

The Youth Project  
2281 Brunswick street  
Halifax, NS  
www.youthproject.ns.ca  
902-429-5429



To the Law Amendment Committee,

I am writing you in regard to the proposed changes to Nova Scotia legislation around changing gender markers on identification. This is wonderful progress for our province. In my role as Support Services Coordinator at The Youth Project, I am lucky to work with many transgender youth for whom this will be a monumental change in the quality of their lives. They will move through the world a little safer, and I am grateful for that peace of mind to youth and their families (and to myself as well!).

I know there are amendments being considered, and this is why I write. I encourage you to re-think the role of healthcare professionals pledging their support for a gender marker change. While I appreciate the recognition of doctors, therapists, nurses and social workers to transgender health, I think we are moving toward a time these voices are not needed for this milestone in transgender lives.

The Youth Project is a legacy of social work; over twenty years ago, we were founded by a social work student (I myself am a recent graduate of the Dalhousie Social Work program). What I admire most about the profession are its values, specifically those that call on us to uphold self-determination and social justice. This is why no professional, social worker or otherwise, should get to legitimize a person's gender marker change. As we make strides in transgender healthcare, we are learning that this is not an expression of pathology, but rather another expression of human diversity. Transgender people already need (sometimes quite unnecessarily) permission from authority figures for many elements of social, medical and legal transition. This does not have to be another. I do not feel that any person needs my permission to declare themselves. Their voices carry weight and importance enough for this intended change.

I wish for Nova Scotia to be a leader in our commitment to our transgender friends, family, and colleagues. Allow a gender marker change without needing the legitimacy of a healthcare professional, and sever ties with a pathologized history. There is much to do to improve the lives of transgender people, and we all have a role in creating a better community. This process, though, can do without us. I think removing this element shows the strength of our knowledge of developing human rights.

I look forward to this change taking effect, and seeing the many transgender youth we support take one more step towards fully self-determined lives. I know they will do so with excitement and pride.

Respectfully submitted,

Sheena Jamieson, BSW  
Support Services Coordinator  
The Youth Project



**HEART &  
STROKE  
FOUNDATION**

**FONDATION  
DES MALADIES  
DU CŒUR  
ET DE L'AVC**

April 21, 2015

Honourable Lena Metlege Diab  
Chair, Law Amendments Committee  
Email: [legc.office@novascotia.ca](mailto:legc.office@novascotia.ca)

Re: Bill 90, An Act to Amend the Tobacco Access Act

Ms. Diab:

On behalf of the Nova Scotia Board of Directors of the Heart and Stroke Foundation, I am writing to express strong support for Bill 90, An Act to Amend the Tobacco Access Act. The vision of the Heart and Stroke Foundation is to create healthy lives free of heart disease and stroke, and effective smoking cessation measures play a key role in achieving this vision. The progressive legislation proposed by Minister of Health and Wellness Leo Glavine positions Nova Scotia as a leader in restricting access to flavoured tobacco products.

#### **Menthol**

We are especially pleased that Bill 90 includes menthol within the list of flavoured tobacco products included in the proposed ban. Menthol is a flavour additive particularly appealing to youth, females, and new users that masks the unpleasant burning sensation often experienced with smoking regular tobacco. This masking effect reduces the harshness of cigarette smoke and makes it easier for new users to become addicted. Recent research demonstrates that menthol is a popular choice among youth across the country, and Nova Scotia is no exception: in the 2012-2013 Flavors Report, 34 per cent of teen smokers indicated use of menthol cigarettes within the previous 30 days. Conversely, just 1 in 25 Canadian adult smokers reported regular use of menthol.

Including menthol in the list of flavoured tobacco products to be banned from sale in Nova Scotia is a crucial step toward preventing youth addiction to tobacco and we applaud its inclusion in Bill 90.

#### **Timeline**

Bill 90 proposes the ban on the sale of flavoured tobacco come into effect May 31, 2015. Given the role that cigarette smoking plays in heart disease and stroke, we are in favour of government working to meet the proposed timeline to implement this legislation, which will make Nova Scotia the first province in Canada to prohibit the sale of menthol.

#### **E-cigarettes and e-juice**

The Heart and Stroke Foundation released a position statement on e-cigarettes in November, 2014. We are pleased that a number of the recommendations outlined in the position statement were addressed in Bill 60, including prohibiting the use of e-cigarettes in public spaces and making it illegal to sell e-cigarettes to minors.

While we appreciate this government's decision to await direction from Health Canada regarding restrictions for e-cigarettes, we will continue to monitor emerging research on the long-term biological effects of their use and advocate for appropriate public policy measures.

Thank you for the opportunity to provide comment on the proposed amendments to the Tobacco Access Act. I welcome the opportunity to provide additional detail on the points contained in this submission, and can be reached by phone at (902) 892-7441 ext: 1200 or via email at [ccomrie@hsfpei.ca](mailto:ccomrie@hsfpei.ca).

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Comrie".

Charlotte Comrie  
CEO, PEI and NS



[www.tricountywomenscentre.org](http://www.tricountywomenscentre.org)

Digby County Outreach  
9 Water Street, PO Box 1291  
Digby, N.S. B0V 1A0  
(902) 245-6866

Yarmouth Office  
12 Cumberland Street  
Yarmouth, N.S. B5A 3K3  
(902) 742-0085

Shelburne County Outreach  
35 King Street, Box 1103  
Shelburne, N.S. B0T 1W0  
(902) 875-4777

Toll Free: 1-877-742-0085 • Fax: (902) 742-6068

April 21, 2015

Office of the Legislative Council  
CIBC Building  
Suite 802, 1809 Barrington Street  
P.O. Box 1116 Halifax NS B3J 2X1

Dear Law Amendments Committee:

I am writing on behalf of the Tri County Women's Centre and the Tri County Women's Health Coalition, to express our full support for the proposed **Bill 90 Law Amendments**, banning all flavoured tobacco.

We are particularly appreciative of the measures in the Bill that will help to prevent smoking amongst youth.

The tobacco industry is very clever in marketing tobacco to be; more palatable by adding flavours, attractive, inexpensive, and harmless. A strong message to counter the industry is needed. Banning all flavoured tobacco, including menthol, is a very progressive and important step in reducing tobacco use. The implementation of Bill 90 on May 31, 2015 will help to do that.

The Women's Centre, and the agencies represented under our Coalition, work with women and their families on a daily basis. As service providers, we know the importance of reducing tobacco consumption as a pathway to a healthy life style. This Bill will help to do that.

Congratulations to the government on Bill 90. We anticipate Law Amendments to fully support Bill 90 as well.

Sincerely:

Bernadette MacDonald

On behalf of the:  
Tri County women's Centre Board and Staff and the  
Tri County Women's Health Coalition



**Antigonish Women's Resource Centre  
& Sexual Assault Service Association**

204 Kirk Place, 219 Main St.  
Antigonish NS B2G 2C1  
Tel: (902) 863-6221  
[www.awrcsasa.ca](http://www.awrcsasa.ca)  
[info@awrcsasa.ca](mailto:info@awrcsasa.ca)

**Central Nova Women's Resource  
Centre**

82 Esplanade St,  
Truro NS B2N 2K3  
Tel: (902) 895-4295  
[www.cnwrc.ca](http://www.cnwrc.ca)  
[cnwrc@eastlink.ca](mailto:cnwrc@eastlink.ca)

**Every Woman's Centre**

21 Trinity Avenue.  
Sydney NS B1P 4Z4  
Tel: (902) 567-1212  
[woman.centre@ns.sympatico.ca](mailto:woman.centre@ns.sympatico.ca)

**LEA Place Women's Resource Centre**

22709 Hwy#7, P.O. Box 245  
Sheet Harbour NS B0J 3B0  
Tel: (902) 885-2668  
[www.leaplace.com](http://www.leaplace.com)  
[leaplace@ns.sympatico.ca](mailto:leaplace@ns.sympatico.ca)

**Pictou County Women's Resource &  
Sexual Assault Centre**

503 S. Frederick St.  
New Glasgow NS B2H 3P3  
Tel: (902) 755-4647  
[www.womenscentre.ca](http://www.womenscentre.ca)  
[pcwc@womenscentre.ca](mailto:pcwc@womenscentre.ca)

**Second Story Women's Centre**

18 Dufferin St. St.  
P.O. Box 821  
Lunenburg NS B0J 2C0  
Tel: (902)640-3044  
[www.secstory.com](http://www.secstory.com)  
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**Strait Area Women's Place**

PO Box 6913  
Port Hawkesbury, NS  
B9A 2W2  
(902) 625-1614  
[straitareawomensplace@gmail.com](mailto:straitareawomensplace@gmail.com)

**The Women's Place Resource Centre**

228 St. George St.  
Annapolis Royal NS B0S 1A0  
Tel: (902) 532-1898  
[www.womensplaceresourcecenter.com](http://www.womensplaceresourcecenter.com)  
[Della@womensplaceresourcecenter.com](mailto:Della@womensplaceresourcecenter.com)

**Tri-County**

**Women's Centre**

12 Cumberland Street  
Yarmouth NS B5A 3K3  
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Toll Free: 1-877-742-0085  
[www.tricountywomenscentre.org](http://www.tricountywomenscentre.org)  
[tcwc@tricountywomenscentre.org](mailto:tcwc@tricountywomenscentre.org)



## Women's Centres Connect

The Provincial Association of Women's Centres  
Mail: 615 B Rocky Lake Drive, Bedford, NS, B4A 2T4  
[www.womenconnect.ca](http://www.womenconnect.ca), [connectns@eastlink.ca](mailto:connectns@eastlink.ca)  
902-449-9820

Office of the Legislative Council  
CIBC Building  
Suite 802, 1809 Barrington Street  
P.O. Box 1116 Halifax NS B3J 2X1

April 21, 2015

Dear Law Amendments Committee:

I am writing on behalf of Women's Centres Connect, and the none Women's Centres across Nova Scotia, to express our full support for the proposed **Bill 90 Law Amendments**, banning all flavoured tobacco.

We are particularly appreciative of the measures in the Bill that will help to prevent smoking amongst youth.

The tobacco industry is very clever in marketing tobacco to be; more palatable by adding flavours, attractive, inexpensive, and harmless. A strong message to counter the industry is needed. Banning all flavoured tobacco, including menthol, is a very progressive and important step in reducing tobacco use. The implementation of Bill 90 on May 31, 2015 will help to do that.

Women's Centres work with women and their families on a daily basis. As service providers, we know the importance of reducing tobacco consumption as a pathway to a healthy life style. This Bill will help to do that.

Congratulations to the government on Bill 90. We anticipate Law Amendments to fully support Bill 90 as well.

Sincerely,

Georgia Barnwell  
Coordinator

*Canada has serious work to do to fulfill the human rights of women.  
Shelagh Day, 2008*



April 21, 2015

Law Amendments Committee  
Office of the Legislative Council  
CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

**RE: Bill 90 Law Amendments**

To whom it may concern,

Public Health in Digby, Shelburne and Yarmouth (tri-counties) serves a population of 57,792; youth aged 0 to 14 years (8,164) make up 14.1% of the population, 65.8% (38,025) are aged 15 to 64 years and 20.1% (11,595) are aged 65 years and over. Although tobacco use has changed in our province, we continue to experience high rates of tobacco use in the tri-counties: 30.1% of those 12 years and older reported that they were smokers compared to 23% for Nova Scotia.

The mission of Public Health is to work with others to understand the health of our communities and to act together to improve health! We believe **Bill 90** is one important component to a comprehensive tobacco strategy to reduce tobacco use and to improve population health.

The amendment to the Tobacco Access Act bans the sale of flavoured tobacco products including menthol. The only exemptions to flavoured products are cigars (5+ grams, cost \$4 or more and are flavoured rum, wine, whisky or port) and e-cigarettes. Government removing flavoured tobacco products from the market will help prevent young people from starting and developing an addiction to tobacco.

Tobacco use continues to be the single most important preventable cause of disease, disability and death.

Public Health supports government passing Bill 90 and implementation of the amendments to the Tobacco Access Act on May 31, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Pothier-Foote".

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Marsha Pothier-Foote  
Acting Public Health Leader

A handwritten signature in black ink, appearing to read "Racheal Surette".

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Racheal Surette  
Healthy Communities Content Lead

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Public Health Services  
Yarmouth Regional Hospital  
4<sup>th</sup> Floor, Building B  
60 Vancouver Street  
Yarmouth, NS B5A 2P5  
Phone (902) 742-7141  
Fax (902) 742-6062

April 22, 2015

Office of the Legislative Council  
CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

Dear Law Amendments Committee:

I'm writing to you on behalf of the College of Dental Hygienists of Nova Scotia (CDHNS) in support of Bill 90, the proposed amendments to Chapter 14 of the *Tobacco Access Act*.

The CDHNS applauds this government for addressing the issue of flavored tobacco products, including menthol, and for wanting to close loopholes that would allow the tobacco industry to exploit our youth. We would also like to praise Minister Glavine for the implementation date of May 31/ 2015, which will make Nova Scotia a leader in tobacco control.

Statistics are showing that a high percentage of youth are choosing flavored tobacco products as their first encounter with tobacco. Experimenting with tobacco products leads to addictions, leading to many health issues. This is very costly to our health care system as well as to the users and their families. Strengthening the *Tobacco Access Act* by banning flavored tobacco products, including menthol, will reduce the number of youth who are seduced by fun, and seemingly harmless, fruit and candy flavored tobacco products and consequently reduce this cost to all.

Oral health care professionals are very aware of the negative effects tobacco products have on the oral cavity. From gum disease to oral cancer, which is one of the deadliest cancers, tobacco products change the state of a person's mouth to make it more susceptible to disease. Tobacco users are very easily identified by their dry, unhealthy mouth. Stains, lesions that won't heal, or worse, oral cancer, are all consequences of tobacco consumption. Oral cancer, which can lead to the loss of the tongue, loss of parts of the face or even loss of life, and was once considered an older person's disease, is increasing among our younger population. The proposed amendments will reduce the number of youth becoming addicted to tobacco products and altering the state of their mouth and their overall health.

The arguments heard from the tobacco industry and its supporters are self-serving and untrue. Protecting people from the tobacco industry is not impinging on their rights. The government has a responsibility to establish strong policies that will promote good health. Just like seatbelts, helmets, speed limits, liquor laws, gun control and so many more regulations, banning any flavors, including menthol, in tobacco products will protect people, especially our youth. As for contraband, research has shown that increasing taxes does not lead to an increase in contraband. The tobacco industry and its supporters would also like to make us believe that banning flavored tobacco product will mean decreased revenue for the province, when in fact, when looking at the long term benefits of a healthier population, this amendment will mean a decrease in health care cost.

CDHNS urges the Nova Scotia government to protect its people, especially our youth, by banning flavored tobacco products, including menthol, and to adhere to the proposed implementation date of May 31-15.

Thank you for your attention to this important matter.

