

LAW AMENDMENTS COMMITTEE – MARCH 6, 2020

Thank you for the opportunity to address the committee today and to share our concerns with the Financial Measures Act that has just passed second reading. We're here to talk about how this budget bill impacts Nova Scotians with disabilities and their right to live good lives in inclusive communities. Our observations on the recent budget will pertain to that.

I'm Wendy Lill and I'm chair of Community Homes Action Group. We've been around now for 10 years. CHAG is a group of concerned citizens, health care and social services and legal professionals, parents and advocates formed in 2010 to draw government's attention to the crisis in residential options for persons with disabilities. And to work with them to find solutions.

I'm also the mom of an amazing young man, who has a developmental disability and also lives a full and productive and "supported" happy life in a small group home in Dartmouth. Most aspects of my life have been informed by our journey together. Thanks Sam!

Because of the speed with which this bill is being processed, none of my colleagues were able to attend today – but they've sent some family stories to add to this presentation. At the end, I'll also invite you to another event in the community where you can meet and learn much more about the lives of the people we're talking about here.

First a bit of background; A moratorium on the creation of small community based homes for persons with developmental disabilities in the mid 1990's led to a critical and growing shortage of community options. At that time, there were still many hundreds of people living in large congregate facilities – at a time when provinces across the country were far ahead of Nova Scotia in terms of deinstitutionalization.

Since then, the shortage of supported community living capacity had grown throughout several governments and all political stripes.

From a wait list of many hundreds living in institutions and hundreds more living with aging families in the communities, the waitlists have now grown to nearly 1600.

In 2013, the current government adopted the Roadmap report, Choice Equality and Good Lives in Inclusive Communities. A 10-year time frame for significantly increasing community based supported living options while decreasing reliance on large institutions. So far however, the allocation of resources from government needed to create community capacity has been woefully inadequate.

The lack of political action on this file has had dire consequences on peoples' lives.

The Emerald Hall Human rights case last year found the government had clearly violated the human rights of three Nova Scotians for many years for failing to provide the resources necessary to allow them to live in community, not locked way.

In May, the UN Special Rapporteur on the Rights of Persons with Disabilities visited Canada (and Halifax) - I'm sure some of you had the opportunity to meet her –reported we still lag far behind in the implementation of its obligations under the UN Conventions on the Rights of Persons with Disabilities.

We too believe that a Home is a human right and there are many good people in our communities eager to move forward on this.

In April and October 2019, Autism Nova Scotia held a Supported Housing Summit where hundreds of family members, first voice, advocates, service deliverers, civil servants came together to share their knowledge, experience and commitment to creating the kinds of supported housing choices needed.

In January of this year, our group expressed our concerns about slow pace and waitlists to the Minister of Finance and called again for significant ongoing financial commitment towards meeting their commitments to implement the Roadmap.

Which brings us to the Budget 2020.

The two relevant items in the budget around these issues are the following:

7.4 million to begin transitioning residents out of ARCs (Adult Residential Centres) and RRCs (Regional Rehabilitation Centres) and 2.8 million to increase the Flex In-home program.

It is almost 7 years since government adopted the Roadmap report and a ten year time frame to significantly increasing community based living options and decrease reliance on institutions. Since then, the waitlists have gone steadily upward not down.

The budget announced they are going to begin moving 50 people out of RRCs and ARCS into Independent Living Supports in the community. Obviously we are hopeful that 50 people will finally be able to move out of institutions and take their rightful place in their communities. But our experience thus far makes us skeptical.

In 2017, the government announced they were going to open 8 small option homes in communities in Nova Scotia and to date, only 3 of these homes are fully operational, 3 more on the runway and two still in planning stages. How long will these 50 individuals have to wait?

In this budget there was no mention of addressing the hundreds of people on waitlists for small option homes and families everywhere in this province are devastated.

Despite the findings of the Human Rights Board of Inquiry and the warning about violating the human rights of our population, the system is still gridlocked. The choices are not there for families.

In the 2020 budget, the other addition to the DSP program targeted for our population is an amount of 2.8 million for the Flex In Home program. Again, while welcomed, this does not tackle the central issue of creating increased capacity of supported housing options.

In closing, there are hundreds of young adults now on waitlists living, waiting with aging parents - wanting to start their lives, take their rightful places in supported living options in their communities. - and they are no closer today than they were 7 years ago.

And the mental and physical health costs and the family break ups occurring from the stress of caring for loved ones with complex needs are very real. We need action now on clearing this waitlist and offering real choices for these vulnerable citizens.

