

April 2021



What we Heard

Banning the Sale of Flavoured Vapour Products
in the Northwest Territories



Government of
Northwest Territories



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Executive Summary

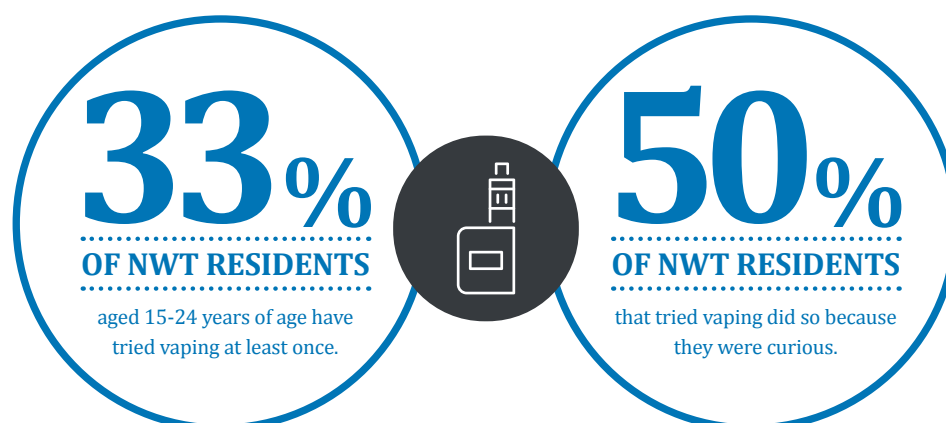
The overarching goal of the Government of the Northwest Territories' Department of Health and Social Services (Department) is to promote, protect and provide for the health and well-being of the people of the Northwest Territories (NWT). An integral part of the work the Department is responsible for is developing legislation and regulations; tools that enable the Department to provide a governing framework to support its goals.

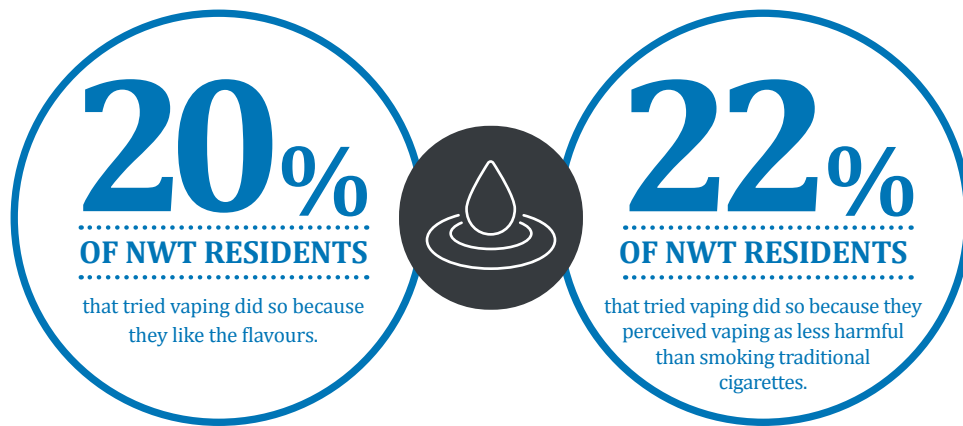
The *NWT's Tobacco and Vapour Products Control Act* (Act) came into force on March 31, 2020 and regulates the sale, display and advertising of both tobacco and vapour products in the NWT. This work was a significant step forward in providing better health protection to residents by aligning the NWT's regulatory framework with the rest of Canada, and marks the first time that vapour products are regulated under territorial legislation. Vapour products, like tobacco products, can only be purchased by persons 19 years of age or over and vendors are subject to strict rules governing the display, advertisement and promotion of tobacco and vapour products. In addition, anywhere children and youth have access, the display or promotion of any vaping product is prohibited.

Vaping is emerging nationally as a significant health hazard, causing severe acute lung injury, introducing the risk of nicotine dependence, and affects the developing brain. It is widely acknowledged that the long term health effects from vaping are unknown. Despite the unknowns, vaping is becoming increasingly popular, particularly among youth. The availability and abundance of sweet flavoured vapour products and the fact that these products have been advertised in ways that appeal to youth is contributing to the increase in youth vaping across Canada.

