

McDonald, David S

From: Justice Minister
Sent: November-05-14 2:23 PM
To: LeBlanc-Murray, Nicole M
Subject: FW: Bill 60

From: Luc Martial [mailto:lmartial@magma.ca]
Sent: Tuesday, November 04, 2014 1:23 AM
To: Justice Minister
Subject: Bill 60



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November 3, 2014

Honourable Lena Metlege Diab (Liberal)
Halifax Armdale
Department of Justice
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Dear Minister Diab,

We write today on a matter of serious importance to voters in the province of Nova Scotia and of serious relevance to accountability in government. It is our sincerest hope that our correspondence will find meaning and value in your Office.

THE ISSUE:

On October 24th, 2014 – Bill No. 60, Smoke-free Places Act (amended) and Tobacco Access Act (amended) was introduced in the legislature for First reading. Second Reading of the Bill passed on October 28th and the Bill went to the Law Amendments Committee on November 3rd. It can be expected that this Bill will (unfortunately) find swift and blind passage into law - in the coming weeks.

Regarding Electronic Cigarettes/Vaporizers:

Bill 60 would come to undermine what is proving to be the most successful tool available for smokers trying to quit smoking. The lack of knowledge, unjustified fears and basic myths about electronic cigarettes/vaporizers have come to cloud the government's judgement on these products.

The UK government has since (2014) sponsored/undertaken research on these products and have come to dispel many of these myths. Regarding these products, in terms of their reference in Bill 60, we would respectfully encourage you to review and consider the UK report in question (at the following link):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311887/Ecigarettes_report.pdf

It is worth noting that at this time the federal government is actively reviewing electronic cigarettes/vaporizers to ensure that any future regulations will be responsible and accountable. We would ask for your immediate consideration in ensuring that these products – extremely well supported by health professionals and organizations worldwide – are not rushed into regulations by the provincial government. Smokers in the province who have long sought a true opportunity to finally quit smoking are depending on your consideration in this matter. We trust you will be hearing from many of them in the coming days/weeks.

Regarding Flavoured Tobacco products:

Bill 60 was unquestionably fueled by grossly misleading information about flavoured tobacco products and its market. Lies were told and the government believed them. The government seemingly never bothered to question the validity and credibility of the information provided to them.

But valid and credible information/data – clearly confirming that the presence of flavours in tobacco products do not encourage or entice kids to become smokers – is available to the government and easily accessible through the Health Canada website. The government simply has to be willing to confront the truth on this issue – placing integrity above pride and popularity.

Ironically - Bill 60 will come to ban flavours in tobacco products which almost exclusively appeal to legal age consumers in the province (94%+) – while exempting the one flavour (Menthol) which Health Canada research has long confirmed is the flavour of choice among high school kids.

THE REQUEST

- While we can certainly appreciate the government's mandate in the area of tobacco control and youth protection, we would at this time respectfully request your support in publicly demanding that the government of Nova Scotia actually review this pressing issue; actually look at the data in question; and actually undertake responsible consultation with all legitimate stakeholders to the file – prior to passing Bill 60 into law.
- Should Bill 60 pass into law, we would ask that you support a Stay of Proclamation of the law and/or any subsequent regulations until meaningful research, review and consultation actually occurs - in support of every Nova Scotian's' right to honesty, accountability, good government and fair play.

THE REASON

It is our position, and we trust the information provided below unquestionably supports this – that the proposed law finds absolutely no merit.

As importantly, it is our contention that the government was unfortunately duped into thinking that flavoured tobacco products was a relevant youth health priority - and is now on the verge of unjustifiably and without warrant undermining the rights of thousands of voters in the province while needlessly throwing away millions of dollars in annual tax revenues. These legitimate and significant tax revenues could be productively used to address much more relevant, prevalent and actual youth health priorities in the province.

We are of course not faulting the government for supporting and advancing a legislative initiative aimed at protecting youth. We applaud your interest and support accountable public policies to such an end. In the case of flavoured tobacco products, however, the government was simply and greatly misinformed. A quick review and analysis of the federal government’s own Tobacco Use Monitoring Survey (CTUMS) and all of the data from the Youth Smoking Survey (YSS) proves this point.

For your review and further consideration, find below some preliminary key information that will hopefully find welcome in your Office – in support of public accountability on this file.

We believe integrity in government demands that the rights of everyone in Nova scotia are respected - **even the rights of those whose personal or commercial choices may not reflect your own.**

SOME KEY POINTS:

According to Health Canada’s own data (Canadian Tobacco use Monitoring Survey):

- The market for flavoured tobacco products (i.e. flavoured little cigars) is absolutely **adult-driven (94%+)**.
- As with alcohol, marijuana and other age-restricted or illegal products **of greater interest** to high school kids - some high school kids are unfortunately also getting illegal access to some flavoured tobacco products. This illegal access is predominantly supplied by Friends and Family Members.

According to Health Canada’s own data (Youth Smoking Survey):

- High school kids unfortunately do try flavoured tobacco products – **but only because they are already smoking/smokers. Traditional tobacco and current smoking is the gateway to “trying” flavoured tobacco products.**
- **If a high school kid is not already a smoker –there is almost zero chance** that he will “try” a flavoured tobacco product. **The presence of flavours in tobacco products is not relevant enough to entice kids into becoming smokers.**
- **Only 1%** of high school kids (29,000 across Canada) who never tried smoking a cigarette - “tried” a flavoured tobacco product in the previous 30 days of the survey.
- High school kids are smoking because they are getting (illegal) access to tobacco products in general. **The issue of youth smoking is not one of product design (flavours), but rather product “access”.**

- High school kids are getting (illegal) access to tobacco – by far, from family members and friends (75%).
- **Menthol is the only flavour** in tobacco (and overwhelmingly so) which Health Canada data confirms is of interest to kids (who try a flavoured tobacco product). There exists absolutely no research data anywhere in any government in Canada which identifies any other specific flavour in tobacco products of interest (being consumed by) kids.

We trust this preliminary information will be of productive interest to you.

Should you require any additional information, please do not hesitate in contacting us.

We remain committed to working productively with the government on this issue and look forward to your response in this matter.

Respectfully,

Luc Martial
Vice President, Government Affairs

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Established in 1998 and headquartered in Montreal, Casa Cubana is a longstanding, reputable commercial entity fully licenced and bonded for business throughout Canada. Our longstanding activities in Nova Scotia further well reflect our successful commitment to working productively with our commercial partners in the province and the provincial government itself towards accountable, safe and responsible business practices. Our company imports and distributes quality Cuban and flavoured cigar products (flavoured and unflavoured), as well as various accessories, disposable lighters, coffees and other non-tobacco related products.

Casa Cubana's reach extends throughout the country with a sales force servicing approximately 10,000+ direct accounts – to include wholesalers, retail chains, independent retailers, gas bars, grocery stores and the duty-free channel.

Mr. Martial is also a longstanding tobacco control expert in Canada, having worked at Health Canada in the Offices of Research, Surveillance & Evaluation and Policy & Planning within the Tobacco Control Program. His unique experience in tobacco control further includes postings with the Non-Smokers' Rights Association of Canada, the Canadian Council on Smoking and Health, and the National Clearinghouse on Tobacco and Health.

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