Sincerely,

Paulette Hawksworth, RDH  
College of Dental Hygienists of Nova Scotia

**TOWARDS HONESTY AND INTEGRITY IN GOVERNMENT:  
A REQUEST FOR FAIR AND REASONABLE  
REGULATIONS ON TOBACCO**

**A submission regarding**

**Bill 90 - Tobacco Access Act (amended)  
An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access**

**Presented to:**

**The Law Amendments Committee  
Government of Nova Scotia**

**Presented by:**

*Brigham*  
est. 1906

**Brigham Enterprises Inc.  
288 Judson St, Unit #1  
Toronto, Ontario  
M8Z 5T6**

**April 22, 2015**

## CONTENT

### 1. BRIGHAM SUBMISSION

### 2. ANNEX 1 – Youth Smoking Survey (YSS) GRAPH 2012-2013

Use of various age-restricted or illegal products,  
Among kids in Grades 6 to 12 - Canada 2012-2013.

### 3. ANNEX 2 – Correspondence from Health Canada about YSS

Formal Correspondence from Health Canada regarding Youth Smoking Survey 2012-2013 data (April 9<sup>th</sup>, 2015 Email content – responding to industry stakeholder questions).

## INTRODUCTION

We would like to thank the Law Amendments Committee for the opportunity to provide the government with a written submission regarding Bill 90 - *Tobacco Access Act (amended), An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access*. In support of the statements made in our submission to the Committee, we have provided the following two Annexes:

**ANNEX 1** – Youth Smoking Survey (YSS) GRAPH 2012-2013

**ANNEX 2** – Correspondence from Health Canada about YSS

**Annex 1** provides evidence dispelling the myth that flavoured tobacco products are a “proven gateway” to kids becoming smokers. Arguably, youth interest in and initiation to smoking via flavoured tobacco products is statistically negligible from a tobacco control standpoint.

**Annex 2** provides formal responses from Health Canada – supporting our submission statements. Specifically:

- That the only specific flavour in tobacco known to be “tried” by kids – is Menthol.
- That Health Canada’s research does not identify Brigham’s flavoured tobacco products as being of interest/tried by kids.
- That flavoured cigar products are not a “proven gateway” to youth initiation to smoking. YSS data shows youth initiation to smoking (via flavoured cigars and flavoured little cigars) at only 0.5% and 0.7% respectively (compared to 7.9% for cigarettes).

## ABOUT BRIGHAM ENTERPRISES INC.

- Brigham was founded in 1906 and is headquartered in Toronto.
- In Nova Scotia alone, Brigham works in legitimate and licensed partnerships with over 25 wholesale/retail partners across the province. Our products contribute to the financial well-being and bottom line of hundreds of business throughout Nova Scotia.
- As a specialty tobacco business, Brigham products unquestionably service adult consumers who have a personal interest in and appreciation for pipe tobacco, cigars and flavoured tobacco products in general.
- Brigham and its partners are licensed and regularly inspected companies that have absolutely no interest in selling tobacco products to kids.

Brigham Enterprises Inc. / page 3 of 7

## ABOUT BILL 90

- Government Bill 90 would ban the sale of all flavoured tobacco products in the province – an initiative justified as a way to mitigate youth initiation to tobacco and youth smoking.
- Government Bill 90 would expect such a ban to be implemented as at May 31<sup>st</sup>, 2015 (5 weeks from now).
- Bill 90 finds its foundation and leverage exclusively in Health Canada survey data (i.e. *Youth Smoking Survey (YSS)*). **Health Canada has since formally confirmed to us (see Annex 2) that their Youth Smoking Survey (YSS):**
  - ✓ Does not identify which specific flavours are of interest to kids (aside from Menthol).
  - ✓ Does not identify any of Brigham's flavoured cigars or pipe tobacco as being of interest to kids.
  - ✓ Does not confirm the use of flavoured little cigars as a statistically relevant source of youth initiation to smoking (i.e. only 0.7% of never smokers "tried" a flavoured cigar in the previous 30 days of their survey).

**Bill 90 would nonetheless, in its dangerously blind and broad reach - come to arbitrarily destroy Brigham's historical, legitimate business activities in Nova Scotia – a business which government inspectors regularly confirm services adults.**

**Placing Bill 90 and the government's concern with flavoured tobacco products in perspective, it is worth noting that according to Health Canada's Youth Smoking Survey findings:**

- 41% of high school kids use alcohol
- 29% of high school kids binge drink (alcohol)
- 19% of high school kids use Marijuana
- 5.6% of high school kids use Other Illicit Drugs
- 4.5% of high school kids use tobacco (all products)
- 4% of high school kids use Pharmaceutical Drugs
- 1.8% of high school kids use Cocaine
- 0.7% of high school kids "tried" a flavoured little cigar (never smokers, flavour unknown)
- 0.5% of high school kids "tried" a flavoured cigar (never smokers, flavour unknown)

## ABOUT OUR FLAVOURED TOBACCO PRODUCTS

- Adults in Nova Scotia who smoke have come to expect and enjoy in their chosen tobacco products the same flavours found in their other consumer products of choice.
- Brigham's flavoured tobacco products (cigars and pipe tobacco) are sold in a variety of flavours also found in alcohol products - which are approved for sale, publicly marketed and sold by the Government of Nova Scotia every day. More precisely, the Government of Nova Scotia currently sells the exact same flavours found in our tobacco products (and more) in well over 60 different alcohol products – through 100+ retail stores; 2,100 licensees; and 54 agency stores.
- Brigham's flavoured tobacco products (cigars and pipe tobacco) – are well-established brands and flavours which have serviced legal-age adult-Nova Scotians' for several decades. This fact is easily proven and verifiable through sales records and other professional documentation.
- Brigham's flavoured tobacco products were selling in Nova Scotia long before any Canadian government identified or expressed any concern with any alleged "market-spike" in youth interest in/consumption of flavoured tobacco products (circa mid-2000s).

## REQUEST FOR CONSIDERATION – IN SUPPORT OF GOVERNMENT ACCOUNTABILITY

It remains our hope that the government of Nova Scotia is committed to protecting the rights and freedoms of all Nova Scotians – no matter their lifestyle choices and preferences. It also remains our sincerest hope that the government of Nova Scotia would never knowingly and arbitrarily introduce laws that are not well supported by actual research and expert review.

### 1. Actual review of the survey data leveraging Bill 90

- The government of Nova Scotia should, prior to the passage of any law/prohibition – secure directly from Health Canada an accurate understanding of the survey data that exclusively forms the basis (and purpose) of Bill 90. In keeping with our own responses since received from Health Canada (about their survey data) – we trust the government of Nova Scotia would also find that the allegations/assumptions made about our flavoured tobacco products are grossly unfounded. It is simply not true that kids start to smoke because of flavoured tobacco products.
- At this time, the government of Nova Scotia has but secured third party interpretations of the YSS data from (arguably) extremely biased sources whose mandates are to destroy tobacco companies at any cost (even the truth).

Brigham Enterprises Inc. / page 5 of 7



## 2. Prescribing Brigham's well-established flavoured tobacco products – as exempt under currently proposed law

If no sincere, comprehensive expert public review of Health Canada data is forthcoming - we would ask that our century-old company and its well-established legitimate flavoured tobacco products be immediately exempt from Bill 90's regulatory (tobacco) purge.

The rationale for such a request follows:

- The government's currently proposed ban on flavoured tobacco products is simply too far reaching, unjustified and unwarranted. As written, Bill 90 will come to arbitrarily and without any value to anyone simply destroy legitimate companies and legitimate jobs in Nova Scotia.
- Health Canada's research (i.e. Youth Smoking Survey) – largely the basis and justification for Nova Scotia's proposed ban on flavoured tobacco products – alleges a "market-spike" in youth interest in flavoured tobacco products circa 2007. Brigham's flavoured tobacco products had long been established in Nova Scotia's marketplace – decades prior to this government research (findings) and/or any government concern regarding alleged youth interest in (initiation to) flavoured tobacco products.
- Brigham's flavoured tobacco products in no way target, appeal or entice kids into becoming smokers. There exists no government research, public evidence or proof whatsoever that any of Brigham's products are being consumed by kids. **Health Canada itself has confirmed this (see Annex 2).** \*We could secure more formal evidence from Health Canada, if required.
- Regular government inspections of our retail distributors – clearly confirm that our long established flavoured tobacco products are being sold to adults. Our long-established clientele are unquestionably adult Nova Scotians who have made a personal choice to purchase and consume our flavoured tobacco products. This is part of their chosen lifestyle.
- All Nova Scotian's, despite their personal choices and lifestyle preferences – should be treated with equal respect and consideration by their elected government.

### 3. Reasonable Implementation/Enforcement dates

If no actual review of the research (Health Canada) or exemptions for our legitimate adult-oriented products is forthcoming – we would then respectfully request that any implementation date for any proposed ban consider the commercial realities of our partners in Nova Scotia.

It would be unfair and unreasonable to expect that our wholesale/retail partners in the province liquidate their legitimate inventories within a 5 week timeframe. Under such a scenario, we would suggest that a phase-in period of 9-12 months be granted to industry stakeholders. Such a phase-in period is part and parcel of (historical) best practices within Canadian governments on tobacco-related issues (new regulations).

We thank you for your time in this matter and would of course welcome meeting with you and/or answering any questions you might have regarding our submission, our company or our products.

Regards,

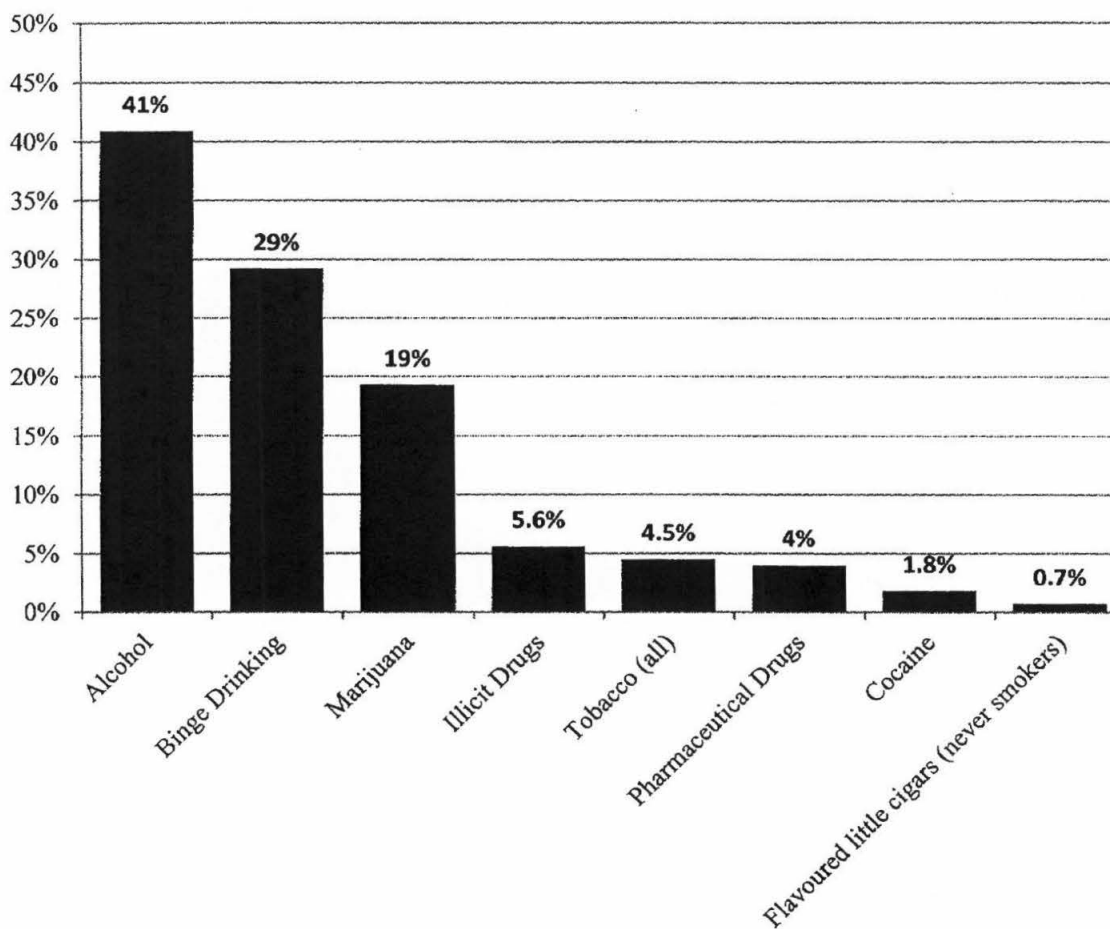


**Daniel W. More**  
**President**  
**Email: [daniel@brigham1906.com](mailto:daniel@brigham1906.com)**

**Brigham Enterprises Inc.**  
288 Judson St, Unit #1 • Toronto • Ontario • M8Z 5T6  
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## ANNEX 1

### Use of various age-restricted or illegal products Among kids in Grades 6 to 12 Canada 2012-2013



Source: Youth Smoking Survey 2012-2013, Health Canada.

**Note:** **Illicit Drugs (any 5)** include: Amphetamines (speed, ice, meth); MDMA (ecstasy, E, X); Hallucinogens (LSD or acid, PCP, magic mushrooms, mesc); Salvia (Divine Sage, Magic Mint, Sally D); Heroin (smack, H, junk, crank); Cocaine (coke, crack, blow, snow). **Psychoactive pharmaceutical drugs** used to get high include: Tranquillizers or Sedatives (tranqs, downers); Stimulants (uppers, bennies) or ADHD treatment; Pain Relievers (such as Percocet, Percodan, Demerol, OxyContin or any pain reliever with codeine). Data on the use of identified drugs are of kids in grades 7 to 12.

## ANNEX 2 - CORRESPONDENCE FROM HEALTH CANADA ABOUT YSS

APRIL 9<sup>TH</sup> 2015 EMAIL RESPONSE (EMAIL CONTENT) SENT BY:

**Mr. Mathew Cook**  
**Manager, Regulations Division**  
**Tobacco Products Regulatory Office**  
**Controlled Substances and Tobacco Directorate**  
**Health Canada**

**Tel.: (613) 954-9632**

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Thank you for your interest in the *Canadian Tobacco Use Monitoring Survey* (CTUMS) and the *Youth Smoking Survey* (YSS). The following is in response to your request for clarification on information collected in the above Health Canada surveys on the use of flavoured little cigars by underage Canadians.

The content of the CTUMS and YSS questionnaires have changed over time. The CTUMS, conducted from 1999 to 2012, and the YSS, conducted from 1994 to 2012/13, focused primarily on tobacco use. In 2013, the above surveys were modified to have a more balanced focus between several issues such as tobacco use and substance use, including alcohol and illicit drug use as well as pharmaceutical drug abuse. The modified surveys were subsequently renamed the *Canadian Tobacco, Alcohol and Drugs Survey* (CTADS, surveying Canadians 15 years of age and older) and the *Canadian Student Tobacco, Alcohol and Drugs Survey* (CSTADS, surveying children in grades 6-12). Both are now conducted every two years. Survey content is reviewed every cycle to ensure that the information collected provides meaningful results or is replaced to collect information on emerging issues.

**In response to your specific questions:**

***Does Health Canada's YSS ask high school kids/respondents - what specific flavoured tobacco products they have tried (i.e. specific brand names like Prime Time, Bullseye, Honey-T, Colts, Old Port, etc.).***?

Regarding the part of your question on whether the surveys collected information on specific flavoured tobacco products, the YSS asked students if they had smoked a menthol cigarette in the 30 days prior to the survey. With respect to questions on specific brand names, YSS (from 1994 to 2010/11) and CTUMS (from 2004 to 2012) allowed the prevalence of menthol cigarette use among youth and young adults to be derived using results of the reported usual cigarette brands containing menthol. Information on specific brands or specific flavoured tobacco products of non-cigarette tobacco products, such as little cigars or cigars, was never collected as part of the YSS.

