help users quit smoking or not. WHO recommends that smokers should be first encouraged to quit smoking by using a combination of already approved treatments (e.g., medication, nicotine replacement therapies, counselling).

While there are reports that e-cigarettes are estimated to be less harmful than smoking tobacco, from a public health perspective, our Government is concerned with:

- protecting youth, from the unknown effects of exposure to e-cigarette vapour and becoming addicted to nicotine;
- reducing e-cigarettes easy accessibility to children and youth;
- reducing exposure to e-cigarette vapour in indoor public places, workplaces, and in motor vehicles when a person under the age of 16 is present; and
- reducing the potential of e-cigarettes to re-normalize smoking

Therefore, our Government is regulating e-cigarette products, similar to that of tobacco products, and not banning them.

Adults (19 years and older) who want access to e-cigarettes to help them quit smoking or as an alternative to smoking tobacco will continue to have access to e-cigarettes at many retail outlets and e-cigarette speciality stores.
Additional Q and A

Question

Will the current regulations under the Tobacco Control Act and Smoke-free Environment, 2005 be amended?

Answer:

Yes, the next step in our review process is to assess the current regulations to see what changes are necessary to align with the amendments set out in Bill 35.
**P/T Summary**

**Question:** Do other P/T Tobacco/ E-cigarette legislation allow minors in tobacconist shops or vape specialty stores?

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<th>Jurisdiction</th>
<th>Legislation</th>
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| NL                 | Same for tobacconists shops, minors will be permitted unless accompanied by an adult  
                     Similar to policy on minors in liquor stores, aimed at safety - preventing an injury, or something worse, from happening to a child who may be left unattended either outside a shop or in a vehicle while their parent goes into the store. |
| New Brunswick      | Does allow minors if accompanied by an adult.                                                                                                                                                               |
| Prince Edward Island | entry of minors into tobacconist shops:  
... If the person claims to be accompanied, or is obviously accompanied by a parent/adult guardian, staff may permit the person to remain in the store if they remain under direct supervision of the parent/adult guardian who has taken responsibility for them. At any time, a staff person may require the adult to provide proof of the relationship, and if proof is not provided, may direct the person (minor) to leave the store." |
| Nova Scotia        | NS does not allow anyone under 19 in stores classified as tobacconists or e-cigarette specialty stores (Vape shops).                                                                                         |
| Quebec             |                                                                                                                                                                                                             |
| Ontario            | draft regulations would prohibit those under the age of 19 from entering a vape shops.  
                     However, our Smoke Free Ontario act allows those under the age of 19 to enter a tobacconists store provided they are accompanied by an adult. |
| Saskatchewan       | Tobacconist shops must be age-restricted in Saskatchewan if they choose to display and advertise tobacco products.  
                     Existing tobacco control legislation does not address e-cigarettes/vaping so there are no youth access restrictions for the multitude of vape shops that have opened up across the province. |
| Manitoba           | No, they are not permitted in those premises under our legislation.                                                                                                                                          |
| Alberta            |                                                                                                                                                                                                             |
| British Columbia   | In BC, if a retailer wants to display or advertise tobacco in their store, then youth are not allowed inside.                                                                                               |
Have you undertaken any public consultations on these amendments?

No. Input to inform the proposed tobacco control amendments was obtained through a jurisdictional scan of other P/T legislation, meetings, and review of evidence, correspondence, position statements and media coverage.

Additional Information

Meetings were held with the following stakeholders/groups to provide the opportunity for these groups/individuals to share their positions on the issue.

NL Alliance for the Control of Tobacco (ACT)
NL Federation of School Councils (FSC),
Owner of Aladdin's Hookah Lounge
Atlantic Convenience Stores Association (ACSA)
Canadian Vaping Association

The Department of Health and Community Services Ministerial Cancer Control Advisory Committee submitted recommendations related to these three issues.

The ACSA and the CVA supports amendments related to age restrictions to minors regarding the sale of e-cigarettes, but does not support restrictions on display and advertising. Further, they stated that e-cigarettes should not be regulated as a tobacco product, but rather as its own product category.

Local vapor shops have publicly stated that they support industry some regulation and that they currently have policies in place to not sell to minors.
Seniors, Wellness and Social Development
Amendments to the Smoke-Free Environment Act, 2005, and the Tobacco Control Act
June 5, 2016

Key Messages

General
• We are amending the Smoke-Free Environment Act, 2005, and the Tobacco Control Act to further protect the public, in particular children and youth, from the harms of flavoured tobacco products (including menthol) and hookah smoking, and the potential harms of electronic cigarettes.
• The Government of Newfoundland and Labrador is committed to improving the health and well-being of the people of this province.
• A big part of that effort is protecting citizens, particularly children and youth, from the proven health risks of tobacco use – and the use of similar products – and working to prevent young people from taking up the smoking habit.
• Much has been done in the last 20 years to restrict smoking in public places and to discourage young people from taking up smoking.
• We are concerned about the potential harm to public health resulting from e-cigarettes, in particular children and youth; the availability of flavoured tobacco products, and the impact of smoking other products, like hookah.
• We’ve been monitoring action taken within jurisdictions, and we welcome the opportunity to address this issue in our province now.

E-Cigarettes
• We are regulating, not banning, e-cigarettes.
• The sale of e-cigarettes (with or without nicotine) will be limited to people aged 19 and older, as with tobacco products;
• The promotion and display of e-cigarettes will be regulated; and
• The use of e-cigarettes will be prohibited in indoor public spaces and workplaces, just as tobacco smoking is prohibited;
• Essentially, e-cigarettes will be regulated as tobacco products are regulated.

Flavoured Tobacco
• We are banning the sale of flavoured tobacco products (including menthol).
• The evidence shows that these products are attractive to youth, as the flavouring masks the harshness of tobacco – and many youth start, and choose, to smoke menthol.
• The ban will include cigarettes, cigarillos, fine-cut tobacco, snus and chewing tobacco;
• There are some exemptions – including cigars with a retail price of $4 each or more, weighing five (five) grams or more and having a wine, port, rum or whiskey flavor.

Hookah
• Hookah is a form of smoking.
• Smoking non-tobacco shisha products is not a safe alternative to smoking shisha products that contain tobacco.
• Hookah (tobacco shisha) smoke contains many of the same harmful toxins as cigarette smoke and has been associated with many of the same negative health effects.
• Second-hand tobacco smoke from hookahs is also a risk for non-smokers.
• The sale of non-tobacco shisha products will be limited to people aged 19 and over;
• The sale of non-tobacco shisha products will be prohibited where the sale of tobacco products are prohibited;
• The promotion/advertising and display of non—tobacco shisha will be regulated;
• The smoking of non-tobacco shisha products will be prohibited in indoor public spaces and workplaces, including at any existing hookah establishment.

Impact on Businesses
• We recognize these amendments will have an impact on retailers and, in particular, on the one hookah establishment in the province.
• We believe the public health impacts outweigh the impacts on businesses.
• We have chosen to make the coming into force date, for the amendments most impactful to businesses, July 1, 2017 to allow them more than a year to adjust.
• This will allow them to sell off existing inventories of products that will become prohibited.
• It will also allow the owner of the hookah lounge to adjust his business model.

