

What we heard:

# *Tobacco and Smoking Reduction Act review*



What We Heard: Tobacco and Smoking Reduction Act Review

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Alberta Health

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# Table of Contents

<b>Message from the Review Chair .....</b>	<b>5</b>
<b>Preamble.....</b>	<b>6</b>
<b>Background.....</b>	<b>7</b>
Why A Review.....	7
Focus of the Review .....	8
<b>Engagement Process .....</b>	<b>9</b>
<b>Summary of Feedback .....</b>	<b>11</b>
Vaping Products or E-Cigarettes .....	12
Vaping in Public Places and Workplaces.....	13
Advertising and Promotion of Vaping Products.....	13
Display of Vaping Products .....	14
Nicotine Concentration in Vaping Products.....	14
Flavours.....	15
Location of Sales of Vaping Products .....	15
Online Sales .....	16
Photo Identification Requirements to Purchase Vaping Products .....	16
Education.....	16
Tobacco Control.....	17
Prohibited Places for Smoking Tobacco .....	17
Smoking in Public Housing.....	17
Minimum Age for Purchase and Consumption of Tobacco and Vaping Products .....	18
Retail Environment – Tobacco and Vaping Products .....	19
License or Registration of Tobacco and Vaping Product Retailers.....	19
Tobacco and Vaping Retailer Training Requirements .....	19
Sales by Minors (Underage Employees).....	20

Enforcement and Penalties – Tobacco and Vaping Products .....	21
Active Enforcement (e.g., Test Shopping, Retail Inspections) .....	21
Dedicated Enforcement Agency .....	22
Retailer Fines for Violating Laws .....	22
Penalties for Youth Possession .....	22
Tobacco-like Products .....	23
Hookah/Waterpipe .....	23
Conclusion .....	24
Appendix A: List of Interest Groups Consulted .....	25
Appendix B: Submissions .....	28
Appendix C: Survey Results .....	30
Appendix D: The TSRA Review Team .....	40

# Message from the Review Chair

It has been an honour to lead Alberta's *Tobacco and Smoking Reduction Act* Review to identify opportunities to prevent and reduce the harms of tobacco, tobacco-like and vaping products. I thank Minister Shandro for the opportunity to lead this important work under his direction and with support from the Ministry of Health.

Since the *Tobacco and Smoking Reduction Act* was enacted, vaping has emerged as a key health concern, particularly for youth and Albertans who vape but don't smoke. We want to keep vaping products out of the hands of Alberta's youth. That is why we met with a wide variety of interest groups to better understand how we can protect our youth and update our legislation with vaping and other protective provisions.

Approximately 250 people participated in 41 consultation sessions around the province. We engaged with health experts, academics, municipalities, educators, law enforcement and youth to hear issues, concerns and possible solutions.

We also talked with small businesses, representatives from the large manufacturers, vaping industry and convenience stores associations to better understand the impact of different policy options on small businesses and those they serve.

I would like to acknowledge the thousands of Albertans, including 4100 parents, guardians or grandparents, who filled out the detailed survey questionnaire online.

I value all the comments, ideas and solutions shared during the consultation. I was inspired by your ideas and commitment to protect Albertans, and welcome your suggestions to find balanced solutions.

Minister Shandro and I offer sincere thanks to everyone who participated and supported us in the engagement activities for the *Tobacco and Smoking Reduction Act* review.

Jeremy Nixon  
MLA for Calgary-Klein

# Preamble

This report provides an overview of what we heard through consultations on the *Tobacco and Smoking Reduction Act* (TSRA) review. As such, it is intended to reflect the views of respondents as they were expressed, and does not necessarily reflect the views of Government of Alberta.

# Background

On October 2, 2019, Minister of Health Tyler Shandro announced a review of Alberta's tobacco legislation to further protect Albertans from the harm of tobacco, tobacco-like (hookah/waterpipe) products and vaping. The Minister appointed Jeremy Nixon, MLA for Calgary-Klein, to lead this review including a strong plan to engage Albertans and interest groups.

## Why A Review

The TSRA includes a requirement to commence a review by November 2019, providing an opportunity to identify and gain an understanding of gaps and issues in Alberta's tobacco control legislation and make recommendations for updates. Since the TSRA was enacted in 2013, the emergence of high rates of youth vaping has become a key health concern and new tobacco product technologies have been introduced.

The emergence of vaping products in recent years has resulted in a large number of Albertans using these products. In Alberta, teen vaping rates (used in past 30 days) surged from 8 per cent in 2014-15<sup>\*</sup> to 22 per cent in 2016-17<sup>†</sup> and currently to 30 per cent in 2018-2019<sup>‡</sup>, among students in grades 10 to 12. Vaping can model and renormalize smoking behaviour among youth. Some studies have found an association between smoking and vaping, suggesting that young people who vape have an increased risk of subsequent smoking.

Addiction to tobacco is the leading cause of preventable illness, disability and death. In 2012, 3,848 Albertan deaths and 51,563 potential years of life lost were attributed to smoking. If tobacco use remains at status quo for 2019-2022, it is estimated to cost the health care system \$6 billion over the same period.

The feedback from the consultations will be used to inform potential changes to the TSRA that will be introduced in spring 2020.

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<sup>\*</sup>Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) 2014-2015. <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2014-2015-supplementary-tables.html>

<sup>†</sup>Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) 2016-2017. <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2016-2017-supplementary-tables.html#t6>

<sup>‡</sup>Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) 2018-2019. <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2018-2019-detailed-tables.html#t6>

## Focus of the Review

The review has the following priorities:

- Address the growing concerns around the increase in youth vaping;
- Protect Albertans from the harms of tobacco, tobacco-like and vaping products;

In Scope	Out of Scope
Issues related to the use and sale of tobacco, vaping and tobacco-like products	The ceremonial use of tobacco by First Nations
Potential policy options in order to inform possible changes in legislation	Issues related to the use of cannabis products
Review of legislation of other ministries to identify and reduce potential overlap, inconsistency or conflict	Policy recommendations that fall under the authority of municipalities, First Nations or the federal government
	The decision to impose a tax on vaping products

- Reduce the health care costs resulting from smoking and vaping;
- Balance concerns about health, especially for young people, with the rights of adults to make choices as consumers; and,
- Consider the impact on businesses and identify ways to mitigate that impact.

