

# Tobacco in Canada

Addressing Knowledge Gaps Important to Tobacco Regulation  
Environmental Scan – Spring Summer 2020

## GET INSPIRED BY OUR NEW SKINS COLLECTION



UMBRA SKIN FOR ePod



FOIL SKIN FOR ePod



SWAY SKIN FOR ePod



MARMOR SKIN FOR ePod

September 2020

Physicians *for a* Smoke-Free Canada

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The views expressed herein do not necessarily represent the views of Health Canada

# I. FEDERAL GOVERNMENT ACTIVITIES

## A) POLICY AND REGULATION

### Federal regulations coming into force

- **Vaping Products Labelling and Packaging Regulations**

On June 22, 2019 proposed *Vaping Products Labelling and Packaging Regulations* were published in the Canada Gazette, Part I.<sup>1</sup> The proposed measures would require refillable vaping products and devices to be child resistant. They would also establish labelling requirements for nicotine containers, including mandatory listing of ingredients, and the presence of the warning “WARNING: Nicotine is highly addictive” on all products with a nicotine concentration of 0.1 mg/mL or more. The comment period for these regulations expired in the first week of September. On December 25,



Voluntary warning, 2019



Regulated warning, 2020

*BAT Vaping liquids before and after federal warning requirements came into force*

2019, the final version of the *Vaping Products Labelling and Packaging Regulations* was published in Canada Gazette Part II, with an implementation date set for health warnings on July 1, 2020, and for child-resistant packaging on January 1, 2021.<sup>2</sup> The Canada Convenience Store News reported that Health Canada was postponing enforcement of the packaging regulations until January 1, 2021.<sup>3</sup>

1 Canada Gazette, Part I, Volume 153, Number 25: Vaping Products Labelling and Packaging Regulations <http://gazette.gc.ca/rp-pr/p1/2019/2019-06-22/html/reg4-eng.html>

2 Canada Gazette, Part II, Vol. 153, no. 26. Vaping Products Labelling and Packaging Regulations <http://www.gazette.gc.ca/rp-pr/p2/2019/2019-12-25/pdf/g2-15326.pdf>

3 Canada Convenience Store News. Ottawa delays new vape packaging regulations <http://ccentral.ca/ottawa-delays-new-vape-packaging-regulations/>

- **Vaping product promotion regulations**

A consultation paper was issued in August 2017,<sup>4</sup> and a summary of comments received was made public in April 2018.<sup>5</sup> A Notice of Intent was published on February 5, 2019 with a deadline for comments of March 22. The What We Heard report was issued in July 2019.<sup>6</sup> Publication of proposed regulations in the Canada Gazette Part 1 was done on December 21, 2019, with responses due by January 19, 2020.<sup>7</sup> On July 8, 2020, the final version of the regulation was published in the Canada Gazette Part II. Retail display measures came into effect 60 days later (September 8), with other restrictions in force a month earlier (August 8).<sup>8</sup>

## Regulations in development

- **Vaping Products Reporting Regulations**

These regulations would require manufacturers and importers of vaping products to provide Health Canada with reports on certain business activities, and for the Minister to make this information available to the public. A consultation paper was issued in August 2017,<sup>9</sup> and a summary of comments received was made public in April 2018.<sup>10</sup>

Publication of proposed regulations in the Canada Gazette Part 1 is “expected to take place in winter 2020 and last 75 days.”<sup>11</sup>

- **Tobacco Products Labelling Regulations**

Health Canada has indicated it will amend labelling requirements for cigarettes and other tobacco products. “The goal would be to increase awareness of the health hazards and health effects associated with tobacco use.” The last time that labelling regulations were changed for cigarettes was in 2011. Regulations for cigars, pipe tobacco, bidis, kreteks and smokeless tobacco have not been changed since 2000.<sup>12</sup>

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4 Health Canada. Proposals for the regulation of vaping products. 2017  
<https://www.canada.ca/en/health-canada/programs/consultation-regulation-vaping-products/proposals-regulate-vaping-products.html>

5 Health Canada. Consultation summary: proposals for the regulation of vaping products. 2018  
<https://www.canada.ca/en/health-canada/services/publications/healthy-living/consultation-summary-proposals-regulation-vaping-products.html#a3-3>

6 Health Canada. Consultation Summary: Notice of Intent – Potential Measures to Reduce the Impact of Vaping Products Advertising on Youth and Non-users of Tobacco Products  
<https://www.canada.ca/en/health-canada/programs/consultation-measures-reduce-impact-vaping-products-advertising-youth-non-users-tobacco-products/notice-document/summary.html>

7 Canada Gazette, Part I, Volume 153, Number 51: Vaping Products Promotion Regulations  
<http://www.gazette.gc.ca/rp-pr/p1/2019/2019-12-21/html/reg1-eng.html>

8 Canada Gazette, Part II, Volume 154, No. 14, Vaping Products Promotion Regulations.  
<http://gazette.gc.ca/rp-pr/p2/2020/2020-07-08/pdf/g2-15414.pdf>

9 Health Canada. Proposals for the regulation of vaping products. 2017  
<https://www.canada.ca/en/health-canada/programs/consultation-regulation-vaping-products/proposals-regulate-vaping-products.html>

10 Health Canada. Consultation summary: proposals for the regulation of vaping products. 2018  
<https://www.canada.ca/en/health-canada/services/publications/healthy-living/consultation-summary-proposals-regulation-vaping-products.html#a3-3>

11 Health Canada. Forward Regulatory Plan 2019-2021: Vaping Products Reporting Regulations. <https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/vaping-reporting.html>

12 Health Canada Forward Regulatory Plan 2019-2021: Tobacco Products Labelling Regulations  
<https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/regulatory-initiative-package-labelling-pursuant-tobacco-act.html>

A consultation paper was circulated in October 2018,<sup>13</sup> and a summary of comments was published in August 2019.<sup>14</sup> Publication of proposed regulations in the Canada Gazette Part 1 is “expected to take place in winter 2021 and last 30 days.”<sup>15</sup>

- **Amendments to the Tobacco Reporting Regulations**

Tobacco manufacturers have been required to provide Health Canada with periodic reports on their activities since 2000. Health Canada proposes to revise these regulations to “improve the information” and to provide for some disclosure of information.

A Notice of Intent was published in the Canada Gazette in December 2017, specifying 8 areas in which the regulations would be amended or expanded.<sup>16</sup> Publication of proposed regulations in the Canada Gazette Part 1 is “expected to take place in winter 2020 and last 75 days.”<sup>17</sup>

- **Reducing Youth Access and Appeal of Vaping Products: Potential Regulatory Measures**

In April 2019, Health Canada released a consultation paper on measures that could be adopted to address the increase of youth vaping in Canada. The consultation period ended on May 25<sup>th</sup>, 2019.