.../2

***When high school kids/respondents answer "YES" to having tried a flavoured cigar – does the YSS allow the respondents to further qualify their answer by distinguishing between an alcohol flavour versus a fruit flavour?***

The survey collects information on plain tobacco and **any** flavoured tobacco use (e.g.: menthol, cherry, vanilla) for a variety of tobacco products including little cigars and cigars. No further questions were asked to distinguish between the flavours used. It is worth noting that the breakdown of the flavour market for most of the tobacco products is available to Health Canada through sales reports from the industry.

***Is it true that the flavour "Menthol" is the only specific flavour that is being monitored by Health Canada in YSS and/or CTUMS?***

The YSS asked students if they had smoked a menthol cigarette in the 30 days prior to the survey. In addition, prevalence of menthol cigarette use among youth and young adults can be derived using CTUMS results based on usual cigarette brands containing menthol. We confirm that other than menthol cigarettes, information on specific flavour used was not collected by the surveys. Again, it is worth noting that the breakdown of the flavour market for most of the tobacco products is available to Health Canada through sales reports from the industry.

***Is it true that YSS findings confirm "Menthol" as the flavour overwhelmingly being tried by high school (age) kids surveyed (who answered "YES" to having tried a flavoured tobacco product)?***

The survey results confirm that youth, especially current smokers, are reporting using menthol cigarettes. Based on the YSS 2012-2013, 3% of students in grades 6 to 12 reported using menthol cigarettes in the 30 days prior to responding to the survey. Among grades 6 to 12 students who are current smokers, 37% have reported smoking menthol cigarettes in the past 30 days.

That said, among students in grades 6 to 12 who reported having used at least one tobacco product in the past 30 days, one in five (21%, approximately 66,000 youth) reported using menthol cigarettes and 30% (approximately 94,000 youth) reported using flavoured little cigars respectively, in the YSS 2012-2013.

.../3

***Is it true that the most recent YSS findings show that 0.7% of kids who were never smokers, tried a flavoured little cigar product (flavour unknown)? If that statistics is wrong, what is the actual statistic for kids who never smoked before, who tried a flavoured little cigar (during the last 30 days of the YSS cycle)?***

Overall, 15% of students in grades 6-12 have reported using a flavoured tobacco product in their lifetime. We also confirm that, based on the YSS 2012-2013, among students in grades 6-12 who reported having never tried smoking cigarettes, 0.7% reported smoking a flavoured little cigar in the past 30 days. By comparison, 7.9% of students in grades 6 to 12 reported smoking a cigarette in the 30 days preceding the survey.

***Does Health Canada's YSS survey ask high school kids/respondents – why they decided to try a flavoured cigar product (e.g. because of the flavour, because that's what was accessible to them, etc.)?***

The YSS did not examine reasons why a specific flavour was tried. Survey question exploring reasons, attitudes or belief are difficult to administer. It would require an exhaustive list of possible response options and substantial landscape in the questionnaire which is costly to administer.



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Office of the Legislative Counsel  
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April 21, 2015

**Presentation to Law Amendments, Bill 90, Tobacco Access Act (amended) April 22, 2015**

Smoke Free Kings is an award winning community coalition that has been working for more than 25 years to reduce the devastating effect of tobacco on our communities. We have, in particular, worked to protect the health and wellbeing of children and youth. The proposed amendments in Bill 90 will make an enormous difference to this work and we would like to say on the record that the Government has our full and unwavering support for this bill.

Bill 90 represents the most up-to-date, comprehensive tobacco control legislation in the country. Banning flavoured tobacco products will contribute to promoting the health of all Nova Scotians and in particular will protect children and youth. We congratulate the government for the vision and leadership that is represented in these proposed amendments to the Tobacco Access Act.

We have been extremely concerned about proliferation of flavoured tobacco products. Flavoured products, including menthol, are clearly aimed at the youth market. Fruit and candy-flavoured tobacco products as well as menthol cigarettes mask the harsh taste of tobacco and make it easier for youth to become addicted. Menthol allows a person to inhale smoke more deeply and enhances nicotine absorption which increases the related health risks. We know a high percentage of youth who smoke use menthol – this is not an ‘adult’ flavor. One in three NS youth reported using menthol and almost half reported using flavored tobacco. Passing this bill will help protect our young people from addiction, disease and death caused by tobacco industry products.

We continue to be concerned about the role e-cigarettes play in initiating youth smoking behaviour. There continues to be significant uncertainty about this product. We encourage the Government to a precautionary stance and ban flavors from this product as well.

We congratulate the government on Bill 90, banning the sale of flavoured tobacco products and we commend the government’s decision to include menthol.

Thank you

Christina Swetnam, Chair  
Smoke Free Kings





**Western Kings Community Health Board**  
121 Orchard Street, Berwick, N.S. B0P 1E0  
**Phone:** 902-538-7088  
**Email:** [wkchb@nshealth.ca](mailto:wkchb@nshealth.ca)

April 21, 2015

Office of the Legislative Council  
CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

Dear Law Amendments Committee:

The Western Kings Community Health Board shares the vision of the Nova Scotia Health Authority: "Healthy people, healthy communities - for generations".

We support Bill 90. We applaud the banning of flavoured tobacco products including Menthol. As seatbelt laws and bike helmet laws have reduced injuries from trauma, we see this legislation as improving the health of Nova Scotians going forward, by preventing smoking initiation among Nova Scotia Youth. We encourage the government of Nova Scotia to pass Bill 90 and to implement this legislation as stated, effective May 31, 2015.

Community Health Boards in Nova Scotia are committed to working with community to improve the health of the community. We believe that by eliminating the availability of the flavoured tobacco products that the tobacco companies market to youth, including menthol, the youth in our communities will benefit now and in the future by not becoming smokers. Research shows that almost half (48%) of high school students in NS who have used tobacco products in the previous 30 days had used flavoured tobacco products, with more than 34% having used menthol cigarettes. This research also shows that youth that smoke menthol are more likely to continue smoking than non-menthol smokers.

The Government of NS Consultation on Flavoured Products show that 69% of the engaged public are concerned about the availability of flavoured tobacco in Nova Scotia, and 62% support the ban of menthol flavoured tobacco. We commend our legislators on their courage to act on this consultation.



The WKCHB reminds you of the vision for Nova Scotia: "Healthy people, healthy communities – for generations". By passing Bill 90, and with implementation on May 31, 2015, you will reduce the early use of tobacco, and pave the way for this vision to become reality. We are pleased that you are acting now to make changes that will create healthier Nova Scotians and contribute to a more sustainable health care system for generations to come.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Johanna Kwakernaak".

Johanna Kwakernaak, Chair  
Western Kings Community Health Board

JCGK/lg

Cc: Kelly Cull, Canadian Cancer Society, NS; CKCHB; KGCHB; EKCHB; ACHB



Le 22 avril 2015

Office of the Legislative Council

CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

Comité des modifications des lois:

Réseau santé agit à titre de porte-parole du dossier de la santé et du mieux-être au nom de la communauté acadienne et francophone de la Nouvelle-Écosse. Réseau santé du sud-ouest de la Nouvelle-Écosse a pour mission de promouvoir et améliorer l'accessibilité en français aux services de santé et du mieux-être de qualité dans les comtés de Digby, Yarmouth et Shelburne. Selon le recensement de 2006 dans la population (de 57,792) 18,5% ont pour langue maternelle le français. Le taux de tabagisme dans la région (30,1%) est supérieur à celui de la province (23%).

Réseau santé appui le **projet de loi 90** portant sur l'interdiction des produits de tabac aromatisés y compris au menthol en Nouvelle-Écosse. L'entrée en vigueur de ce projet de loi le 31 mai 2015 réduira le taux de consommation des produits de tabac chez les jeunes et contribuera à l'amélioration de la santé de la population.

Le tabagisme constitue la principale cause évitable de maladie, d'incapacité et de décès dans notre société.

Nous vous remercions de votre attention au sujet de cette lettre d'appui et nous vous prions d'agréer nos salutations distinguées.

Pam Robichaud

Présidente, Réseau Santé du Sud-Ouest



Wednesday, April 22, 2015

Office of the Legislative Council  
CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

Dear Law Amendments Committee:

As Medical Officer of Health for Cape Breton, Guysborough and Antigonish areas, I'm writing to offer support for all measures of Bill 90 as it relates to the Tobacco Access Act.

I would like to commend the government for taking these necessary steps to protecting the health of people, specifically youth, living across Nova Scotia. As Medical Officer of Health and a Family Physician, I have seen first-hand the impacts of tobacco in our communities and look forward to the implementation of this legislation on May 31, 2015.

Thank you,

A handwritten signature in black ink that reads "Monika Dutt".

Dr. Monika Dutt, MPH, MD, CCFP, FRCPC  
Medical Officer of Health  
NSHA, Eastern Zone

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**Kingston / Greenwood Community Health Board**

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825-6160 Ext 357

Chair: Daisy J. Dwyer

March 4, 2015

Office of the Legislative Council  
CIBC Building Suite 802  
1809 Barrington St.  
P.O. Box 1116  
Halifax, NS B3J 2X1

Dear Law Amendments Committee,

The Kingston Greenwood Community Health Board would like to express its full support of Bill 90. We strongly support the measures taken by this bill to expand legislation aimed at lessening the level of smoking in our province, in particular the banning of flavored tobacco products including menthol.

Community Health Boards are committed to working to improve the health of our communities and this bill will help prevent addiction, prevent disease and ultimately save lives. We feel the ban on menthol is of critical importance. We know that 48% of youth who smoke use flavored tobacco and 34% smoke menthol. We also know that youth who smoke menthol are more likely to continue smoking.

These actions on the part of your government will make it the most progressive smoking legislation in Canada and places our province at the forefront of prudent tobacco legislation. We feel our communities have given our government a clear mandate and we support the government to move forward in passing this important legislation and we look forward to the implementation of this legislation on May 31, 2015.

In closing, we want to offer our strong support for the introduction and implementation of this historic piece of legislation and offer our thanks and commendation to your government for your prudence, insight and action.

Sincerely,

Daisy J. Dwyer, Chair  
Kingston/Greenwood CHB

Cc: Kelly Cull, Manager of Government and Partner Relations, CCS  
Sheila Levy, Co-Chair Smoke Free Kings

***SFNS strongly supports the ban on the sale of flavoured tobacco products, and commends the government's leadership in including menthol in the ban.***

Smoke-Free Nova Scotia (SFNS) is a coalition of 28 health-related organizations committed to reduced use of tobacco industry products and their harms in Nova Scotia.

For almost 40 years, SFNS has advocated for evidence-based comprehensive tobacco control strategies and legislation in Nova Scotia. SFNS continually reviews emerging evidence. What we will present comes from the most credible sources of tobacco control research, as well as survey data that is the same data used by provincial and national governments to inform decision making.

The proposed legislation coming into on effect May 31, 2015, would once again position Nova Scotia as a leader in public health tobacco control by preventing the addiction, diseases and deaths from the use of tobacco industry products. The legislation is particularly important for our youth, and would also reduce the same negative impacts on adults. As a result, NS would be the first jurisdiction in Canada to implement a menthol ban.

Laws against selling tobacco to minors have not prevented youth from accessing flavoured or traditional tobacco. In the latest report of *Tobacco Use in Canada: Patterns and Trends 2014*, high-school aged Canadians reported that 43% bought cigarettes from a small grocery/convenience store, 26% got them for free from a family member/friend, and 16% bought cigarettes from a gas station.<sup>1</sup>

As health advocates, our primary goals are to prevent youth from starting to use tobacco and to protect the health of all Nova Scotians from the proven risks of tobacco use.

The tobacco industry, its product distributors and local retailers have consistently demonstrated their goal is to derail, weaken or delay any legislation that could lower tobacco sales or financial gains.

This submission provides our evidence for supporting Bill 90, along with comments about exemptions and implementation.

We applaud government for the swift implementation date of May 31, 2015. Given the evidence before us, it is prudent of Government to eliminate access to flavoured tobacco products as soon as possible.

***The ban on the sale of all flavoured tobacco products, including menthol, will protect the health of all Nova Scotians, especially youth and women who often use menthol products.***

The potential impact of Bill 90 on youth is huge. It will reduce the likelihood they will try tobacco products, then transition to regular tobacco use and have to battle their nicotine addiction when they want to quit, usually as adults.

Bill 90 as written will support youth in avoiding the lasting cognitive and behaviour changes nicotine causes in adolescent brain development which includes effects on working memory and attention. They

will also be able to avoid the risks of heart and lung diseases, cancer and early death associated with using tobacco products.

Tobacco is the only legal product that kills 1 of 2 long term users prematurely when used exactly as intended by the manufacturer.

Tobacco is only legal in Canada today because so little was known when new cigarette manufacturing technologies made them widely available. If tobacco products were submitted for approval by Health Canada today, they would never be approved given the evidence about their negative health effects.

Women having babies will benefit as well. More will be able to reduce nicotine exposure from tobacco during fetal development which has lasting adverse effects for the unborn child's brain development and contributes to many adverse outcomes, including preterm birth and stillbirth. Reduced exposure to second-hand tobacco smoke will also reduce the likelihood of babies having:

- Sudden Infant Death Syndrome (SIDS)
- Pneumonia and bronchitis
- Asthma, chronic coughing and wheezing
- Ear infections
- Low birth weight

***The ban on the sale of menthol is especially important to protect our youth.***

Menthol is the most popular flavour among NS youth - 1 in 3 students aged 15-19 who had smoked in the last 30 days reported they smoked menthol (34%) and almost half (48%) used flavoured tobacco products.<sup>ii</sup>

This contrasts sharply with 1 in 25 Canadian adults who smoke reporting they used menthol cigarettes in the 2010-2011 *International Tobacco Control Survey* (PROPEL Centre for Population Health Impact, University of Waterloo). Menthol cigarettes make up 4.5% of the cigarettes sold to adults in Canada.

Another Propel study found Canadian high school students who smoke reported menthol smoked 65% more cigarettes per week than non-menthol smokers (43 versus 26 per week). They were almost three times more likely to report they intended to continue smoking in the next year, compared to students who smoke but did not smoke menthol.<sup>iii</sup>

Tobacco industry internal documents admit that, if menthol cigarettes were banned, some new and experimental smokers would choose **not** to smoke rather than experience the harshness of tobacco smoke from non-menthol products.<sup>iv</sup>

The 2015 a NS Government telephone survey showed Nova Scotians have given Government a clear mandate. They are more likely to support banning flavoured tobacco products than to oppose it:

- 69% are very or somewhat concerned about the availability of flavoured tobacco products in NS
- 62% of Nova Scotians support a ban on menthol flavoured tobacco products.

***Flavoured tobacco is marketed towards children.***

Flavouring tobacco achieves a few important goals for the tobacco industry:

It masks the true harshness of unflavoured tobacco and makes the product more palatable.

It improves the actual taste of a cigarette, cigar or smokeless tobacco.

It makes the first smoking experience more palatable by reducing coughing and irritation.

It encourages experimentation – teens trade products to experiment with different flavourings.

It reduces the perception of harm – assumptions are made that these products are less harmful or addictive than traditional cigarettes.