The NWT Bureau of Statistics:

2018 Tobacco, Alcohol and Drug Survey indicated that in 2018:





To keep vapour products out of the hands of children and youth, the Department is proposing to build on the protections provided for under the Act, by developing regulations or regulatory amendments that will limit the sale of flavoured vapour products.

From September 23, 2020 to December 18, 2020, the Department sought feedback from the public and stakeholders on the Discussion Paper “Banning the Sale of Flavoured Vapour Products in the Northwest Territories” (Discussion Paper). The Discussion Paper was made available to the public on the Department’s website and shared with Members of the Legislative Assembly, stakeholders and organizations inviting feedback.

There were 54 written submissions received and 466 individuals responded to the survey. While not specific to flavoured vapour products, prior to commencing this public engagement, questions and concerns respecting the risks and harms associated with vaping were collected from NWT students during the 2019/20 school year.

Just under half (49%) of the total (520) responses received indicated support for the development of regulations that would limit the sale of flavoured vapour products in the NWT. A quarter of those that indicated support for this work (25.5%) also advocated that certain flavoured vapour products, specifically ‘tobacco’ flavour, continue to be permitted to be sold at retail so that adults that smoke traditional cigarettes continue to have access to less harmful options that may assist them in quitting smoking. Supporters and non-supporters alike voiced that more fact-based information respecting the risks and harms of vaping be made available to the public.

The results of the public and stakeholder engagement are summarized in this What We Heard Report and will be used to inform decision makers as this initiative progresses.

Next steps

The results of the public engagement, together with cross-jurisdictional reviews and additional policy research will inform the development of regulations to limit the sale of flavoured vapour products in the NWT.

Introduction

In the NWT two pieces of legislation regulate vapour products: the Government of Canada's *Tobacco and Vapour Products Act* (2018) and the Government of the Northwest Territories' (GNWT) *Tobacco and Vapour Products Control Act* (2020). The federal legislation imposes limits on the production, packaging and promotion of vapour products, and regulates access to vapour products. The GNWT's legislation aims to protect residents' health by regulating where and how vapour products can be accessed and placing additional restrictions on the display and advertising of vapour products.

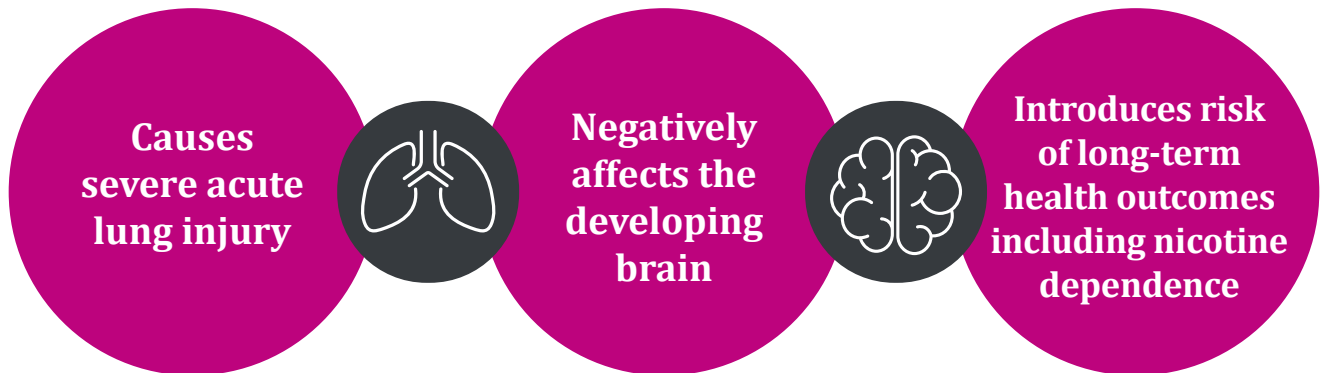
Vaporizers were introduced in Canada in the mid 2000's, originally marketed as an alternative to smoking traditional cigarettes. Vaporizers are battery powered devices with a heating element that heats a liquid substance to produce vapour to be inhaled through the mouth. The action of inhaling the vapour is called vaping. The liquid substances contain a number of chemicals that have unknown effects on the user's health, and most include high concentrations of nicotine. The liquid substances are available in a wide variety of flavours. Flavoured vapour products increase the appeal and aim to make vaping more pleasurable.