Proposed regulations included:

- prohibiting the manufacture and sale of vaping products with certain flavours or flavour ingredients and/or prohibiting the promotion of certain flavours;
- restricting the concentration and/or delivery of nicotine in vaping products;
- regulating design features;
- restricting online retail access;
- restricting product packaging.

The “What We Heard” report was made public on December 19, 2019.<sup>18</sup>

In the 2020-2021 Departmental Plan, Health Canada identifies that it is “developing additional regulations to further reduce the appeal of these products to young Canadians (eg, reducing nicotine concentration limits, establishing further significant flavour restrictions, building on those already in place in the legislation.)”<sup>19</sup> In a July 2020 press release, the department confirmed it is “also considering additional regulatory measures that would further restrict the nicotine content of vaping products,

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13 Health Canada New Health-Related Labelling for Tobacco Products. Document for consultation. <https://www.canada.ca/en/health-canada/programs/consultation-tobacco-labelling/document.html>

14 Health Canada New Health-Related Labelling for Tobacco Products. Consultation Summary. New Health-Related Labelling for Tobacco Products CONSULTATION SUMMARY

15 Health Canada Forward Regulatory Plan 2019-2021: Tobacco Products Labelling Regulations <https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/regulatory-initiative-package-labelling-pursuant-tobacco-act.html>

16 Health Canada. Notice to interested parties — Proposals to amend the Tobacco Reporting Regulations <http://www.gazette.gc.ca/rp-pr/p1/2017/2017-12-02/html/notice-avis-eng.html>

17 Health Canada Forward Regulatory Plan 2019-2021: Amendments to the Tobacco Reporting Regulations <https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/ammendments-tobacco-reporting-regulations-bill-s-5.html>

18 Health Canada. What We Heard: Reducing Youth Access and Appeal of Vaping Products: Consultation Summary. <https://www.canada.ca/en/health-canada/services/publications/healthy-living/consultation-summary-reducing-youth-access-appeal-vaping-products.html>

19 Health Canada. Departmental Plan. 2020-2021. <https://www.canada.ca/en/health-canada/corporate/transparency/corporate-management-reporting/report-plans-priorities/2020-2021-report-plans-priorities.html>

further restrict flavours in vaping products and require the vaping industry to provide information about their vaping products, including sales, ingredients and research and development activities.”<sup>20</sup>

Health Canada indicated that the concentration under consideration was 20 mg/ml when it surveyed vaping product manufacturers in February 2020 about the impact this would have on their business.<sup>21</sup>

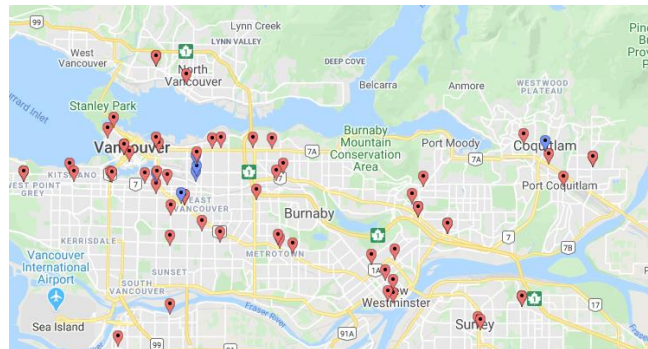
On March 30, 2020 NGOs were asked their views on a proposed limit of 20 mg/ml in vaping products.

### Regulatory proposals in consultation stage

- In January 2020, Health Canada and Environment Canada publish Draft Science Assessment of Plastic Pollution<sup>22</sup> for a 60-day public comment period.<sup>23</sup>
- A full record of government consultations can be found at the federal “Consultation and Feedback” website.<sup>24</sup>

### Enforcement and compliance actions

- In June 2020, Health Canada followed up on its intention to make public the results of inspections of 2000 specialty vaping stores and 1000 convenience retailers. The addresses of those found in non-compliance are available on Health Canada’s website.<sup>25</sup>



### FCTC Reporting

In April 2020, Health Canada submitted its periodic report to the FCTC secretariat.<sup>26</sup>

### Contracts awarded or tenders requested

- Health Canada issues an Advanced Contract Award Notice respecting the engagement of AC Neilsen with respect to Retail tobacco and vaping data.<sup>27</sup>
- Health Canada issues a tender for the Canadian Student Tobacco, Alcohol and Drugs Survey to be undertaken 2020-21 and 2022-23.<sup>28 29 30</sup>

20 Health Canada. Press Release. Health Canada confirms ban of advertising for vaping products wherever they can be seen or heard by youth. July 8, 2020.

21 Health Canada. Regulatory Option on Limiting Nicotine Concentration in Vaping Products – Consultation on Potential Costs to Manufacturers and Importers of Vaping Products. <https://vitaofcanada.com/wp-content/uploads/2019/11/CBA-Questionnaire-2020Fe10.pdf>

22 Environment and Climate Change Canada. Health Canada. Draft science assessment of plastic pollution. <https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/draft-science-assessment-plastic-pollution.html>

23 Canada Gazette. Part I. January 31, 2019. Publication of the draft science assessment of plastic pollution <http://www.gazette.gc.ca/rp-pr/p1/2020/2020-02-01/html/notice-avis-eng.html#nl3>

24 Government of Canada. Consultations and Feedback. <https://www.canada.ca/en/government/system/consultations/consultingcanadians.html>

25 Health Canada. Vaping Product Enforcement Reports. <https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/compliance-enforcement/report-october-december-2019.html>  
<https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/compliance-enforcement.html#a1>

26 It will eventually be made available on the FCTC Implementation database at: <https://untobaccocontrol.org/impldb/canada/>

27 <https://buyandsell.gc.ca/procurement-data/tender-notice/PW-CY-031-79057>

28 <https://buyandsell.gc.ca/procurement-data/tender-notice/PW-SS-075-38061>

29 <https://buyandsell.gc.ca/procurement-data/tender-notice/PW-SS-075-37331>

30 [buyandsell.gc.ca/cds/public/2020/06/25/7a157dca3bcd0e1f5114b617ba8c9dc2/ABES.PROD.PW\\_\\_SS.B075.E38061.EBSU000.PDF](https://buyandsell.gc.ca/cds/public/2020/06/25/7a157dca3bcd0e1f5114b617ba8c9dc2/ABES.PROD.PW__SS.B075.E38061.EBSU000.PDF)

- Other contracts may not be identified if they are not catalogued as relating to tobacco or vaping.