Flavoured brand extensions – traditional cigarette brands that have created flavoured variations – have boosted sales by almost 10% since the late 1990s.

Cigarillos and cigars are among the most popular flavoured tobacco products used by NS students in grade 6-12 students – 73% smoked flavoured cigarillos and 58% flavoured cigars.<sup>v</sup> They are affordable at less than \$2 each in NS. These products on the market are not captured by current federal and provincial legislation. Their packaging is kid-friendly and resembles products like lip gloss, eye shadow, markers and gum.

***Banning flavoured tobacco products, including menthol, will reduce the number of youth who start to use tobacco and will ultimately lead to reduced tobacco-related diseases, disabilities and death in NS.***

The 2012 Surgeon General report, *Preventing Tobacco Use Among Youth and Young Adults*, emphasizes the following key points regarding flavoured tobacco products, e-cigarettes and the marketing techniques used by industry to promote these products:

- **The use of tobacco products such as cigarettes, cigars and smokeless tobacco that are available in flavours have increased among high school students.**

The cigars preferred most by adolescents and young adults are flavoured (peach, grape, apple, and chocolate).

- **Tobacco manufacturers have used menthol and cherry flavoured smokeless products as part of a 'graduation strategy.'**

These 'low nicotine content' products encourage new users to start with particular products and progress to others with higher levels of nicotine. With many of these flavoured products on the market, smokeless tobacco use has been increasing among adolescents.

- **Mint flavoured smokeless tobacco products play a role in the initiation and maintenance of smokeless tobacco use.**

The majority of first and current use of smokeless tobacco products was flavoured. A significant number of those who started use with unflavoured products eventually switched to flavoured products to sustain use, specifically mint or wintergreen.

- **Is easier for youth to become addicted to nicotine in tobacco products and do so more quickly and with less overall nicotine use compared to adults.**

- **Cigarettes have been researched, designed, and manufactured to increase the likelihood that initiation will lead to dependence and difficulty stopping use due to:**

- contents and emissions in addition to nicotine (e.g., ammonia compounds and menthol);
- design features that may increase nicotine [uptake]and produce larger puffs (filter-tip ventilation);
- and other factors that reduce the concerns for smokers and increase the attractiveness of the products, [such as appealing flavourings and aromas].

- **The addiction caused by the nicotine is critical in the transition of smokers from experimentation to sustained smoking, and continued smoking for the majority of smokers who want to quit.**

Smoking typically begins with experimental use of cigarettes and the transition to regular smoking can occur relatively quickly with the smoking of as few as 100 cigarettes.

- **Advertising and promotional activities by tobacco companies have been shown to cause the onset and continuation of smoking among adolescents and young adults.**

Cigarette smoking by youth and young adults has immediate adverse health consequences (including addiction), accelerates the impairment of the respiratory and cardiovascular systems and many long-term diseases associated with smoking (such as lung cancer) that are more likely among those who begin to smoke earlier in life.

- **Prevention must focus on both adolescents and young adults because for adults who become daily smokers, nearly all (88%) first use cigarettes 18, with 99% of first use by age 26.**

Informed choice for adults is an element of this Bill. However, given that 4 in 5 adult smokers begin smoking as teens, and that most teens cite peer influence or “fitting in” as the primary influences for smoking, young people are rarely making an informed choice.

[With regard to use of menthol and other flavoured tobacco products by women and youth,] the evidence is sufficient to infer that nicotine exposure during fetal development has lasting adverse



consequences for the unborn child's brain development and contributes to multiple adverse outcomes such as preterm delivery and stillbirth.

The evidence is suggestive that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development including effects on working memory and attention. The potential long-term cognitive effects of exposure to nicotine in this age group are of great concern.

The evidence is already sufficient to provide appropriately cautious messages to pregnant women, and women of reproductive age, and adolescents about the use of nicotine-containing products as alternatives to smoking [tobacco], such as smokeless tobacco and electronic cigarettes, and newer forms of nicotine-containing tobacco products.

With 99% of all first use of tobacco occurring by age 26, youth and young adults tobacco-free will mean very few people will begin to smoke or use smokeless tobacco products.

Preventing youth from starting to use tobacco is the primary goal of banning the sale of all flavoured tobacco products, especially menthol, in Nova Scotia.

Fewer people starting to use tobacco products will ultimately lead to reduced tobacco-related disease, disability and death along with all the associated economic, personal and societal costs in NS.

***Bill 90 has the potential to generate significant economic savings and improved health.***

*The Cost of Tobacco Use In Nova Scotia* (GPI Atlantic, 2007) report commissioned by the 2007 NS government, showed smoking tobacco and exposure to second-hand tobacco smoke killed approximately 1,748 Nova Scotians per year. This accounts for 1 in 5 of all deaths in the province (21%).

The GPI report showed tobacco use also adds a significant cost burden to the Nova Scotian economy. In 2007, tobacco resulted in \$171.3 million in direct health care costs and an additional \$526 million in indirect costs (productivity losses due to long and short-term disability and premature mortality).

When additional costs such as prevention and research costs and losses due to fires are added, smoking costs the Nova Scotia economy an estimated \$943.8 million a year, or more than \$1,000 for every person in the province.

Some \$538 million, or 57% of the total cost of tobacco use in Nova Scotia is paid for by society. This is far greater than the potential \$18 million in losses from Bill 90 publicized by the Atlantic Convenience Store Association or the \$5 million dollars projected by the Government. In these times of budget constraint, the millions of dollars saved and improved health among our population resulting from Bill 90 will support a more vibrant economy and a healthier Nova Scotia.

Nova Scotia's comprehensive Tobacco Strategy (2011) supports the implementation of a wide range of tobacco reduction interventions based on proven best practices, including:

Action 4.1 c) to support new public health tobacco control measures to prevent tobacco manufacturers from being able to attract new users and retain existing smokers.

Bill 90 with its May 31<sup>st</sup> implementation date is one of these public health measures.

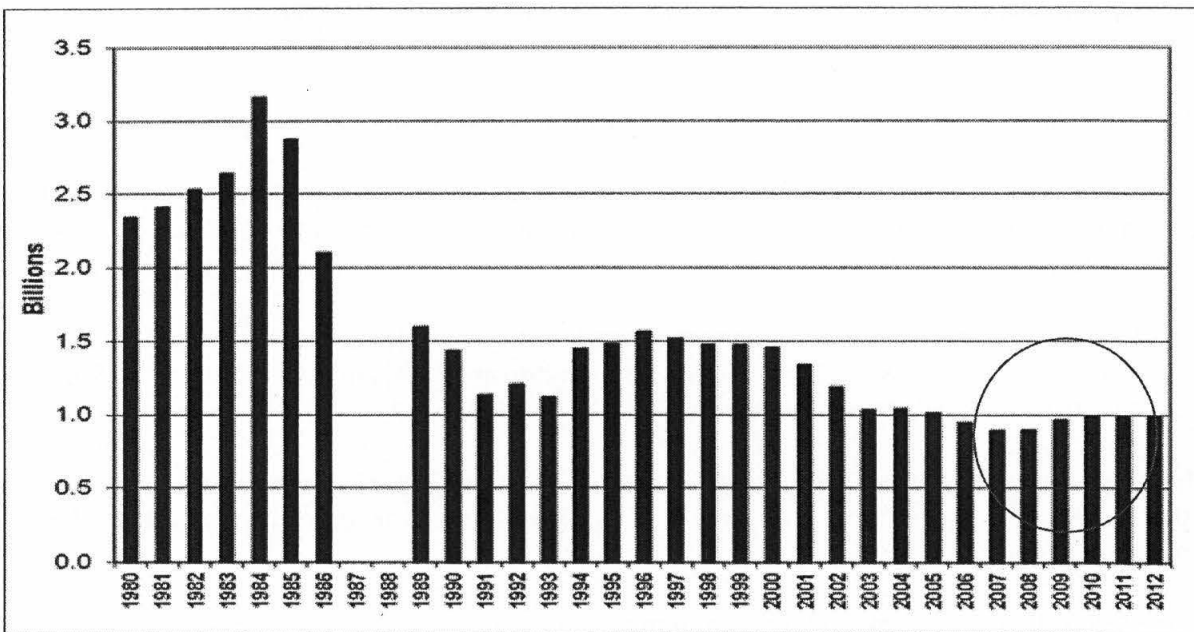
**Evidence-based legislation in NS has not reduced the sale of legal cigarettes contrary to retailer fears about increased contraband.**

Service Nova Scotia reports contraband tobacco has dropped significantly in recent years to 5-10%.

You can see in the graph below depicting the Health Canada Wholesale Sales Data for *Cigarette and Fine-Cut Sales in Nova Scotia 1980-2013*, sales of legal tobacco in NS were not reduced despite a significant tobacco tax increase in 2009. This was counter to predictions by the tobacco industry and the Atlantic Convenience Stores Association who opposed the tax increase. Increased tobacco price has been demonstrated to reduce initiation and tobacco use by youth as they are particularly price sensitive.

These groups also opposed the NS legislation to ban point of sale tobacco product displays and promotions, another measure primarily focused on reduced youth initiation of tobacco use.

#### **Cigarette Sales in Nova Scotia 1980-2012**



Source: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/indust/sales-ventes/ns-eng.php>

**It is important to maintain the May 31, 2015 implementation date.**

Delays will allow more youth to experiment with flavoured tobacco products that seem appealing and are perceived as less harmful than conventional tobacco. As a result, fewer tobacco users may be motivated to quit smoking.

In the 2010-2011 *International Tobacco Control Survey* (PROPEL Centre for Population Health Impact), **35% of Canadian menthol smokers of all ages said they would quit smoking entirely if menthol cigarettes were not available.** Another 40% said they would switch to another tobacco product and 21% did not know what they would do.

### ***Comments on the Exemptions in Bill 90***

**The flavoured cigar exemption:** SFNS recommends no flavour exemption be allowed. If the exemption remains, the cigar price, weight and flavours limits specified in the current exemption make it is unlikely that these would be appealing 'starter' tobacco products for youth. We recommend tobacco companies be prohibited from combining other flavours with the rum, whiskey, port and wine flavourings to mimic alcohol drinks such as rum and coke.

**The e-cigarettes and e-juice exemption:** Canadian youth are now using e-cigarettes in significant numbers. The Canadian Tobacco, Alcohol and Drugs survey reports that 9% of Canadians aged 15 years and older have ever tried an e-cigarette. However, 20% of youth aged 15-19 and 20% of young adults aged 20-24 have ever tried an e-cigarette.

The NS Government telephone survey reported that the majority (70%) of Nova Scotians are "very" or "somewhat" concerned about the availability of flavoured e-juice in Nova Scotia.

Currently, e-cigarettes and juice are unregulated products. It is unknown how safe e-cigarettes are because they have not been in widespread use long enough for scientific assessment of their long-term biological effects and effectiveness to help people stop smoking tobacco. The research about these products is emerging almost daily.

SFNS will continue to bring forward evidence about these products as it becomes available to inform public health decisions based on scientific evidence.

***E-cigarettes and e-juice will remain an advocacy priority for SFNS, but today we applaud what is currently the most progressive legislation in Canada to protect the health of our youth from flavoured tobacco products.***

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<sup>i</sup> Propel Centre for Population Health Impact – University of Waterloo. Tobacco Use in Canada: Patterns and Trends 2014 Edition. [http://www.mantrains.ca/assets/tobaccouseincanada\\_2014.pdf](http://www.mantrains.ca/assets/tobaccouseincanada_2014.pdf)

<sup>ii</sup> 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. Retrieved from [https://uwaterloo.ca/canadian-student-tobacco-alcohol-drugs-survey/sites/ca.canadian-student-tobacco-alcohol-drugs-survey/files/uploads/files/yss12\\_flavoured\\_tobacco\\_use\\_20140910.pdf](https://uwaterloo.ca/canadian-student-tobacco-alcohol-drugs-survey/sites/ca.canadian-student-tobacco-alcohol-drugs-survey/files/uploads/files/yss12_flavoured_tobacco_use_20140910.pdf)

<sup>iii</sup> Propel Centre for Population Health Impact –University of Waterloo. Smoking intensity and intent to continue smoking among menthol and non-menthol adolescent smokers in Canada <https://uwaterloo.ca/news/news/menthol-cigarettes-linked-increased-smoking-among-teens>

<sup>iv</sup> Yerger, Valerie B, McCandless, Phyllis M. *Menthol sensory qualities and smoking topography: a review of tobacco industry documents.* Tobacco Control 2011; 20 ii37-ii43.

<sup>v</sup> Propel Centre for Population Health Impact – University of Waterloo. Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2010/2011 Youth Smoking Survey. <https://uwaterloo.ca/propel/news/flavoured-tobacco-big-issue-canadian-youth>

## Nova Scotia Law Amendments Committee

re: amendments to Tobacco Access Act

Dr. Leia Minaker, Scientist and Assistant Research Professor, Propel  
Centre for Population Health Impact, University of Waterloo

22 April 2015

Good afternoon and thank you for allowing me to share my research with you today.

I am an Assistant Research Professor at the Propel Centre at the University of Waterloo. I hold a PhD in public health and for the last several years have been working closely with the Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS), a national school-based survey administered by Propel, where I work. CSTADS is funded and overseen by Health Canada and is coordinated by Dr. Steve Manske, my Propel colleague. CSTADS is the largest survey on Canadian youth smoking and provides the most scientifically sound and up-to-date evidence on youth tobacco use in Canada. The CSTADS project itself receives no oversight nor funding from the Canadian Cancer Society. The Propel Centre does receive support from the Canadian Cancer Society Research Institute through a major program grant. In 2012/2013, the CSTADS team, with help from two of Canada's leading statisticians (Drs. Matthias Schonlau and K. Steve Brown) who have over 40 years combined experience in statistics and survey design, randomly selected and recruited 27 Nova Scotia schools. Over 4,600 Nova Scotia students in grades 6-10 participated. The information you have received to date about the percentage of Nova Scotia youth who use flavoured tobacco came directly from these 4,600 participants.

Today I'll tell you why data we gathered and indeed, evidence from around the world, strongly supports Bill 90, and especially the proposed menthol ban. We hear a lot about candy and fruit flavoured tobacco, but menthol is by far the most popular tobacco flavour among Nova Scotia youth. Of the 3,600 Nova Scotia youth who use flavoured tobacco, fully half of them – 1,800 – them use menthol cigarettes! In simple terms: banning flavoured tobacco without banning menthol is like banning soda pop but allowing Coke and Pepsi.

As you know, the latest CSTADS data from 2012/2013 show that 48% of grades 9-12 tobacco users in Nova Scotia use flavoured tobacco products. About a third (34%) of Nova Scotia grades 9-12 smokers report currently smoking menthol – and these are cautious estimates – likely the actual percentages are even higher. Unfortunately, our youth bear an unequal burden in these flavoured products. In Canada, while just one in 20 adult smokers use menthol, almost one in three youth who smoke use menthol cigarettes.

You might ask whether most of the kids using flavoured tobacco are just casual users. But many of those “just casual users” will become addicted to nicotine. In the definitive Canadian study, over 4.5 years of follow-up, one third of novice smokers converted to tobacco dependence. This evidence suggests that a third of Nova Scotia youth who are novice tobacco users right now will become addicted to nicotine. Flavours – especially menthol – make it easier for them to start. And use of menthol cigarettes is even higher among daily smokers at 43% than all users (29%) in our high school sample. I’ll also repeat that other research shows that one of three novice smokers becomes addicted.

