

TITLE: Smoke-Free Ontario Amendments Act (Vaping is not for Kids), 2023

TO: Board of Health

FROM: Anne Marie Holt, Director, Health Protection

DATE: November 16, 2023

APPROVED BY: Dr. Natalie Bocking, Medical Officer of Health & CEO

In Camera? Yes No

Overview

The Ontario Public Health Standards mandate public health units to work toward reducing the morbidity and mortality related to chronic disease. Limiting youth access to tobacco products is a key strategy as detailed in the [Tobacco, Vapour and Smoke Protocol \(2021\)](#).

Recommendations to Board

THAT the Board of Health send correspondence to the Minister of Health in support of the advocacy letters from Public Health Niagara Region and Simcoe Muskoka District Health Unit regarding Bill 103, *Smoke-free Ontario Amendments Act (Vaping is not for Kids), 2023* (attached).

Issue

Electronic cigarettes (e-cigarettes) are addicting youth to nicotine at an alarming rate. Between 2017-2019, vaping rates doubled among Ontario students in grades 7-12. This is particularly concerning when considering the highly addictive effects of nicotine in e-cigarettes is associated with an increased risk for future tobacco cigarette use among youth who vape (Ontario Agency for Health Protection and Promotion, 2018). Further, there are significant health risks associated with youth vaping because of the toxic and carcinogenic substances in devices including lung damage, changes to the

brain, burns, dependence or addiction, difficulty learning, and increased anxiety and stress.

Background

Based on the Ontario Student Drug Use and Health Survey (2021), 26.4 % of students grade 7-12 have tried vaping by e-cigarettes in their lifetime. Among those that had vaped in the last year, over 84% report vaping nicotine. The *Smoke Free Ontario Amendments Act*, Bill 103 will address the following:

1. Prohibiting the promotion of vapour products.
2. Amending the legal age to purchase products to 21 years old and above.
3. Prohibiting vapour flavouring and restrict high concentration vapour products.
4. Restricting vapour products to being sold at specialty vape stores or designated stores in remote/rural communities, with approval from the Board of Health. Selling or offering to sell vapour products online be prohibited.
5. Minister provided the ability to direct tax revenue from vapour product sales at specialty stores to be used for education on the health risks of vaping.
6. Require Ontario Health prepare an annual report to the Ministry on youth vaping with recommendations to the Minister in developing policies.

Through policy, we can limit youth access to such products and reduce their use and the eventual health impacts associated with vapour use.

Conclusions

Advocacy to government to prohibit promotion and limit youth access to vapour products is a key step forward to impacting youth behaviour and eventual health impacts.

References

[Tobacco, Vapour and Smoke Protocol, 2021 \(gov.on.ca\)](https://www.gov.on.ca)

[Tobacco and E-Cigarettes | Public Health Ontario](#)

[Ontario Student Durg and Health Survey, 2021](#)



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October 30, 2023

Sent by e-mail: sylvia.jones@ontario.ca

The Honourable Sylvia Jones
Deputy Premier and Minister of Health
Ministry of Health
College Park 5th Floor, 777 Bay Street
Toronto ON M7A 2J3

Dear Minister Jones,

Re: Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023

As Regional Chair for the Regional Municipality of Niagara, I am writing in support of Simcoe Muskoka District's letter on September 7, 2023, (attached) regarding Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023. Bill 103 addresses the following:

1. Prohibiting the promotion of vapour products.
2. Amending the legal age to purchase products to 21 years old and above.
3. Prohibiting vapour flavouring and restrict high concentration vapour products.
4. Restricting vapour products to being sold at specialty vape stores or designated stores in remote/rural communities, with approval from the board of health. Selling or offering to sell vapour products online be prohibited.
5. Minister provided the ability to direct tax revenue from vapour product sales at specialty stores to be used for education on the health risks of vaping.
6. Require Ontario Health prepare an annual report to the Ministry on youth vaping with recommendations to the Minister in developing policies.

Vaping rates among youth in Niagara and Ontario continue to remain high with 54% of students in grade nine to 12 reporting trying vaping, and 12% of students in grade seven and eight, which are significantly higher compared to Ontario (38.6%)¹. Vaping can impact the developing brain, increases risk of lung injury² and can impact other health issues like lung

¹ Niagara Region Public Health (2020). 2019 Report on Health Behaviours and Perceptions of Niagara Students. Thorold, ON.
² Shmerling, R. Can vaping damage your lungs? What we do and don't know. Harvard Health Publishing- Harvard Medical School. 2023-06-15. [cited 2023-08-18]. Available from: <https://www.health.harvard.edu/blog/can-vaping-damage-your-lungs-what-we-do-and-dont-know-2019090417734>

disease, asthma and cardiovascular disease³. High nicotine concentrations, flavours, low cost, easy access, marketing strategies aimed at youth and the lack of regulatory measures to protect youth are all factors contributing to youth vaping. Long-term health risks of vaping are still largely unknown. Amendments proposed in Bill 103 align with the philosophy of previous positions of Niagara Region Public Health (NRPH), where through consultations and letters to the Province of Ontario and the Federal Government have advocated for stricter legislation to prohibit vaping flavours, limit adjectives and ingredients to describe flavours, regulate advertising/promotion/sponsorship, reduce permitted nicotine concentrations, and increase regulation of online vape sales.

