



SUBMISSION
TO
THE BRITISH COLUMBIA
MINISTRY OF HEALTH

PROPOSED NEW REGULATIONS

**THE TOBACCO AND VAPOUR PRODCUTS CONTROL ACT (TVPCA)
AND THE PUBLIC HEALTH ACT (PHA)**

SUBMITTED BY
RIGHTS4VAPERS
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INTRODUCTION

In late 2019, following a tumultuous year of negative media attention on vaping, the B.C. Ministry of Health and the Government of B.C. announced that they would be revising the current regulations on vapour products (e-cigarettes).

Rights4Vapers is pleased to have the opportunity to present this submission that outlines our views on the six areas the government of British Columbia is proposing to modify.

At the outset, we would like to stress that we do not think that minors should vape. Vaping products contain nicotine, an addictive substance. This being said there is a question of access. Despite strict federal regulations that govern the sale of vapour products, and in particular the sale of these products to minors, minors are still vaping. The current federal regulations need to be enforced.

Tens of thousands of Canadian smokers have turned to vaping as a way to reduce the health risks of smoking. Study after study has demonstrated that vaping is less harmful than smoking traditional combustible cigarettes. Public Health England published a paper in 2018 that states “vaping poses only a small fraction of the risks of smoking and switching completely from smoking to vaping conveys substantial health benefits.”¹

We are concerned that the increasing number of proposed changes to vaping regulations across the country, particularly those that have to do with banning flavours and imposing limits to nicotine strength, will deter smokers from choosing vaping as a safer alternative to smoking or push vapers back to smoking.

While Rights4Vapers welcomes this consultation period, we also call on the Government of British Columbia to expand its review to include harm reduction experts, scientists, doctors, and public health professionals who have studied vaping. It is time to stop the special interest arguments over vaping and embrace facts and science.

THE CURRENT ENVIRONMENT

In 2019, the vaping community in Canada felt pressures from two fronts: respiratory illnesses reportedly caused by vaping and increased use of vapour products by minors. Both these issues came together to form the perfect storm of media scrutiny.

The first was the reports from the US of respiratory illnesses that were suspected to be caused by vaping. Ultimately, these cases were found to be caused by black market vapour products that contained THC and vitamin A acetate (a product sometimes used to dilute THC vaping

¹ <https://www.gov.uk/government/news/phe-publishes-independent-expert-e-cigarettes-evidence-review>

products). The CDC has amended its warnings on vaping from a blanket warning on all vaping products to a specific warning against vaping products with THC.²

The second was the reports of increased use of vapour products by minors. As we stated above, we do not think that minors should vape. Our concern is that the furors surrounding vaping, eclipses the reality that vapour products are an important tool in tobacco harm reduction and have helped countless adult Canadian smokers quit smoking.

In the months following the media reports of vaping-related respiratory illnesses in the US, province after province moved to override federal vaping regulations with more restrictive provincial regulations without a full understanding of the consequences of these measures on those consumers who have chosen to vape as an alternative to smoking.

In this submission, Rights4Vapers will detail our position on each of the proposed regulatory changes.

ABOUT US

Rights4Vapers is Canada's leading vapour consumer advocacy group. Our organization works to ensure that the option to vape remains available to smokers who choose to make the switch. We represent the vape consumer, 98 per cent of whom are former smokers, and boasts the largest survey data set of Canadian vapers with over 5,000 respondents. We are dedicated to the advancement of Canadian-based research on vaping.

We are an informal collection of committed advocates who believe that vapers and adult smokers deserve a less harmful alternative. We are guided by unpaid academic advisors.

PROPOSED PROVINCIAL REGULATIONS

PRESCRIBE NICOTINE AS A 'HEALTH HAZARD'

OUR POSITION: Nicotine is addictive, but it is not a health hazard and should not be prescribed as such.

Nicotine is not a carcinogen.

It is a stimulant and can cause dependence, but it is not the cause of smoking-related illnesses. This being said, its use is not risk-free. Minors, pregnant women and those suffering from

² <https://www.wsj.com/articles/cdc-steps-back-from-broad-recommendation-to-refrain-from-e-cigarettes-11579293494>

unstable heart disease, severe hypertension and diabetes, among others, should not consumer products that contain nicotine. In fact, the UK Royal College of Physicians considers medicinal nicotine to be a very safe drug.³

It seems to us that the province is setting a dangerous precedence by labeling a product that had minimal impacts on health a hazard. Is caffeine a health hazard? Is alcohol a health hazard? Is cannabis a health hazard? According to the government's own list they are not.⁴

Nicotine itself does not have a significant impact on the health of people who smoke. However, the addiction to nicotine can make you feel irritable, restless, unable to concentrate, and most people experience cravings when they go without it. Many people miss the nicotine when they stop smoking and can experience a range of nicotine withdrawal symptoms which may make stopping smoking difficult.