### **PUBLIC OPINION RESEARCH**

Research commissioned by Health Canada and released in spring-summer 2020 included the following reports:

- Exploratory Research on Youth Vaping. Quorus Consulting Group. POR-069-19. <sup>31</sup>
- Social values and psychographic segmentation of tobacco and nicotine users and non-users Earncliffe Strategy Group. POR 048-19. <sup>32</sup>
- Vapers Panel Survey to Measure Attitudes and Behaviours Regarding Vaping Over Time. Environics Research Group. POR 098-19<sup>33</sup>

Commissioned research not yet released at September 30, 2020 includes:

- Youth Vaping Prevention Campaign – Testing New Messages. Environics Research Group POR 095-19

In the 19<sup>th</sup> Annual Report on Government of Canada Public Opinion Research Activities (for fiscal 2019-2020), it was reported that Health Canada commissioned 8 public opinion research projects, at a total budget of about \$1 million. This represented 35% of the expenditures by Health Canada and the Public Health Agency and about 10% of the total federal expenditures on public opinion research.<sup>34</sup>

### **OTHER**

The Public Health Agency is assisting in the development of preventive health care guidelines for smoking cessation.<sup>35</sup> The protocol for this review, which has been published, will include a review of the effectiveness of e-cigarettes.<sup>36</sup>

## **B) FINANCIAL POLICY**

### **Tax rates**

- On April 1, federal tobacco excise taxes increased by an inflationary amount of \$0.46 for 200 cigarettes and \$0.29 for 50 grams of finecut. <sup>37</sup>

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31 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2020/069-19-e/report.pdf>

32 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2020/048-19-e/index.html>

33 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2020/098-19-e/report.pdf>

34 19th Annual Report on Government of Canada Public Opinion Research Activities. 2019-2020. <https://www.tpsgc-pwgsc.gc.ca/rop-por/rapports-reports/documents/rapport-report-2019-2020-eng.pdf>

35 Canadian Task Force on Preventive Health Care. Upcoming Guidelines. <https://canadiantaskforce.ca/guidelines/upcoming-guidelines/>

36 Hersi, M et al. Effectiveness of stop smoking interventions among adults: protocol for an overview of systematic reviews and an updated systematic review. Systematic Reviews. 2019.

37 Revenue Canada. EDN63. Adjusted rates of excise duty on Tobacco Products, Effective April 1, 2020.

## Expenditures

- In June 2020, Health Canada released budgetary allocations for the revised Canada Tobacco control Strategy.<sup>38</sup>

### Canada's Tobacco Control Strategy - New Funding

Strategy Themes	Dept	Type	2018-19	2019-20	2020-21	2021-22	2022-23	Total	Ongoing
Help Canadians Quit Tobacco	HC	OP	0.14	0.30	0.30	0.29	0.29	1.32	0.29
		G&C		2.50	4.50	3.50	3.50	14.00	3.50
	PHAC	OP	0.22	0.23	0.24	0.24	0.25	1.18	0.25
		G&C	0.50	1.25	2.25	2.25	2.25	8.50	2.25
Protect Young People and Non-Tobacco-Users from Nicotine Addiction	PS	OP		0.60	0.66	0.66	0.66	2.58	0.37
		G&C		1.47	1.41	2.20	2.20	7.28	2.39
	RCMP	OP	1.47	1.46	1.46	1.50	1.50	7.39	1.50
Strengthen our Foundations in Science, Surveillance, and Partnerships	HC	OP	2.50	3.89	2.84	2.83	2.84	14.90	2.83
Co-Develop Distinctions-Based Approaches with Indigenous peoples	ISC	OP	0.13	0.25	0.25	0.23	0.23	1.09	0.23
		G&C	1.67	4.23	5.22	4.07	4.07	19.26	4.07
	CIRNA	G&C	0.10	1.00				1.10	
<b>TOTAL NEW FUNDING</b>			<b>6.73</b>	<b>17.20</b>	<b>19.13</b>	<b>17.77</b>	<b>17.79</b>	<b>78.62</b>	<b>17.68</b>

### Canada's Tobacco Control Strategy – Existing Funding

Strategy Themes	Dept	Type	2018-19	2019-20	2020-21	2021-22	2022-23	Total	Ongoing
Help Canadians Quit Tobacco	HC	OP	8.38	8.38	8.38	8.38	8.38	41.90	8.38
		G&C							
	PHAC	OP							
		G&C	2.20	2.20	2.20	2.20	2.20	11.00	2.20
Protect Young People and Non-Tobacco-Users from Nicotine Addiction	HC	OP	22.41	22.52	17.29	17.63	17.31	97.16	17.58
	PS	OP	0.32	0.32	0.32	0.32	0.32	1.60	0.32
		G&C	0.45	0.45	0.45	0.45	0.45	2.25	0.45
	RCMP	OP	1.50	1.50	1.50	1.50	1.50	7.50	1.50
	CBSA	OP	3.00	3.00	3.00	3.00	3.00	15.00	3.00
	CRA	OP	0.88	0.88	0.88	0.88	0.88	4.40	0.88
Strengthen our Foundations in Science, Surveillance, and Partnerships	HC	OP	9.40	9.40	9.40	9.40	9.40	47.00	9.40
Co-Develop Distinctions-Based Approaches with Indigenous peoples	ISC	OP							
		G&C	5.00	5.00	5.00	5.00	5.00	25.00	5.00
	CIRNA	G&C							
<b>TOTAL EXISTING</b>			<b>53.54</b>	<b>53.65</b>	<b>48.42</b>	<b>48.76</b>	<b>48.44</b>	<b>252.81</b>	<b>48.71</b>
<b>TOTAL NEW FUNDING</b>			<b>6.73</b>	<b>17.20</b>	<b>19.13</b>	<b>17.77</b>	<b>17.79</b>	<b>78.62</b>	<b>17.68</b>
<b>TOTAL FUNDING</b>			<b>60.27</b>	<b>70.85</b>	<b>67.55</b>	<b>66.53</b>	<b>66.23</b>	<b>331.43</b>	<b>66.39</b>

All numbers are expressed in \$ millions. Numbers were rounded to the nearest decimal. Some totals may not add due to rounding. G&C are grants and contributions.	HC: Health Canada	CBSA: Canada Border Services Agency CRA: Canada Revenue Agency ISC: Indigenous Services Canada CIRNA: Crown-Indigenous Relations and Northern Affairs Canada
	PHAC: Public Health Agency of Canada	
	PS: Public Safety Canada	
	RCMP: Royal Canadian Mounted Police	