The tobacco industry and the organizations it funds, like Convenience Store Associations, has criticized our use of the “last 30 day” measure to categorize “current” smokers. In fact, asking people, including youth, about what kinds of tobacco products they used in the last 30 days is a standard research protocol for categorizing “current users” as different from people who may have only tried a product once in the distant past.

You may have heard that there is no conclusive association between menthol smoking and smoking initiation or addiction in Canada. We recently published a study showing that Canadian kids who report currently smoking menthol smoke about two cigarettes per day more than kids who don’t smoke menthols. Menthol smokers are also more likely to report that they intend to continue smoking compared to kids who don’t smoke menthols. Critics may say, however, that because CSTADS is cross-sectional, that is – takes a snapshot in time – we don’t know for sure whether the Nova Scotia kids who completed our survey started smoking with menthols and we unfortunately don’t know how frequently they smoke menthol compared to regular cigarettes. This, in fact, is technically true. But – and I cannot stress this enough – from the existing evidence, it is very clear



that the tobacco industry market segmentation policy aimed at young and inexperienced smokers leans heavily on menthol.<sup>1-5</sup> Youth from all walks of life and from many countries are more likely to experiment with menthol cigarettes than with non-menthol cigarettes,<sup>6-10</sup> in part because menthol provides a cooling sensation and makes it easier to inhale cigarette smoke more deeply. Menthol cigarettes are just as harmful as regular cigarettes, even though many people perceive them to be less harmful than regular cigarettes.<sup>11,12</sup> Finally – many studies have found that menthol cigarette use increases nicotine addiction<sup>6,7,9,13</sup> and actually makes it harder for smokers to quit smoking.<sup>14</sup> True, these studies were not conducted in Nova Scotia. But it would be irresponsible to ignore the solid evidence that menthol increases smoking initiation and nicotine addiction. Are Nova Scotia youth really so different from every other population in the world where these studies were conducted that they need their own study to prove what we already know?

Finally, you have heard the argument that banning flavours will increase contraband. There are no good data on contraband – this is part of the challenge of measuring the black market. But instead of throwing out another wild speculation of what *could* happen, I'd like to focus on the fact that our survey showed that 46% of Nova Scotia youth who usually buy tobacco actually report usually buying cigarettes from stores rather than buying them from friends or other people. It seems there is still a long way to go before retailers themselves are not selling to kids, regardless of the contraband market.

Here is my message: Congratulations, Nova Scotia, on being Canadian leaders in banning on all tobacco flavours. Thank you for recognizing that products that kill when used as directed should not taste good. I look forward to World No Tobacco Day next month to watch Nova Scotia set the example for other Canadian provinces when Bill 90 is implemented.

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Good afternoon Madam Chair and members of the Law Amendments Committee. My name is Anne Kothawala and I am president of the National Convenience Stores Distributors Association, or NACDA. NACDA is a national not-for-profit industry association representing Canada's large and small wholesale distributors to the convenience store industry. NACDA's mission is to foster an environment that allows the convenience store distribution industry to prosper.

First, I would like to commend the government for its commitment to reducing tobacco use among underage youth. Like our partners in the convenience store market, distributors share these objectives. As a mother of 2 boys, I share them as well.

It is illegal for underage youth to purchase tobacco products, and distributors have worked closely with our private and public sector partners to support this important public policy goal. We believe it is important to focus on this issue, rather than create legislation that not only does not "fix" the problem, but will create unintended consequences that could actually increase the access of youth to illegal tobacco products.

As a result, I must express the concern of our association members over the plan to ban the sale of flavoured tobacco products. I wish to raise several key points which I believe have been overlooked in the debate over this issue.

We must emphasize an essential problem with a complete ban: previous experience shows that a complete ban will result in the illegal sale of these products on the black market. Our distributors and our retailer partners want to remind the Government that we are an important part of the solution in preventing youth access to tobacco products. The same cannot be said for the criminals who sell illegal, contraband tobacco products as they sell to anyone who is willing to buy.

We are concerned that a product ban will fuel this existing illegal market in our province, and negate the intent of the bans. The unintended consequence of product bans is best evidenced by the results of the federal government's ban on little cigars. The RCMP saw a nearly 800% increase in the number of little cigars seized following the implementation of the ban in 2010.



It is essential to underscore with the Committee the scope of the illegal market. For example, in the case of menthol cigarettes, there are literally 32 different brands that are being produced and sold in the black market. You can bet some of these businesses, if you can call them that, are in the midst of working on business growth plans and they are grateful to government for driving sales to their illegal channel. They won't discriminate on who they sell to, in fact, they will target youth, and government won't get the revenue. This is a lose lose proposition in our view.

The other channel that this move will incent is somewhat more legal and that is cross border. If government thinks that menthol smokers won't be buying menthol cigarettes from New Brunswick in big quantities they are not appreciating the lengths to which these smokers will go to get their product. Nova Scotia will still have to deal with the health costs while losing the tax revenues to your neighbouring provinces and the illegal market.

It is also important to understand that our members are wholesalers of a wide variety of tobacco products. We have always advocated for the responsible retailing of tobacco products to adults by licensed vendors with no exceptions. An across the board and outright flavor ban doesn't recognize or reflect the fact that both within the tobacco category and the flavoured category, not all products are created equal.

It is unfortunate that groups in favour of a ban have been using statistics from the Propel report to suggest that youth smokers have been using flavoured tobacco products in far greater numbers than is actually the case. This is not only completely wrong, but a grossly inappropriate basis upon which to create legislation that will damage legitimate businesses employing thousands of Nova Scotians. Teenage smoking has continued to decline, and statistics show that if a high school kid is not already a smoker - there is almost zero chance that he will "try" a flavoured tobacco product. Unlike the flavoured alcoholic drinks market, the presence of flavours in tobacco products is not relevant enough to entice kids into becoming smokers.

We have always been fully supportive of removing from the market products such as candy-flavoured mini-cigars and wraps that clearly appear to be targeting minors.

We are confused, however, by plans to ban decades-old products such as pipe tobacco, wine, port and whisky flavoured cigarillos, menthol, and a variety of smokeless products. We know

that adults are the target market for these products and that adults are the vast majority of consumers of these products.

In fact, we know that the government must agree with the fact that menthol and mint products are adult products. When the government first introduced the idea of a flavour ban the Minister said that menthol would be exempt as it was an adult flavour.

I'm sure it would come as no surprise to you when I say that our industry was shocked at the severity of the flavoured tobacco ban that has been introduced. We firmly believe that any legislation that impacts the sale of legal tobacco must be complemented by deterrence and enforcement measures to address the illegal tobacco trade. 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".

Distributors will now face a double whammy as they will no longer be able to distribute these banned products through legitimate channels they also face competition from vape shops that are selling illegal nicotine e-cigarettes. In punting the responsibility to legislate e cigarettes to the federal government, our industry is left in an untenable situation competing against traffickers and vape shops, being penalized for being law abiding.

I bring these points to your attention, but the main purpose of my presence here today is to discuss the current effective date of May 31<sup>st</sup> that the flavour ban will take effect.

On what amounts to a moment's notice, a number of wholesale distributors and retailers will face significant financial challenges. Inventory in the wholesale and retail channels – product that has been paid for – must be cleared. Jobs will be lost among wholesale businesses and that's not fair to hardworking individuals who are selling legal product to retailers.

As you can well appreciate, flavoured tobacco products do not magically appear on retail shelves. Many of these products are imported with meaningful lead times, and the fact that a number of these products have long shelf lives gives the wholesaler economies of scale through bulk purchasing.

Flavoured tobacco is a niche part of the tobacco category. As such, turnover is slow relative to purchase quantities and inventory-on-hand. It is not practical to redirect product with a Nova Scotia excise stamp to other jurisdictions and it is our professional opinion based on years of

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experience distributing tobacco products that the flavoured tobacco product channel in Nova Scotia cannot be adequately cleared in 40 days.

The consequence of this is that wholesalers and retailers face the real risk of holding banned inventory on May 31<sup>st</sup> and will have no option but to dispose of that product at a financial cost. All those costs are borne by us.

I'm sure you will agree that this outcome is not what government intends or desires. A move by the European Union last year to ban menthol tobacco products would not take effect until 2020. If Ontario moves ahead with its flavour ban, it will not take effect for two years in order to give the industry adequate opportunity to clear the channel and adjust business operations.

Ideally we are in favour of a 2-year effective date. At a minimum, we urge that the effective date be the end of December of this year.

We strongly believe that the passage of Bill 90 as it currently stands will lead to a perfect storm. It will drive sales to the illegal market and cross border market, create lost tax revenue for government, result in increased access for youth, since criminals don't ask for ID, and unduly harm responsible law abiding businesses and adult flavoured tobacco consumers. Will encourage and incent more lines of illegal and legal channels through cross border

Thank you and I'd be happy to take any questions you have.



**BRITISH AMERICAN  
TOBACCO  
CANADA**

**Imperial Tobacco Canada**

**Written Submission**

*Bill 90, An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*

April 22, 2015

On behalf of Imperial Tobacco Canada Ltd. (ITCAN), thank you for the opportunity to comment on Bill 90, *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*. While we support the intent of the legislation, which is to keep tobacco products out of the hands of youth, we have concerns about its scope, its implications for the Province's thriving illegal tobacco trade, and its timeline for implementation.

We will argue that menthol cigarettes should not be included in the proposed flavoured tobacco ban, for the same reason that other provinces and the Federal Government have exempted these and other traditional products that appeal to adult consumers. There is no study demonstrating that menthol is the cause of youth smoking. The real issue is youth access to any tobacco products – flavoured or not, contraband or legal – which is not addressed in Bill 90. Finally, the May 31 implementation deadline is unrealistic as it doesn't allow time for the depletion of product and material inventories.

#### **About Imperial Tobacco Canada Limited (ITCAN)**

Established in 1908, ITCAN is Canada's leading tobacco company, offering brands like du MAURIER, Player's, Peter Jackson and Vogue to over five million adult Canadians who choose to smoke. ITCAN is headquartered in Montreal and employs 550 people across Canada.

ITCAN is dedicated to conducting its business responsibly, in a manner that meets society's expectations of a 21<sup>st</sup> century tobacco company. ITCAN recognizes the health risks associated with tobacco consumption and believes underage people should not consume tobacco products.

#### **Flavoured Tobacco Products**

Our company has supported past efforts to ban flavoured tobacco products, both federally and at the provincial level. Our company does not make any flavoured tobacco products other than menthol cigarettes. We voluntarily elected to not manufacture products with candy, fruity or confectionary flavouring long before Governments started to regulate in this area. That is based on our belief that young people should not smoke. In fact, we believe that those who have put these flavoured tobacco products into the market in recent years have done a disservice to the industry.

Therefore, to be clear, we support a ban on candy, fruity and confectionary flavoured tobacco products, provided it is enforced on all manufacturers and retailers and that traditional products are exempt.

However, the tobacco control community has been requesting a ban on menthol cigarettes, arguing those should be included in any flavour bans. We appeal to the Committee to distinguish between products that appear designed, packaged and priced to appeal to youth, versus traditional products catering to an adult demographic, like menthol cigarettes, that have been sold in Ontario for over 80 years.

Candy, fruity and confectionary flavoured tobacco products fall under a completely different legislative, regulatory and tax structure than menthol cigarettes. For example, menthol cigarettes are only sold in legally-mandated package sizes of at least 20 cigarettes, which puts them at a significantly higher price point than other flavoured tobacco products that may be sold individually or in small packages.

Notwithstanding what you may have heard, notably from the tobacco control community, the scientific weight of evidence does not support the conclusion that menthol cigarettes are more addictive than non-menthol, that menthol draws youth to smoking, or that a menthol ban would have an impact on youth smoking rates. No cause-and-effect relationship has been established and to suggest otherwise is misleading. Furthermore, independent market data from GFK confirms that menthol is more popular with smokers over 30 years old,<sup>1</sup> which contradicts suggestions that it is a tobacco product preferred by youth.

It is also worth noting that menthol cigarettes have been sold in Canada since 1934 whereas there has been an explosion of candy, fruity and confectionary flavoured tobacco products since 2001. In fact, menthol use has been declining for decades whereas the use of other flavoured products increased eight-fold between 2001 and 2007.<sup>2</sup>

We must also mention the Province's *Tax and Regulatory Review*, which our company was strongly encouraged to take part in by your Government, which we did in good faith. That report included a lengthy section on smart regulation and evidence-based decisions. One of the recommendations stated that "[R]egulatory decisions must be based on the best available data, analysis and testing rather than ideological or emotional reaction to events or incidents."

To that end, smart regulation has to be developed in consultation with the entities being regulated, and with due recognition for its negative unintended consequences. However, we were barred from the consultation process on Bill 90 and this is a clear example of legislating based on emotion rather than evidence, suggesting the whole Review was a sham.

Finally, there is a question of scale and focus here. The tobacco control community would have you believe that youth smoking rates are skyrocketing, when in reality Health Canada's Youth Smoking Survey found that 4% of students in grades 6 to 12 were current smokers (which we feel is still too high).<sup>3</sup> In fact, Canada's overall smoking rate is at an all-time low.<sup>4</sup>

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<sup>1</sup> General consumer survey: GFK dynamics 52 weeks rolling ending December 2012.

<sup>2</sup> See <http://www.heartandstroke.com/site/apps/nlnet/content2.aspx?c=ikIQLcMWJtE&b=3485819&ct=7034215&printmode=1>

<sup>3</sup> See [http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/\\_survey-sondage\\_2012-2013/result-eng.php](http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/_survey-sondage_2012-2013/result-eng.php)

<sup>4</sup> <http://www.theglobeandmail.com/news/national/smoking-among-canadians-at-all-time-low-survey-finds/article22761692/>

Conversely, youth use of other substances is exponentially higher. According to the Youth Smoking Survey, 41% of youth report alcohol use and 19% marijuana,<sup>5</sup> yet Government controlled retail outlets sell an incredible array of flavoured alcohol products (including candy, fruit and confectionary flavoured products) and some are even considering legalization of marijuana. If the Government's position is that flavours are appealing to youth, then we look forward to implementation of a flavoured alcohol ban in Nova Scotia as well.

### Precedents for Exemptions

It is common practice for governments that have banned flavoured tobacco products to exempt certain flavours.

- Federal restrictions on flavoured tobacco products exempt menthol as well as wine, port, whisky and rum flavours "to limit the impact of the proposed Order on adult choice;"<sup>6</sup>
- Manitoba's flavoured tobacco legislation (Bill 52) "does not include snuff, chewing tobacco or a menthol tobacco product;"<sup>7</sup>
- Alberta's flavoured tobacco ban exempts cigars that have a retail price of more than \$4 per unit and weigh 5 grams or more, pipe tobacco and "tobacco products that impart a clearly noticeable smell or taste of menthol and do not also impart another characterizing flavour."<sup>8</sup>

Even Nova Scotia recognized that certain flavours should be exempt when a previous version of this Bill was introduced (Bill 60). The Government planned to exempt menthol cigarettes under Bill 60.<sup>9</sup> The Minister stated in the Legislature on October 28 (emphasis added):

*Through this bill, we are amending our provincial Tobacco Access Act to ban the sale of flavoured tobacco in Nova Scotia. We plan to exempt menthol because it has been on the market for decades and it's not marketed to youth. Our concern is with the explosion of candy-flavoured tobacco that is clearly being marketed to young people in an effort to get a whole new generation addicted to smoking, addicted to nicotine. Other jurisdictions have also chosen to exempt menthol and to focus on candy flavours that lure youth to try smoking.*

Other than a campaign of misinformation about menthol cigarettes from the tobacco control community, what has changed since all these precedents were established?