While vaping is widely believed to have fewer health risks than smoking traditional cigarettes, vaping is not free of risks and harms. There is limited evidence that vaporizers are effective aids to support smoking cessation. We know that in recent years there have been hundreds of cases of vaping-related illnesses documented between the United States and Canada¹.

¹https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html
<https://www.canada.ca/en/public-health/services/diseases/vaping-pulmonary-illness.html>



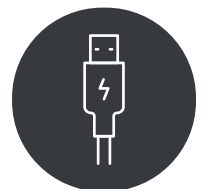
Vaping is emerging as a significant health hazard with the following known implications:



Despite these known health hazards vaping has become and continues to be increasingly popular, particularly among youth. The popularity of vaping is partly attributed to the availability of an abundance of sweet flavoured vapour products; these products appeal to youth. This is concerning because youth and previous non-smokers, are being exposed to vapour product-related harms.

Risks and concerns with use of vapour products include:

- Nicotine exposure which can result in addiction and increased risk of traditional tobacco use.
- Exposure to many chemicals, other than nicotine, are found in vapour products, and the aerosol/vapour generated from vaping contains even more chemicals as bi-products from heating.
- Inhalation of vegetable glycerine and propylene glycol which are the main liquids in vapour products. The long-term safety of inhaling these substances is unknown.
- Inhalation of chemicals used to flavour vapour products used by food manufacturers to add flavour to their products. While safe to eat, these ingredients have not been tested to determine if they are safe to inhale.
- Unknown harms associated with vaping while pregnant/breastfeeding.
- Unknown health effects from exposure to second-hand vapour.
- Unknown long-term health impacts.
- Physical injuries, such as burns from exploding batteries.
- Poisoning from intentional or accidental exposure to vapour liquid.
- Exacerbated symptoms of pre-existing health conditions, such as asthma.



What are Canada, the provinces, and territories doing to address the rise in youth vaping rates?

In 2018 the Government of Canada enacted the *Tobacco and Vapour Products Act* which regulates the manufacturing, sale, labelling and promotion of both tobacco and vapour products sold in Canada. While the Government of Canada has not moved to ban the sale of flavoured vapour products, they have established restrictions on the promotion of vapour products, including banning the promotion of flavoured products that can be argued to target and appeal to youth. Most recently, on December 19, 2020 the Government of Canada opened up a 75 day consultation period respecting the proposed regulation that would cap the nicotine content in vapour products at 20mg/ml for products that are both manufactured or imported for sale in Canada.

On April 1, 2020 Nova Scotia was the first jurisdiction in Canada to ban the sale of flavoured vapour products, excluding tobacco flavoured, in an effort to keep children and youth safe from these.

On March 1, 2021, Prince Edward Island followed Nova Scotia in banning the sale of flavoured vapour products, except tobacco flavoured. In March 2020, PEI increased the age to purchase tobacco and vapour products from 19 to 21 years of age, and the sale of vapour products containing nicotine were limited to stores designated as 'tobacconist' shops, age-restricted locations where the primary business is selling tobacco or electronic smoking devices.

On September 15, 2020 British Columbia restricted the sale of flavoured vapour products to adult only stores and there is no advertising permitted in public space. A cap on nicotine content in vapour products that may be sold was put into effect on July 20, 2020. On January 1, 2020, B.C. increased the provincial sales tax on vapour products from 7% to 20%.

In December 2020, Quebec announced that they are working to prohibit the sale of flavoured vapour products, except tobacco flavoured, in addition to imposing a cap on nicotine concentration in vapour cartridges that may be sold at retail in the province.