# Engagement Process

Approximately 250 individuals representing a wide range of interest groups were engaged from October 25, 2019 to December 4, 2019. The consultation was designed to provide interest groups an opportunity to share their views and perspectives.

Feedback was solicited through three main methods of engagement: in-person meetings with interest groups (with teleconferencing when needed), written submissions from interested parties and an online survey for Albertans.

## Snapshot of consultation

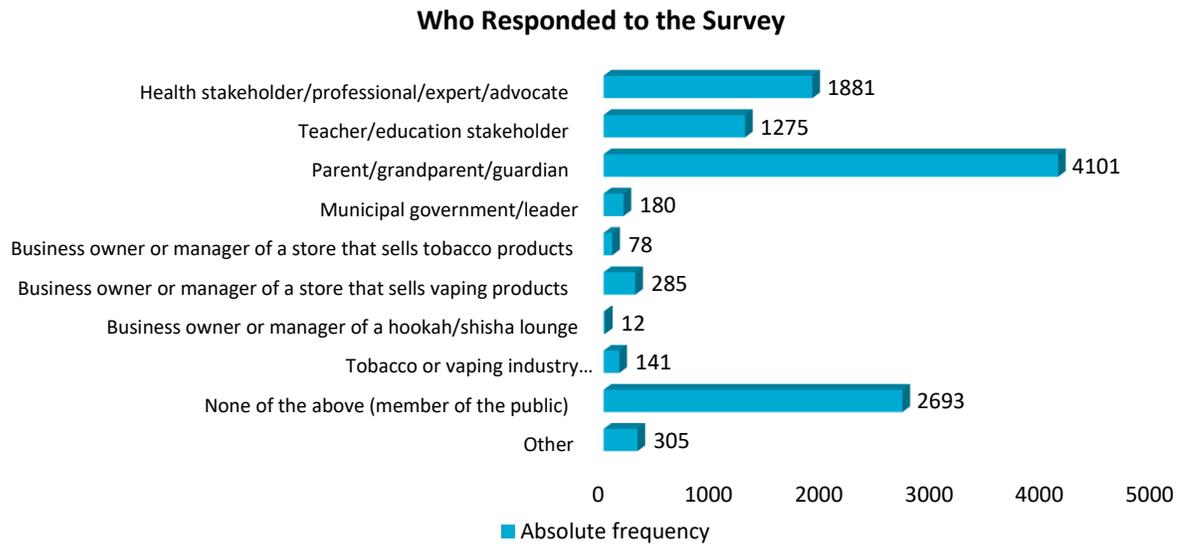
<b>6 cities visited</b>	<b>94 interest groups consulted</b>
<b>41 consultation sessions held</b>	<b>250 people participated</b>
<b>66 interest groups submitted written submissions</b>	<b>9628 Albertans participated in the survey</b>

The 250 people engaged represented 94 interest groups from six cities – Edmonton, Calgary, Red Deer, Fort McMurray, Lethbridge and Grande Prairie. The interest groups can be categorized under the following groups: health, education, municipalities, academics, enforcement agencies, vape shop owners, convenience store associations, vaping industry associations and large manufacturers. Three sessions were also held with students to gain the important perspectives and insights of youth

The review team received submissions from 66 interest groups (identified in Appendix B). Submissions included policy recommendations, points of view, and background information (such as academic articles, media articles, survey reports, statistical data, jurisdictional comparisons and more). Additionally, Vapour Advocates of Alberta sent 779 postcards from across the province sharing adult users' flavour preferences, nicotine strength and age at which respondents started smoking and vaping.

The online survey was launched on October 25, 2019 and concluded on November 29, 2019. A total of 9628 Albertans shared their input through the survey (detailed survey results are provided in Appendix C).

Figure 1: Number of survey respondents categorized by groups





# Vaping Products or E-Cigarettes

## Background

The emergence of vaping products in recent years has resulted in a large number of Albertans using these products. Currently, Alberta's tobacco laws do not specifically address vaping products.

The federal *Tobacco and Vaping Products Act* (TVPA) regulates the manufacture, sale, labelling, packaging and certain forms of advertising and promotion of vaping products. However, the federal vaping legislation currently has gaps that are predominantly provincial responsibilities. To address these gaps, all other provinces have introduced explicit vaping laws that provide additional protections, such as restriction of public consumption, restrictions for location of sale, minimum age for sale, photo identification requirements and limits for advertising in stores.

## What We Heard

Public health interest groups expressed concern about high rates of youth vaping in Alberta. Vape retailers largely acknowledged that youth vaping has become an issue and indicated they do not want to see vaping products in the hands of youth. All interest groups (public health, vape retailers, youth, and enforcement agencies) support

regulations to keep vaping products out of the hands of youth. To varying degrees, interest was expressed in establishing a provincial minimum age for vaping, photo ID requirement for those who appear to be under 25, limiting youth exposure to advertising of products, and restrictions on nicotine concentration. However, many had differing opinions on restrictions on flavours and location of sales.

The retailers indicated they would support regulations that restrict youth access but would not impact smokers' ability to access vaping products as a less harmful alternative. They also expressed concerns that overregulation will drive the black market and turn consumers away from Alberta retailers. On the contrary, public health interest groups, academics and enforcement agencies believed that risks of youth smoking outweighed the benefits for adults contemplating switching.

*"As a parent, I have great anxiety as my children get older and a big part of that is the tobacco/vaping availability that is out there. It has become normalized for teens and that is simply wrong."*

**-A concerned parent**

## Vaping in Public Places and Workplaces

Public health interest groups, education advocates, enforcement agencies, municipalities, vape shop owners, vaping industry and convenience store associations indicated they are supportive of prohibiting vaping anywhere smoking tobacco is prohibited (e.g., public places, workplaces, vehicles in which a minor is present and public vehicles). However, vape shop owners identified a strong need for an exemption that would allow in store sampling of products, in adult only vape stores, to help adult smokers switch from combustible cigarettes to vaping products. Many suggested expanding the places where smoking/vaping are prohibited, to align with prohibited areas for cannabis consumption. The youth who participated in the consultation suggested there should be stricter restrictions for the use of vaping products in schools.

In the online survey, 79 per cent of the respondents agreed (or strongly agreed) that vaping should be prohibited anywhere smoking tobacco is prohibited.