Vaping can replace this nicotine but without many, or less of, the toxins found in cigarette smoke.

Having nicotine available in vaping products takes away these symptoms, and this can help break the cycle of addiction.

It is our understanding that by prescribing nicotine as a health hazard, the Government of British Columbia can impose conditions on its sale, distribution, marketing, promotion, and messaging. There are already very strict federal regulations on the sale, distribution, marketing, promotion and messaging of nicotine products. The Government of B.C. only has to look at the Federal Tobacco Act.

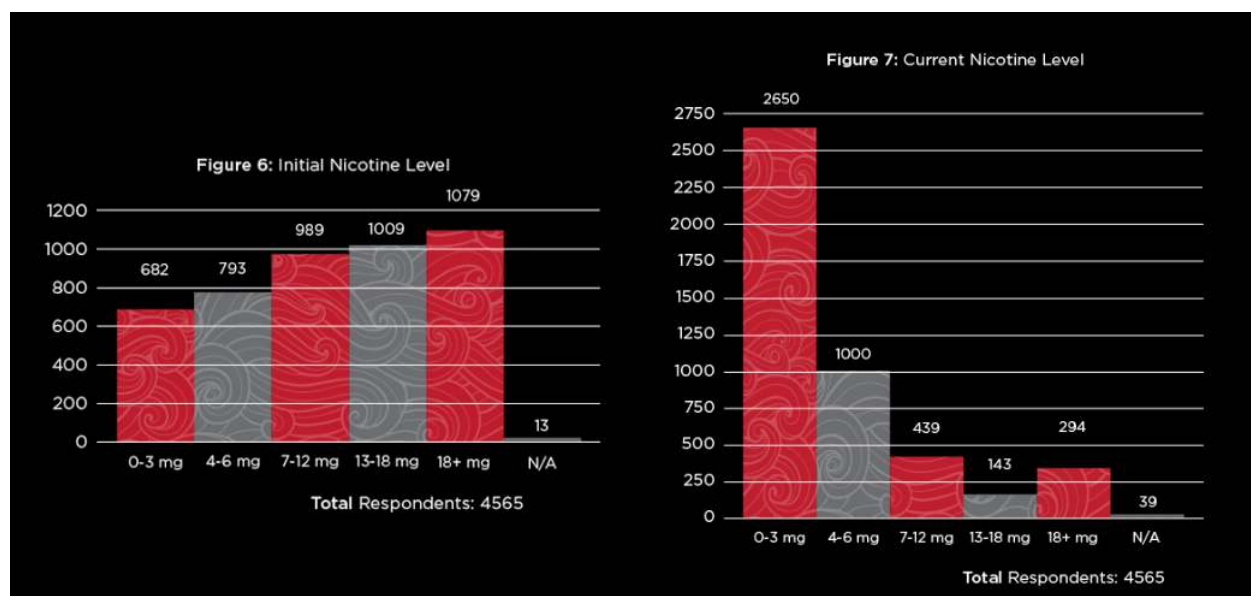
In addition, "non-nicotine or non-cannabis e-substances will not be permitted for sale in B.C.". This is completely counter-intuitive. If nicotine is so harmful, why is the province allowing only vapour products that contain nicotine for sale.

3 Harm reduction in nicotine addiction: helping people who can't quit, Royal College of Physicians, A report by the Tobacco Advisory Group of the Royal College of Physicians, page 126, 2017.

4 http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/216_2011

RESTRICT NICOTINE CONCENTRATION IN VAPOUR PRODUCTS

OUR POSITION: It is important to maintain an appropriate level of nicotine in vaping products to give new vapers the same experience as a traditional combustible cigarette.



Rights4Vapers has the largest data set of vapor behaviour in Canada. With over 5,000 vapers who have responded to our survey, we can confidently comment on the importance of nicotine concentration.

As we indicated above, vaping helps adult smokers mitigate the effects of nicotine withdrawal.

In our survey of Canadian vapers, we have found that the majority of new vapers start with nicotine levels of above 7 mg. Some start with a very high nicotine level. However, as they continue to vape, the majority of users gradually decrease the level of nicotine to between 0 and 6 mg.

