



# **BANNING THE SALE OF FLAVOURED VAPOUR PRODUCTS IN THE NORTHWEST TERRITORIES**

## **Introduction**

Vaping was first introduced in Canada in the mid 2000's. It was originally marketed as an alternative to smoking, however vaping is not an approved smoking cessation method. Vaping was believed to be a less harmful delivery method of nicotine than smoking due to the absence of extra chemicals found in traditional cigarettes, but vaping is not harmless in the short term and the long term risks to a user's health are unknown. We know that in recent years there have been hundreds of cases of vaping-related illnesses documented in the United States and Canada. Vaping is emerging as a significant health hazard, causing severe acute lung injury, and introducing risk of long-term health outcomes including nicotine dependence. Despite these health hazards, vaping has become and continues to be increasingly popular, particularly among youth.

Part of the reason vaping has become so popular is that prior to federal, provincial and territorial legislation being in place, the devices were aggressively marketed through a variety of media forms that targeted young people. The technology behind vaporizers has evolved significantly; new devices are discreet and there is an abundance of 'candy' flavoured vaping products available. These products appeal to youth, which it may be argued is a marketing strategy to entice youth to use. Vaporizers may assist tobacco smokers in cutting back or quitting, however there has also been a rise in the number of non-smokers and youth who have started vaping. This is concerning because users are quickly becoming addicted to nicotine while using a product with known health risks.

In the Northwest Territories (NWT) two pieces of legislation regulate vaping products: the Government of Canada's *Tobacco and Vaping Products Act (2018)* and the Government of the Northwest Territories' (GNWT) *Tobacco and Vaping Products Control Act (2020)*. The federal legislation imposes limits on the production, packaging and promotion of vaping products, and regulates access to vaping products. The GNWT's legislation aims to protect residents' health by: regulating where and how vaping products can be accessed, and: placing additional restrictions on the display and advertising of vaping products in the NWT. To build on these protections, the Department of Health and Social Services is working to determine the best approach to keeping vaping products out of the hands of our children and youth, and is asking for help from the public.

## **What is Vaping?**

Vaporizers are devices, typically battery powered with a heating element that heats a liquid substance to produce vapour to be inhaled by 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 nicotine. The liquid substances are available in a wide variety of flavours. Flavoured vaping products increases the

appeal and may make vaping more pleasurable. The availability of these products is likely appealing, and contributing to the increased use by children and youth.

While vaping is considered to have fewer health risks than traditional tobacco use it is not free of risks and harms. There is limited evidence that vaporizers are effective aids to support smoking cessation. Additionally, there is limited evidence to support an improvement in lung function and respiratory symptoms among adult smokers with asthma who switch to vaping<sup>1</sup>.

### **Risks and Concerns with Use of Vaping Products**

Many chemicals, other than nicotine, are found in vaping products and the aerosols and vapour generated from vaporizers contain more chemicals as bi-products from heating. Analysis detects several hazardous compounds in vaping liquids and aerosols generated from vaporizers, including formaldehyde, acetaldehyde, and acrolein, which are known carcinogens. These compounds, though not listed on the product labels, are definitely present.

Vegetable glycerine and propylene glycol are the main liquids in vaping products. The long-term safety of inhaling these substances is unknown. Chemicals used for flavour in vaping products are 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. One 2014 review identified more than 7000 unique e-liquid flavours, some of which produce known toxicity when heated.<sup>2</sup>

With the possibility of nicotine addiction from vaporizer use, there is concern that children and youth may start smoking cigarettes<sup>3</sup>. Although it is difficult to characterize the overall public health impact of vaporizers in Canada, the best data at present is that the prevalence of vaping amongst youth in Canada is increasing.

The *NWT Bureau of Statistics: 2018 Tobacco, Alcohol and Drug Survey* indicated that in 2018:

- 33% of NWT residents aged 15-24 years of age have tried vaping at least once.
- 50% of NWT residents that tried vaping did so because they were curious.
- 22% of NWT residents that tried vaping did so because they perceived vaping as less harmful than smoking traditional cigarettes.
- 20% NWT residents that tried vaping did so because they like the flavours.