## Advertising and Promotion of Vaping Products

Almost all interest groups supported some restrictions on the advertising and promotion of vaping products. Public health and education interest groups, enforcement agencies, municipalities, academics called for stricter regulations similar to those for tobacco products (i.e., prohibit promotion at retail stores with an exemption for tobacconists and adult-only vaping shops). Many public health interest groups called for a comprehensive prohibition on advertising in public places and in areas where youth have access. Public health interest groups argued that vape companies are utilizing the lack of regulation to advertise e-cigarettes and that promotion is attracting youth.

*"I am mesmerized every time I go inside a vaping store."*

**Youth participating in the consultation**

Many vape retailers indicated they would support provincial restrictions on advertising and promotion, especially in areas where minors are permitted. However, convenience store associations and large manufacturers identified that it is important to permit some limited form of communication at the point of sale to ensure adult smokers can be made aware of these alternative products.

Most of the survey respondents (81%) believed that advertisement or promotion of vaping products should be prohibited in retail stores (same restrictions as tobacco products).

## Display of Vaping Products

Most interest groups suggested the same restrictions for the behind-the-counter sale of conventional cigarettes would apply to all vaping products. Most vape shop owners and vaping industry associations were in favour of a display ban at point of sale where youth have access. Some mentioned there could be an exemption for specialty, adult-only retail vaping product outlets that parallels the current exemption for “tobacconists” (adult-only tobacco stores).

## Nicotine Concentration in Vaping Products

Public health interest groups, enforcement agencies and youth suggested limiting the nicotine concentration in vaping products. They contended that products with high levels of nicotine are extremely addictive and kids are getting “nic sick.” They gave examples from the European Union and British Columbia as a rationale to limit nicotine concentrations. Youth who participated in the consultation indicated that high nicotine products are attractive to youth because of the big nicotine hit.

Some vape shop owners suggested introducing restrictions on the concentration of nicotine in vaping products, but had differing opinions on what an appropriate cap should be. However, the large manufacturers opposed nicotine restriction levels, indicating that certain adult smokers required higher nicotine levels to successfully transition from smoking combustible tobacco products to vaping products.

*Nicotine concentration in eJuice should be limited to 24mg / ml. A very small percentage of our customers actually buy eJuice liquid with 24mg / ml concentration, because it is already very strong. Any higher level of Nicotine concentration would cause more harm than benefit.*

**-Letter from a Vape Shop**

Some vape shop owners and one vaping industry association recommended restricting the sale of nicotine vape products and e-liquids over 20mg in strength to adult-only licensed specialty vape stores. However, convenience stores and their association urged the Alberta government not to discriminate, or favour one retail channel over another in regulating the sale of any product.

Analysis of the 779 postcards received by Alberta Health reveals that a vast majority of these adult users (86 per cent) were vaping at nicotine concentrations of 20mg/ml or below.

## Flavours

Groups that were consulted had differing opinions on flavour restrictions. Public health interest groups, enforcement agencies and youth strongly suggested banning flavours from vaping

*“Get rid of flavours – if you have flavours, kids are gonna want that. If you get rid of them, they’d stop.”*

**Young Albertans who use vaping products**

products (with an exemption for tobacco, nicotine, glycol and glycerol flavours). They argued that the taste and smell of e-juice flavours (e.g., candy, peaches, ice cream, chocolate, bubblegum) are enticing to youth at onset and with continued use, lead to dependency.

Businesses strongly oppose any restrictions claiming that flavours are critical for smokers to initially make the switch and stick to it. Also, any restrictions on flavours would drive buyers to the black market and undermine their business.

There was no consensus among online survey respondents – 83 per cent of public health interest groups agreed (or strongly agreed) with restrictions on flavours, whereas 86 per cent of business owners disagreed (or strongly disagreed) with flavour restrictions.

The 779 postcards sent by adult vapers who purchased from different specialty vape stores indicated they are using many varieties of flavours (including fruit and mint) and flavours helped them quit smoking. There was also strong feedback by vape users who completed the online survey – 86 per cent of people who are currently using vaping products disagreed (or strongly disagreed) with flavour restrictions.

My name is \_\_\_\_\_ . My Postal Code is \_\_\_\_\_  
I started smoking at age 14.  
I started vaping at age 39.  
The flavours of eLiquid I used to help me stop smoking were grape.  
in 12 mg nicotine strength.  
Flavours helped me stop smoking.

## Location of Sales of Vaping Products

Public health interest groups suggested prohibiting the sale of vaping products in places where tobacco sales are prohibited (e.g., health facilities, pharmacies and post-secondary campuses). Some suggested extending prohibited sales locations to include all licensed liquor and cannabis establishments, including retail outlets, all public recreation facilities and all provincial and municipal buildings. A few suggested restricting vaping product sales to pharmacies.

The majority of the vape shop owners and vaping associations believe that a wide diversity of retail channels for vaping products is a primary driver of youth access and suggested restricting vaping product sales to specialty vape shops. On the contrary, convenience store associations and large manufacturers voiced their opposition to this idea, arguing that convenience stores are the primary destination for adult consumers who want to try a vaping product for the first time and the impulse to switch from smoking needs to be facilitated by the easy access of vaping products in convenience stores.

## Online Sales

Public health interest groups, academics, some vape shop owners, vaping industry associations, convenience store associations and large manufacturers felt the vaping products available online are a major source of underage access. They argued that it is easy for minors to use a fake name and pre-paid credit card to order these products online and the vaping products are shipped and delivered without any age verification. Some suggested that all online sales of vaping products must require a third-party age validation prior to online purchase and require that age and identity must be verified again at the point of delivery.

## Photo Identification Requirements to Purchase Vaping Products

All public health interest groups suggested that photo identification should be required for those who appear to be under 25 to purchase vaping products (same restrictions as tobacco products). They argued that there is a link between asking for identification and refusal to sell to minors. A few suggested raising the age to 30 to impose obligations on vendors to request identification.

## Education

Health and education interest groups, enforcement agencies and academics felt that many youth vape users are not aware of the risks and strongly suggested introducing youth-focused public awareness and educational initiatives on the risks of vaping products. Education groups suggested developing and implementing school-based education programs to address teen vaping. Many vape shop owners mentioned that some parents are buying products for their kids and recommended an education campaign for parents.