We all respond to human stories.....much better than numbers. If I have time, I'd be glad to share some of these stories with you.

Dawn Leblanc, one of CHAG's members, who wanted to be here today, a social worker for over twenty years working with families and individuals with complex needs has shared some real life situations folks are facing.

Here are a few examples.

One mother in HRM has four children. Her oldest son, has Tourette's syndrome. His younger brother, Christopher, has Autism Spectrum Disorder. Christopher just turned 22. He still lives with his mother and father. Since her sons were diagnosed with their conditions, The mother has been unable to return to full-time work. The demands she needs to meet at home are too great.

"My role has just been to advocate for them, full time, non-stop, from morning to night,"
"I'm getting older, my husband's getting older. We feel exhausted, not just physically but emotionally and mentally."

This past summer, they received a call from the Department of Community Services informing them that a place in a small option home had become available. But they felt it

wasn't the right fit for him and it would mean the end of all activities that Christopher was participating in.

"I know the perfect place isn't out there, but it's got to be right,"

But with a significant waitlist, the Department of Community Services told them it would likely be two years before Christopher's case would be revisited.

Another parent of an adult daughter with intellectual disability and autism spectrum disorder says her daughter has been on the waitlist for many years and will soon be 30 years old. She whispered that she is so frustrated and had contacted her MLA. These hushed tones are familiar when parents speak about their needs. Exposing one's situation and asking for more is threatening because people are fearful that speaking out might impact the services they are now receiving and somehow make the situation even worse.

And then there are the worst case scenarios.

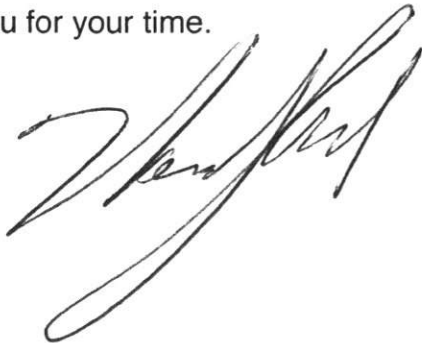
We also know of a young woman with physical disability who was hoping to move into a small option home which would meet the accessibility and care needs she had. She had been waiting for years for her dream home. She died waiting.

Ruth Strubank, another CHAG member and the ED of NSACL says that she is seeing families becoming more and more desperate. The only way for people to get anywhere, unfortunately, seems to be to break down, scream the loudest and then there may be a small-win. But no one is seeing a collective systemic change. The sad thing is that most folks don't have the lobbying skills... too tired, too exhausted and wrung out meeting the needs of their individuals.

But families on waitlists are beginning to speak out. In the weeks and months ahead, families will be visiting their MLAS to talk more about their struggles and dreams. And there will be a community meeting at Club Inclusion on April 7 for families to gather and talk about these issues and how to get real action for their loved ones. You are all welcome and will be getting invitations.

We hope to see you there.

Thank you for your time.

A handwritten signature in black ink, appearing to be 'Ruth Strubank', written in a cursive style.



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March 6, 2020

Members of the Law Amendments Committee:

Thank you for the opportunity to contribute support from the Health Promotion within the Mental Health & Addictions Program at the IWK Health Centre in the matter of Bill 243, the Financial Measures (2020) Act.

As shared yesterday at Law Amendments Committee regarding Bill 233, IWK's Mental Health and Addictions program is vested in reducing risk factors from as well as improving protective factors for children and youth regarding harms from substance use – including tobacco and nicotine—and mental health problems. We believe that taxation of vaping products will reduce the accessibility of these items to Nova Scotian youth.

Science shows that nicotine exposure to the developing brain can cause harms including development of substance use disorders, concentration problems and other challenges later in life.¹ Because of this, it is imperative that our leaders support healthy public policy that reduces youth access to nicotine. An example of supportive legislation would treat vaping products as tobacco products, so that they are regulated the same. Essentially, vapes and combustible tobacco are both nicotine delivery methods with ownership and control over the most popular formats for youth residing with the tobacco industry. There is precedent for this. In 2016, the U.S. Food & Drug Administration enacted a rule equating vaping devices and electronic cigarettes (and other unproven nicotine delivery devices) with other combustible tobacco products in the effort to reduce harms from nicotine addiction for youth.²

Many substance industries are acutely aware that youth are sensitive to the price of their products, and so we anticipate you will hear arguments from their side as well. However, we ask you to not discount a range of scientific studies that show youth are more impacted by the price of tobacco than adults, such that a price increase would result in a reduction in use^{3,4} Newer evidence even strengthens this association and validates the effect in the context of electronic cigarettes.⁵