38 Correspondence with Rob Cunningham.



## II. MONITORING AND SURVEILLANCE

### Disease surveillance

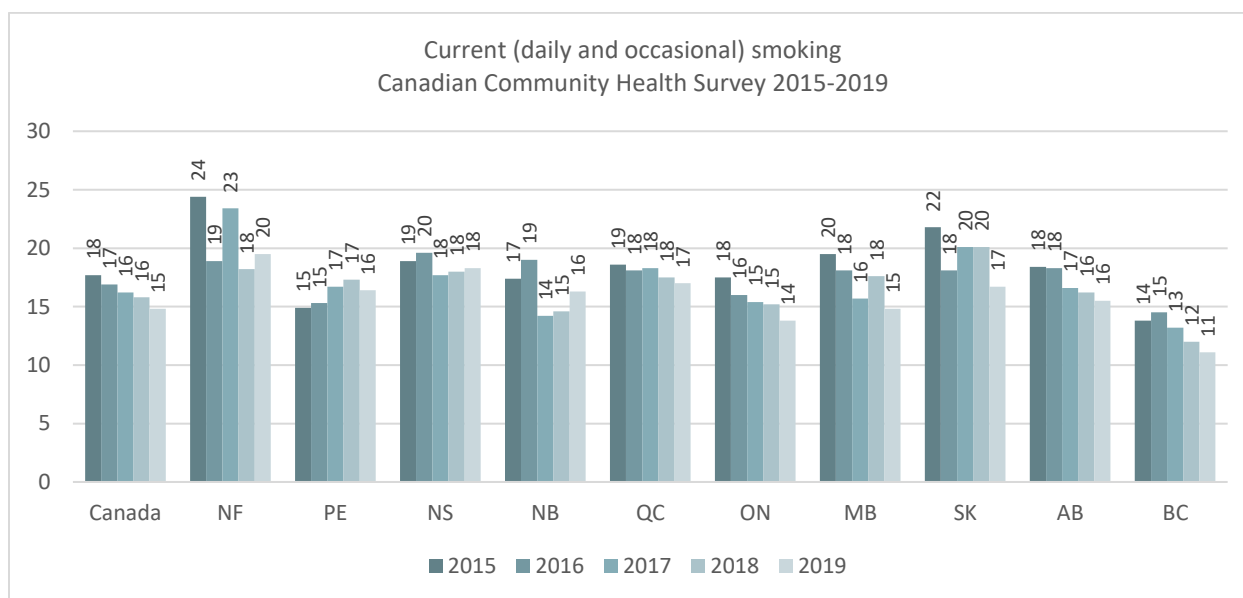
- In August 2020, Health Canada provided an update on the number of vaping related illnesses. At that time, there were 13 reported cases. As of March 25, 2020, that number had increased to 19 cases. No deaths were reported.<sup>39</sup>
- The Canadian Paediatric Society canvassed its members, asking about vaping-related illness in children. Respondents identified

	December 3, 2019	February 25, 2020	March 30, 2020	August 20, 2020
<b>15 to 19</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>5</b>
<b>20 to 34</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>40 to 49</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>5</b>
<b>50 years +</b>	<b>4</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Female</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>8</b>
<b>Male</b>	<b>6</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>Nicotine only</b>	<b>7</b>	<b>10</b>	<b>11</b>	<b>11</b>
<b>Tetrahydrocannabinol (THC) only</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>5</b>
<b>Flavoured vaping liquid only</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Nicotine, THC and other substances</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>3</b>
<b>Total</b>	<b>13</b>	<b>18</b>	<b>19</b>	<b>20</b>

88 cases of vaping-related illness and injury in children and youth in the 12 month period, 13 cases involving intensive care hospitalization.<sup>40</sup>

### Monitoring of smoking and vaping behaviours

- During this period, the results of the 2019 Canadian Community Health Survey were made public. Current smoking had fallen in most, but not all, provinces.<sup>41</sup>

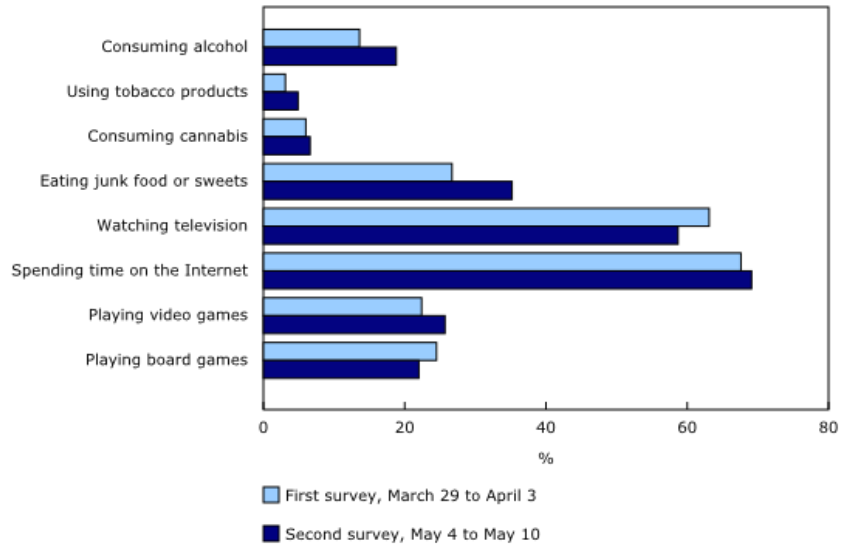


39 Government of Canada. Vaping associated lung illness. <https://www.canada.ca/en/public-health/services/diseases/vaping-pulmonary-illness.html>

40 Canadian paediatric surveillance program. 2019 Results. <https://www.cpsp.cps.ca/uploads/publications/CPSPResults2019.pdf>

41 Statistics Canada. Canadian Community Health Survey, 2015 to 2018. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310009601>

- In a survey of COVID-related behaviours, Statistics Canada reports that roughly equal numbers of Canadians had increased (3.3%) or decreased (3.4) their consumption of tobacco in the initial COVID-19 period (March to April 2020).<sup>42 43</sup>
- University of Waterloo researchers report an increase in ever vaping among Canadian youth aged 16 to 19 from 29% in 2017 to 41% in 2019, and in past-30 day vaping from 8% to 18%.<sup>44</sup>
- Health Canada released findings from a Euromonitor study on “Market size, characteristics, and growth trends of the vaping products market in Canada,<sup>45</sup>
  - Vaping market valued at \$1.36 billion
  - 2019 market 2.6 times larger than in 2016 (\$510 million)
  - Vaping liquids represented 67%, devices 33%
  - Open devices 56%, closed with pre-filled pods 44%
  - Nicotine salts had 70% of market value.



Category	Vape shops	Gas and Convenience	Specialty shops with vaping products	Online
<b>Market share</b>	44%	30%	5%	21%
<b>Open systems</b>	\$464.4	\$22.5	\$36.4	\$224.7
<b>Closed systems</b>	\$116.7	\$379.3	\$29.2	\$58.4

42 Statistics Canada. Canadians who report lower self-perceived mental health during the COVID-19 pandemic more likely to report increased use of cannabis, alcohol and tobacco. May 7, 2020. <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00008-eng.htm>

43 Statistics Canada. Canadian Perspectives Survey Series 2: Monitoring the effects of COVID-19, May 2020. <https://www150.statcan.gc.ca/n1/daily-quotidien/200604/dq200604b-eng.htm>

44 Hammond, D et al. Changes in Prevalence of Vaping Among Youths in the United States, Canada, and England from 2017 to 2019. JAMA Pediatrics. June 2020.