*“Address the issue of youth vaping at a younger age...Stop saying 'it's not that bad.' Provide youth with research and evidence on health effects of vaping.”*

- **Education Minister's Youth Council**

# Tobacco Control

## Background

To protect Albertans from second-hand smoke, smoking of tobacco is currently prohibited in public places, workplaces, public vehicles and within 5 metres of a doorway, window or air intake of a public place or workplace. However, smoking tobacco is currently allowed on school grounds, hospital grounds, outdoor spaces of child care premises and in some other areas frequented by children (e.g., playgrounds, skateboard or bicycle parks). Currently the minimum age for tobacco use is set at 18, which aligns with the minimum age for liquor and cannabis use.

## What We Heard

### Prohibited Places for Smoking Tobacco

Public health interest groups, municipalities, enforcement agencies strongly believe that government should increase the number of prohibited places to protect Albertans from second-hand smoke. Among them, many would like to see an alignment with places where smoking cannabis is prohibited including playgrounds, sports fields, swimming pools and areas frequented by children. They argued that modelling is an essential element of childhood development and kids must be protected from exposure to any form of smoking in public places.

Public health interest groups gave examples of ten Alberta municipalities that have aligned tobacco, vaping and cannabis outdoor public smoking restrictions to include parks, playgrounds and public events.

The majority of the survey respondents (82 per cent) and 87 per cent of parents who completed the survey agreed (or strongly agreed) that smoking tobacco should be banned in areas frequented by children (e.g., playgrounds, sports or playing fields, skateboard or bicycle parks, zoos, outdoor theatres, outdoor pools or splash pads).

### Smoking in Public Housing

Many public health interest groups and enforcement agencies suggested prohibiting the use of smoking and vaping products in public housing. They argued that the ventilation system of public housing is not good and the residents live in close proximity. On the contrary, some expressed concern as prohibiting smoking in public housing may prevent adult smokers or vapers from accessing affordable housing.

## Minimum Age for Purchase and Consumption of Tobacco and Vaping Products

*“The minimum age should be 21 as those over that age are more interested in quitting smoking than just get a buzz from Nicotine Salts.”*

**- Survey respondent who has been in the vaping business for 10 years**

Many interest groups raised the idea of raising the legal minimum age to 21 years to access tobacco and vaping products in Alberta. They indicated that evidence supports raising the age of access to put legal purchasers outside the social circle of most high school students. Public health and education

interest groups, enforcement agencies and one large manufacturer thought that raising the minimum age would address the concern that youth increasingly are accessing tobacco through social contacts.

Some vape shop owners raised concerns with this idea, indicating that such a measure would be at odds with the regulations of the purchase of alcohol or cannabis. One convenience store association argued that having multiple “ages of majority” could complicate a system of ID verification that is currently very easy to adhere to if properly trained and enforced.

# Retail Environment – Tobacco and Vaping Products

## Background

Currently, there are tobacco product display, advertising and promotion restrictions at retail stores and the sales of tobacco are prohibited in certain locations (e.g., health facility, pharmacy). However, there is no provincial licensing or registration system or mandatory training requirements for retailers. Alberta's tobacco laws allow underage store clerks to sell tobacco products. Also, the current legislative framework does not have any provisions that regulate the retail environment for vaping products.

## What We Heard

### License or Registration of Tobacco and Vaping Product Retailers

All groups consulted expressed their support for the licensing or registration of stores selling tobacco and vaping products as a means to improve compliance and monitoring. They mentioned that the licensing or registration system would provide an authority to develop an administrative enforcement system that can be accompanied by consequences such as ticketing and license suspensions.

Public health interest groups suggested developing and implementing a vendor licensing or registration system based on existing liquor and cannabis vendor licensing model. Enforcement agencies suggested the loss of a retailer license would be a greater deterrent, to non-compliance with provincial regulation, than fines. In addition, it would be easier to implement a mandatory retailer training program once a licensing or registration system is established.

### Tobacco and Vaping Retailer Training Requirements

The majority of groups consulted supported mandatory training for retailers selling tobacco and vape products as a means to improve retailer compliance for not selling to minors and requiring mandatory identification. Some health interest groups argued that effective retailer training improves compliance as retailer knowledge and attitudes regarding the law and its enforcement are improved. Training also supports and assists retailers in establishing the knowledge and skills needed to identify and refuse tobacco product sales to minors. Some businesses indicated they already have training programs in place to educate staff about the legal requirements of asking for identification.

## **Sales by Minors (Underage Employees)**

Public health interest groups, enforcement agencies, academics, vape shop owners and one retail chain strongly supported the idea of prohibiting minors from selling tobacco and vaping products. They argued that younger clerks are more willing to sell tobacco products to minors. Some referenced research articles that identified a link between the age of an employee and the likelihood of selling tobacco.

The convenience store associations opposed the idea, indicating their sales data do not show that underage employees are more likely to sell to minors and such a prohibition will impact the ability to recruit employees in rural Alberta. However, in the online survey, 73 per cent of business owners/ representatives from Northern Alberta agreed (or strongly agreed) that underage employees should be prohibited from selling tobacco or vaping products.

# Enforcement and Penalties – Tobacco and Vaping Products

## Background

Alberta's tobacco enforcement activities are spread across different enforcement agencies, including peace and bylaw officers from municipalities and Alberta Gaming Liquor and Cannabis (AGLC), municipal police services and the RCMP. Most agencies have limited ability to enforce tobacco laws because of capacity and competing priorities. Youth possession/use is the most frequently enforced component. For other violations, enforcement actions are usually taken only in response to complaints or calls.

Alberta's tobacco legislation establishes penalties for not complying with requirements:

- Selling tobacco to a minor could result in a fine of up to \$10,000 for a first-time conviction and up to \$100,000 on second or subsequent violations.
- Violating the restrictions on signage, display and advertisement requirements could result in a fine of up to \$10,000 for a first-time conviction and up to \$100,000 on second or subsequent violations.
- Minors can also be penalized for possession of tobacco with a fine of up to \$100.
- Smoking in a prohibited place for a first time offence is subject to a fine of up to \$1000.

## What We Heard

### Active Enforcement (e.g., Test Shopping, Retail Inspections)

In general, many felt that current enforcement activities in Alberta are not adequate. Their observation aligns with the online survey findings as less than 24 per cent of survey respondents agreed (or strongly agreed) that current enforcement activities are adequate.