In November 2020, a New Brunswick MLA issued a private member bill that would ban the sale of flavoured vapour products, except tobacco flavour. The results of this bill are not yet known.

The NWT is proposing to develop regulations, under the new *Tobacco and Vapour Products Control Act (2020)* that will limit the sale of flavoured vapour products in the NWT.



Public & Stakeholder Engagement

The public and stakeholder engagement was initiated on September 23, 2020, when the Discussion Paper: Banning the Sale of Flavoured Vapour Products in the Northwest Territories (“Discussion Paper”) was posted on the website, and ran to December 18, 2020.

The goal of the engagement was to solicit feedback from the public and stakeholders on the proposed development of regulations to limit the sale of flavoured vapour products in the NWT. The Discussion Paper provided background information about vaping, the risks and concerns with vaping, the Government of Canada’s activities to address youth vaping, Canadian jurisdictions activities with respect to vaping, and what the GNWT is proposing.



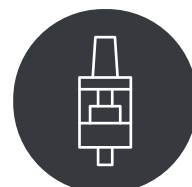
The public engagement focused on providing adequate information to the public and collecting feedback on the development of regulations that would limit the sale of flavoured vapour products in the NWT and consisted of 4 components:

- 1** Residents were invited to participate in the public engagement by reading the Discussion Paper, posted on the Department's website, and submitting feedback by email, by mail, or fax, and/or participating in an online survey which contained specific questions for consideration.
- 2** A letter was sent to NWT vapour product vendors and other stakeholders inviting them to provide feedback on the Discussion Paper.
- 3** The Minister of Health and Social Services also sent letters to Members of the Legislative Assembly to invite them to participate by providing feedback on the Discussion Paper and encouraging them to share the Discussion Paper with their constituents.
- 4** The collection of feedback and questions respecting the risks and harms of vaping from NWT students in NWT schools.

A number of communications approaches were taken to promote the public engagement. The GNWT issued a public announcement inviting residents to provide their input to help inform the decisions respecting limiting the sale of flavoured vapour products. Ongoing advertisements were placed in News North, L'Aquilon (French newspaper), and social media throughout the three month engagement period.

Last school year (2019/20) the Department received feedback from educators, parents and health professionals at the community level indicating that vaping among NWT youth is becoming a serious concern.

The Department collaborated with the Department of Education Culture and Employment (ECE) and put a call out to all NWT schools and students (grade 6-12) to learn of their concerns and to respond to questions they had about vaping. An expert in the field was hired and filmed answering student's questions and clarifying misconceptions the students had. The video was shared with NWT schools and the public via social media and YouTube in both English and French.



This Report

This report provides a summary of the feedback received from the public and stakeholders.

The views represented in this report reflect the priorities and concerns of engagement participants. Responses from the public should not be construed as representative of the Department's position or views. Conclusions or recommendations based on the concerns raised are not provided. The feedback from this consultation and engagement, as included in this report, will be taken into account as the Department develops the regulations.



What We Heard

The public engagement focused on providing adequate information to the public and collecting feedback on the development of regulations that would limit the sale of flavoured vapour products in the NWT.

Topics covered in the discussion paper included:

- What vaping is;
- What are the risks and concerns with vaping;
- What are the varying levels of government (federal, provincial and territorial) doing to address youth vaping; and
- Questions for consideration.

The questions asked:

- 1 Should the sale of all flavoured vapour products be banned in the NWT? If yes, why? If no, why not?
- 2 Should only certain flavours of vapour products be banned in the NWT? If so, which flavours? If no, why?
- 3 Are there flavoured vapour products that retailers in the NWT should be allowed to continue to sell? If yes, which ones and why?

The Responses:

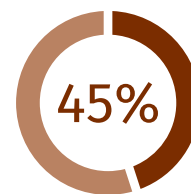
- Total responses (survey responses plus written submissions): 520
- Total responses in support of the development of regulations that would limit the sale of flavoured vapour products: 251 (approximately 49%)



49%

Summaries of the responses are provided below and are broken down by method of response (i.e. online survey, written submissions).