45 Presentation at the Tobacco and Vaping Conference organized by the Canadian Public Health Association, September 2020.

- Health Canada released findings from a Nielsen study “Vaping Product Retail Sales” based on data from 24% of retail stores<sup>46</sup>
  - 99% of sales in the grocery and convenience are companies with tobacco-company associations (JUUL, Vype, Logic).
  - JUUL and Vype had equal quantity sales by 2019.
  - Estimate 2.5 million devices and 60 million pods were sold national.
  - Sales dipped in September and October, stabilizing at the end of the year.
  - Prices of starter kits dropped 50% over 2019.
  - 89% were for products greater than 20 mg/ml.

## II. PROVINCIAL GOVERNMENT ACTIVITIES (APRIL TO SEPTEMBER 2020)

### ALBERTA

- **Alberta** introduces legislation to impose constraints on e-cigarette marketing on June 2, which receives Royal Assent on June 26.<sup>47</sup> Retail displays of vaping products are banned (outside of specialty shops), and vaping is prohibited in the same locations as smoking is banned. The law gives the government regulatory authority to restrict or ban flavours. It will come into force on proclamation (date not yet set).
- **Edmonton’s** ban on shisha lounges comes into effect July 1.<sup>48</sup>

### BRITISH COLUMBIA:

- British Columbia announces regulations to restrict sale of flavoured vaping products to specialty stores, to restrict nicotine to 20 mg, to require plain packaging and other measures.<sup>49</sup>
- British Columbia established a tax category for heat-not-burn products, effective August 1, 2020. The measure had been delayed from the spring as a result of COVID.<sup>50</sup>
- In September, British Columbia announced a screening program to detect early signs of lung cancer.<sup>51</sup>

### MANITOBA

- The Manitoba March budget announced increases to tobacco taxes (of about \$0.05), but these were deferred until further notice.<sup>52</sup>
- Manitoba includes a ban on hookah smoking in restaurants as part of its COVID regulations.<sup>53</sup>

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46 Presentation at the Tobacco and Vaping Conference organized by the Canadian Public Health Association, September 2020.

47 Alberta legislature. Bill 19. Tobacco Reduction Amendment Act. 2020. [https://docs.assembly.ab.ca/LADDAR\\_files/docs/bills/bill/legislature\\_30/session\\_2/20200225\\_bill-019.pdf](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_30/session_2/20200225_bill-019.pdf)

48 City of Edmonton. Public Places Bylaw (see Smoking. [https://www.edmonton.ca/city\\_government/bylaws/smoking.aspx](https://www.edmonton.ca/city_government/bylaws/smoking.aspx))

49 British Columbia Order in Council 426. [https://www.bclaws.ca/civix/document/id/oic/oic\\_cur/0426\\_2020#](https://www.bclaws.ca/civix/document/id/oic/oic_cur/0426_2020#)

50 British Columbia. Tobacco Tax. Accessed August 21, 2020. <https://www2.gov.bc.ca/gov/content/taxes/sales-taxes/tobacco-tax>

51 B.C. Government. B.C. launches lung cancer screening program – the first in Canada. <https://news.gov.bc.ca/releases/2020PREM0051-001726>

52 Manitoba Finance. Tobacco Tax. Accessed August 21, 2020. <https://www.gov.mb.ca/finance/taxation/taxes/tobacco.html>

53 Manitoba. Orders under The Public Health Act [https://www.gov.mb.ca/asset\\_library/en/proactive/2020\\_2021/orders-soe-080132020.pdf](https://www.gov.mb.ca/asset_library/en/proactive/2020_2021/orders-soe-080132020.pdf)

## **NEWFOUNDLAND AND LABRADOR**

- Newfoundland and Labrador government and ACT (Alliance for the Control of Tobacco) launch an educational campaign “Vaping. It’s the New Nicotine Addiction”<sup>54</sup>
- In its September 2020 budget, Newfoundland and Labrador increases taxes on cigarettes and fine-cut tobacco and imposes a 20% tax on vaping products.<sup>55</sup>

## **NOVA SCOTIA**

- Nova Scotia adopts regulations to restrict nicotine to 20 mg/ml, effective September 1.<sup>56</sup>
- Nova Scotia requirement for e-cigarette retail licensing comes into effect in July.<sup>57</sup>
- Nova Scotia tax of \$0.50 per ml or gram of nicotine liquids and solids comes into effect on September 15. Vaping devices are taxed at 20% of suggested retail selling price. The province issues a series of tax bulletins describing the tax and restrictions (including restrictions on the number that an individual may carry) that will be in force as of September 15h.<sup>58</sup>

## **PRINCE EDWARD ISLAND**

- Prince Edward Island adopts regulation to ban flavoured e-cigarettes, effective March 1, 2021.<sup>59</sup>
- On July 15, PEI increased the tax on cigarettes by \$5.04 a carton (and \$6.02 on finecut)<sup>60</sup>

## **ONTARIO**

- Ontario Regulation 268/18 under the Smoke-Free Ontario Act was implemented on July 1<sup>st</sup>, with COVID identified as the reason for a delay from the original implementation date of May 1. The regulation:
  - Restricts the retail sale of flavoured vapour products to Specialty Vape Stores and Cannabis Retail Stores, except for menthol, mint and tobacco flavours.
  - Requires Specialty Vape Stores to ensure that indoor vapour product displays and promotions are not visible from outside their stores.
  - Exempts Cannabis Retail Stores from the prohibition on displaying vapour products
- The Ontario Ministry of Finance held consultations on “Unregulated Tobacco”. The objective of the review is to:

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54 <https://truthaboutvaping.ca/>

55 Newfoundland. 2020 Budget. <https://www.gov.nl.ca/budget/2020/budget-speech/>

56 Nova Scotia Order in Council 2020-149. Nova Scotia Regulation 75/2020. <https://novascotia.ca/just/regulations/regs/2020-75.pdf>

57 Nova Scotia Provincial Tax Commission. Notice to vaping product retail and wholesale vendors. Bulletin 5109.

<https://beta.novascotia.ca/sites/default/files/documents/1-2387/tax-information-bulletin-5109-en.pdf>

58 Nova Scotia. Vaping Products Tax Program.

<https://beta.novascotia.ca/programs-and-services/vaping-products-tax-program>

Nova Scotia Provincial Tax Commission. June 24, 2020. Notice to vaping wholesalers and retailers. Bulletin 5112

<https://beta.novascotia.ca/sites/default/files/documents/1-2398/tax-information-bulletin-5112-en.pdf>