Many strongly suggested that Government should increase enforcement activities. They recommended conducting ongoing retail inspections to identify non-compliance. In addition, some suggested conducting a secret shoppers program to test how willing stores are to sell tobacco and vaping products to minors.

*"Laws without enforcement are not worth having. A dedicated tobacco enforcement unit is necessary that should implement a "test shopper" program."*

- Respondent completing the survey

Enforcement agencies indicated they have very limited capacity to enforce tobacco laws and increased enforcement will require financial investments.

## **Dedicated Enforcement Agency**

Some public health interest groups suggested designating an agency to oversee and coordinate enforcement. They mentioned that most other provinces have adopted a “public health” model of enforcement with dedicated enforcement officers operating under a health authority. However, some acknowledged that it might be challenging for Alberta to establish a similar model (under Alberta Health Services) because of its financial implications and suggested that Alberta Gaming, Liquor and Cannabis (AGLC) would be more suitable to coordinate enforcement activities.

## **Retailer Fines for Violating Laws**

Vape shop owners, convenience store associations, vaping industry associations and large manufacturers suggested increasing retailer fines for selling tobacco products to minors. They felt that significantly increased financial penalties would act as a real deterrent against the sale of these products to minors. Some suggested legislating a mandatory minimum fine for violations.

## **Penalties for Youth Possession**

Groups had differing opinions on penalizing youth for possession. Many suggested not to penalize youth for possession. They argued that penalizing youth shifts blame away from retailers and industry marketing practices, and towards youth, who have been enticed to smoke or vape by tobacco marketing and advertising.

Enforcement agencies, vape shop owners, vaping industry associations and some public health and education interest groups suggested increasing the fines for youth possession. They felt that penalizing youth is an effective way to dissuade youth from using tobacco and vaping products. Some believed that it would address social sourcing of tobacco and vaping products and create awareness in parents. This was also supported by the online survey as a majority of the respondents (73 per cent) felt that it is appropriate to penalize minors for possession of tobacco products.

# Tobacco-like Products

## Background

Tobacco-like products include waterpipes (also known as hookahs), containing shisha and narghile. If the product contains tobacco, hookah/waterpipe smoking is prohibited in public places and workplaces. However, smoking herbal hookah/waterpipe products (without tobacco) is currently permitted in public places and workplaces (e.g., hookah/shisha lounges). Alberta has legislative provisions (TRAA) that have not been proclaimed which would ban smoking herbal hookah/waterpipe products in public places and workplaces.

## What We Heard

### Hookah/Waterpipe

Health and education interest groups strongly suggested prohibiting the smoking of tobacco-like products in public places and workplaces. A few called for stricter regulations by prohibiting the sales of flavoured shisha.

Public health interest groups indicated that evidence suggests that both the first-hand and second-hand smoke produced by hookahs/waterpipes contain known carcinogens at levels equal to or greater than that of tobacco products. Public health interest groups and academics mentioned that many hookah/shisha lounges have air pollution levels that potentially represent hazardous exposure. They raised concerns about workers of hookah/shisha lounges as they are exposed to second-hand smoke and do not receive protection.

The hookah/shisha lounge operators who participated in the consultation strongly opposed banning hookah/shisha lounges. They mentioned that smoking shisha is a tradition in many Middle Eastern cultures and the social aspect of the hookah bar is very important to these communities. Additionally, they argued that hookah/shisha lounges have ventilation systems to maintain air quality and youth access is not an issue as the lounges do not sell to minors. Businesses also indicated that health harms depend on the chemicals used and suggested regulating the harmful contents of shisha to reduce the health risks of the use of hookah/waterpipe.

In the public survey, 76 per cent of hookah/shisha lounge operators agree (or strongly agree) that smoking of hookah/waterpipe should be permitted in hookah/shisha lounges for adults only.

## Conclusion

The Government of Alberta would like to thank everyone who submitted feedback to this consultation. Comments received as part of this consultation will be taken into careful consideration to inform potential changes to the TSRA that will be introduced in spring 2020.

## Appendix A: List of Interest Groups Consulted

### Education

- Alberta School Boards Association\*
- College of Alberta School Superintendents

### Enforcement Agencies

- Alberta Association of Chiefs of Police
- Alberta Federation of Police Associations
- Alberta Gaming, Liquor & Cannabis
- Calgary Police Services
- Edmonton Police Services
- Royal Canadian Mounted Police, Edmonton

### Indigenous Groups

- Métis Settlements General Council

### Health Academics and Experts

- Dr. Andrew Pipe, University of Ottawa
- Dr. Barry Finegan, University of Alberta
- Dr. David Hammond, University of Waterloo
- Dr. Dilini Vethanayagam, U Alberta
- Dr. Juliet Guichon, University of Calgary
- Dr. Robert Mitchell Schwartz, University of Toronto
- Mr. David Sweanor, University of Ottawa
- Mr. Jakob Koziel, University of Alberta

### Health

- Action on Smoking and Health
- Alberta Blue Cross
- Alberta Health Services†
- Alberta Medical Association
- Alberta Policy Coalition for Chronic Disease Prevention
- Alberta Public Health Association
- Calgary Foothills Primary Care Network
- Campaign for a Smoke-Free Alberta
- Canadian Cancer Society, National Office
- Canadian Cancer Society, Prairies Region
- Canadian Pediatric Society
- Chinook Primary Network Health Board
- College and Association of Respiratory Therapists of Alberta
- Health and Safety Services, NAIT
- Heart and Stroke Foundation of Alberta, Northwest Territories and Nunavut
- Physicians for a Smoke-Free Canada
- The Lung Association, Alberta & Northwest Territories
- The Ontario Tobacco Research Unit

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\* Alberta School Board Association provided consolidated response on behalf of 61 school boards.

† Within Alberta Health Services, different teams and experts were consulted including Tobacco Reduction Program, Health Promotion, Child and Youth Mental Health and Addictions, Population, Public and Indigenous Health, Chronic Disease Prevention and Oral Health, School Health and Wellness Program, Sexual and Reproductive Health, Addictions/Mental Health Counselors, Dental Hygienist and Respiratory Therapist, etc.