Online Survey (466 responses):



Approximately 45% (210) of the total of online survey responses supported the development of regulations that would limit the sale of flavoured vapour products:

- 90% of these responses indicated support for prohibiting the sale of all flavoured vapour products in the NWT.
- 10% of these responses indicated that the sale of only certain flavours (i.e. 'candy', 'dessert', or those that are marketed toward youth flavours) should be banned in the NWT, and that adults continue to have access to tobacco flavour or flavourless vapour products.

Specifically, the online survey responses that support this work indicated that the NWT should:

- Move ahead with the establishment of regulations for the sole purpose of ensuring that vapour products stay out of the hands of children and youth.
- Provide better public health protection to children, youth and non-smokers.
- Provide factual and scientific based information respecting the risks and harms associated with vaping to the general public and youth, including debunking common myths about vaping.
- Consider banning the sale of vapour products containing nicotine or imposing a cap on nicotine content in vapour products that can be sold.
- Consider limiting the sale of vapour products to specialty stores.
- Consider limiting the sale of vapour products to persons holding a valid prescription.
- Tax vapour products sold in the NWT.

Approximately 55% (256) of online survey responses did not support the development of regulations that would limit the sale of flavoured vapour products. Common areas of concern expressed by these responses include:

- Reduced availability of a variety of vapour products for those individuals that vape as an alternative to smoking cigarettes or, in an effort to quit smoking cigarettes.
- Loss of revenue for some small businesses.
- A potential increase in black market products.
- Instead of limiting the sale of flavoured vapour products, implement and enforce greater enforcement measures, including stricter penalties, for providing underage persons with vapour products.
- Imposing restrictions infringes on human and rights.
- Imposing restrictions will not stop youth from using.

A significant number of the responses that do not support limiting the sale of flavoured vapour products shared the following common beliefs:

- Vaping is safe or, not harmful.
- Vaping saves lives.
- Vaping is an approved smoking cessation method/healthy alternative to smoking.



Written Submissions (54 submissions):

The Department received a variety of written submissions in response to the public and stakeholder engagement. We heard from a variety of sources, from the larger industry to individual citizens.

A summary of what we heard from the written submissions are provided below. The origination and number of written submissions are:

- **Industry – 1**
- **NWT Business Owners – 1**
- **Organizations – 6**
- **Individual Citizens – 46**



Industry (1 submission):

The Department received 1 (one) written submission from a tobacco and vapour products industry company: Imperial Tobacco Canada. The position of this company is that adults have the right to choose to purchase vapour products and that the potential for vapour products to contribute to tobacco harm reduction will be constrained if features (i.e. flavours) are unduly restricted. Imperial Tobacco Canada suggested that instead of banning flavoured vapour products that the NWT should establish further enforcement measures to make it difficult for underage youth in the NWT to obtain vapour products. In general, this company feels that vapour products are potentially much less harmful than cigarettes, reduce the prevalence of smoking in society, and that flavoured vapour products are not a determinative factor in youth vaping initiation.

Imperial Tobacco Canada argues that current evidence does not substantiate claims that flavoured vaping products cause youth to start vaping, but rather current evidence demonstrates the importance of flavours to adult smokers wishing to switch from smoking cigarettes to vaping. The company feels that restricting flavours would have a negative impact on the appeal of vaping products and so current flavours should be permitted to be sold until evidence emerges on the relationship between flavoured vapour products and youth use, and when the negative impact is higher than the overall positive benefit of flavours on diminishing smoking rates among the population, including youth.

Going forward, Imperial Tobacco Canada recommends that the NWT focus their efforts on:

- Developing and implementing severe penalties for selling tobacco or vapour products to those under the age of 19.
- Regulating the online sale of tobacco or vapour products to ensure sales destined for minors do not take place.
- Aligning the NWT's regulatory framework of the Government of Canada's *Tobacco and Vapour Products Act* in terms of any restrictions on flavours, and not regulate tobacco and vapour products beyond the provisions of the federal legislation.