<sup>5</sup> See [http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/\\_survey-sondage\\_2012-2013/result-eng.php](http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/_survey-sondage_2012-2013/result-eng.php)

<sup>6</sup> See <http://www.hc-sc.gc.ca/hc-ps/consult/tobaccoflavoured-tabacaromatisant-eng.php>

<sup>7</sup> See <http://web2.gov.mb.ca/bills/40-3/pdf/b052.pdf>

<sup>8</sup> See [http://www.gp.alberta.ca/documents/orders/orders\\_in\\_council/2014/1114/2014\\_436.html](http://www.gp.alberta.ca/documents/orders/orders_in_council/2014/1114/2014_436.html)

<sup>9</sup> See <http://novascotia.ca/news/release/?id=20141024003>



### **Realities of Contraband Tobacco**

It is impossible to look at any new tobacco control measure without taking into account Nova Scotia's contraband tobacco trade. The latest data from the Atlantic Convenience Stores Association (ACSA) for Nova Scotia, released last summer, found a 40% increase in contraband tobacco levels since 2013 – from 14% to 20%.<sup>10</sup> The ACSA estimates the Province loses \$54 million in tax revenue annually to contraband tobacco.

It is also interesting to note that the December 2014 fiscal update showed tobacco tax revenue \$15 million lower (6.7%) than projected – the largest shortfall for any of the Province's revenue projections.<sup>11</sup> The update attempted to explain that as being the result of lower cigarette consumption, but that would only take into consideration legal sales. Another possible and highly plausible cause, however, is that consumers are switching to illegal tobacco products in even larger numbers than the Province anticipated.

Therefore, given Nova Scotia's contraband realities, the Government's decision to ban all flavoured tobacco products – including menthol cigarettes – will in all likelihood be counterproductive. While ITCAN supports a ban on candy, fruity and confectionary flavoured tobacco products, banning other traditional tobacco flavours, such as menthol, when contraband is so rampant simply hands a monopoly thereon to the illegal operators.

In effect, sales shift from a legal, taxed and regulated market to one that is illegal, unregulated and untaxed and that is also far more accessible to youth. Perhaps in anticipation of this, there has been a marked increase in the number of illegal menthol brands available. **We are now aware of at least 35 contraband menthol cigarette brands in Canada, which is approximately double the number of legal ones (see enclosed photos).** Most of these are produced on First Nations reserves. As evidenced by the photos, these menthol products retail for as little as \$3 per pack (versus upwards of \$11 for a pack on which all taxes have been paid).

These illegal menthol cigarettes are sold without regulation, without proof of age and with no provincial taxes paid – and they will likely flood the Nova Scotia market if legal menthol cigarettes are banned. At roughly 5% of the legal tobacco product sales, shifting menthol sales to the illegal market would cost Nova Scotia an additional \$11-12 million in lost tax revenue (based on tobacco tax projections for 2014-15). That is in addition to the \$54 million in tax revenue Nova Scotia is already losing every year to the illegal trade.

Looking at the above from another perspective, Bill 90 is likely to be seen as a “get rich quick scheme” by the organized crime groups that control the illegal tobacco trade, as demonstrated in recent Canadian history. For example, within weeks of the original ban on flavoured little cigars and cigarillos at the Federal level in 2009, those products were turning up in First Nations smoke shacks.<sup>12</sup> Worse still, it was quickly revealed that those smoke shacks were selling those products to youth.<sup>13</sup>

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<sup>10</sup> *More Nova Scotians firing up illegal smokes, study finds, Halifax Chronicle-Herald, July 30, 2014*

<sup>11</sup> See [http://www.novascotia.ca/finance/site-finance/media/finance/Forecast\\_Update\\_Dec\\_2014.pdf](http://www.novascotia.ca/finance/site-finance/media/finance/Forecast_Update_Dec_2014.pdf)

<sup>12</sup> *Ottawa's fruit flavored tobacco bomb, National Post*, November 17, 2009

<sup>13</sup> *See Le Journal de Montreal, September 22, 2009*

### **Youth Access**

While we must again clearly state that we support a ban on candy, fruity and confectionary flavoured tobacco products, we hope that these measures do not distract from the real issue, which is that young people should not have access to any tobacco products, whether flavoured or not.

Data from Health Canada's Youth Smoking Survey shows that upwards of 75% of youth from grades 6-12 get tobacco products from social sources, meaning family and friends. If the goal is truly to eradicate youth smoking, it is respectfully submitted that this is where the focus should lie. Retailers are already banned from selling tobacco products to youth under 19 and adults should be reminded of the importance of not supplying them to those below legal age, perhaps with harsher penalties.

Ultimately, we believe that education and targeted measures focused on at-risk populations are the best means to address youth smoking, in addition to decisive action to address Nova Scotia's contraband tobacco crisis. We remain open to a dialogue on achieving those goals.

### **Implementation Timeline**

If the Government chooses to ignore the available evidence and the obvious implications for contraband tobacco in Nova Scotia and proceed with Bill 90 as written, there is still the problem of the proposed timeline for implementation being completely unrealistic.

No manufacturer, wholesaler or retailer of any consumer product can be expected to cease production and clear inventories of materials and finished goods in a matter of weeks. Indeed the Minister himself used to recognize this as he stated the following in the Legislature on October 28 when debating a previously version of this bill (and one that did not purport to include menthol, thereby making it less draconian):

*... we recognize these amendments will have implications for some businesses, although most will not have large-scale changes to make. To help them adjust, there will be a six-month period between passage of this bill and proclamation when the changes take effect. I want to thank businesses around the province for their excellent track record of compliance with our tobacco legislation to date. I have every confidence that they will comply with these amendments as well.<sup>14</sup> (emphasis added)*

The Minister used to believe six months was needed to implement a less comprehensive ban, yet now he believes it can take place in less than six weeks. It is unacceptable that the Bill is not allowing for a reasonable transition period and therefore penalizes tobacco manufacturers, wholesalers and retailers for having reasonable inventories of finished goods and materials to support the sales of a legal product in Nova Scotia.

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<sup>14</sup> See [http://nslegislature.ca/index.php/proceedings/hansard/C96/house\\_14oct28/#HPage1585](http://nslegislature.ca/index.php/proceedings/hansard/C96/house_14oct28/#HPage1585)

To put the implementation timeline in perspective, let's look at other jurisdictions dealing with similar restrictions. Ontario is contemplating a flavour ban, but it plans to allow two years before the ban is implemented. Alberta is allowing seven months for its flavour restrictions, which exempt menthol, to take effect.<sup>15</sup> Recent federal restrictions, which also exempted menthol, did not come into full force before a period of 12 months. Proposed changes in Europe will not take effect until 2020.

Our company will not accept to incur costs and suffer losses on reasonable inventories of raw materials and finished goods because of an unrealistic implementation timeline.

### **Conclusion**

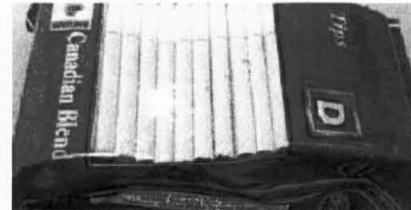
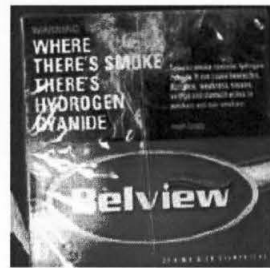
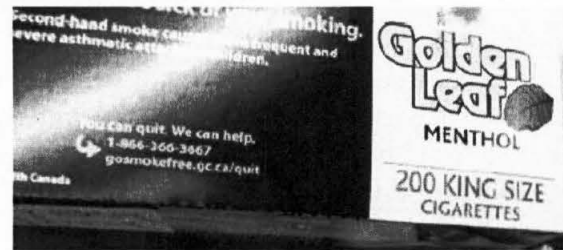
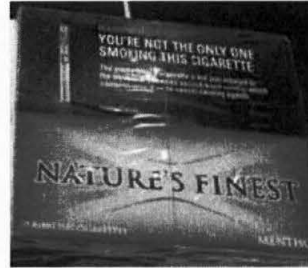
Our company supports the intent of Bill 90, provided exemptions are made for traditional adult products such as menthol. If the Government is not willing to make those exemptions, then the timeline for implementation needs to be adjusted to a more realistic schedule, as has been the case in other jurisdiction that have introduced flavour restrictions around the world.

Thank you for the opportunity to submit comments on this Bill.

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<sup>15</sup> See <http://www.theglobeandmail.com/news/alberta/alberta-to-phase-in-flavoured-tobacco-ban-legislation-but-exempts-menthol/article21580266/>

APPENDIX 1:  
EXAMPLES OF ILLEGAL MENTHOL BRANDS  
CURRENTLY AVAILABLE IN ONTARIO



Good afternoon Madam Chair and committee members. My name is Mike Hammoud. I am president of the Atlantic Convenience Stores Association, a paid membership, not-for-profit organization representing the interests of Atlantic Canada's convenience store industry.

Our industry is deeply disappointed in how the provincial government is handling Bill 90, which will ban virtually all flavoured tobacco products in Nova Scotia. Flavoured tobacco in Nova Scotia has a retail value in the millions of dollars annually and directly impacts more than 1,000 businesses in Nova Scotia and hundreds of jobs.

Bill 90 was tabled last Friday, it comes before the Law Amendments Committee three days later, and it is the intent of government to make this ban effective 40 days from now. Small business is going to have a hard time adjusting in such a compressed time frame.

Government consulted with stakeholders and published findings in their *Flavoured Products Consultation Report*. The findings are inconclusive, subjective and often contradictory, yet government has chosen to enact what is essentially the maximum penalty possible.

Quite frankly, government's intent has been very clear since Bill 60 went sideways and public image has trumped informed decision making.

In the case of menthol cigarettes, the volume of menthol cigarettes consumed by youth compared to non-menthols is unknown, and there is no evidence-based scientific research that supports the claims that menthol promotes smoking experimentation and uptake among youth in Canada.

If menthol cigarettes are so popular among youth and the cigarette of choice of so many, it is totally baffling why the actual total menthol cigarette market in Canada does not reflect its supposed popularity among youth. The numbers simply don't add-up.

Government's argument with respect to menthol is not based on fact.

On October 28<sup>th</sup>, 2014, Health and Wellness Minister Glavine stood before the Nova Scotia legislature and said, I quote: "We plan to exempt menthol because it has been on the market for decades and it's not marketed to youth. Our concern is with the explosion of candy-flavoured tobacco that is clearly being marketed to young people in an effort to get a whole new generation addicted to smoking, addicted to nicotine."

No information was presented on menthol during the consultation process that Minister Glavine and his staff were not already aware of when he made his statement in October. Yet government does a complete about face.

The Minister is also saying that banning flavours will cost the government \$5-million annually in lost tax revenue. They haven't told us where that number comes from, there's been no account in the budget for it and our estimate is closer to \$18-million. That's a big difference.

Government says that they want to protect youth, but youth themselves are doubtful that a flavour ban will have much effect. We know that there are more effective ways to reach out to youth with an anti-smoking effort at a fraction of the cost of what government's experiment will cost.

Regardless of what your viewpoints are on flavoured tobacco, many of our members, some of which are with me today, who are small business owners in your community, are of the opinion that government is displaying a total lack of respect for the legislative process. It makes one wonder why anyone would want to invest in a small business in Nova Scotia when government can change the rules overnight, and take such a high-handed approach to enacting regulations.

And what about the adult Nova Scotian's who have had a legal right to purchase flavoured tobacco products? It is widely accepted that these individuals likely have a serious addiction challenge, yet government is going to give them 40 days to quit or switch to a non-flavoured tobacco alternative.

There is also the option of customers driving to New Brunswick retailers and right here in Nova Scotia the readily accessible black market. If you don't believe me ask your local RCMP member. They will tell you that for menthol smokers there are at least 32 illegal brands of menthols available plus unbranded product that is sold in baggies. These products are not regulated in any way, including manufacturing standards. Talk about a health hazard.

Soon, criminals in Nova Scotia will have an exclusive product. There will be lots of illegal menthol to go along with Marijuana and other drugs that they traffic.

The wholesale and retail flavoured tobacco product inventory in Nova Scotia has considerable value. Some of these products have a quick turnover while other products are slower moving, but have a long shelf life. Some of these products are made in Canada while others are imported. Either way, we estimate that there will be hundreds of thousands of dollars of inventory and non-cancelable orders still in the channel if the government sticks to its May 31<sup>st</sup> ban date.

This is product that has been paid for or committed to by Nova Scotia businesses, including federal and provincial excise taxes. If these products can't be sold, then that's a serious financial loss. This action by government is no fault of law abiding businesses, so how is government going to reimburse these businesses for their losses?

Date: 22 April 2015

Subject: Law Amendments Committee presentation

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If government is so dead set on implementing this ban then industry deserves a more reasonable transition period than just 40 days. Flavour bans in the European Union announced last year would not take effect until 2020. Ontario would have a 2-year transition period if their flavour ban legislation is passed.

I'd like to summarize by putting a few questions to you...

Will you ask how the projected \$5-million annual loss in tax revenue associated with this planned flavour ban is derived?

Will you recommend that menthol tobacco products be exempt from any flavour ban because of the lack of substantive evidence of its true impact on Canadian youth?

Will you recommend that industry be given a reasonable and fair time frame, 2-years to clear its product channels and adapt business operations?

Will you ask what the Province is planning to do to mitigate the threat of increased contraband as a result of banning menthol?

Will you recommend that government reimburse the industry for unsaleable product if the 5 week timetable of May 31<sup>st</sup> ban date is not changed?

Thank you and I'm happy to address any questions that you have.



*Smoke-Free Nova Scotia Law Amendments Submission Regarding Bill 90, April 22, 2015*

***SFNS strongly supports the ban on the sale of flavoured tobacco products, and commends the Government's leadership in including menthol in the ban.***

Smoke-Free Nova Scotia (SFNS) is a coalition of 28 health-related organizations committed to reduced use of tobacco industry products and their harms.

For almost 40 years, SFNS has advocated for evidence-based, comprehensive tobacco control strategies and legislation. SFNS continually reviews emerging evidence and what we will present comes from the most credible sources of tobacco control research, as well as the same survey data used to inform decision making by provincial and national governments.

The proposed legislation coming into effect May 31, 2015, would once again position Nova Scotia as a leader in public health tobacco control by preventing the addiction, diseases and deaths from the use of tobacco industry products. The legislation is particularly important for our youth, and would also reduce the same negative impacts on adults. As a result, Nova Scotia would also be the first jurisdiction in Canada to implement a menthol ban.

Laws against selling tobacco to minors have not prevented youth from accessing flavoured or traditional tobacco. In the latest report of *Tobacco Use in Canada: Patterns and Trends 2014*, high-school aged Canadians reported that 43% bought cigarettes from a small grocery/convenience store, 26% got them for free from a family member/friend, and 16% bought cigarettes from a gas station.<sup>i</sup>

As health advocates, our primary goals are to prevent youth from starting to use tobacco and to protect the health of all Nova Scotians from the proven health risks of tobacco use.