### **Hookah/Waterpipe Establishments**

- Soby's Eatery
- Trio Café

### **Municipalities**

- Alberta Urban Municipalities Association
- Rural Municipalities of Alberta
- The City of St. Albert
- The City of Airdrie

### **Senator**

- Honourable Betty Unger

### **Social Clubs/Lounges**

- The Ranchmen's Club
- Untitled Champagne Lounge

### **Large Manufacturers\***

- Imperial Brands
- National Smokeless Tobacco
- Imperial Tobacco
- Rothmans, Benson and Hedges
- JUUL Labs

### **Vape Retailers**

- Alchemist labs
- Cloud Chaserz Vape Shop
- Crazy Clouds Vapor
- Evolution Vape
- Gas City Vapes
- Liberty Vape
- Mystic Dragon Vape
- Oblivion Liquids
- Radical Vape
- Sub Ohm Sauz
- The Smoker's Town
- True Vape Inc.
- Vape World Emporium
- Alt Vape
- Cloud haven Ltd.
- Economy E-cigs
- Foggy Gorilla Vape Shop
- Haze Vape Co.
- Lifestyle Cig Inc.
- Northbound Specialty Vape Shop
- One Stop Vape Shop
- River City Vapes
- T Dwaag Labs, Edmonton
- The Vape Station
- Vape Express
- Wick N Wire Vapes
- Alternatives and Options
- Cool Vape
- Elation Glass and Vape
- Foggy Gorilla Vaping Co.
- JonesN-Vape
- Mac Vapes
- Nottingham Vales & E-Cigs
- Planet of the Vapes
- Smoker's Revolution
- T Dwaag labs, Red Deer
- True North labs
- Vape World

### **Vaping Industry Associations\***

- Canadian Vaping Association
- Vaping Industry Trade Association

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\* Summary notes of meetings with tobacco and vaping industry/large manufacturers are posted publicly and can be viewed at <https://www.alberta.ca/tobacco-and-smoking-reduction-review.aspx>

### **Convenience Store Associations**

- Convenience Industry Council of Canada\*
- Federated Co-Operatives Limited

### **Youth**

- Education Minister's Youth Council
- Stop Addicting Adolescents to Vaping and E-Cigarettes
- Young Albertans who use vaping products

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\* Summary notes of meetings with tobacco and vaping industry/large manufacturers are posted publicly and can be viewed at <https://www.alberta.ca/tobacco-and-smoking-reduction-review.aspx>

## Appendix B: Submissions

Organizations/individuals that provided submissions
• 180 Smoke
• 7-Eleven Canada Inc.
• Action on Smoking and Health
• Alberta Blue Cross
• Alberta College of Occupational Therapists
• Alberta College of Optometrists
• Alberta Gaming, Liquor and Cannabis
• Alberta Health Services*
• Alberta Medical Association
• Alberta Policy Coalition for Chronic Disease Prevention
• Alberta School Boards Association <sup>°</sup>
• Alberta School Employee Benefit Plan
• Alberta Urban Municipalities Association
• Blue Bongs Smoke & Vape Shop
• Bobilicious Vapes Inc.
• Campaign for a Smoke-Free Alberta
• Canadian Cancer Society
• Canadian Federation of Independent Business
• Canadian Vaping Association
• City of Calgary
• City of Edmonton
• City of Medicine Hat
• City of St. Albert
• College and Association of Registered Nurses of Alberta
• College and Association of Respiratory Therapists of Alberta
• College of Alberta Dental Assistants
• College of Alberta Psychologists
• College of Physicians and Surgeons of Alberta
• Convenience Industry Council of Canada

\* Within Alberta Health Services (AHS), many articles and submissions were received from representatives of AHS including Tobacco Reduction Program, Addictions and Mental Health, Provincial Advisory Committee on Tobacco and Medical Officers of Health etc.

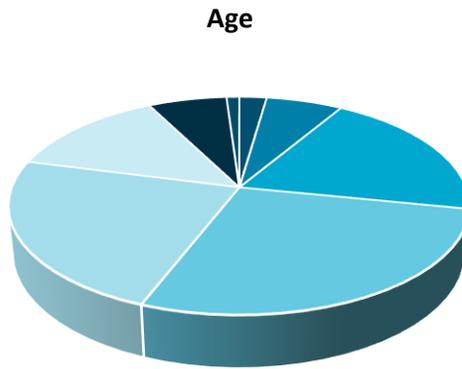
<sup>°</sup> The submission is reflective of input from 61 school divisions in Alberta.

• CoolVape
• DashVapes, Inc.
• Dr. Barry Finegan, University of Alberta
• Dr. Christopher Lalonde, University of Victoria
• Dr. David Hammond, University of Waterloo
• Dr. David Sweanor, University of Ottawa
• Dr. Dilini Vethanayagam, University of Alberta
• Dr. Juliet Guichon, University of Calgary
• Dr. Richard S. Stanwick, Island Health, Vancouver, BC.
• Edmonton Public School Board
• Frank Spragins High School
• Haze Vape Co.
• Heart and Stroke Foundation of Alberta, Northwest Territories and Nunavut
• Imperial Brands
• Imperial Tobacco Canada
• Mr. Jakob Kozeil, Canadian Research Institute in Substance Misuse
• JUUL Labs
• National Smokeless Tobacco Company
• Physicians for a Smoke-Free Canada
• Prairie Rose School Division No. 8
• Provincial Advisory Committee on Tobacco
• Psychologists' Association of Alberta
• Radical Street Wear Inc.
• Respiratory Medicine, University of Calgary
• Rocky View Schools' Board of Trustees
• Rothmans, Benson and Hedges Inc.
• Round Hill Women's Institute of Alberta
• Senator Betty Unger
• Stop Addicting Adolescents to Vaping and E-cigarettes
• The Smokers Town
• Town of Beaverlodge
• Town of Canmore
• Town of Stony Plain
• Vape Express
• Vaping Industry Trade Association
• Village of Forestburg
• Westwood Community High School Administration

# Appendix C: Survey Results

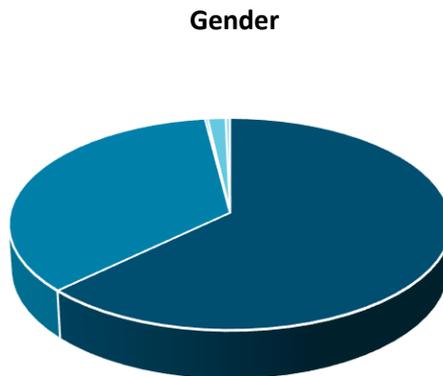
## Demographic Information

- Under 18
- Between 18 and 24
- Between 25 and 34
- Between 35 and 44
- Between 45 and 54
- Between 55 and 64
- 65 or over
- Prefer not to say