NWT Business Owners (1 submission):

The Department received 1 (one) written submission from an NWT business owner. The business owner expressed concern over the potential sale ban of flavoured vapour products, specifically that:

- Vaping assisted them to quit smoking traditional cigarettes and feels that banning the sale of flavoured vapour products will result in persons who want to quit smoking traditional cigarettes will be left with few, less harmful options.
- Small businesses will suffer from lost revenue.



Organizations (6 submissions):

The Department received a total of 6 (six) written submissions from a variety of organizations, 5 (five) of which indicated support for the development of regulations that would limit the sale of flavoured vapour products. The specific organizations and what we heard from them is broken down below.



The Canadian Cancer Society

The Canadian Cancer Society, in conjunction with Action on Smoking and Health, Sport North Federation, Breathe, Northwest Territories and Nunavut Public Health Association, and the Heart & Stroke Foundation, provided evidence and an argument supporting a complete ban on the sale of flavoured vapour products. This organization also provided a detailed report, released by Alberta Health Services, respecting key findings from studies that have taken place from 2016 through 2019 on the impacts of flavoured vapour products on young people.

Findings from the report are:

- Flavours increase product appeal and preference, decrease harm perception and increase willingness to try and use vapour products.

- Youth prefer sweet flavours and availability of these flavours was associated with youth's willingness to experiment with vapour products.
- The prevalence of flavoured vapour products differed by age and smoking status, with youth and young adults (versus older adults) and non-smokers (versus smokers) using non-traditional flavours of vapour products at higher rates.
- Flavour is a key component of consumer preference for vapour product selection, and the most important factor in youth's decision to try vapour products.
- Sweet and fruit flavours are perceived to be less harmful, where tobacco flavour is seen as more harmful.

Action on Smoking and Health

Action on Smoking and Health submitted a letter, separate from the Canadian Cancer Society, urging the GNWT to adopt strong regulations to ban all flavoured vaping products with the sole exception of "tobacco" flavours, as this particular flavour may help adult smokers quit smoking traditional cigarettes. This submission also expressed concern over the rise in youth use rates and urged the GNWT to better protect young people from nicotine addiction.

Sport North Federation

Sport North Federation submitted a letter, separate from the Canadian Cancer Society, also urging the GNWT to develop regulations that would limit the sale of flavoured vapour products in the NWT, except tobacco flavour. This organization feels strongly that NWT youth deserve first-class protection from flavoured vapour products and nicotine addiction and are fully supportive in safeguarding the future leaders of the NWT.

Tree of Peace Friendship Centre – Youth Division

The Tree of Peace Friendship Centre – Youth Division's written submission identified vaping as a significant issue with youth in the communities. This organization indicated support for a wide ban on the sale of flavoured vapour products to protect youth from nicotine addiction. This organization feels that all flavours, except tobacco flavour, should be banned for sale in the NWT with the intention of providing options to adults that want to quit smoking cigarettes.

NWT Gymnastics

NWT Gymnastics' written submission urged the GNWT to develop regulations that ban the sale of all flavours of vapour products with the exception of tobacco flavour. This organization feels that tobacco and vapour companies

specifically produce flavours to attract kids and that it's the availability of these products that are contributing to high rates of youth use and nicotine addiction.

Rights 4 Vapers

Rights 4 Vapers is a Canadian vapour consumer advocacy group that does not support the development of regulations that would limit the sale of flavoured vapour products in the NWT. This organization collected data on consumer preferences and habits of Canadians who vape and provided their analysis of the information they have collected in their written submission.

Their submission indicated the following:

- Vaping is an important part of Canada's tobacco harm reduction agenda.
- Lung injuries and death are being misattributed to vapour product use.
- Adult users need and enjoy flavours, with menthol or tobacco flavour rarely being used.
- Variety is key to reaching smokers and former smokers; a ban on flavoured vapour products may have adverse effects and unintended consequences for smokers using vapour products to quit smoking traditional cigarettes.
- Flavours and nicotine are not the problem with vaping; the issues are instead, accessibility product standards and communications.
- Adult consumers need to know the facts and that it is less harmful than smoking.
- There is a need for effective education and enforcement programs for both youth and adults.