Existing Programs and Services to prevent smoking and help people quit
• NL Smokers’ Helpline
• Provincial Smoking Cessation Program for Individuals with Low Income
• Annual operational/project support for Canadian Cancer Society; NL Lung Association; the Alliance for the Control of Tobacco (ACT); NL Heart and Stroke Association; and
• Curriculum resources for K-12 schools.
Fast Facts
NL Smoking Statistics

Source: 2013 Canadian Tobacco, Alcohol and Drugs Survey (CTADS):

**Tobacco Use (current smoking – total of daily and non-daily)**
- 19.5% - 15 years of age and older (Canadian average 14.7%)
- 12% - 15-19 years (Canadian average 11%)
- 28% - 20-24 years (Canadian average 18%)

**E-cigarette Use (reported ever tried)**
- 12.5% - 15 years of age and older (Canadian average 8.5%)
- NL youth aged 15-19, 25.6% (Canadian average 19.8%)
- NL youth aged 20-24, 40.8% (Canadian average 20.1%) Note: NL - moderate sampling variability, interpret with caution – small sample size

**Water-pipe Tobacco Use (ever tried)**
Canadian:
- 10% - aged 15 years of age and older reported ever trying a water pipe
- 14% - youth (aged 15-19), reported having ever tried a water-pipe
- 29% - young adults (aged 20-24) reported having ever tried a water-pipe

**Flavoured Tobacco Use Among Youth**
Source: 2012-13, Youth Smoking Survey (YSS)
- over half (53%) of Newfoundland and Labrador tobacco users in grades 9 to 12 used flavoured tobacco products in the last 30 days; and
- over one-third (36%) of youth cigarette smokers smoked menthol in the last 30 days
Evidence

The World Health Organization (WHO) issued a report in 2014 on Electronic nicotine delivery systems, or e-cigarettes, and it concluded, amongst several other recommendations that regulations were required in the areas of:

• advertising and promotion;
• use of e-cigarettes in public places;
• and sale to minors.

These recommendations are generally consistent with recommendations from Canada’s Council of Chief Medical Officers of Health provided a position statement in August 2014 to provincial and territorial governments.

There have also been consistent recommendations from other health authorities around the world.

Health Impacts – E Cigarettes

The World Health Organization (WHO) 2014 Report: Electronic nicotine delivery systems (ENDS) states that while e-cigarettes represent an “evolving frontier filled with promise and threat for tobacco control”, additional research is needed on multiple areas of e-cigarette use and that regulations are required to address health concerns. The WHO report includes the following:

• there is currently insufficient evidence to conclude that e-cigarettes help users quit smoking or not. Therefore, WHO currently recommends that smokers should first be encouraged to quit smoking and nicotine addiction by using a combination of already-approved treatments;
• existing evidence shows that e-cigarette aerosol is not merely "water vapour" as is often claimed in the marketing of these products;
• while they are likely to be less toxic than conventional cigarettes, e-cigarette use poses threats to adolescents and fetuses of pregnant mothers using these devices;
• e-cigarettes also increase the exposure of non-smokers and bystanders to nicotine and a number of toxicants;
• because the product, the market and the associated scientific evidence surrounding e-cigarettes are evolving rapidly, all legislation and regulations should be adaptable in response to new scientific evidence, including evaluation of different models of e-cigarettes, as evidence accumulates; and
• the main health risk from nicotine exposure other than through inhalation is nicotine overdose by ingestion or through dermal contact. Since most countries do not monitor these incidents the information is very scarce. Reports from the United States and the United Kingdom nonetheless indicate that the number of reported incidents involving nicotine poisoning has risen substantially as the use of ENDS has increased. The actual number of cases is probably much higher than those reported.

While there are potential harms associated with e-cigarettes on health, they are likely to be less harmful than cigarettes and may hold some benefit for tobacco users. E-cigarettes do not involve combustion; therefore, the vapour contains far fewer toxic chemicals than tobacco smoke,
including most of the carcinogens present in tobacco smoke. However, the long-term health
effects of vaping have not been examined and are therefore unknown at this time. Evidence from
clinical trials on the effectiveness of e-cigarettes is limited.

Public Health England (PHE) released a report, E-cigarettes: an evidence update, in August of
2015 which was based on an expert independent evidence review. A key finding of the review
commissioned by PHE was that the current best estimate is that e-cigarettes are around 95% less
harmful than smoking. Additionally, PHE states that e-cigarettes are not completely risk free, but
when compared to smoking, evidence shows they carry just a fraction of the harm. The
conclusions of the report, while viewed positively by proponents of e-cigarettes, were criticized
in an editorial in The Lancet (a prominent UK weekly peer-reviewed general medical journal)
and by researchers writing in the British Medical Journal and others who raised issues with
several aspects including the robustness of data and linkages/conflict-of -interest between some
of those involved in the studies and the tobacco industry.

Public Health Position Statements and Evidence Regarding E-cigarettes
Canada:
Council of Chief Medical Officers of Health (CCMOH) - in November 2013, the F/P/T Deputy
Ministers of Health requested advice from the CCMOH on the issue of e-cigarettes. In August
2014, following consultation with tobacco control experts in a virtual symposium, the CCMOH
provided their position statement on electronic nicotine delivery systems. Their
recommendations to provincial/territorial governments regarding both types of e-cigarettes, those
that contain nicotine and those that do not, are as follows:

- amend or develop legislation/regulations to make it illegal to sell electronic nicotine
delivery systems to minors;
- make point of sale display, advertising and promotion of electronic nicotine delivery
systems illegal; and
- make it illegal to use electronic nicotine delivery systems in any locations where smoking
is prohibited.

United States:
- Researchers at the University of California published a study in the Journal of Oral Oncology,
January 2016, warning against e-cigarettes. These researchers created an extract from the
“smoke” of e-cigarettes and used it to treat human cells in a lab. The exposed cells developed
DNA damage and died sooner than those untreated. E-cigarettes containing nicotine showed
damage three fold over cells not exposed. Those without nicotine still showed 50% higher
rates of damage (DNA strand breaks) than unexposed cells.

- According to the California State Health Officer’s Report on E-Cigarettes: A Community
Health Threat, 2015 report:
  o e-cigarettes do not emit a harmless water vapor, but an aerosol that has been found to
contain at least 10 toxic chemicals (e.g., formaldehyde, lead, nickel, and acetaldehyde)
that are on California’s Proposition 65 list of chemicals known to cause cancer, birth
defects or other reproductive harm. These chemicals travel through the circulatory system
to the brain and all organs. Additionally, the aerosol contains high concentrations of
ultrafine particles that are inhaled and become trapped in the lungs; and
- a high concentration of nicotine in e-juice cartridges poses a potential risk for poisoning. E-cigarette cartridges often leak and are not equipped with child-resistant caps, creating a potential source of poisoning through ingestion, inhalation, skin or eye contact. Calls to poison control centers in California and the rest of the US have risen significantly for both adults and children accidentally exposed to e-liquids.

- A study published online on December 8, 2015 in Environmental Health Perspectives by researchers at Harvard T.H. Chan School of Public Health found that diacetyl, a flavoring chemical known to cause lung disease in workers of microwave popcorn processing facilities, has been found in 75% of flavoured e-cigarettes and e-juices.

- In October 2014, the American Industrial Hygiene Association (AIHA) released a white paper on e-cigarettes in the indoor environment, and stated that current research indicates that vaping is “not without risk, especially for nearby persons in areas with limited ventilation and persons with compromised health conditions.” Chemical analyses of e-cigarette vapor have found a variety of chemical substances and ultrafine particles that are known to be toxic, carcinogenic, and/or cause respiratory and heart distress. The evidence also suggests that exhaled e-cigarette aerosol increases the background air level.