It is vital to maintain an appropriate level of nicotine in vaping products to give new vapers the same experience as a traditional combustible cigarette.

RESTRICT THE SALE AND DISTRIBUTION OF E-SUBSTANCES AND NICOTINE CONTAINING PRODUCTS

OUR POSITION: We fundamentally do not oppose dual level licencing of retail outlets, however, we should not be putting up barriers to smokers accessing vapour products.

The proposal to create two classes of retail outlet does not directly impact the sale of vapour products unless the province further regulates which outlets can sell specific products (see next

section). This proposal allows the province to place additional restrictions. We would want to hear details on how each class of retailer is regulated.

RESTRICT THE SALE OF FLAVOURED VAPOUR PRODUCTS

OUR POSITION: Flavours are an important component to the vaping experience for adult smokers. Flavours help smokers migrate from traditional cigarettes to vapour products.

The language in the proposed amendments to the regulations (Class 1 and Class 2 retailers would not be permitted to sell products that imply an association with confectionary, dessert, soft drink or an energy drink) would be a de facto flavour ban.

Flavours have become one of the most controversial areas of the vaping debate. The role of flavours in vaping products is complex. What we know is that flavours are an important component to the vaping experience. Smokers have told us that flavours give them a reason to switch from the traditional cigarette. Having a less-harmful alternative that does not taste like burnt tobacco is critical for smokers to initially make the switch and stick with it. Restricting access to these flavours would hurt adults who are looking to quit smoking.

A great deal of research has been conducted on the role of flavours in vapour products.

A landmark study on how e-cigarettes are used, Dr. Konstantinos Farsalinos found that “the average score for importance of flavours variability in reducing or quitting smoking was 4 (very important).” His respondents stated that “restricting the variability of flavours would make the e-cigarette experience less enjoyable” and almost half said that “it would increase craving for tobacco cigarettes and would make reducing or completely substituting smoking less likely.”⁵

Jeff Stier, a senior fellow at the National Center for Public Policy Research in Washington, D.C. has a similar view. He stated that “we’re also beginning to see scientific data pointing to the benefits of flavours helping people not only quit smoking, but more importantly, stay off cigarettes.” He added that “[h]umans learn by association. When we associate the pleasure of nicotine with the burnt tobacco, we think we like burnt tobacco. What flavors help us do is disassociate the pleasure of the nicotine with the burnt tobacco.”⁶

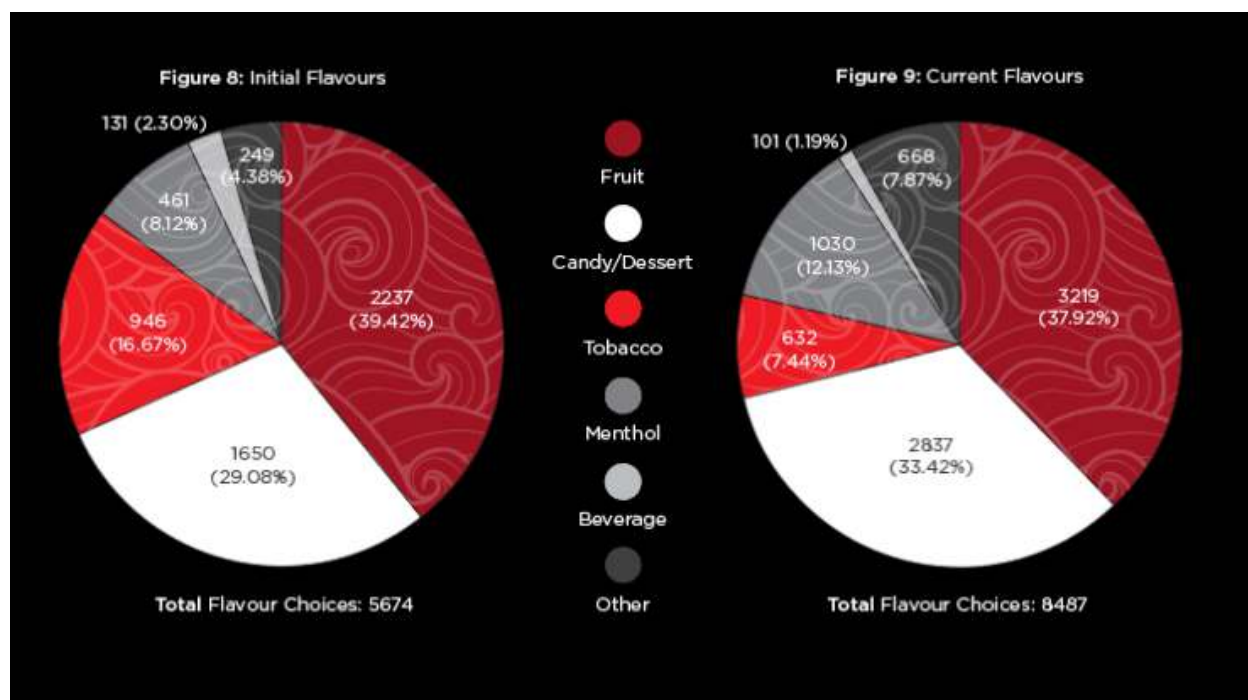
Most recently, according to the Centres for Disease Control in the US, only 22.4 percent of middle-school and high-school students who have reportedly used e-cigarettes said they were drawn to them because of flavours. In fact, 55.3 percent of them said they started because they were “curious” and 30.8 percent said they started because a friend or family member started using them.