Age	Absolute frequency
Under 18	208
Between 18 and 24	583
Between 25 and 34	1818
Between 35 and 44	2569
Between 45 and 54	2144
Between 55 and 64	1246
65 or over	597
Prefer not to say	97
Not answered	366

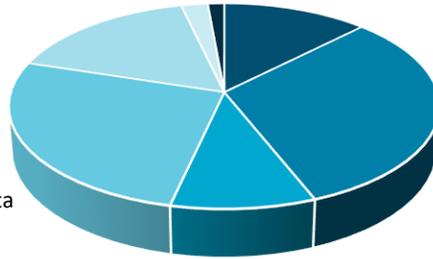
- Female
- Male
- Non-binary/ third gender
- Prefer not to say
- Prefer to self-describe



Gender	Absolute frequency
Female	5808
Male	3238
Non-binary/ third gender	20
Prefer not to say	133
Prefer to self-describe	33
Not answered	396

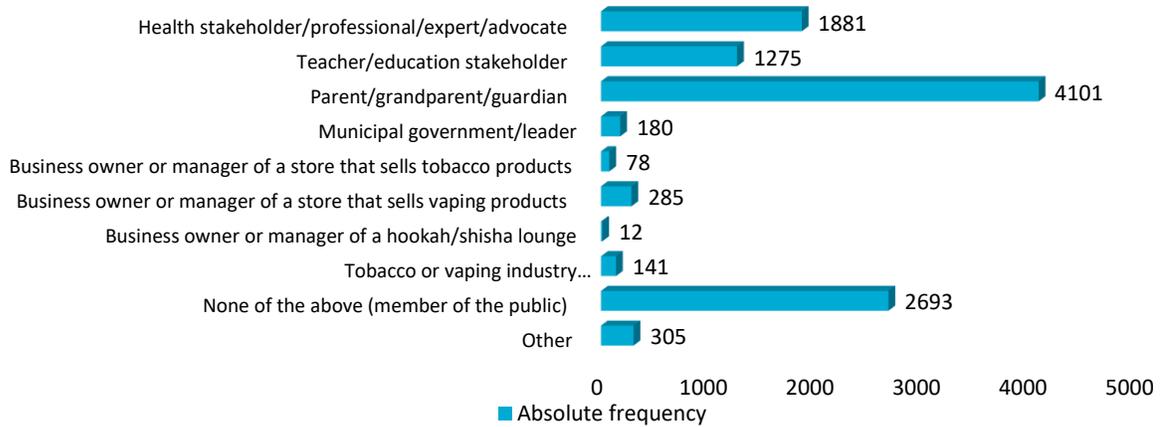
### Region

- Northern Alberta
- Edmonton Region
- Central Alberta
- Calgary region
- Southern Alberta
- I don't live in Alberta
- Prefer not to say



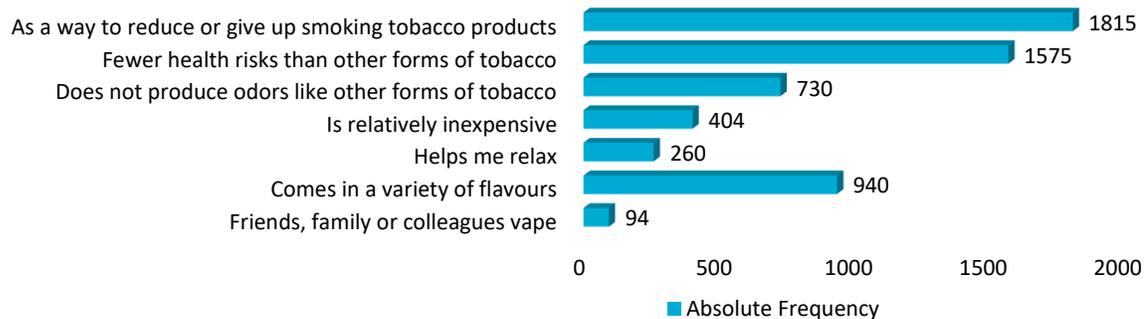
Region	Absolute frequency
Northern Alberta	1152
Edmonton Region	2915
Central Alberta	888
Calgary region	2433
Southern Alberta	1527
I don't live in Alberta	210
Prefer not to say	130
Not answered	373

### Who Responded to the Survey

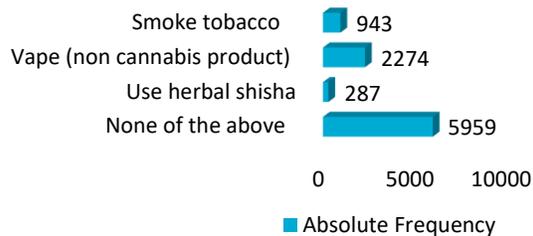


## Use of Tobacco, Tobacco-like and Vaping Products

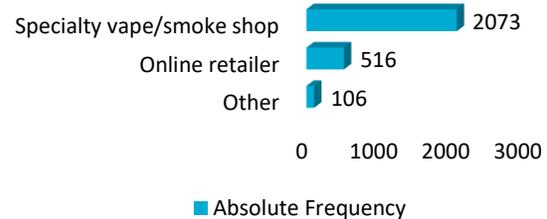
### Factors that have most influence on decision to vape



### Choice of Addictive Substances



### Purchase of Vaping Products



Approximately how much have you spent on the following smoking products in the past 6 months?