Nova Scotia Provincial Tax Commission. Notice of Amendments to the Revenue act. Vaping Products Definition. Bulletin 5108

<https://beta.novascotia.ca/sites/default/files/documents/1-2384/tax-information-bulletin-5108-en.pdf>

Nova Scotia Provincial Tax Commission. Notice of Amendments to the Revenue Act and Revenue Act Regulations— Prohibitions on Vaping Products. Bulletin 5111

<https://beta.novascotia.ca/sites/default/files/documents/1-2385/tax-information-bulletin-5111-en.pdf>

Nova Scotia Provincial Tax Commission. Notice of Amendments to the Revenue Act— Tax Rates on Vaping Products. Bulletin 5110

<https://beta.novascotia.ca/sites/default/files/documents/1-2386/tax-information-bulletin-5110-en.pdf>

59 Prince Edward Island Order in Council EC2020-489.

<https://www.princeedwardisland.ca/sites/default/files/publications/20200811truwww.pdf>

60 Prince Edward Island. Tobacco Tax Notice. July 2020.

[https://www.princeedwardisland.ca/sites/default/files/publications/ttn\\_135.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/ttn_135.pdf)

- Support public health objectives toward tobacco cessation, prevention and protection;
- Recognize Indigenous interests in and perspectives on tobacco, governance and economic development and diversification;
- Promote community safety and public interest;
- Responds proactively to emerging technologies such as vaping; and
- Encourages regulatory modernization and business competitiveness

### **QUEBEC**

- Quebec launched a new anti-tobacco strategy.<sup>61 62</sup> Industry denormalization is included in the 4 pillars (prevention, cessation and protection from second hand smoke). The strategy also aims at addressing tobacco prices.

### **SASKATCHEWAN**

- Saskatchewan was reported to have initiated consultations with vaping suppliers with respect to a ban on flavours.<sup>63</sup>

## **III. MUNICIPAL GOVERNMENT ACTIVITIES**

During the COVID-19 pandemic, some Indigenous communities closed tobacco shops to limit visits by non-residents.<sup>64</sup>

## **IV CIVIL SOCIETY ACTIVITIES**

- As a result of COVID-19 pandemic, several charities (including the Heart and Stroke Foundation and Canadian Cancer Society) layoff staff assigned to tobacco control.
- In August 2020, the Framework Convention Alliance announces major staff layoffs.
- Ontario Campaign for Action on Tobacco ceases operation (September 2020).
- Canadian Lung Association and the Canadian Thoracic Society issue a statement position on vaping.<sup>65</sup>
- The Canadian Public Health Association hosts the on-line Tobacco and Vaping Control Forum (September 22-23, 2020).<sup>66</sup>
- The Canadian Cancer Society, in collaboration with the government of Canada, produced a special report on Lung Cancer in September 2020.<sup>67</sup>

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61 Quebec Ministry of Health and Social Services. Lancement de la Stratégie pour un Québec sans tabac 2020-2025. <https://www.msss.gouv.qc.ca/ministere/salle-de-presse/communique-2129/>

62 Quebec. Stratégie pour un Québec sans tabac 2020-2025. [https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/sante-services-sociaux/publications-adm/strategie/STR\\_19-006-04W\\_MSSS.pdf](https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/sante-services-sociaux/publications-adm/strategie/STR_19-006-04W_MSSS.pdf)

63 Global News. Provincial consultation on flavoured vaping products underway in Saskatchewan. September 20, 2020 <https://globalnews.ca/news/7347537/saskatchewan-flavoured-vaping-consultation/>

64 CBC News. Mohawk communities close tobacco shops to limit visits by non-residents amid COVID pandemic. March 26, 2020

65 Canadian Lung Association . Position Statement on Vaping <https://www.lung.ca/news/advocacy-tools/our-position-statements/position-statement-vaping>

66 Canadian Public Health Association. Tobacco and Vaping Control Forum 2020. <https://www.cpha.ca/tobaccovapingforum2020>

67 Canadian Cancer Society. Canadian Cancer Statistics. A 2020 special report on lung cancer. [https://www.cancer.ca/~media/cancer.ca/CW/cancer%20information/cancer%20101/Canadian%20cancer%20statistics/Canadian-cancer-statistics-2020\\_special-report\\_EN.pdf?la=en](https://www.cancer.ca/~media/cancer.ca/CW/cancer%20information/cancer%20101/Canadian%20cancer%20statistics/Canadian-cancer-statistics-2020_special-report_EN.pdf?la=en)

## V. JUDICIAL AND LITIGATION ACTIVITIES

- A Nova Scotia vape shop (the Cloud Factory Vape Shop Inc, Edward George William MacEachern) filed a lawsuit challenging that province’s restrictions on vaping products. (September 2020).<sup>68</sup> More than \$100,000 was raised through GOFUNDME campaigns,<sup>69 70</sup> one of which identified that the lawyer representing the case was Mike Scott of Patterson Law.
- Tobacco companies were granted an extension on the “stay” of all legal actions against them in Canada by the Ontario Court managing their applications under the federal Companies Creditors Arrangement Act (CCAA). The stay was extended until March 31, 2020.<sup>71</sup>

## VI. SELECTED INTERNATIONAL ACTIVITIES

### WORLD HEALTH ORGANIZATION

- Dr. Adriana Blanco Marquizo was appointed as head of the FCTC Secretariat, effective March 1, 2020.
- As a result of the COVID pandemic, the ninth Conference of the Parties for the RCTC (and second meeting of the parties to the Illicit Trade Protocol) were postponed from November 2020 to November 2021.<sup>72</sup>
- The theme of 2020 World No Tobacco Day was protecting youth from industry manipulation and preventing them (sic) from tobacco and nicotine use.<sup>73</sup>

### WORLD TRADE ORGANIZATION

- WTO Appellate body upholds Australia’s plain packaging regulations, dismissing an appeal brought by the Dominican Republic and Honduras.<sup>74</sup>

### UNITED STATES

#### **FDA Activities –**

- FDA asks for and receives delay in deadline for e-cigarette manufacturers to request premarket authorization.<sup>75</sup> New Deadline is set for September 9, 2020.<sup>76</sup> In August 2020, FDA reports that it has received applications for about 2,000 cigarettes and announces that it intends to make public the names of applicants.<sup>77</sup>

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68 CBC News. N.S. business owners challenge provincial vape restrictions in court. September 12, 2020. <https://www.cbc.ca/news/canada/nova-scotia/nova-scotia-vaping-restrictions-charter-challenge-supreme-court-government-1.5721958>

69 <https://www.gofundme.com/f/nova-scotia-vape-flavor-ban-challenge>

70 <https://www.gofundme.com/f/save-vaping-in-nova-scotia>

71 Ontario Superior Court. In the matters of JTI Imperial/Rothmans. Endorsement. September 29, 2020.

72 World Health Organization. COP9 and MOP2 postponed to November 2021. Stay tuned. Press release. 27 April 2020. <https://www.who.int/ctc/mediacentre/news/2020/COP9-MOP2-postponed-nov-2021/en/>