⁵ *Impact of Flavour Variability on Electronic Cigarette Use Experience: An Internet Survey*, Int J Environ Res Public Health, Farsalinos, K., et al., 2013 Dec; 10(12): 7272–7282

⁶ Q&A: Defending Electronic Cigarettes to the White House, cspdailynew.com, July 8, 2016

While this study was conducted on students in the United States, it would seem likely that the results would be similar in Canada. In any case, lawmakers should turn to reports such as this on which to base their legislation.

Finally, in the largest ever survey of Canadian vapers (5,000 + respondents), our organization found that adult vapers need flavours. Vapers begin using a single flavour that is almost never tobacco or menthol. As time passes, they increase the number and variety of flavours they use to remain smoke free.



With regards to the government's plan to restrict the sale of flavoured vape products, we believe that many of these planned restrictions will be counterproductive.

In addition, we disagree strongly with the idea of a ban on flavoured e-substances that do not contain nicotine. Many vapers gradually decrease the dosage of nicotine until they are no longer dependent on it, and continue to vape merely as a placebo. We do not see the need for this move, and in fact, find that it would be highly counterproductive to the ultimate goal of getting smokers to quit. Government policy should not be aiming to keep people addicted to nicotine.

We believe it is important that the Province encourage smokers to quit, and these flavour restrictions would be counterintuitive to that idea.

NEW LABELLING, PACKAGING AND HEALTH WARNING REQUIREMENTS

OUR POSITION: These “new” requirements would be redundant as they already exist as federal regulations. We are against any regulations that impose plain packaging on vapour products.

There is already a warning that nicotine is an addictive substance, the concentration of nicotine is specific, there are hazard symbols on all vape products, and the product ingredients are listed.

We agree that factual and information warnings should exist, provided they are based on evidence and reason, but we believe that as the regulations already exist federally, there should not be additional restrictions provincially. As there are few details provided here, stricter or different rules for BC vape shops as opposed to shops in other provinces may have negative impacts on the small business owners who operate here.

As for plain packaging, there will likely be unintended consequences. Plain packaging may encourage black market dealers who do not operate under the same rules.

This is an area that would require much more discussion and consultation, as there are few details presented here.

STRENGTHEN RESTRICTIONS ON PUBLIC ADVERTISING

OUR POSITION: These “new” requirements would be redundant as they already exist as federal regulations.

CONCLUSION

Vaping is an important part of Canada’s tobacco harm reduction agenda. Health Canada has stated that [“if you are a smoker, vaping is a less harmful option than smoking.”](#)

Flavours and nicotine are not the problem when it comes to vaping. The true issues are accessibility, product standards and communications.

As we stated earlier, we believe that children should not vape. The problem is that kids are getting access to vaping products from friends and family. We need **effective education and enforcement programs not barriers that limit the choice of vaping products to adult smokers.**

Vapers need to be confident that the product they are using complies with the **highest product standards**. The proliferation of black-market devices that can be tampered with is a growing concern. Just like with any other consumer good, e-cigarettes should adhere to safety and quality standards.

Finally, adult consumers need **to know the facts about vaping**. They need to know that vaping is less harmful than smoking. They need to know the science behind it. They need to know their options and how to use them.

We would welcome the opportunity to publicly present our positions. We trust that any changes to British Columbia's vaping regulations take into consideration the thousands of adult smokers who have chosen vaping as a way to quit smoking and reduce their risk of the particular health problems smoking will cause.