Product used	Average Amount spent in past 6 months (\$)
Cigarettes	\$529.13
Other tobacco products (including cigars, loose tobacco, tobacco shisha)	\$41.47
Vaping equipment	\$303.39
Vaping liquid/solution	\$502.67
Herbal (non-tobacco) smoking products (e.g. shisha)	\$1544.07
Other (specify below):	\$218.11

## Vaping Tobacco/Nicotine Products or E-cigarettes

Based on your understanding of vaping products or e-cigarettes, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Vaping products should be regulated like tobacco products	65%	12%	5%	6%	12%	1%
Vaping should be prohibited anywhere smoking tobacco is prohibited (e.g., public places, workplaces, vehicles in which a minor is present and public vehicles)	66%	13%	4%	7%	9%	1%
Vaping should be prohibited within 5 meters of a doorway, window or air intake of a public place or workplace (same restrictions as smoking tobacco)	64%	17%	5%	6%	7%	1%
Vaping should be allowed in designated rooms in hotels and motels (same restrictions as smoking tobacco)	25%	19%	10%	13%	32%	2%
Vaping should be allowed in designated rooms in group living facilities (same restrictions as smoking tobacco)	25%	25%	13%	11%	24%	2%
Vaping products should be taxed like tobacco products	61%	9%	5%	7%	17%	1%

\*Results are represented as adjusted relative frequency of respondents in percentage

Based on your understanding of youth vaping, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
A person should be 18 years of age to buy vaping products in Alberta (same restrictions as smoking tobacco)	84%	13%	1%	1%	1%	0.3%
Photo identification should be required for those who appear to be under 25 to purchase vaping products (same restrictions as tobacco)	84%	12%	2%	1%	1%	0.3%
Youth (under 18 years of age) possession of vaping products should be illegal (same restrictions as tobacco)	77%	14%	4%	2%	2%	0.4%
Advertisement or promotion of vaping products should be prohibited in stores (same restrictions as tobacco products)	69%	12%	7%	5%	6%	0.5%
Signage requirements for vaping retailers should be similar to tobacco retailers (e.g., post sign that forbids the sale of vaping products to minors)	79%	14%	3%	1%	2%	0.4%
Vaping products should not be visibly displayed (same restrictions as tobacco products)	67%	11%	7%	6%	9%	1%
Sale of flavoured vaping products should be prohibited	59%	7%	5%	5%	23%	2%

\*Results are represented as adjusted relative frequency of respondents in percentage

## Enforcement and Penalties – Tobacco and Vaping Products

Based on your understanding of current enforcement activities, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Current enforcement activities are adequate	9%	15%	22%	23%	21%	11%
Alberta should designate a single enforcement agency to oversee and coordinate enforcement	28%	22%	26%	10%	6%	8%
Alberta should conduct random inspections at retail stores on a regular basis	51%	31%	11%	3%	3%	2%
Alberta needs to implement an education program for tobacco enforcement officers	44%	29%	16%	4%	3%	5%

\*Results are represented as adjusted relative frequency of respondents in percentage

Based on your understanding of penalties, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Penalties should be established for vaping similar to those for smoking	55%	25%	7%	6%	6%	1%
Alberta's schedules of fines for retailer violations are too high (up to \$10,000 for first offence and up to \$100,000 for second or subsequent)	16%	13%	17%	22%	29%	3%
Penalties should be established for tobacco-like products (hookah/waterpipe) similar to those for tobacco products	48%	24%	13%	7%	4%	3%
It is appropriate to penalize minors for possession of tobacco	44%	29%	11%	9%	5%	2%

Results are represented as adjusted relative frequency of respondents in percentage

## Retail Environment – Tobacco and Vaping Products

Based on your understanding of current retail environment, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Only specialty vape shops should be allowed to sell vaping products	51%	18%	15%	9%	5%	2%
Vaping retailers should be licensed provincially	54%	24%	11%	4%	4%	3%
Tobacco retailers should be licensed provincially	55%	24%	11%	3%	3%	3%
Tobacco retailers should undergo mandatory training	53%	26%	12%	5%	2%	1%
Underage clerks should be prohibited from selling tobacco or vaping products	63%	20%	8%	6%	3%	1%
Vaping retailers should undergo mandatory training	53%	26%	12%	5%	3%	1%
Minors should be banned from specialty vaping shops	70%	20%	5%	2%	1%	1%

\*Results are represented as adjusted relative frequency of respondents in percentage

## Tobacco Smoking in Public

Based on your understanding of prohibited places for smoking, to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Alberta should expand the number of places where smoking is prohibited	44%	15%	16%	11%	12%	2%
Smoking should be banned on school properties	75%	14%	5%	3%	3%	0.4%
Smoking should be banned on hospital properties	56%	14%	12%	11%	6%	1%
Smoking should be banned at child care premises	78%	14%	4%	2%	2%	0.4%
Smoking should be banned in areas frequented by children (e.g., playgrounds, sports or playing fields, skateboard or bicycle parks, zoos, outdoor theatres, outdoor pools or splash pads)	67%	15%	7%	6%	4%	0.5%
Alberta should continue to allow smoking in designated rooms in group living facilities (e.g., group homes, nursing homes)	16%	27%	17%	15%	23%	2%
Alberta should continue to allow smoking in designated hotel and motel rooms	14%	19%	13%	17%	34%	2%

\*Results are represented as adjusted relative frequency of respondents in percentage

## Tobacco-like Products (Herbal Shisha in Hookah/Water pipe)

Based on your understanding of tobacco-like products (hookah/waterpipe/shisha), to what extent do you agree or disagree with the following statements\*?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree	Do not know
Smoking of hookah/water pipe should be prohibited in workplaces (e.g., hookah/shisha lounges)	54%	17%	12%	8%	6%	4%
Hookah/water pipe smoking in public places and work places is a health concern	50%	19%	15%	6%	3%	7%
Smoking of hookah/water pipe should be permitted in hookah/shisha lounges for adults only	43%	28%	12%	5%	8%	4%
Smoking of hookah/water pipe should be prohibited in public places	54%	19%	12%	7%	4%	4%

\*Results are represented as adjusted relative frequency of respondents in percentage

## Appendix D: The TSRA Review Team

### **TSRA Review Chair:**

- Mr. Jeremy Nixon, MLA for Calgary-Klein, appointed to conduct the TSRA review

### **TSRA Secretariat:**

- Ms. Sherri Wilson, Assistant Deputy Minister, Public Health and Compliance Division
- Ms. Jessica Carlson, Executive Director, Health and Wellness Promotion Branch
- Ms. Fern Miller, Director, Health and Wellness Promotion Branch
- Ms. Kim Schmidt, Manager, Health and Wellness Promotion Branch
- Mr. Richard Thorne, Senior Policy Lead, Health and Wellness Promotion Branch
- Mr. Shahriar Rozen, Senior Policy Lead, Health and Wellness Promotion Branch
- Ms. Noureen Ali, Policy Analyst, Health and Wellness Promotion Branch
- Ms. Anne Clifford, Administrative Support, Health and Wellness Promotion Branch