- In 2013, the US Food and Drug Administration conducted a review of 36 research articles, and confirmed that e-cigarettes, e-juice, and their vapors contain cancer-causing chemicals similar to those found in tobacco products, albeit in amounts similar to those in a nicotine patch or inhaler. The review does note that the quality of the evidence overall is low because it is based on only a small number of studies and that more studies of e-cigarettes are needed. A large randomized controlled trial showed that e-cigarettes (either with or without nicotine) were modestly effective, but no better than nicotine patches, in helping smokers quit (Preventive Cardiology, Electronic Cigarettes in North America, 2014).

**Shisha Products - Health Effects**

Smoking tobacco (or any other organic material) through water does not filter out cancer-causing chemicals. Hookah smoke can damage the lungs and heart as much as cigarette smoke (American Journal of Preventive Medicine, 2009). Further, most hookahs utilize charcoal to heat the shisha. This charcoal, when heated, will deliver carbon monoxide (CO), different metals, and other toxins directly in the blood stream with the smoke.

The Centers for Disease Control (CDC) in the United States has reported that:

- a typical hookah smoking session lasting one hour involves 200 puffs, compared to about 20 puffs for smoking a cigarette; and
- the volume of smoke inhaled during a typical hookah session is about 90,000 milliliters compared with 500 to 600 milliliters inhaled when smoking a cigarette.

Smoking non-tobacco shisha products is not a safe alternative to smoking shisha products that contain tobacco. Health effects include:

- the Centers for Disease Control reports that studies of tobacco-based shisha and non-tobacco herbal shisha show that smoke from both preparations contain CO and other toxic agents known to increase the risks for smoking-related cancers, heart disease, and lung disease.

- employees of hookah establishments or non-smokers who frequent such places are also at risk from exposure to second-hand smoke.
• side-stream smoke from a single waterpipe session contains approximately 4 times the cancer-causing polycyclic aromatic hydrocarbons (PAH), 4 times the volatile aldehydes, and 30 times the CO of a single cigarette (Atmospheric Environment 2010; 44: 8-14.16).
• the sharing of a single (or several) hookah pipe mouthpieces can put users at risk for infectious diseases such as meningitis, hepatitis and influenza (Centres for Disease Control, Hookah, Other Health Effects of Hookah Smoke, 2011).

A 2013 study in the journal Tobacco Control, ‘Herbal’ but potentially hazardous: an analysis of the constituents and smoke emissions of tobacco-free waterpipe products and the air quality in the cafés where they are served, by the University of Alberta (UA) concluded that:

“Herbal shisha products tested contained toxic trace metals and PAHs levels equivalent to, or in excess of, that found in cigarettes. Their mainstream and sidestream smoke emissions contained carcinogens equivalent to, or in excess of, those of tobacco products. The content of the air in the waterpipe cafés tested was potentially hazardous. These data, in aggregate, suggest that smoking ‘herbal’ shisha may well be dangerous to health.”

In summary, the UA study found that the smoke emissions of herbal shisha that the waterpipe user would inhale contained substantial amounts of toxicants which were equal to or greater than those from a tobacco-based shisha. Specifically, levels of tar and CO were higher in the herbal blend, whereas nitric oxide and benzo[a]pyrene, a type of polycyclic aromatic hydrocarbon that is carcinogenic, were similar in both types of shisha. The study also analyzed the constituents of the smoke that bystanders would be exposed to (second-hand smoke) which was produced from burning either herbal or tobacco shisha in a waterpipe. The analysis showed that ultrafine particulate levels were similar, but benzo[a]pyrene levels were higher for the herbal shisha.
Seniors, Wellness and Social Development
Health and Community Services
June 6, 2016

Media Advisory: Ministers to Outline Proposed Changes to *Smoke Free Environment Act, 2005* and the *Tobacco Control Act*

The Honourable Sherry Gambin-Walsh, Minister of Seniors, Wellness and Social Development, and the Honourable John Haggie, Minister of Health and Community Services, will provide details around proposed legislative amendments to the *Smoke Free Environment Act, 2005* and the *Tobacco Control Act* today (Monday, June 6). The news conference will take place at 12:30 p.m. in the Media Centre, Ground Floor, East Block, Confederation Building.

Prior to the news conference, a technical briefing for the media will be offered by officials of the Departments of Seniors, Wellness and Social Development and Health and Community Services. The technical briefing will take place in the Media Centre at 11:45 a.m.

- 30 -

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Good Afternoon and thank you all for coming.

As Minister of Seniors, Wellness and Social Development, health promotion and healthy living is an important part of the mandate given to me by the premier.

And I believe that measures that help to prevent and reduce the prevalence of smoking throughout our population is certainly a step toward a healthier Newfoundland and Labrador.

We all know the dangers of smoking and second hand smoke.

Successive governments have taken a comprehensive approach to reduce smoking over the years – and, as society evolves and attitudes have changed, our legislation and regulations around smoking have changed.

Since the introduction of the *Smoke-free Environment Act* and the *Tobacco Control Act* in 1994 that prohibit smoking in indoor public places and workplaces, and prohibits the sale of tobacco to persons under the age of 19, several other key actions have been undertaken:

- Smoking has been banned in bars including patios and decks and bingo halls;

- Restrictions have been placed on how tobacco products can be displayed, stored and promoted at retail;

- Smoking has been banned in motor vehicles while persons under the age of 16 are present;

- Designated smoking rooms have been removed from workplaces.
Those efforts have seen positive results.

Overall smoking rates have decreased in Newfoundland and Labrador - from over 28% in 1999 to just under 20% in 2013.

The news is better for those aged 15-19; smoking is down from 30% to 12.4%.
For young adults, aged 20-24, it is down from 37% to 28%.

While much has been done in the last 20 years to restrict smoking in public places and to discourage young people from taking up smoking, we can't let down our guard.

We are concerned about public health, particularly of children and youth, resulting from the availability of flavoured tobacco and hookah products and the potential harms of electronic cigarettes.

For that reason we are introducing amendments today to mark the next step in the evolution of our efforts to prevent and reduce the prevalence of smoking in our province.

Proposed amendments to the Smoke-Free Environment Act, 2005 and the Tobacco Control Act will strengthen measures to protect people from the harms of flavoured tobacco products and hookah smoking, and the potential harms of e-cigarettes.

These amendments will prohibit the sale of flavoured tobacco products, including menthol.

The ban will apply to: cigarettes, cigarillos (little cigars), fine-cut tobacco, and smokeless tobacco (which includes chewing tobacco and snus) that have a characterizing flavour such as candy, bubble gum, fruit, and menthol, or are represented as being flavoured.
With respect to e-cigarettes, proposed amendments will:
• prohibit the sale of electronic cigarettes to persons under the age of 19;

• prohibit the sale where the sale of tobacco products is currently prohibited;

• prohibit use in indoor public places, workplaces, and in motor vehicles when occupied by a person under the age of 16; and

• restrict the promotion (including advertising) and display of e-cigarettes in the same manner that the province currently regulates tobacco promotion and display.

Our amendments related to e-cigarettes aim to strike a balance between minimizing potential health risks from these products, while recognizing that some individuals seek to use these products to quit smoking.