National tobacco use data indicate that the *cigarette* smoking rate for Nova Scotian youth aged 15-19 was over 30% in 1999. However, years later and after comprehensive regulatory measures—such as restricting point of sale displays, removing tobacco from pharmacies and into standalone tobacconists at grocery stores, and importantly increased taxation—the 2017 youth smoking rate reduced by a third the



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1999 level – to 9.7%.⁶ Cancer Care Nova Scotia indicated in 2000 that “price elasticity studies show that every 10% increase in the price of cigarettes will reduce smoking among Nova Scotia teenagers by 7%.”⁷

In summary, we must learn from our historical successes in tobacco control and apply the same methodology when approaching the youth vaping epidemic. It is important to increase taxation on vaping products to ensure they are getting the same treatment that tobacco products get in Nova Scotia. Bill 243 begins this important task. We fully support the measure to increase taxes on vaping products to protect the youth of our province.

I would be happy to respond to any questions that the committee may have.

Respectfully Submitted,

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¹ Goriounova NA, Mansvelter HD. Short- and long-term consequences of nicotine exposure during adolescence for prefrontal cortex neuronal network function. *Cold Spring Harb Perspect Med.* 2012;2(12):a012120. Published 2012 Dec 1. doi:10.1101/cshperspect.a012120

² US Food & Drug Administration. (2016). The Facts on the FDA’s New Tobacco Rule. Retrieved March 5 2020 from <https://www.fda.gov/consumers/consumer-updates/facts-fdas-new-tobacco-rule>

³ Chaloupka, F. (1999). Macro-social influences: The effects of prices and tobacco-control policies on the demand for tobacco products. *Nicotine & Tobacco Research*, Volume 1, Issue Suppl_1, 1999, Pages S105–S109. Retrieved March 5 2020 from <https://doi.org/10.1080/14622299050011681>.

⁴ Ross, H. & Chaloupka, F. (2003). The effect of cigarette prices on youth smoking. *Health Econ.* 2003 Mar;12(3):217-30. Retrieved March 5, 2020 from <https://doi.org/10.1002/hec.709>

⁵ Pesko, Hunag, Johnson & Chaloupka. (2018). E-cigarette Price Sensitivity Among Middle and High School Students: Evidence from Monitoring the Future. *Addiction*. May ; 113(5): 896–906. Retrieved March 5 2020 from <https://doi.org/10.1111/add.14119>

⁶ University of Waterloo. (2019). Tobacco Use in Canada. Retrieved March 5 2020 from <https://uwaterloo.ca/tobacco-use-canada/adult-tobacco-use/smoking-provinces/nova-scotia>

⁷ GPIAtlantic. (2000). The Cost of Tobacco in Nova Scotia. Retrieved March 5 2020 from <http://www.gpiatlantic.org/pdf/health/tobacco/costoftobacco-ns.pdf>

From: [REDACTED]
Sent: March 6, 2020 10:31 AM
To: Office of the Legislative Counsel
Subject: IMPORTANT : Bill 243 - please print and share with Finance Meeting

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To whom it may concern,

JUUL, a big tobacco company, now being sued in the US for marketing to children, is responsible for youth uptake of vaping in North America.

Both the US and Canada saw dramatic increases in youth vaping when JUUL was introduced to their markets.

<https://www.google.ca/amp/s/www.nytimes.com/2020/02/12/health/juul-vaping-lawsuit.amp.html>

JUUL (big tobacco) has 75% of the North American market share:

“According to the latest Nielsen data, the US e-cigarette brand JUUL is now accounting for nearly 75% of the market share in the US e-cigarette market in 2019, leaping from about 40% market share in 2017, making it today’s best-selling e-cigarette brands in the US. The phenomenal growth of JUUL has seen its annual e-cigarette sales which totalled USD \$1.7 billion in 2018, reach a recent market valuation of USD 38 billion as of early 2019.”

<https://blog.technavio.com/blog/juul-market-share-dominating-e-cigarettes-market>

We have an issue with youth uptake because of JUUL. The Nova Scotia Government is about to hand them the keys to the entire vape marketplace by shutting down small business vape shops with a flavour ban and excessive per millilitre vape tax. This tax is the perfect solution to providing JUUL dominance because of their their high nicotine, low volume pods.