73 World Health Organization. World NO Tobacco Day 2020. <https://www.who.int/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020>

74 World Trade Organization. AB 20-18-4; AB 2018-6. Australia – Certain measures concerning trademarks, geographical indications and other plain packaging requirements applicable to tobacco products and packaging. June 2020 [https://www.wto.org/english/tratop\\_e/dispu\\_e/435\\_441abr\\_e.pdf](https://www.wto.org/english/tratop_e/dispu_e/435_441abr_e.pdf)

75 FDA. Press release. FDA Submits Request to Court to Extend Premarket Application Deadline for Certain Deemed Products. March 30. <https://www.fda.gov/tobacco-products/ctp-newsroom/fda-submits-request-court-extend-premarket-application-deadline-certain-deemed-products>. E-cigarette intelligence reports that the court granted the request.

76 United States District Court for the District of Maryland. Civil Action No. 8:18-cv-883-PWG

77 FDA. Perspective: FDA,s Preparations for the September 9 Submission Deadline. <https://www.fda.gov/tobacco-products/ctp-newsroom/perspective-fdas-preparations-september-9-submission-deadline>

- FDA authorized the marketing of a version of IQOS, together with its heated tobacco units, as a modified risk tobacco product (MRTP). In doing so, the agency found that an IQOS exposure modification order is appropriate to promote the public health. (July 7 2020)<sup>78</sup>
- FDA notified a number of companies to remove non-compliant products from market.<sup>79 80</sup>

### US Federal Trade Commission (FTC)

- In April, FTC began proceedings to challenge Altria’s \$12.8 billion investment in JUUL.<sup>81</sup>

### U.S. state and municipal actions

- California legislation to ban the sale of flavoured tobacco products (including e-cigarettes) is signed into law. It takes effect on January 1, 2021.<sup>82</sup>
- Chicago City Council bans flavour e-cigarettes.<sup>83</sup>
- Colorado adopts Tobacco 21 law.
- Florida Governor vetoes proposed legislation to ban flavoured e-cigarettes.<sup>84 85</sup>
- Georgia imposes 7% tax on vaping products (and increases age to 21)<sup>86</sup>
- Iowa adopts Tobacco 21 legislation
- Massachusetts imposes 75% excise tax on e-cigarettes, in effect in June 2020.<sup>87</sup>
- Mississippi adopts Tobacco 21 legislation.
- Minnesota adopts Tobacco 21 legislation.
- New Jersey flavour ban comes into effect. (April 20)<sup>88</sup>

### TAXES IMPOSED ON VAPING PRODUCTS, U.S. STATES AND MUNICIPALITIES

State/District	Type and base	Amount (USD)	Effective date
Alaska			

78 FDA. News Release. FDA Authorizes Marketing of IQOS Tobacco Heating System with ‘Reduced Exposure’ Information. July 7, 2020.

79 FDA. News Release. FDA Notifies Companies, Including Puff Bar, to Remove Flavored Disposable E-Cigarettes and Youth-Appealing E-Liquids from Market for Not Having Required Authorization. July 20, 2020. <https://www.fda.gov/news-events/press-announcements/fda-notifies-companies-including-puff-bar-remove-flavored-disposable-e-cigarettes-and-youth>

80 FDA. News Release. FDA Warns Manufacturers and Retailers to Remove Certain E-cigarette Products Targeted to Youth from the Market. April 27, 2020. <https://www.fda.gov/news-events/press-announcements/fda-warns-manufacturers-and-retailers-remove-certain-e-cigarette-products-targeted-youth-market>

81 US Federal Trade Commission. FTC Sues to Unwind Altria’s \$12.8 Billion Investment in Competitor JUUL. April 1, 2020 <https://www.ftc.gov/news-events/press-releases/2020/04/ftc-sues-unwind-altrias-128-billion-investment-competitor-juul> link to administrative complaint: [https://www.ftc.gov/system/files/documents/cases/d09393\\_administrative\\_part\\_iii\\_complaint-public\\_version.pdf](https://www.ftc.gov/system/files/documents/cases/d09393_administrative_part_iii_complaint-public_version.pdf) Related documents available at: <https://www.ftc.gov/enforcement/cases-proceedings/191-0075/altria-groupjuul-labs-matter>

82 California state legislature. SB-793 Flavored tobacco products. [https://leginfo.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201920200SB793](https://leginfo.ca.gov/faces/billStatusClient.xhtml?bill_id=201920200SB793)

83 City of Chicago. Ordinance SO2020-3388. <https://chicago.legistar.com/LegislationDetail.aspx?ID=4572187&GUID=A5812953-3C0C-44B5-B305-0729918FC7DA&Options=Advanced&Search=>

84 Ron de Santis, Governor. Letter to Laurel M. Lee. September 8, 2020 <https://www.flgov.com/wp-content/uploads/2020/09/Transmittal-Letter-09.08.2020.pdf>

85 Florida Senate. Bill SB 810 – Use of Tobacco Products and Nicotine Products. <https://www.flsenate.gov/Session/Bill/2020/810>

86 Georgia General Assembly. SB 375 Cigarettes and Tobacco Related Products; additional penalties regarding any person under 21 years of age; provide; definition of vapor product; revise <http://www.legis.ga.gov/Legislation/en-US/display/20192020/SB/375>

87 Massachusetts Department of Public Health. Guide 2019 Tobacco Control Law. <https://www.mass.gov/guides/2019-tobacco-control-law#-new-tobacco-control-law>

88 State of New Jersey. Governor Phil Murphy. Press release. Governor Murphy Signs Legislation to Make New Jersey First State in the Nation to Impose Permanent Ban on Flavored Vape Products. January 21, 2020. <https://nj.gov/governor/news/news/562020/approved/20200121i.shtml>. Link to bill : S3265 Sca (1R) Prohibits sale or distribution of flavored vapor products.\* [https://www.njleg.state.nj.us/2018/Bills/S3500/3265\\_R1.PDF](https://www.njleg.state.nj.us/2018/Bills/S3500/3265_R1.PDF)