With respect to hookah, proposed amendments will:
• prohibit the sale of non-tobacco shisha products to persons under the age of 19;

• prohibit the sale where the sale of tobacco products are currently prohibited;

• restrict the promotion (including advertising) and display in the same manner that the Province currently regulates tobacco promotion and display; and

• prohibit hookah smoking of non-tobacco shisha products in indoor public places and workplaces including any existing hookah establishment.
The following changes will come into force upon the amendments receiving Royal Assent:

- prohibition on the sale of e-cigarettes and non-tobacco shisha to persons under the age of 19;

- prohibition on persons under the age of 19 from entering or working in a hookah establishment; and

- prohibition on the use of e-cigarettes in indoor public places, workplaces and in motor vehicles when occupied by a person under the age of 16.

All other changes will come into forces on July 1, 2017.

We have delayed the implementation date for several of the amendments in recognition that businesses will need to adjust to the new legislation.

The changes we are making to our legislation are closely aligned with several other jurisdictions in Canada including the other Atlantic Provinces.

We will be joining with Nova Scotia, New Brunswick, Alberta, Quebec and Ontario in banning flavoured tobacco including menthol.

Our amendments respecting e-cigarettes will make our legislation similar to that of seven other provinces including the Atlantic Provinces, Quebec, Ontario, Manitoba and British Columbia.

And, in 2015, the other Atlantic Provinces banned the use of hookah/water pipe use in indoor public places. In recent years several Canadian municipalities including the cities of Toronto and Vancouver have implemented similar bans.

In proposing these amendments, we are joining with others in trying to prevent and reduce smoking and promote public health in our society.
In addition to strengthening legislation, the provincial government supports other initiatives aimed at supporting individuals to quit smoking such as the Provincial Smoking Cessation Program for Individuals with Low Income and the Newfoundland and Labrador Smokers’ Helpline.

I have spoken to “WHAT” we are changing here this afternoon.

Now I will turn things over to Minister Haggie, who as Minister of Health and Community Services, and as a former surgeon, is very well positioned to speak to the “WHY” surrounding these amendments.

Minister Haggie...
• Thank you, minister.

• I am pleased to join my colleague, the Minister of Seniors, Wellness and Social Development here today as we outline changes to legislation that will advance our government’s commitment to protect public health.

• As the minister has stated, the changes introduced today will regulate flavoured tobacco, electronic cigarettes and hookah smoking.

• Our key objectives with these amendments are to:
  ➢ prevent the uptake of smoking by children and youth;
  
  ➢ prevent exposure to harms from secondhand smoke and the potential harms of vapour; and
  
  ➢ reduce smoking prevalence.

• I believe these amendments to our legislation are the appropriate next steps in our efforts to improve population health.

• These issues have been a priority in many other provinces of Canada and our initiative is consistent with what is going on elsewhere.
• Combined with our existing regulatory environment for tobacco products, these measures will result in improvements to our health and, over the long-term, reduce the costs of providing health care.

• I don’t think I need to go into an exhaustive list of the harmful effects of smoking; these have been well documented for decades.

• There are direct effects of smoking tobacco which contains tars and chemicals which increase the risk of cancer.

• And non-tobacco products can still produce tars and chemicals, which over time can lead to the development of cancer.

• There are many more negative effects of smoking outside of cancer such as heart and lung disease and, of course, nicotine alone is addictive.

• If we want to have a smoke-free society, we must stop people from beginning to smoke in the first place. This, of course, is critically important for our children and youth.

• Flavours, such as menthol, mint, candy or fruit, added to tobacco products make them less harsh and more attractive to young people.

• And they are often packaged in brightly-coloured, scented packaging – again, appealing to young people and increasing the possibility that they will experiment with the product.

• For these reasons, we are concerned about them serving as the gateway to tobacco addiction for youth.
• With respect to menthol, research shows that menthol cigarette smoking is how many young people are introduced to smoking and that menthol cigarette smokers find it harder to quit.

• In Newfoundland and Labrador just over 4% of adults use menthol.

• However, the 2012-13 Youth Smoking Survey shows that for youth tobacco users in Grades 9-12, 53 per cent of them used flavoured tobacco in the last 30 days with 36 per cent of them having smoked menthol cigarettes in the last 30 days.

• E-cigarettes hold the potential to introduce the smoking “culture” to young people who wrongly assume there are no negative health effects.

• “Vaping” e-cigarettes looks a lot like smoking and could serve to normalize smoking.

• And that is something we’ve worked very hard to stop over many years.

• As there is no regulation, and no substantive research as to the long-term health effects of vapour products, we do not really know what people are inhaling when using e-cigarettes.

• Having said that, we recognize that adults may wish to use the product to help them quit smoking traditional cigarettes.

• For that reason, we are not prohibiting e-cigarette products but are regulating them in a similar way to how we regulate tobacco.
• This will help to minimize their accessibility to children and youth.

• Finally, hookah is just another form of smoking.

• Studies show that smoke from both tobacco and non-tobacco preparations contain carbon monoxide and other toxic agents known to increase the risks of smoking-related cancers, heart disease, and lung disease.

• Second-hand tobacco smoke from hookahs is also a risk for non-smokers.

• Therefore, it's time to address this issue, as many other jurisdictions have, and ban the smoking of all shisha products from all indoor public places and work places.

• It's a public health issue and we feel we must take action to protect the public and employees who work in such establishments.

• On the whole, we are hopeful that the legislative amendments we are putting forward today will serve to better protect people from the harms of flavoured tobacco products and hookah smoking, and the potential harms of e-cigarettes.

• As Minister Gambin-Walsh has already noted, the changes we are proposing will bring our legislation in line with several other jurisdictions around the country.

• I would emphasize though, that these amendments are not only in-line with other provinces and municipalities.
• They are evidence-based and in keeping with research and recommendations from recognized sources in Canada and around the world including:
  ➢ The 2013 Canadian Tobacco, Alcohol and Drug Survey;
  ➢ the World Health Organization;
  ➢ the U.S. Centres for Disease Control; and
  ➢ others.

• I, along with Minister Gambin-Walsh, look forward to the debate on this legislation which we believe will serve the interest of advancing public health throughout Newfoundland and Labrador.

• Thank you.
Promoting a Healthier Society

Legislative Amendments Aim to Prevent and Reduce Smoking

A bill to amend the Smoke-Free Environment Act, 2005 and the Tobacco Control Act will undergo second reading in the House of Assembly today. The proposed amendments aim to further protect the public, in particular children and youth, from the harms of flavoured tobacco products (including menthol) and hookah smoking, and the potential harms of electronic cigarettes (e-cigarettes).

"Preventing and reducing smoking is a priority for our government. These amendments will help minimize the risk that flavoured tobacco products, e-cigarettes and hookah may lead to more young people starting to smoke. The legislation we are bringing forward is consistent with legislation in several other Canadian provinces and supports our larger goal of promoting healthy living and protecting public health."

- The Honourable Sherry Gambin-Walsh, Minister of Seniors Wellness and Social Development

The proposed amendments will cover the sale, use and promotion of flavoured tobacco, e-cigarette, and hookah products throughout Newfoundland and Labrador. Detailed information about the legislative changes is available in the backgrounder below.

"Our province has some of the highest rates of chronic disease in Canada. The amendments we are proposing are designed to protect Newfoundlanders and Labradorians, particularly our children and youth, from the harmful health effects of smoking. Flavoured tobacco, e-cigarettes and hookah are of concern as they are enticing to youth. These amendments support our government’s commitment to promoting a healthier population and reducing health care costs."