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<sup>1</sup> The National Academies of Sciences, Engineering, and Medicine 2018. Public Health Consequence of E-Cigarettes. Washington, DC: The National Academies Press.

<sup>2</sup> The National Academies of Sciences, Engineering, and Medicine 2018. Public Health Consequence of E-Cigarettes. Washington, DC: The National Academies Press.

<sup>3</sup> "[Electronic nicotine delivery systems](#)" (PDF). World Health Organization. 21 July 2014

Other concerns with use of vaping products include:

- unknown harms associated with vaping while pregnant.
- unknown health effects from exposure to second-hand vapour.
- development of Vaping Related Lung Injury.
- unknown long-term health impacts of vaping.
- injuries, such as burns from exploding batteries.
- poisoning from intentional or accidental exposure to the vaping liquid.
- exacerbated symptoms of pre-existing health conditions such as asthma.

### **What is the Government of Canada Doing?**

In May 2018 the Government of Canada enacted the *Tobacco and Vaping Products Act*, which replaced the former *Tobacco Act* and regulates the manufacture, sale, labelling and promotion of both tobacco and vaping products sold in Canada. The Act creates a national minimum age of access for vaping products of 18 years. It also includes restrictions on the promotion of vaping products such as bans on:

- advertising that appeals to youth,
- promotion of certain flavours such as candy, desserts or soft drinks that may be appealing to youth,
- lifestyle advertising,
- sponsorship promotion,
- giveaways of vaping products or branded merchandise, and
- product promotion by testimonials or endorsements.

### **What are Provinces and Territories Doing?**

In response to the rise in use of vaping products, and emerging health risks, the majority of provinces and territories have expanded their tobacco control legislation to include the regulation of vaping products. Since it is widely acknowledged that flavoured vaping products appeal to youth, most provinces and territories are also working toward further restricting access to flavoured vaping products by either banning all or certain flavours of vaping products. Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick, PEI and Nunavut are in the process of investigating the best approach for their jurisdiction.

On April 1, 2020 Nova Scotia was the first province to ban the sale of all flavoured vaping products, except tobacco flavour, in an effort to keep vaping products out of the hands of children and youth.

### **What is the Government of the Northwest Territories Doing?**

In the NWT, the *Tobacco and Vaping Products Control Act* came into force on March 31, 2020 and replaces the former *Tobacco Control Act*. The new legislation provides the regulatory framework for both tobacco and vaping products in the NWT and is a significant step forward in providing residents, particularly children and youth, with greater health protection, as this is the first time that vaping products are regulated

under territorial legislation. Under the new legislation, vaping products can only be legally accessed by persons 19 years of age and older, and retailers are subject to strict rules that govern the display and advertising of vaping products. In addition, anywhere children and youth have access, the display or promotion of any vaping product is prohibited.

While it is widely acknowledged that there are unknown health effects linked to vaping, there is enough evidence to justify increased efforts to prevent the use of vaping products by children and youth. One way to curb youth usage is to limit the availability of vaping products that are geared toward children and youth, such as 'candy' flavoured vaping products. Limiting the availability of flavoured vaping products will lessen the risk of:

- uptake by children, youth and non-smokers,
- young people breaking the law by illegally accessing these products,
- legal aged individuals breaking the law by illegally providing these products to under age individuals,
- nicotine addiction, this is particularly concerning for children and youth where nicotine use in young adults negatively effects brain development, and
- potential development of long term adverse health problems.

The Department of Health and Social Services is seeking public feedback on the possible banning of all or certain flavoured vaping products, through regulation. Your feedback will inform our regulatory development.

### **Questions for Consideration:**

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

You can send further comments and feedback to the Department of Health and Social Services at the following email address: [vaping@gov.nt.ca](mailto:vaping@gov.nt.ca) until December 18, 2020.

### **Resources and Links**

<https://www.canada.ca/vaping>

[https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes](https://www.cdc.gov/tobacco/basic_information/e-cigarettes)

<https://www.hss.gov.nt.ca/sites/hss/files/ecigarette-vaping-use.pdf>