Individuals (46):

The Department received written submissions from 46 individuals. Of these 46 submissions:

- 36 supported limiting the sale of flavoured vapour products, but suggested that the GNWT continue to allowing vendors to sell tobacco flavoured vapour products to provide adults that smoke traditional cigarettes with options to assist in smoking cessation.
- 9 (nine) did not support limiting the sale of flavoured vapour products.
- 1 (one) was 'unsure' as to whether or not they supported development of regulations that would limit the sale of flavoured vapour products.
- Three (3) encouraged the release of fact based information respecting vaping.
- One (1) suggested that vapour products be made available by prescription only.
- One (1) suggested that the GNWT consider taxing vaping products.



Of the total (54) written submissions received:

- 41 supported the development of regulations that would limit the sale of some or all flavoured vapour products. Of these, 40 suggested that adults continue to have access to tobacco flavour or flavourless vapour products.
- 12 did not support the development of regulations that would limit the sale of flavoured vapour products.
- One (1) was 'unsure' as to whether or not they supported development of regulations that would limit the sale of flavoured vapour products.

Feedback Collected from Students and Schools

Last school year (2019/20) the Department received feedback and questions respecting the risks and harms of vaping, from educators, and health professionals at the community level indicating that vaping among NWT youth is becoming a serious concern.

The Department collaborated with ECE and put a call out to all NWT schools and students (grade 6-12) to learn of their concerns and to respond to questions they had about vaping. An expert in youth vaping was hired and filmed answering student's questions and clarifying misconceptions the students had. The video was shared, in both English and French, with NWT schools and the public via social media and YouTube.

The video may be found at the following links:

<https://www.youtube.com/watch?v=psvHAPJdK5Y> (English)

<https://www.youtube.com/watch?v=ZbuhT28k9UY> (French)



The following are key areas of concern that we heard, based on the questions that students asked about vaping and comments received from teachers and health professionals:

- There are concerns respecting the variety of flavoured vapour products available on the market.
- There are concerns as to how children and youth are accessing these products.
- There is significant concern respecting the number of children and youth who have both tried and continue to vape.
- Students want to know more about the risks and harms associated with vaping, and want information that would debunk popular myths.
- Students question if vaping is safer than smoking cigarettes.
- Students question why vaporizers are permitted to be sold when the government knows they are unsafe.
- Students question why companies make flavoured vapour products when they know that youth will want to try them.
- Students want to know how health workers are responding to the rise in youth vaping rates.
- More fact based information needs to be made available.



Conclusion

This *What We Heard* Report provides a high level summary of the input received throughout the public engagement period. It has been compiled to provide an understanding of the areas of support, concern, and other ideas raised by NWT residents and stakeholders respecting limiting the sale of flavoured vapour products in the NWT.

Approximately half (49%) of the feedback collected supported the development of regulations that would limit the sale of flavoured vapour products, in an effort to better protect the health of NWT children, youth and non-smokers. The most common theme of concern recorded was with respect to continued options for adult smokers who want to quit smoking traditional cigarettes. Both those who support this initiative and those who do not, communicated the need for more public information respecting the risks and harms associated with vaping and debunking common myths.

Next steps

The results of this public and stakeholder engagement, together with the results of the Department's preliminary scoping exercises, cross-jurisdictional reviews, and additional policy research will be used to inform the development of regulations that will limit the sale of flavoured vapour products in the NWT.





If you would like this information in another official language, call us.

English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tłıchq yatı k'èè. Dı wegodı newq dè, gots'o gonede.

Tłıchq

ʔerıhtł'ıs Dēne Sųhné yatı t'a huts'elkēr xa beyáyatı theʔą ʔat'e, nuwe ts'ēn yółtı.

Chipewyan

Edı gondı dehgáh got'ıe zhatıé k'éé edat'éh enahddhę nıde naxets'é edahlı.

South Slavey

K'áhshó got'ıne xədə k'é hederı ʔedłhtl'é yerııwę nıde dúle.

North Slavey

Jii gwandak izhii ginjık vat'atr'ıjáhch'uu zhit yınohthan jı, diits'at ginohkhıi.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

Inuvialuktun

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Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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