- The Honourable John Haggie, Minister of Health and Community Services

Through Budget 2016, $250,000 in new funding has also been provided to support new and expanded programs and services to help individuals quit smoking. For more information on tobacco control or how to prevent or quit smoking, visit: www.swsd.gov.nl.ca/healthyliving/tobaccocontrol.html

QUICK FACTS
- Proposed amendments being introduced in the House of Assembly today will further protect the public, in particular children and youth, from the harms of flavoured tobacco products (including menthol) and hookah smoking, and the potential harms of e-cigarettes.
The main objective of the amendments is to prevent and reduce smoking in Newfoundland and Labrador, particularly among children and youth.

The proposed amendments will cover the sale, use and promotion of flavoured tobacco, e-cigarette, and hookah products throughout Newfoundland and Labrador.

Budget 2016 provides $250,000 in new funding to support new and expanded programs and services to help individuals quit smoking.

For more information on Tobacco Control or how to prevent or quit smoking, visit: www.swsd.gov.nl.ca/healthyliving/tobaccocontrol.html

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BACKGROUND
Overview of Proposed Legislative Amendments to Prevent and Reduce Smoking

Proposed amendments to the Smoke-Free Environment Act, 2005 and the Tobacco Control Act will strengthen measures to protect people from the harms of flavoured tobacco products and hookah smoking, and the potential harms of electronic cigarettes (e-cigarettes).

Flavoured Tobacco
Proposed amendments will prohibit the sale of flavoured tobacco products (including menthol). The ban will apply to: cigarettes, cigarillos (little cigars), fine-cut tobacco, and smokeless tobacco (chewing tobacco and snus) that have a characterizing flavour (e.g., candy, bubble gum, fruit, and menthol) or are represented as being flavoured.

Electronic Cigarettes
Proposed amendments will:
- Prohibit the sale of electronic cigarettes to persons under the age of 19;
- Prohibit the sale where the sale of tobacco products is currently prohibited;
- Prohibit use in indoor public places, workplaces, and in motor vehicles when occupied by a person under the age of 16; and
- Regulate the promotion (including advertising) and display in the same manner that the Province currently regulates tobacco promotion and display.
Hookah

Proposed amendments will:
- Prohibit the sale of non-tobacco shisha products to persons under the age of 19;
- Prohibit the sale where the sale of tobacco products are currently prohibited;
- Regulate the promotion (including advertising) and display in the same manner that the Province currently regulates tobacco promotion and display; and
- Prohibit hookah smoking of non-tobacco shisha products in indoor public places and workplaces including any existing hookah establishment.

Coming into force dates

_Upon Royal Assent_

- Prohibition on the sale of e-cigarettes and non-tobacco shisha to persons under the age of 19;
- Prohibition on persons under the age of 19 from entering or working in a hookah establishment; and
- Prohibition on the use of e-cigarettes in indoor public places, workplaces and in motor vehicles when occupied by a person under the age of 16.

_July 1, 2017_

- Prohibition on the sale of flavoured tobacco products (including menthol);
- Prohibition on the sale of electronic cigarettes and non-tobacco shisha from places where tobacco sales are currently prohibited;
- Restrictions on the display and promotion of e-cigarettes and non-tobacco shisha at retail stores in the same manner as tobacco promotion and display is regulated; and
- Prohibition of hookah smoking of non-tobacco shisha in indoor public places and workplaces including any existing hookah establishment.
MOTION - Second Reading:
Mr. Speaker, I move, seconded by the Minister of Health and Community Services, that Bill 35, ‘An Act to Amend the Smoke Free Environment Act, 2005 and the Tobacco Control Act, be read a second time.

Speaking Notes for Minister Gamin-Walsh on Second Reading.

Thank you, Mr. Speaker.

I am pleased to stand in the house today to open the debate on these important legislative amendments.

The proposed amendments to the Smoke Free Environment Act, 2005 and the Tobacco Control Act will further protect the public, in particular children and youth, from the harms of flavoured tobacco products (including menthol) and hookah smoking, and the potential harms of electronic cigarettes or e-cigarettes.

Our government has committed to preventing and reducing smoking and to promote healthy living throughout our province.

And I believe that legislation and regulation that helps to reduce the prevalence of and prevent smoking throughout our population is certainly a step toward a healthier Newfoundland and Labrador.

Successive governments have taken a comprehensive approach to reduce smoking over the years – and as society evolves, and attitudes have changed, our legislation and regulations around smoking have changed.

Since the introduction of the Smoke-free Environment Act and the Tobacco Control Act in 1994 that prohibit smoking in indoor public places and workplaces, and prohibits the sale of tobacco to persons under the age of 19, several other key actions have been undertaken:
• Smoking has been banned in bars including patios and decks and bingo halls;

• Restrictions have been placed on how tobacco products can be displayed, stored and promoted at retail;

• Smoking has been banned in motor vehicles while persons under the age of 16 are present;

• Designated smoking rooms have been removed from workplaces.

Those efforts have seen positive results.

Overall smoking rates have decreased in Newfoundland and Labrador - from over 28% in 1999 to just under 20% in 2013.

The news is better for those aged 15-19; smoking is down from 30% to 12.4%.

For young adults, aged 20-24, it is down from 37% to 28%.

While much has been done in the last 20 years to restrict smoking in public places and to discourage young people from taking up smoking, we can’t let down our guard.

We are concerned about the potential harm to public health, particularly relating to children and youth, resulting from e-cigarettes, the availability of flavoured tobacco products, and the impact of smoking other products, like hookah.

The amendments we are debating today mark the next step in the evolution of Newfoundland and Labrador’s efforts to prevent and reduce smoking.

Preventing and reducing smoking remains a priority, and government is of the view that the advent of flavoured tobacco products, e-cigarettes and the use of hookah could lead to more young people taking up smoking.
According to the World Health Organization, all tobacco products are harmful and are a leading cause of disease and death worldwide.

Our own Health Canada reports that each year smoking kills an estimated 37,000 Canadians, making smoking the country's leading cause of preventable disease and death.

Unfortunately, Newfoundland and Labrador continues to have among the highest smoking rates in Canada at approximately 20% for those aged 15 years and older.

We know that, despite past and ongoing efforts to curb smoking, children and youth are still experimenting with tobacco and starting to smoke.

**Proposed Amendments**
I would like to take a few moments to walk through the changes we are proposing in this Bill.

Amendments to the *Smoke-Free Environment Act, 2005* and the *Tobacco Control Act* will strengthen measures to protect people from the harms of flavoured tobacco products and hookah smoking, and the potential harms of e-cigarettes.

These amendments will prohibit the sale of flavoured tobacco products, including menthol.

The ban will apply to: cigarettes, cigarillos (little cigars), fine-cut tobacco, and smokeless tobacco (which includes chewing tobacco and snus) that have a characterizing flavour such as candy, bubble gum, fruit, and menthol, or are represented as being flavoured.
With respect to e-cigarettes, proposed amendments will:
- prohibit the sale of electronic cigarettes to persons under the age of 19;
- prohibit the sale where the sale of tobacco products is currently prohibited;
- prohibit use in indoor public places, workplaces, and in motor vehicles when occupied by a person under the age of 16; and
- regulate the promotion (including advertising) and display of e-cigarettes in the same manner that the province currently regulates tobacco promotion and display.

Our amendments related to e-cigarettes aim to strike a balance between minimizing potential health risks from these products, while acknowledging that some individuals seek to use these products to quit smoking.