The tobacco industry (along with its product distributors and local retailers) has consistently demonstrated their goal is to derail, weaken or delay any legislation that could lower tobacco sales or financial gains.

We applaud the Government for the swift implementation date of May 31, 2015. Given the evidence before us, it is prudent to eliminate access to flavoured tobacco products as soon as possible.

This submission provides our evidence for supporting Bill 90, along with comments about exemptions and implementation.

***The ban on the sale of all flavoured tobacco products, including menthol, will protect the health of all Nova Scotians, especially youth and women who often use menthol products.***

The potential impact of Bill 90 on youth is huge. It will reduce the likelihood they will try tobacco products, transition to regular tobacco use and then have to battle their nicotine addiction when they want to quit, usually as adults.

Bill 90 as written will support youth in avoiding the lasting cognitive and behaviour changes nicotine causes in adolescent brain development. They will also be able to avoid the related risks of heart and lung diseases, cancer and early death.

Tobacco is the only legal product that kills 1 of 2 long term users prematurely when used exactly as intended by the manufacturer.

Tobacco is only legal in Canada today because so little was known when new cigarette manufacturing technologies made them widely available. If tobacco products were submitted for approval by Health Canada today, they would never be approved given the evidence about their negative health effects.

Women having babies will also benefit, as more will be able to reduce nicotine exposure from tobacco during fetal development which has lasting adverse effects for the unborn child's brain development and contributes to many adverse outcomes, including preterm birth and stillbirth. Reduced exposure to second-hand tobacco smoke will also reduce the likelihood of babies having:

- Sudden Infant Death Syndrome (SIDS)
- Pneumonia and bronchitis
- Asthma, chronic coughing and wheezing
- Ear infections
- Low birth weight

***The ban on the sale of menthol is especially important to protect our youth.***

Menthol is the most popular flavour among NS youth (with 1 in 3 (34%) students aged 15-19 who had smoked in the last 30 days reporting they smoked menthol) and almost half (48%) used flavoured tobacco products.<sup>ii</sup>

This contrasts sharply with 1 in 25 Canadian adults who reported they smoked menthol cigarettes in the 2010-2011 *International Tobacco Control Survey* (PROPEL Centre for Population Health Impact, University of Waterloo). Menthol cigarettes make up 4.5% of the cigarettes sold to adults in Canada.

Another Propel study found that Canadian high school students who smoke menthol reported smoking 65% more cigarettes per week than non-menthol smokers (43 versus 26 per week). They were almost three times more likely to report they intended to continue smoking in the next year, compared to students who smoked but did not smoke menthol.<sup>iii</sup>

Tobacco industry internal documents admit that, if menthol cigarettes were banned, some new and experimental smokers would choose **not** to smoke rather than experience the harshness of tobacco smoke from non-menthol products.<sup>iv</sup>

In a 2015 Nova Scotia government telephone survey, Nova Scotians gave the Government a clear mandate. They are more likely to support banning flavoured tobacco products than to oppose it:

- 69% are very or somewhat concerned about the availability of flavoured tobacco products in NS
- 62% of Nova Scotians support a ban on menthol flavoured tobacco products.

***Flavoured tobacco is marketed towards children.***

Flavouring tobacco achieves a few important goals for the tobacco industry:

It masks the true harshness of unflavoured tobacco and makes the product more palatable (it improves the actual taste and reduces coughing and irritation during the first smoking experiences).

It encourages experimentation (teens trade products to experiment with different flavourings).

It reduces the perception of harm (assumptions are made that these products are less harmful or addictive than traditional cigarettes).

Flavoured brand extensions – traditional cigarette brands that have created flavoured variations – have boosted sales by almost 10% since the late 1990s.

Further, cigarillos and cigars are among the most popular flavoured tobacco products used by NS students in grade 6-12 students – 73% smoked flavoured cigarillos and 58% smoked flavoured cigars.<sup>Y</sup> They are affordable at less than \$2 each in Nova Scotia. These products on the market are not captured by current federal and provincial legislation. Their packaging is kid-friendly and resembles products like lip gloss, eye shadow, markers and gum.

***Banning flavoured tobacco products, including menthol, will reduce the number of youth who start to use tobacco and will ultimately lead to reduced tobacco-related diseases, disabilities and death.***

The 2012 Surgeon General report, *Preventing Tobacco Use among Youth and Young Adults*, emphasizes the following key points regarding flavoured tobacco products, e-cigarettes and the marketing techniques used by industry to promote these products:

- **The use of tobacco products such as cigarettes, cigars and smokeless tobacco that are available in flavours have increased among high school students.**

The cigars preferred most by adolescents and young adults are flavoured (peach, grape, apple, and chocolate).

- **Tobacco manufacturers have used menthol and cherry flavoured smokeless products as part of a 'graduation strategy.'**

These 'low nicotine content' products encourage new users to start with particular products and progress to others with higher levels of nicotine. With many of these flavoured products on the market, smokeless tobacco use has been increasing among adolescents.

- **Mint flavoured smokeless tobacco products play a role in the initiation and maintenance of smokeless tobacco use.**

The majority of first and current use of smokeless tobacco products was flavoured. A significant number of those who started use with unflavoured products eventually switched to flavoured products to sustain use, specifically mint or wintergreen.

- **Is easier for youth to become addicted to nicotine in tobacco products and do so more quickly and with less overall nicotine use compared to adults.**
  
- **Cigarettes have been researched, designed, and manufactured to increase the likelihood that initiation will lead to dependence and difficulty stopping use** due to:
  - contents and emissions in addition to nicotine (e.g., ammonia compounds and menthol);
  - design features that may increase nicotine [uptake]and produce larger puffs (filter-tip ventilation);
  - and other factors that reduce the concerns for smokers and increase the attractiveness of the products, [such as appealing flavourings and aromas].
  
- **The addiction caused by the nicotine is critical in the transition of smokers from experimentation to sustained smoking, and continued smoking for the majority of smokers who want to quit.**  
 Smoking typically begins with experimental use of cigarettes and the transition to regular smoking can occur relatively quickly with the smoking of as few as 100 cigarettes.
  
- **Advertising and promotional activities by tobacco companies have been shown to cause the onset and continuation of smoking among adolescents and young adults.**  
 Cigarette smoking by youth and young adults has immediate adverse health consequences (including addiction), accelerates the impairment of the respiratory and cardiovascular systems and many long-term diseases associated with smoking (such as lung cancer) that are more likely among those who begin to smoke earlier in life.
  
- **Prevention must focus on both adolescents and young adults because for adults who become daily smokers, nearly all (88%) first used cigarettes by age18, and 99% by age 26.**  
 Informed choice for adults is an element of this Bill. However, given that 4 in 5 adult smokers begin smoking as teens, and that most teens cite peer influence or “fitting in” as the primary influences for smoking, young people are rarely making an informed choice.

[With regard to use of menthol and other flavoured tobacco products by women and youth,] the evidence is sufficient to infer that nicotine exposure during fetal development has lasting adverse consequences for the unborn child’s brain development and contributes to multiple adverse outcomes such as preterm delivery and stillbirth.

The evidence is suggestive that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development including effects on working memory and attention. The potential long-term cognitive effects of exposure to nicotine in this age group are of great concern.

The evidence is already sufficient to provide appropriately cautious messages to pregnant women, and women of reproductive age, and adolescents about the use of nicotine-containing products as alternatives to smoking [tobacco], such as smokeless tobacco and electronic cigarettes, and newer forms of nicotine-containing tobacco products.

With 99% of all first tobacco use occurring by age 26, more youth and young adults will remain tobacco-free. This means few people will begin to smoke or use smokeless tobacco products.

Preventing youth from starting to use tobacco is the primary goal of banning the sale of all flavoured tobacco products, especially menthol.

Fewer people starting to use tobacco products will ultimately lead to reduced tobacco-related disease, disability and death along with all the associated economic, personal and societal costs in Nova Scotia.

***Bill 90 has the potential to generate significant economic savings and improved health.***

*The Cost of Tobacco Use In Nova Scotia* (GPI Atlantic, 2007) report commissioned by the 2007 NS Government, showed smoking tobacco and exposure to second-hand tobacco smoke killed approximately 1,748 Nova Scotians per year. This accounts for 1 in 5 (or 21%) of all deaths in the province.

The GPI report showed tobacco use also adds a significant cost burden to the Nova Scotian economy. In 2007, tobacco resulted in \$171.3 million in direct health care costs and an additional \$526 million in indirect costs (productivity losses due to long and short-term disability and premature mortality).

When additional costs such as prevention and research costs and losses due to fires are added, smoking costs the Nova Scotia economy an estimated \$943.8 million a year, or more than \$1,000 for every person in the province.

Some \$538 million, or 57% of the total cost of tobacco use in Nova Scotia is paid for by society. This is far greater than the potential \$18 million in losses from Bill 90 publicized by the Atlantic Convenience Store Association or the \$5 million dollars projected by the Government. In these times of budget constraint, the millions of dollars saved and improved health among our population resulting from Bill 90 will support a more vibrant economy and a healthier Nova Scotia.

Nova Scotia's comprehensive Tobacco Strategy (2011) supports the implementation of a wide range of tobacco reduction interventions based on proven best practices, including:

*Action 4.1 c) to support new public health tobacco control measures to prevent tobacco manufacturers from being able to attract new users and retain existing smokers.*

Bill 90 with its May 31<sup>st</sup> implementation date is one of these public health measures.

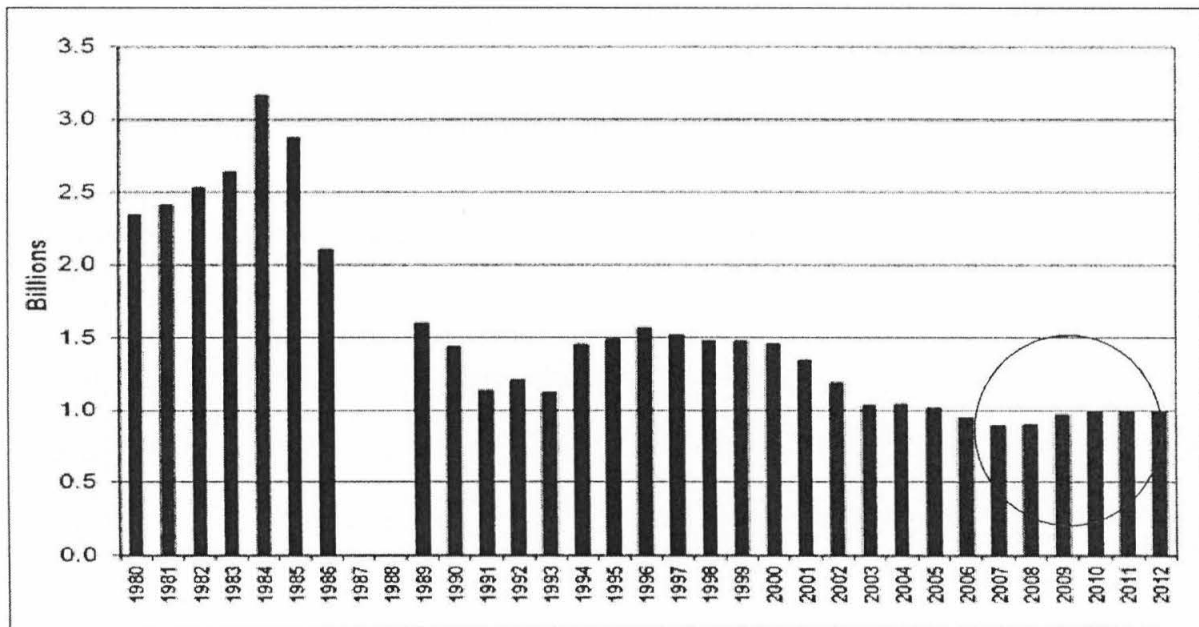
***Evidence-based legislation in NS has not reduced the sale of legal cigarettes contrary to retailer fears about increased contraband.***

Service Nova Scotia reports contraband tobacco has dropped significantly in recent years to 5-10%.

You can see in the graph below depicting the Health Canada Wholesale Sales Data for *Cigarette and Fine-Cut Sales in Nova Scotia 1980-2013*, sales of legal tobacco were not reduced despite a significant tobacco tax increase in 2009. This was counter to predictions by the tobacco industry and the Atlantic Convenience Stores Association who opposed the tax increase. Increased tobacco price has been demonstrated to reduce initiation and tobacco use by youth as they are particularly price sensitive.

These groups also opposed the NS legislation to ban point of sale tobacco product displays and promotions, another measure primarily focused on reduced youth initiation of tobacco use.

### Cigarette Sales in Nova Scotia 1980-2012



Source: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/indust/sales-ventes/ns-eng.php>

*It is important to maintain the May 31, 2015 implementation date.*

Delays will allow more youth to experiment with flavoured tobacco products that seem appealing and are perceived as less harmful than conventional tobacco. As a result, fewer tobacco users may be motivated to quit smoking.

In the 2010-2011 *International Tobacco Control Survey* (PROPEL Centre for Population Health Impact), **35% of Canadian menthol smokers of all ages said they would quit smoking entirely if menthol cigarettes were not available.** Another 40% said they would switch to another tobacco product and 21% did not know what they would do.



## ***Comments on the Exemptions in Bill 90***

**The flavoured cigar exemption:** SFNS recommends no flavour exemption be allowed. If the exemption remains, the cigar price, weight and flavours limits specified in the current exemption make it is unlikely that these would be appealing 'starter' tobacco products for youth. We recommend tobacco companies be prohibited from combining other flavours with the rum, whiskey, port and wine flavourings to mimic alcohol drinks such as rum and coke.

**The e-cigarettes and e-juice exemption:** Canadian youth are now using e-cigarettes in significant numbers. The Canadian Tobacco, Alcohol and Drugs survey reports that 9% of Canadians aged 15 years and older have ever tried an e-cigarette. However, 20% of youth aged 15-19 and 20% of young adults aged 20-24 have ever tried an e-cigarette.

The NS Government telephone survey reported that the majority (70%) of Nova Scotians are "very" or "somewhat" concerned about the availability of flavoured e-juice in Nova Scotia.

Currently, e-cigarettes and juice are unregulated products. It is unknown how safe e-cigarettes are because they have not been in widespread use long enough for scientific assessment of their long-term biological effects and effectiveness to help people stop smoking tobacco. The research about these products is emerging almost daily.

SFNS will continue to bring forward evidence about these products as it becomes available to inform public health decisions based on scientific evidence.