The proposed requirements of Bill 103 to the Smoke-Free Ontario Act would have a positive impact on the health of Ontarians, in particular for youth. Bill 103, if passed, would result in reducing the availability of vape devices and restrict vaping product advertising that has resulted in an increase in nicotine addiction and increasing present and future stress on the healthcare system. NRPH would be happy to work with your government in supporting the changes proposed within Bill 103 as a part of our comprehensive strategy to reduce youth vaping and decrease nicotine addiction.

Yours truly,



Jim Bradley, Chair
Niagara Region

cc: Dr. Kieran Moore, Chief Medical Officer of Health
Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
Sam Oosterhoff, MPP Niagara West
Jeff Burch, MPP, Niagara Centre
Wayne Gates, MPP, Niagara Falls
Jennifer (Jennie) Stevens, MPP, St. Catharines
All Ontario Boards of Health
Association of Local Public Health Agencies

³ Chronic e-cigarette use impairs emotional function on the physiological and cellular levels. Arteriosclerosis, Thrombosis, and Vascular Biology. 2022. Nov; 42(11): Available from: [Chronic E-Cigarette Use Impairs Endothelial Function on the Physiological and Cellular Levels | Arteriosclerosis, Thrombosis, and Vascular Biology \(ahajournals.org\)](https://doi.org/10.1161/ATV.117.311111)



September 7, 2023

The Honourable Sylvia Jones
 Deputy Premier and Minister of Health
 Ministry of Health
 College Park 5th Floor, 777 Bay Street
 Toronto ON M7A 2J3
sylvia.jones@ontario.ca

Dear Minister Jones:

Re: Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023

Electronic cigarettes (e-cigarettes) are addicting youth to nicotine at an alarming rate. Between 2017-2019, vaping rates doubled among Ontario students in grades 7-12. In Simcoe Muskoka, 32% of students in grades 7-12 and 43% of high school students reported using an e-cigarette in the past year. This is particularly concerning when considering the highly addictive effects of nicotine in e-cigarettes is associated with an increased risk for future tobacco cigarette use among youth who vape (Ontario Agency for Health Protection and Promotion, 2018). Further, there are significant health risks associated with youth vaping as a result of the toxic and carcinogenic substances in devices including lung damage, changes to the brain, burns, dependence or addiction, difficulty learning, and increased anxiety and stress.

As chair of the Simcoe Muskoka District Health Unit (SMDHU) Board of Health I am writing in support of Public Health Sudbury and Districts letter on June 28, 2023 regarding Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023. Bill 103's focus on preventing youth uptake of vaping is important to decrease morbidity and mortality and keep Ontarians out of the healthcare system now and in the future. This includes prohibiting the promotion of vapour products, raising the minimum age for purchasing vapour products and requiring that specialty vape stores obtain store location approval from the Board of Health.

Such amendments proposed by Bill 103 align with the philosophy of previous positions of the Board of Health, which have been focused on reducing nicotine and tobacco use in our communities. This includes previous Board communications to the Province of Ontario and the Federal Government in support of the previous 2017 Tobacco Endgame for Canada (committing to a target of less than 5% tobacco use in Canada by 2035), supporting previous tobacco tax increases (2018) and a 2014 letter to the Director General, Health Products and Food Branch Inspectorate regarding the increased use and availability of electronic cigarettes.

In 2023, the Board of Health called on the Ontario government to establish a renewed smoking, vaping and nicotine strategy which was supported from the Association of Local Public Health Agencies and the linked [letter](#) was sent in August 2023 to the Ontario Minister of Health. Such communications to government have been supported by SMDHU's comprehensive approach to smoke-free programming via education, promotion and

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enforcement efforts which are required to manage increasing youth vaping rates through strategies that prevent nicotine addiction such as the Not An Experiment initiative.

The proposed requirements of Bill 103 to the Smoke-Free Ontario Act would have a positive impact on the health of Ontarians, in particular for the youth. Bill 103, if passed, would result in reducing the availability of vape devices and restrict vaping product advertising that has resulted in an increase in nicotine addiction and increasing present and future stress on the healthcare system. SMDHU would be happy to work with your government in supporting the changes proposed within Bill 103 as a part of our comprehensive strategy to reduce youth vaping and decrease nicotine addiction.

Sincerely,

ORIGINAL Signed By:

Ann-Marie Kungl, Board of Health Chair
Simcoe Muskoka District Health Unit

AMK:CG:SR:sh

cc: France Gélinas, Member of Provincial Parliament, Nickel Belt
Dr. Kieran Moore, Chief Medical Officer of Health
Honourable Michael Parsa, Minister of Children, Community and Social Services
Honourable Steve Clark, Minister of Municipal Affairs and Housing
All Ontario Boards of Health
Association of Local Public Health Agencies