With respect to hookah, proposed amendments will:
- prohibit the sale of non-tobacco shisha products to persons under the age of 19;
- prohibit the sale where the sale of tobacco products are currently prohibited;
- regulate the promotion (including advertising) and display in the same manner that the Province currently regulates tobacco promotion and display; and
- prohibit hookah smoking of non-tobacco shisha products in indoor public places and workplaces including any existing hookah establishment.

**Coming into Force Dates**
The following changes will come into force upon the amendments receiving Royal Assent:
• prohibition on the sale of e-cigarettes and non-tobacco shisha to persons under the age of 19;

• prohibition on persons under the age of 19 from entering or working in a hookah establishment; and

• prohibition on the use of e-cigarettes in indoor public places, workplaces and in motor vehicles when occupied by a person under the age of 16.

All other changes will come into force on July 1, 2017.

We have delayed the implementation date for several of the amendments in recognition that businesses will need to adjust to the new legislation.

The changes we are making to our legislation are closely aligned with several other jurisdictions in Canada including the other Atlantic Provinces.

We will be joining with Nova Scotia, New Brunswick, Alberta, Quebec and Ontario in banning flavoured tobacco.

Our amendments respecting e-cigarettes will make our legislation similar to that of seven other provinces including the Atlantic Provinces, Quebec, Ontario, Manitoba and British Columbia.

And, in 2015, the other Atlantic Provinces banned the use of hookah/water pipe use in indoor public places as have several Canadian municipalities including the cities of Toronto and Vancouver.

**E-Cigarettes**

We realize that e-cigarettes are often promoted as a device to help people quit smoking.

But we also realize that they also hold the potential to have the very negative consequence of introducing the smoking “culture” to young people who wrongly assume there are no negative health effects.
The truth is, we don't really know what is in the vapour that people are inhaling. There is no regulation and no substantive research as to the long-term health effects.

Having said that, we recognize that adults may wish to use the product to help them quit smoking traditional cigarettes – and so we are balancing the rights of those individuals against the need to minimize their accessibility to children and youth.

"Vaping" e-cigarettes looks an awful lot like smoking and could serve to normalize smoking again – and that's something we've worked very hard to stop over many years.

Regulating e-cigarettes, as we do cigarettes - and regulating their sale and promotion – is the latest step in this effort.

In NL and other provinces, most licenced tobacco retailers (e.g. gas stations/convenience stores) sell e-cigarettes. There are also several specialty stores (vape shops) where e-cigarettes and nicotine e-juices are sold.

Under the proposed amendments, these specialty stores will be treated similar to tobacconist shops, provided the only business conducted is the sale of e-cigarettes and associated products.

By regulating and not banning e-cigarettes, this approach balances the need for adults who want access to e-cigarettes to help them quit smoking or as an alternative to smoking tobacco with the need to minimize the concern over their easy accessibility to children/youth, their potential to re-normalize smoking and undermine smoke-free policies in indoor public places, workplaces, and motor vehicles.

**Flavoured Tobacco**

Adding flavours to tobacco products, makes them less harsh and more attractive to young people.
And they are often packaged in brightly-coloured, scented packaging – again, appealing to young people and increasing the possibility that they will experiment with the product.

For these reasons, we are concerned about them serving as the gateway to tobacco addition for youth.

Tobacco smoking during youth increases the likelihood youth will become regular smokers at some point in their lifetime.

Research shows that menthol cigarette smoking is how many young people are introduced to smoking.

Research also shows menthol cigarette smokers find it harder to quit.

**Hookah**

Hookah smoking uses water pipes to smoke specially made tobacco and non-tobacco products called “shisha”.

Shisha is a sticky sweet mixture of tobacco and/or other plant material, molasses and flavours.

The mixing of tobacco and non-tobacco products with flavours like fruit, chocolate, cherry and bubble gum has made hookah smoking more palatable and popular.

Shisha is heated with charcoal in the head of the hookah and the smoke passes through the base to the water bowl and is smoked through an attached hose or hoses.

Hookah (tobacco shisha) smoke contains many of the same harmful toxins as cigarette smoke and has been associated with lung cancer, respiratory illness, low birth weight and gum disease.

Smoking non-tobacco shisha products is not a safe alternative to smoking shisha products that contain tobacco.
The availability of non-tobacco shisha to youth is a cause for concern as: smoking non-tobacco shisha increases the risks for smoking-related cancers, heart disease, and lung disease, as well as infectious diseases such as meningitis, hepatitis and influenza if smoking is shared.

Second-hand tobacco smoke from hookah pipes is also a risk for non-smokers including employees of a hookah establishment.

And, the permitting of smoking any products in indoor public places sends an inconsistent message regarding smoking inside business establishments.

Therefore, it's time to address this issue, as many other jurisdictions have, and ban the smoking of all shisha products from all indoor public spaces.

Mr. Speaker, I know that other members of this Honourable House will be speaking to this legislation today as we move through the second reading and committee stages.

I encourage all members to support these amendments which are designed to prevent and reduce smoking, particularly among children and youth, throughout our province.

I will have more to say when the time comes to close debate on second reading.

Thank you Mr. Speaker.
Mr. Speaker, it is a pleasure to stand today to speak in support of this Bill.

Having spent my career before entering politics as a medical doctor, preventing and reducing smoking is an issue that is dear to my heart.

I have seen first-hand the damage that smoking can cause to peoples' health and overall quality of life.

Our key objectives with these amendments are to:
- prevent the uptake of smoking by children and youth;
- prevent exposure to harms from secondhand smoke and the potential harms of vapour; and
- reduce smoking prevalence.

I believe these amendments to our legislation are the appropriate next steps in our efforts to improve population health.

These issues have been a priority in many other provinces of Canada and our proposed legislative changes are consistent with what is going on elsewhere.

Combined with our existing regulatory environment for tobacco products, these measures will result in improvements to our health and, over the long-term, reduce the costs of providing health care.

We are all aware of the harmful effects of smoking.

Smoking increases our risk of cancer, heart and lung disease among other ailments.

And non-tobacco products can still produce tars and chemicals, which over time can lead to the development of cancer.

If we want to have a smoke-free society, we must stop people from beginning to smoke in the first place. This, of course, is critically important for our children and youth.

Flavours, such as menthol, mint, candy or fruit, added to tobacco products make them less harsh and more attractive to young people.

And they are often packaged in brightly-coloured, scented packaging – again, appealing to young people and increasing the possibility that they will experiment with the product.
For these reasons, we are concerned about them serving as the gateway to tobacco addiction for youth.

Research shows that menthol cigarette smoking is how many young people are introduced to smoking and that menthol cigarette smokers find it harder to quit.

In Newfoundland and Labrador just over 4% of adults use menthol.

However, the 2012-13 Youth Smoking Survey shows that for youth tobacco users in Grades 9-12, 53 per cent of them used flavoured tobacco in the last 30 days with 36 per cent of them having smoked menthol cigarettes in the last 30 days.

E-cigarettes hold the potential to introduce the smoking “culture” to young people who wrongly assume there are no negative health effects.

“Vaping” e-cigarettes looks a lot like smoking and could serve to normalize smoking.

And that is something we’ve worked very hard to stop over many years.

As there is no regulation, and no substantive research as to the long-term health effects of vapour products, we do not really know what people are inhaling when using e-cigarettes.

Having said that, we recognize that adults may wish to use the product to help them quit smoking traditional cigarettes.

For that reason, we are not prohibiting e-cigarette products but are regulating them in a similar way to how we regulate tobacco.

This will help to minimize their accessibility to children and youth.