***E-cigarettes and e-juice will remain an advocacy priority for SFNS, but today we applaud what is currently the most progressive legislation in Canada to protect the health of our youth from flavoured tobacco products.***

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<sup>i</sup> Propel Centre for Population Health Impact – University of Waterloo. Tobacco Use in Canada: Patterns and Trends 2014 Edition. [http://www.mantrains.ca/assets/tobaccouseincanada\\_2014.pdf](http://www.mantrains.ca/assets/tobaccouseincanada_2014.pdf)

<sup>ii</sup> 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. Retrieved from [https://uwaterloo.ca/canadian-student-tobacco-alcohol-drugs-survey/sites/ca.canadian-student-tobacco-alcohol-drugs-survey/files/uploads/files/yss12\\_flavoured\\_tobacco\\_use\\_20140910.pdf](https://uwaterloo.ca/canadian-student-tobacco-alcohol-drugs-survey/sites/ca.canadian-student-tobacco-alcohol-drugs-survey/files/uploads/files/yss12_flavoured_tobacco_use_20140910.pdf)

<sup>iii</sup> Propel Centre for Population Health Impact –University of Waterloo. Smoking intensity and intent to continue smoking among menthol and non-menthol adolescent smokers in Canada <https://uwaterloo.ca/news/news/menthol-cigarettes-linked-increased-smoking-among-teens>

<sup>iv</sup> Yerger, Valerie B, McCandeless, Phyr M. *Menthol sensory qualities and smoking topography: a review of tobacco industry documents*. Tobacco Control 2011; 20 ii37-ii43.

<sup>v</sup> Propel Centre for Population Health Impact – University of Waterloo. Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2010/2011 Youth Smoking Survey. <https://uwaterloo.ca/propel/news/flavoured-tobacco-big-issue-canadian-youth>



Good Evening Madame Chair and Committee Members,

Many of you may remember me from Bill 60, my name is Shai Sinnis and I am on the Board of Directors for The Canadian Vaping Association or CVA. The CVA is a national not for profit organization seeking fair and equitable legislation for the Canadian Vaping Industry at whole. We represent 300 companies across Canada managing Government relations, media relations via practical strategies and working alongside Government Officials. We have been fortunate enough to work with the Ontario Provincial Government as well as British Columbia.

Today I am not here before you as The End Vapor Shop which is my personal company that represents both Colchester and Pictou Counties. I am here on behalf of the stakeholders of Nova Scotia. I am here before you as the industry and I am here before you asking for a moment of your time and appreciation for the electronic cigarette industry.

We would first like to thank the Government for an innovative bill. We appreciate you awaiting Federal Legislation with respect to personal vaporizers. We are vigorously anti-tobacco, we implore you to follow through with the changes proposed within this bill.

However, as you all know Nova Scotia Stakeholders attended a consultation provided by Department of Health and Wellness, if I may, Madame Chair address the fact Mr. Maguire attended on behalf of The Government as well. I would also like to add we appreciate his receptive approach thus far in accordance with this industry.

During this consultation we expressed concerns about flavored e-liquid, in-turn this was addressed by waiting for Federal Government. We thank-you. We expressed concerned about

indoor promotion, in-turn this was addressed by waiting for Federal Government. We Thank-You. We expressed concern on the classification of this product, we asked for the word e-cigarette to be changed to personal vaporizers, we were asked to provide definition of the product in accordance to the re-classification and were in fact told this was understood completely, we have a negative stigma attached to this product because of the word 'cigarette' we as vapers, we as stakeholders don't use the term e-cigarette due to the fact we simply dislike cigarettes and the judgement placed upon us when using this term. This simple change was not addressed, we were not even given the chance to have this voted upon at committee. I ask for this to be addressed, Madame Chair and committee.

To bring us to the largest issue. Indoor Promotion, we appreciate the fact we do not have to hide our products in our adult only stores designed for vapers. However, we expressed our extreme concern on indoor vaping inside a designated vape shop which as we know is strictly adult only. We were told it would not be enforced Madame Chair. We were told that enforcement would strictly be upon sales to minors, admittance to minors and outside promotion. Why is this not being addressed in Bill 90?

Let me elaborate on the importance of indoor vaping in a designated vape shop. As a business owner I see a plethora of people within my locations a day, our general customer base is made up of adults ranging from 40-70 years old. If I can not properly educate on how to use this product, if I can not properly educate on battery safety with this product, if I can not properly educate on the process of vaping with this product several things are at risk. The safety of the user, the effectiveness of this product and furthermore it will ultimately force this heavily self-regulated industry underground to an online black market in which is impossible to control. Online is cheaper, there is no overhead. you also do not know what you are buying. This

concerns me greatly.

The products in our stores are known, we have a one on one with the customer to ensure they understand the product and how to use it to support them and make them feel comfortable as they take their first step against tobacco. When a tobacco user enters our stores for their first time to purchase a starter kit at least 30 minutes is set aside just to show them how to use it. This isn't like a fool proof cigarette where you light one end and carry on there are several things you must know.

To use an analogy if I must, Madame Chair. Public Consumption of alcohol is illegal, so we have designated bars, clubs, pubs where adults can walk into an adult establishment to purchase and consume alcohol. This does not entice children.

An adult can walk into our stores we can hand them the product and hope that a 65 year old lady can use Youtube. Where is the rationale in that. There are no written instructions on this and to be frank if there were it would be a fail. 'Please drip 3 drops of e-liquid onto the atomizer which looks like a round thingy with a hole in it to saturate the coil and wick then tip the tank and avoid the tube thing then twist the bottom part into the top part' Any stakeholder sitting here today can relate when I say explaining 'hit the button 5 times fast to turn the device on or off' is hard enough.

I understand this sounds like a foreign language to you all, and this makes my point. I am not asking for a place to recreationally use my personal vaporizer. I am asking for the right to educate my customers on the product they are buying. We don't buy shoes without trying them on and with the evolving industry we don't buy devices without trying them on to ensure they meet our needs when making the proper switch from combustible tobacco to personal

vaporizers.

It takes approximately 1 hour for a first time customer to get set-up. We find out their habits, we show them the products, we allow them to try the product, once they choose we take the 20-30 minutes on educating them on how to properly use the product.

Although it was said indoor vaping inside of our establishments would not be enforced, Madame Chair. I ask for this to be in writing. At this point we as stakeholders will be forced to break the law in the name of safety for our consumers and ultimately be fined for ensuring their safety.

I would like to express that we totally agree with smoke free places in public but please don't force us to break a law to educate our consumers. How can we morally send our consumers away on a guess?

To quote the Lung Association from the publication of your flavor consultation:

Bill 60 – E-Cigarettes and Tobacco Summary:

The Lung Association of Nova Scotia said there are key differences between cigarettes and e-cigarettes. Cigarettes contain tobacco, have robust evidence as to their harms, are proven harmful, and smoking them kills. E-cigarettes do not contain tobacco, there is a lack of evidence about them, no harm proven, there may be a potential benefit, and they are recognized for harm reduction.

Recommendation: The Lung Association of Nova Scotia recommended that the issue of tobacco smoking and e-cigarette use be considered independently. To combine two fundamentally different products will skew the discussion and likely make intended outcomes more difficult to realize.

Recommendations: The Lung Association of Nova Scotia recommended that the Government of Nova Scotia ensure all legislation is based on evidence. Acknowledge the anecdotal evidence and potential public health benefit of e-cigarette technology. Stay focused on the goal to decrease the number of people smoking. Urge Health Canada to follow the Food and Drug Administration's lead or start now to proactively regulate e-cigarette content. Engage with and leverage our research community to study the e-cigarette issue. Use data to inform future public policy development. Lung Association of Nova Scotia fully supports the government's current e-cigarette regulations (Bill 60). Separate tobacco and e-cigarette legislation. The Lung Association of Nova Scotia urged the government not to impose further regulations on e-cigarettes, including flavoured e-juice, unless guided by evidence.

How much Anecdotal evidence is needed before you decided it's enough?

In Ontario during committee we heard from several health organizations that willfully said they do not oppose indoor promotion or use inside of an adult establishment designated to personal vaporizers. These organizations have been around for 99-105 years.

I ask you to please put this exemption in writing for us as stakeholders. Word is not enough Madame Chair. Each officer has their own perception of the law and in the best interest of consumers to receive proper education.

I also ask for a Mandatory Review in 2 years from today on Bill 60 & Bill 90. I feel as if there are things left unaddressed and for that reason I look forward to seeing you in the future.

Thank-You for giving me this opportunity to speak with you all today and I welcome your questions.



# Cigarette Rolling Papers, Canada





# Cigarette Rolling Papers, Canada



**National RCMP Contraband Tobacco Seizures, 2008 to 2012**

	2008	2009	2010	2011	2012
Cigarettes (200 units)	966,000	978,000	801,000	597,000	356,000
Cigars/ Cigarillos (200 units)	1,700	1,600	3,500	7,200	5,400
Raw leaf tobacco (kg)	18,000	250	5,300	2,200	0
Fine cut tobacco (kg)	70,000	34,000	43,000	38,000	33,000

**Atlantic Region RCMP Contraband Tobacco Seizures, 2008 to 2012**

	2008	2009	2010	2011	2012
Cigarettes (200 units)	131,000	66,000	36,000	42,000	19,000
Cigars/ Cigarillos (200 units)	2	0	4	9	2
Raw leaf tobacco (kg)	0	0	1	0	0
Fine cut tobacco (kg)	500	80	10	9	0

Note: The Atlantic Region is comprised of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador

**Central Region RCMP Contraband Tobacco Seizures, 2008 to 2012**

	2008	2009	2010	2011	2012
Cigarettes (200 units)	810,000	877,000	650,000	417,000	322,000
Cigars/ Cigarillos (200 units)	1,700	1,600	3,500	7,200	5,400
Raw leaf tobacco (kg)	18,000	250	5,300	2,200	0
Fine cut tobacco (kg)	69,000	34,000	43,000	38,000	33,000

Note: The Central Region is comprised of Quebec and Ontario

**Northwest Region RCMP Contraband Tobacco Seizures, 2008 to 2012**

	2008	2009	2010	2011	2012
Cigarettes (200 units)	14,000	27,000	13,000	84,000	15,000
Cigars/ Cigarillos (200 units)	0	0	2	0	0
Raw leaf tobacco (kg)	0	0	0	0	0
Fine cut tobacco (kg)	0	40	0	2	1

Note: The Northwest Region is comprised of Manitoba, Saskatchewan, Alberta, Nunavut, and the Northwest Territories

**Pacific Region RCMP Contraband Tobacco Seizures, 2008 to 2012**

	2008	2009	2010	2011	2012
Cigarettes (200 units)	9,200	8,300	100,000	55,200	100
Cigars/ Cigarillos (200 units)	0	0	0	0	0
Raw leaf tobacco (kg)	0	0	0	0	0
Fine cut tobacco (kg)	0	300	0	0	0

Note: The Pacific Region is comprised of British Columbia, and the Yukon.

April 22nd, 2015

Office of the Legislative Council  
CIBC Building  
Suite 802  
1809 Barrington Street  
P.O. Box 1116  
Halifax NS B3J 2X1

**RE: Support for Bill No. 90 - Tobacco Access Act**

Dear Law Amendments Committee:

I am writing in support of Bill 90 to ban flavoured tobacco and applaud the inclusion of menthol in this ban. Research has shown that menthol leads to both greater use by youth and young adults (both in terms of initiation and progression to regular smoking), and greater dependence on nicotine.

As a manager for Mental Health & Addiction Services, I am witness to the fact that people living with mental illness and substance use disorders are more likely to smoke and be at greater risk for smoking-related health problems than the general population. We continue to have exceedingly high rates of tobacco use among our clients.

Healthy public policy is cornerstone to a comprehensive strategy to reduce the harms associated with tobacco use. I fully support Bill No. 90 and implementation date to coincide with the commencement of the amended Smoke Free Places and Tobacco Access Acts on May 31<sup>st</sup>, 2015. (World No Tobacco Day)

Thank you for your attention to this important matter.

Sincerely,



**Sam Hodder**

Manager - Health Promotion & Prevention  
Mental Health & Addiction Services, Cape Breton Area  
Office: 902-563-2541  
Cell: 902-578-3816



## Public Health Services - Northern Zone

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April 22, 2015

To Whom It May Concern:

My name is Dr. Ryan Sommers and I am a family physician in Truro, Nova Scotia and the Regional Medical Officer of Health for the Northern Zone, Nova Scotia Health Authority. I am writing to the Law Amendments committee about the recently introduced legislation that bans all flavored tobacco in Nova Scotia.

Nova Scotia has a long history of taking the lead in creating legislation that addresses the negative impact of tobacco in our communities. Over 10 years ago, our province was one of the first provincial jurisdictions in Canada to introduce legislation that banned smoking in public places. This was one of the first stepping-stones for the creation of similar policies in other parts of Canada.

Once again, I am extremely proud Nova Scotia has taken the lead on creating an environment that prevents people from smoking and helps them quit their addictive habits by being the first jurisdiction in Canada to ban menthol cigarettes and other flavored tobacco products.

In my clinical practice, I have witnessed firsthand the impact of smoking legislation in Nova Scotia. Fewer youth in my practice are using tobacco products compared to 9 years ago when I started practicing medicine. However, the youth who do smoke are unfortunately using flavored tobacco products such as menthol cigarettes. Recent statistics have found that approximately 1 in 3 teen smokers have smoked menthol cigarettes within the past month. Additional research has shown that youth who smoke menthol tobacco tend to smoke more cigarettes compared to youth who do not.

Flavored tobacco products make smoking "easier" for youth to get addicted and harder for health care professionals to help them quit. Tobacco companies use flavored products to attract new smokers and reduced the harshness of cigarette smoke. This new legislation will allow family physicians to help youth smokers quit tobacco and avoid the negative long-term impacts on their health by eliminating access to these products.

I want to congratulate the Government of Nova Scotia on another historical piece of legislation that will help protect the health of our youth. I fully support this legislation. In particular, I would applaud the proposed implementation date of May 31, 2015. Given the evidence before us, it is prudent of Government to eliminate access to these products as soon as possible.

Please contact me if you have any comments or questions.

Sincerely,

A handwritten signature in black ink that reads "Ryan Sommers".

Dr. Ryan Sommers, MD CCFP FRPCP(PHPM)

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## Bill 90- Flavoured Tobacco and Menthol

My name is [REDACTED] and I am a Grade 9 student [REDACTED]. In my opinion, Bill 90 can't come quick enough. My school, is chock full of my amazing peers and great staff and yes, flavoured tobacco.

It's kind of funny, looking back on the way my class started out in Grade 7. I have spent countless hours with people who are my best friends, and soon graduates. I have also watched them fall into the battle between luck, and adolescent addiction. If I was a detective, and was to trace this crime to its origin, it wouldn't be a missing gene, or a susceptibility to addiction; it would be flavoured tobacco and menthol.

It is so glamorous as a youth, to toy around with the word tobacco. But before, it was harsh, and scary. Now, these products are flavoured, like cherry and bubblegum, or smooth like menthol. So how, without this Ban do we protect our youth, my peers and me from these advertising lies?

We are kids, as much as we want to be treated like adults, but we are so vulnerable to ploys. We are kids, yet to such cruel industries that are hiding the truth from consumers; we are the new generation of addiction. And boy, do they know how to hook us.

And what happens if youth get bored with flavours, and move on the real thing? This isn't a what if question, this is a when. This is the truth. Tobacco industries are building an army of addicts out of my generation and flavoured tobaccos are the gateway.

Because, honestly, flavoured tobacco products are targeted to youth. Flavoured tobacco and menthol are new, and taste and smell good. Like the candies we have been eating growing up on Halloween, and fruits we associate with happiness and fun. We are lying to ourselves.

We need to support this Bill, and end the cycle at its start. Flavoured tobacco and menthol is the root of the problem, and without them the rest won't grow. Without them my generation are youth again, not addicts. Without them they just might win the battle, you know, the one between luck, and adolescent addiction.