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From: Kendell, Jennifer <Jennifer.Kendell@cdha.nshealth.ca>
Sent: November-03-14 9:03 AM
To: Office of the Legislative Counsel
Cc: Watson-Creed, Gaynor; MacIntosh, Sharon
Subject: Bill 60 Law Amendments - Submission by the Regional Medical Officer's of Health from across Nova Scotia
Attachments: Bill 60 Law Amendments (MOH Submission).pdf
Importance: High

Good morning,

Please find the attached letter from the Regional Medical Officer's of Health from across Nova Scotia in response to the "Bill 60 Law Amendments" which have recently been proposed.

If you have any question, please feel free to contact me.

Thank you,

Jennifer Kendell

Executive Assistant to Linda Young, Director,
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November 3, 2014

Dear Committee:

Re: Bill No. 60 “Smoke-free Places Act (amended) and Tobacco Access Act (amended)”; An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act, and Chapter 14 of the Acts of 1993, the Tobacco Access Act

We, the regional Medical Officers of Health across Nova Scotia, applaud and support the Government of Nova Scotia for the proposed amendments to the Smoke Free Places and Tobacco Access acts. The improved act recognizes that all tobacco, e-cigarette and waterpipe use, exposure to their emissions, and flavouring of tobacco products and e-cigarette liquids pose some degree of direct health risk.

We respectfully offer the following evidence to support the government in broadening the protections offered by Bill 60:

- remove the exemption for menthol
- specify a fixed implementation date six months after third reading
- amend Clause 2(b) of Bill 60 by inserting “or a tobacco product”

The importance of removing the exemption of menthol as a flavouring:

In the late 1990s, innovations in flavour technology resulted in the appearance of candy-, fruit- and alcohol-flavoured cigarettes on the market.ⁱ These flavoured cigarette brand extensions of traditional cigarettes boosted sales by almost 10% for some brands.ⁱⁱ Flavoured tobacco is among the product innovations tobacco companies use to promote the appeal of their products to young people, including our youth.ⁱⁱⁱ In a 2012/2013 national survey, nearly half of Nova Scotian grade 6-12 students who used tobacco reported they used flavoured tobacco products (47%).^{iv} Of students using waterpipes, 28% used flavoured tobacco.

Fruit and candy-flavoured tobacco products and menthol cigarettes mask the harsh taste of tobacco and make it easier for youth to become addicted. Menthol allows people to inhale smoke more deeply and enhances nicotine absorption, increasing the related health risks. A recent review of the evidence by the US Food and Drug Administration concluded that menthol in cigarettes is likely associated with increased initiation and progression to regular cigarette smoking, and reduced success in quitting smoking.^v

In 2012/2013, for the first time Canadian grade 6-12 students were surveyed about their use of menthol cigarettes. Of those Nova Scotian students who smoked, one in three (34%) smoked menthol cigarettes.^{vi} This is alarming as research shows teens who try menthol cigarettes are more likely to continue to smoke than those who start experimenting with regular cigarettes.^{vii}

To put 34% menthol cigarette use by Nova Scotian school students use in context, the Canadian tobacco industry indicates that menthol cigarette use is declining among adults and is 4.5% of the cigarette market in Canada.^{viii} Clearly the health risks from menthol cigarette use are greatest for our children and youth.

The need for a six month fixed implementation date:

At present, Bill 60 will come into force on a day to be fixed by proclamation. Changing this so Bill 60 comes into force on World No-Tobacco Day 2015, would be more than six months after third reading. This will

ensure that implementation does not become delayed. This will also allow six months to clearly communicate the new requirements to those businesses affected so they can make any adjustments to their business plans to be in compliance by May 31, 2015.

In Alberta, Bill 206 to ban flavours received third reading in November 2013 and Royal Assent in December 2013, but still has not been proclaimed to come into force. This delay denies the population protection from the regulated products and allows youth to continue to try and become addicted to the products.

Planning ahead to reduce future risks from all tobacco products

Amending Clause 2(b) of Bill 60 by inserting "or a tobacco product" as follows, would cover current and future innovative tobacco-related products not currently included in the definitions, e.g. cigarette papers.

(b) adding immediately after clause (b) the following clause:

(ba) "flavoured tobacco" means tobacco or a tobacco product that

(i) has a characterizing flavour,

(ii) is represented as being flavoured, or

(iii) is designated by the regulations as being flavoured,

but does not include tobacco or a tobacco product exempted by the regulations;

We remain inspired by the dedication of Nova Scotian law makers and elected officials of all political stripes towards improving the health and well-being of Nova Scotians. We very much look forward to participating in the implementation of a strengthened Bill 60 once it is proclaimed.

With gratitude:

Dr's:

Monika Dutt, CBDHA

Lynda Earle, SSDHA, SWDHA, AVDHA

Ryan Sommers, PCHA, CEHHA, CHA

Robin Taylor, CDHA, IWK

Gaynor Watson-Creed, CDHA, IWK

ⁱ Klein SM, Giovino GA, Barker DC, Tworek C, Cummings KM, O'Connor RJ. Use of flavored cigarettes among older adolescent and adult smokers: United States, 2004-2005. *Nicotine and Tobacco Research* 2008;10 (7):1209-1214.

ⁱⁱ Berk CC. RJ Reynolds earnings surged in second quarter. *Wall Street Journal* 2004 August 3.

ⁱⁱⁱ Lewis MJ, Wackowski O. Dealing with an innovative industry: A look at flavored cigarettes promoted by mainstream brands. *American Journal of Public Health* 2006;96 (2):244-251.

^{iv} Manske SR, Rynard V, Minaker L. 2013 (October). Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2012/2013 Youth Smoking Survey. Waterloo: Propel Centre for Population Health Impact.

^v Food and Drug Administration. *Preliminary scientific evaluation of the possible public health effects of menthol versus nonmentholcigarettes*. 2013; 2013 (08/19).

^{vi} Manske SR, Rynard V, Minaker L. 2013 (October). Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2012/2013 Youth Smoking Survey. Waterloo: Propel Centre for Population Health Impact.

^{vii} Hersey, J.C. Nonnemaker, J.M., & Homsy, G. *Methanol cigarettes contribute to the appeal and addiction potential of smoking for youth*. *Nicotine and Tobacco Research*, 12 (Suppl 2): S136-S146. December 2010.

^{viii} Quebec National Assembly. *Journal of the proceedings of the Committee on health and social services Wednesday, August 21, 2013 - Vol. 43 No. 33*: Testimony of Éric Gagnon, Director of Corporate Affairs at Imperial Tobacco Canada.

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