The World Health Organization’s 2014 Report: Electronic nicotine delivery systems (ENDS) states that while e-cigarettes represent an “evolving frontier filled with promise and threat for tobacco control”, additional research is needed on multiple areas of e-cigarette use and that regulations are required to address health concerns.

The report concluded, amongst several other recommendations, that regulations were required in the areas of:

- advertising and promotion;

- use of e-cigarettes in public places; and

- sale to minors.
Our actions on hookah smoking are also consistent with legislation in a number of other Canadian Provinces and municipalities and supported by recommendations from other leading sources around the world.

Hookah is really just another form of smoking.

Many users feel hookah smoking is less harmful than cigarette smoking because the smoke passes through water in the hookah pipe.

However, the water does not filter out the dangerous chemicals that harm health.

What it does instead is cools and moisturizes the smoke, making it more tolerable for new users.

Studies show that smoke from both tobacco and non-tobacco preparations contain carbon monoxide and other toxic agents known to increase the risks of smoking-related cancers, heart disease, and lung disease.

Second-hand tobacco smoke from hookahs is also a risk for non-smokers.

The Centers for Disease Control in the United States has reported that:

- a typical hookah smoking session lasting one hour involves 200 puffs, compared to about 20 puffs for smoking a cigarette; and
- the volume of smoke inhaled during a typical hookah session is about 90,000 milliliters compared with 500 to 600 milliliters inhaled when smoking a cigarette.

A 2013 study out of the University of Alberta published in the journal *Tobacco Control*, found that the smoke emissions of herbal shisha that the waterpipe user would inhale contained substantial amounts of toxicants which were equal to or greater than those from a tobacco-based shisha.

The study also analyzed the constituents of the second-hand smoke which was produced from burning either herbal or tobacco shisha in a waterpipe.

The analysis showed that ultrafine particulate levels were similar, but benzo[a]pyrene levels were higher for the herbal shisha.

We believe the time has come to ban the smoking of all shisha products from all indoor public places and work places.

The amendments we are debating here today are not just in-line with other provinces and municipalities.

They are evidence-based and in keeping with research and recommendations from recognized sources in Canada and around the world including:

- The 2013 Canadian Tobacco, Alcohol and Drug Survey;
• the World Health Organization;
• the U.S. Centres for Disease Control; and
• others.

I am interested in hearing what others have to say on these important amendments during our debate on second reading and when we get into the committee stage.

I believe that all members in this House understand the very real dangers of smoking and that we must continue to look at improving our legislation and regulations with a view to ensuring they are keeping up with new products that come onto the market.

Above all, we must try to ensure that our children and youth never take up smoking in the first place.

I believe the amendments we are debating here today help to accomplish this and I hope that all members in this House will support this legislation.

Thank you Mr. Speaker.
I am pleased to stand this afternoon to speak in favour of this Bill, An Act to Amend the SMOKE-FREE ENVIRONMENT ACT, 2005 and the TOBACCO CONTROL ACT, Bill No. 35.

Before being elected to the House of Assembly, I spent 25 years as Director of Recreation and Tourism with the town of Lewisporte.

I am also a past president of Recreation Newfoundland and Labrador.

I know the value and benefits of living a healthy lifestyle.

It leads to better health and a better quality life.

I think we can agree that smoking puts our health at risk.

The harmful effects of smoking have been well documented for decades.

We know that smoking tobacco, increases the risk of cancer.

The smoking of non-tobacco products can still produce tars and chemicals which, over time, can also lead to the development of cancer.

And, of course, outside of cancer, there are negative health effects such as heart and lung disease which are often connected to smoking.

Nicotine addiction is another concern of course.
Most of us know, some of us through personal experience and some through the experience of friends or family members, how hard it can be to quit smoking.

While we have supports aimed at helping individuals quit smoking, the best thing we can do as a government and a society is to prevent people from ever taking up smoking in the first place.

The legislative amendments we are debating here today aim to:
• prevent the uptake of smoking, particularly by children and youth;

• prevent exposure to harms from secondhand smoke and the potential harms of vapour; and

• reduce smoking prevalence.

**Flavoured tobacco products (including menthol)**
Our amendments will ban the sale of flavoured tobacco products including menthol.

The goal of this measure is to prevent youth from starting to use tobacco by reducing access to, and use of flavoured tobacco products.

As we know, some tobacco products have flavours added such as mint, candy, fruit, chocolate or menthol which mask the harsh taste of tobacco, making the products appealing and easier to adapt to by new younger users.

And, unfortunately, we also know that a high percentage of youth in Newfoundland and Labrador use flavoured tobacco.
So, just what is a flavoured tobacco product?

According to our legislation, a flavoured tobacco product is a tobacco product that:
1. has a characterizing scent or flavour, other than tobacco, that is noticeable before or during use or both;

2. by its packaging, labelling, advertising, or otherwise, is represented as being flavoured; or

3. is prescribed in the regulations as being flavoured.

The prohibition will apply to most flavoured tobacco products including cigarettes, cigarillos (little cigars), fine-cut tobacco, and smokeless tobacco (chewing tobacco and snus), and water pipe tobacco.

Our definition of flavoured tobacco, for the purposes of the ban, does not include certain tobacco exempted by the regulations.

These exemptions include:
- cigars that have a retail price of more than $4.00 each, weigh 5 grams or more per cigar and have a wine, port, rum or whisky flavor; and

- pipe tobacco having a wine, port, rum or whiskey flavor.

These flavours have been exempted as they are products which adults are likely to choose and are not seen as being as enticing to children and youth.

Our amendments with respect to flavoured tobacco are similar to legislation of five other provinces in Canada.
E-cigarettes
E-cigarettes do not contain tobacco, but instead produce a vapour that resembles smoke.

Under the proposed legislation:
- "e-cigarette" means a product or device, whether or not it resembles a cigarette, containing a power source and heating element designed to vapourize an e-substance for inhalation or release into the air.

- "e-substance" means a solid, liquid or gas for use in an e-cigarette that, on being heated, produces a vapour, regardless of whether the solid, liquid or gas contains nicotine.

From a public health perspective, regulating e-cigarettes is about reducing:
- their easy accessibility to children and youth;

- exposure to e-cigarette vapour in indoor public places, workplaces, and in motor vehicles when a person under the age of 16 is present; and

- their potential to re-normalize smoking

Our legislative amendments will be regulating e-cigarette products in a similar way to that of tobacco products, and not banning them.

Adults, 19 years of age and older, who want access to e-cigarettes to help them quit smoking or as an alternative to smoking tobacco will continue to have access to e-cigarettes at many retail outlets and e-cigarette speciality stores.
We know there is limited scientific evidence about the harms or benefits of e-cigarettes.

In the absence of sufficient evidence of safety and quality, and emerging concerns about health risks, government regulating these products in a similar way to tobacco products.

But we do know that youth in our province are trying and using these products.

According to the 2013, Canadian Tobacco, Alcohol and Drug Survey:

- Newfoundland and Labrador youth aged 15-19, 25.6%, reported ‘ever trying’ e-cigarettes compared to the **Canadian average of 19.8%**; and

With respect to e-cigarettes, our proposed amendments are similar to legislation of seven other provinces (NS, NB, PEI, QC, Ontario, MB and BC).

In addition to regulating e-cigarettes to prohibit their sale to minors and their use in indoor public places, there will be display and promotion restrictions for e-cigarettes under the **Tobacco Control Act**.