JUUL does not sell low volume nicotine, meaning there will be no options for vapers to decrease their nicotine intake. JUUL will comply with a 20mg max nicotine volume, but offer nothing lower, making it impossible for vapers to quit their nicotine addiction with lower nic e-liquid.

While JUUL will face a \$1.50 tax increase on their 3 pack pods (less than 1ml each, with 60mg of nicotine in each pod), low volume nicotine vapers will see a bottle of 6mg liquid in a 60ml bottle increase from \$33 to \$69.

JUULS patented formulas are intentionally more addictive than traditional freebase, low nic e-liquids sold in specialty vape shops.

The Nova Scotia Government also supports JUUL by also selling their PAX THC vaporizers and THC pods in their NSLC stores.

https://en.m.wikipedia.org/wiki/Pax_Labs

Why is the Nova Scotia Government so supportive of big tobacco?

Studies have shown that vaping taxes could drive vapers back to smoking.

https://www.google.ca/amp/s/www.upi.com/amp/Health_News/2020/02/10/E-cigarette-taxes-may-drive-vape-users-to-traditional-smokes-study-says/8121581349171/

The measures proposed by the Nova Scotia Liberals will inevitably shut down all small business vape shops, give a monopoly to big tobacco, and send many vapers back to cigarettes, while leaving the vapes kids prefer in every corner store and gas station in the province.

This DOES NOT limit youth access. Why is this government favouring the company that created the youth uptake problem.

Put harm reduction before profits.

Sherri

From: Jody Watt [REDACTED]
Sent: March 6, 2020 11:13 AM
To: Office of the Legislative Counsel
Cc: 'Darryl Tempest'
Subject: Bill 243 - please print and share with Finance Meeting

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Budget 2020
Financial Measures Act

Canadian Vaping Association
Proposed Amendments,
March 6, 2020

Background and Issue

The 2020 NS Provincial budget proposes a new tax on e-liquids of 50 cents per each millilitre of e-liquids sold and an additional 20% tax on the retail value of all vaping devices.

Such a new tax would disproportionately tax adult ex-smokers who vape using open tank systems and barely tax the highly addictive, high nicotine closed pod systems primarily sold in convenience stores that youth prefer.

For example, a typical 30ml bottle of e-liquid used by adult ex-smokers would be taxed an extra \$15 (30ml x.50 cents/mil) effectively doubling its current retail price.

Meanwhile, the current closed pod systems favoured by youth and sold in convenience stores contain 1 mil of liquid and would be taxed 50 cents for each pod. Typically, these pod systems are sold in 3-pod packages so altogether the tax would be \$1.50.

So adult ex-smokers will pay \$15.00 tax per small bottle of e-liquid while youth will pay \$1.50 for much more addictive pods. Effectively, this provision would have e-liquid users pay 10 times the tax of other vapers.

As well, this tax proposal would ignore the nicotine potency of the closed pod systems which typically have over 50mg of nicotine versus the e-liquid system that typically have between 0mg nicotine and 18mg of nicotine.

Canadian Vaping Association Position

The Canadian Vaping Association, which is Canada's founding vaping industry trade association representing over 300 manufacturers, distributors and retailers, does not have any representation of tobacco companies in our Association.

- We believe the proposed per mil taxation model is totally unfair and unworkable.
- In principle, we would not recommend a specific taxation level targeted at vaping products as we believe that adult vaping systems targeting ex-smokers provide outstanding harm reduction benefits to governments and no other smoking harm reduction solution has a special tax imposed on them.
- The CVA would observe that other provincial governments have chosen to implement a vaping product and e-liquid tax.
- The governments in BC and Alberta have introduced a flat tax on the retail value of the vaping products sold, not on a per mil basis.
- Other provinces realized that simple to administer taxes are more effective and existing Point of Sale (POS) systems can easily accommodate sales taxes but per mil tax schemes may not be possible to administer for most small retailers.
- Further, the CVA believes that if any additional tax is imposed on vaping products the revenue from such a tax should be used to fund targeting vaping education and enforcement programs.
- Finally, it is not possible to intelligently discuss vaping taxation policy without considering the implications of eliminating the adults-only vape shop retail channel through the non-tobacco flavoured e-liquids ban scheduled to go in effect on April 1st.

The CVA urges the NS Legislature to pause the proposed Bill 233 and budget taxation measures and sit down with the industry and affected groups to work toward a workable, integrated public policy framework that effectively targets youth vaping and maintains a path for ex-smokers to use vaping products to get off combustible tobacco, reduce their harm and potentially save their lives.

Sincerely,

Jody Allen (Watt)

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