The current restrictions in place for the display and promotion of tobacco products at retail will apply to the sale and promotion of vapour products.

Products must not be visible inside the premises and products cannot be promoted or advertised as being sold in the premises by using materials such as posters and counter top displays.
Retailers are permitted to post signs similar to those regulating tobacco products (e.g., 8.5 X 11, black lettering on white background).

In addition, a reference tool such as a catalogue or binder outlining the types of products available for sale can be provided to the customer.

Effective July 1, 2017, vapour product specialty stores (e.g., vape shops) will be regulated in similar fashion to tobacconist shops.

They will only be able to display vapour products provided:
• the only business conducted is the sale of vapour products;

• products and promotional material are not visible from outside the shop or located on the exterior of the shop.

Similar to the exemptions provided for the use of tobacco products, under the Smoke-free Environment Act, 2005, designated e-cigarette use rooms will be permitted only in:
• long-term care facilities for use by residents of the facilities; and

• workplaces that are:
  ➢ a remote worksite, as designated by the regulations;

  ➢ an underground mining operation; or

  ➢ a marine installation or structure as defined by section 152 of the Canada-Newfoundland Atlantic Accord Implementation Act (Canada).

Such rooms must meet the ventilation requirements of the Smoke-free Environment Regulations.
HOOKAH
Hookah smoking uses water pipes to smoke specially made tobacco and non-tobacco products called “shisha”.

Shisha is a sticky sweet mixture of tobacco and/or other plant material, molasses and flavours. The mixing of tobacco and non-tobacco products with flavours like fruit, chocolate, cherry and bubble gum has made hookah smoking more palatable and popular.

Shisha is heated with charcoal in the head of the hookah and the smoke passes through the base to the water bowl and is smoked through an attached hose or hoses.

Under the *Tobacco and Vapour Products Control Act* “non-tobacco shisha: will be defined as “a non-tobacco product containing herbs or other plants and materials intended for use in a water pipe”.

According to the 2013 Canadian Tobacco, Alcohol and Drugs Survey, 29% of young adults in Canada (aged 20-24), and 14% of Canadian youth (aged 15-19), reported having ever tried a water pipe.

The smoking of non-tobacco shisha is a form of smoking and is harmful to health.

As part of our Government's ongoing efforts to protect public health, and all citizens from the harms of smoking, changes are being made to the province's tobacco control legislation to address the use of and sale of non-tobacco shisha.
The current ban on smoking of tobacco in public places in Newfoundland and Labrador prohibits the use of tobacco shisha in public places, but does not extend to establishments where non-tobacco shisha is used in water pipes.

Hookah smoking increases the social visibility of smoking in public places which undermines efforts to de-normalize smoking. It also undermines efforts of the *Smoke-free Environment Act, 2005* which aims to protect the public from exposure to second-hand smoke in indoor public places.

Under the *Smoke-free Environment Act, 2005*, a “hookah establishment” is defined as “an establishment where persons smoke non-tobacco substances from a water pipe”.

The current trend among provinces, territories and municipalities across Canada is to ban the use of hookah pipes with non-tobacco shisha in indoor public places.

In 2015, the provinces of NS, PEI and NB banned the use of hookah/water pipe use in indoor public places.

And we know that several municipalities in Canada, including the cities of Toronto and Vancouver, have also banned the use of hookah/water pipe smoking in indoor public places.

Smoking non-tobacco shisha products in water pipes is not a safe alternative to smoking shisha products that contain tobacco.

Studies of tobacco-based shisha and non-tobacco herbal shisha show that smoke from both preparations contain carbon monoxide and other toxic agents known to increase the risks of smoking-related cancers, heart disease, and lung disease.
Many users feel hookah smoking is less harmful than cigarette smoking because the smoke passes through water. However, the water does not filter out the dangerous chemicals that harm health.

Instead, it cools and moisturizes the smoke, making it more tolerable for new users.

Also, the sharing of hookah pipe mouthpieces can put users at risk for infectious diseases such as meningitis, hepatitis and influenza.

Employees of hookah establishments or non-smokers who frequent such places are also at risk from exposure to second-hand smoke.

Effective on Royal Assent, persons under the age of 19 will be prohibited from entering or working in hookah establishments and the sale of non-tobacco shisha to persons under the age of 19 will be prohibited.

The current trend has been to provide notice to the owners of hookah establishments and then ban hookah smoking in indoor public places after a period of several months.

We are following this trend and giving the lone hookah establishment in our province just over a year to adjust to the changes.

Effective July 1, 2017, hookah smoking of non-tobacco shisha in indoor public places and workplaces including any hookah establishments will be prohibited as will the sale of non-tobacco shisha in places where tobacco sales are prohibited, and the promotion and display of non-tobacco shisha will be restricted in the same manner as tobacco promotion and display is regulated.
The provincial government has programs and services in place to prevent young people from starting to smoke and to support people who want to quit.

We will continue to consider policy options that aim to protect youth and adults from the harms of tobacco use.

Some of our existing programs and support services include:
- The Smokers' Helpline;
- Provincial Smoking Cessation Program for Individuals with Low Income;
- Annual operational and/or project support for the Canadian Cancer Society, the NL Lung Association, the Alliance for the Control of Tobacco (ACT) and the NL Heart and Stroke Association; and
- Curriculum resources for K-12 schools.

Of course, as others have said in this House, the best thing we can do is take actions to prevent our children and youth from smoking in the first place and I believe that these amendments will help support that goal.

Thank you, Mr. Speaker.
Speaking Notes – Tobacco Legislation

Legislation has three components:
1. Flavour
2. E-Cigarettes
3. Hookah

Principal Public Health concerns:
- maintain or reduce the number of youth and young adults adopting smoking behavior
- reduce opportunities for exposure to smoke or second hand smoke and associated cancer/health risk

Flavors attract youth by masking the harsh nature of tobacco smoke or by providing a seemingly innocuous alternative substance which reinforces habits that may ultimately lead to tobacco smoking and the associated lifetime addiction and consequences.

E-cigarettes suggest a low risk, even offering no-nicotine flavoured "juice" – clearly targeted at youth to create a behavior which reinforces smoking adoption.

Hookahs present an exposure to smoke (tobacco or non-tobacco) and second hand smoke with or without flavours that make smoking attractive for youth.

Risks of smoking are well known – direct effects of smoking tobacco – tars and chemicals increasing the risk of cancer; non-tobacco products can still produce tars and chemicals, which over time lead to the development of cancer.

Nicotine alone is addictive

E-cigarette use (www.tobaccoreport.ca)
- 9% of Canadians over 15 have tried; 2% in the last 330 days
- Highest use in youth and young adults - 1 in 5 have tried
- Risks: mouth and throat irritation, nausea, headaches and dry cough. Chronic nicotine exposure effects on fetal growth, brain development. Unknown effects of propylene glycol. Other toxic contaminants possible
- Liquid: risks of nicotine poisoning.
- Unknown 2nd hand effects

RCP (UK) Selected quotes:

"Promotion of the use of non-tobacco nicotine including e-cigarettes, as widely as possible as a substitute for smoking, in the context of a regulatory framework designed to discourage use among youth and never smokers, is therefore likely to generate significant health gains in the UK"

"E-cigarettes are not currently made to medicines standards and are probably more hazardous than NRT (nicotine replacement therapy)."
“However the hazard to health arising from long term vapour inhalation from the e-cigarettes available today is unlikely to exceed 5% of the harm from smoking tobacco.”