State/District	Type and base	Amount (USD)	Effective date
• Matanuska-Susitna	Ad valorem, wholesale price	55%	2015
• Juneau	Ad valorem, wholesale price	45%	2015
<b>California</b>	Ad valorem, wholesale price	56.93%	2017 (adjusted in 2020)
<b>Connecticut</b>	Ad valorem, device wholesale price, Specific, liquid by volume	10% ; \$0.40 / mL	2019
<b>Delaware</b>	Specific, liquid by volume	\$0.05 / mL	2018
<b>Georgia</b>	Specific, closed system by volume Ad valorem, open system	\$0.05 /ml 7%	2020
<b>Illinois</b>	Ad valorem, wholesale price	15%	2019
• Cook County	Specific, volume of liquid	\$0.20 / mL	2016
• Chicago	Product unit and volume of liquid	\$1.50 / unit; \$1.20 / mL	2016 (revised 2019)
<b>Kansas</b>	Specific, liquid by volume	\$0.05 / mL	2015 (lowered in 2017)
<b>Louisiana</b>	Specific, volume of consumable nicotine liquid	\$0.05 / mL	2015
<b>Maine</b>	Ad valorem, wholesale price	43%	2020
<b>Maryland</b>			
• Montgomery Country	Ad valorem, wholesale price	30%	2015
<b>Massachusetts</b>	Ad valorem, wholesale price	75%	2020
<b>Minnesota</b>	Ad valorem, wholesale price	95%	2012 (increased in 2013)
<b>Nevada</b>	Ad valorem, wholesale price	30%	2020
<b>New Hampshire</b>	Ad valorem, wholesale price for open system Specific, liquid by volume, for closed	8%; \$0.30/ml	2020
<b>New Jersey</b>	Specific, volume of liquid Ad valorem for container, retail prices	\$0.10 / mL; 10%	2018
<b>New Mexico</b>	Mixed, (1) ad valorem wholesale price, (2) specific closed system cartridge	(1) 12.5%, (2) \$0.50 / cartridge	2019
<b>New York</b>	Ad valorem, retail price	20%	2019
<b>North Carolina</b>	Specific, liquid by volume	\$0.05 / mL	2015
<b>Ohio</b>	Specific, 0.10 mL or 0.1 mg if solid	\$0.10 / mL	2019
<b>Pennsylvania</b>	Ad valorem, wholesale price	40%	2016
<b>Utah</b>	Ad valorem	56%	2020
<b>Vermont</b>	Ad valorem, wholesale price	92%	2019
<b>Washington</b>	Specific, volume of liquid	\$0.27 /mL if container under 5ml; \$0.09 /mL if container over 5 ml	2019
<b>Washington, DC</b>	Ad valorem, wholesale price	95%	2015 (increased in 2018)
<b>West Virginia</b>	Specific, liquid by volume	\$0.075 / mL	2016
<b>Wisconsin</b>	Specific, liquid by volume	\$0.05 / mL	2019
<b>Wyoming</b>	Ad valorem, wholesale or retail price	15% (wholesale), 7.5% retail	2020



- New York State includes legislation to ban all flavoured e-cigarettes in its 2020 budget.<sup>89</sup> Legislation is passed and comes into force in May 2020. Ban on on-line sales of e-liquids and discounts on cigarettes comes into force in July 2020.<sup>90</sup>
- Oklahoma adopts Tobacco 21 laws.
- Utah tax on e-cigarettes (56% of wholesale price) comes into force in June 2020.<sup>91</sup>
- Wyoming tax on e-cigarettes (15% of wholesale price or 7.5% of retail price) comes into force in June 2020.<sup>92</sup>

## EUROPE

### **European Commission and European Union.**

- The EU ban on the sale of menthol tobacco products came into effect in May 2020.
- The EC Commission Directorate-General for Health and Safety expressed concerns about violations of the Tobacco Products Directorate by Formula One racing teams.<sup>93</sup>
- The European Commission released a “Preliminary Opinion on Electronic Cigarettes” of its Scientific Committee on Health, Environmental and Emerging Risks (SCHEER), initiating a consultation paper on the conclusions which ends in October, 2020.<sup>94</sup>

### **Belgium**

- **Belgium** makes public a list of all e-cigarette brands marketed.<sup>95</sup>

### **Denmark**

- **Denmark** introduces legislation to ban flavours and require plain packaging of e-cigarettes.<sup>96</sup>

### **Estonia**

- **Estonia** amends its flavour ban on e-cigarettes to permit menthol-flavour (timing connected with menthol ban on cigarettes)<sup>97</sup>

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89 New York State Governor Cuomo. FY 2021 Budget Highlights. <https://www.governor.ny.gov/fy-2021-new-york-state-budget/fy-2021-budget-highlights>

90 New York State Budget bill S7506B. <https://legislation.nysenate.gov/pdf/bills/2019/S7506B>

91 Utah Tax. General Information. E-cigarettes.

<https://tax.utah.gov/tobacco#:~:text=E%2Dcigarettes&text=Anyone%20importing%20e%2Dcigarette%20substances,and%20must%20be%20paid%20electronically.>

92 Public Health Law Centre. E-cigarette regulations. Wyoming.

<https://www.publichealthlawcenter.org/resources/us-e-cigarette-regulations-50-state-review/wy#:~:text=Electronic%20cigarettes%20and%20vapor%20material%20purchased%20or%20imported%20by%20wholesalers,15%20of%20the%20wholesale%20price.&text=If%20tax%20not%20paid%20at,electronic%20cigarettes%20and%20vapor%20material.>

93 EC DG Sante. Meeting of the Group of Experts on Tobacco Policy. 26 June 2020.

94 European Commission. Public Consultation on Electronic Cigarettes.

[https://ec.europa.eu/health/scientific\\_committees/consultations/public\\_consultations/scheer\\_consultation\\_10\\_en](https://ec.europa.eu/health/scientific_committees/consultations/public_consultations/scheer_consultation_10_en)

95 Government of Belgium. Notification of E-cigarette products <https://www.health.belgium.be/en/notification-des-produits-de-la-e-cigarette>

96 Denmark. Draft law amending the Act on the Prohibition of Tobacco Advertising, etc., the Tobacco Products Act, the Electronic Cigarette Act, etc. and various other laws (Implementation of the National Action Plan against Children and Young People's Smoking), by the Minister of Health and Elderly <https://www.ft.dk/samling/20191/almdelel/SUU/bilag/186/2140379.pdf>

97 ERR.EE News. Ban on smokeless tobacco products lifted by Riigikogu. May 4, 2020 <https://news.err.ee/1085579/ban-on-smokeless-tobacco-products-lifted-by-riigikogu>

## Germany

- **Germany** adopts legislation to ban tobacco advertising in outdoor public spaces, effective 2022 for tobacco products and 2024 for vaping products.<sup>98</sup> Germany is the only European country which allowed domestic advertising of tobacco products (cross-border advertising is prohibited under the EU Directive).

## Hungary

- **Hungary** reduces its tax on e-cigarettes from HUF55 to HUF 20 per ml.<sup>99</sup>

## Ireland

- **Ireland's** coalition government adopts a plan which includes taxing vaping products and limiting the retailers that can sell them.<sup>100</sup>

## Lithuania

- **Lithuania** gives notice at WTO of new law to further constrain tobacco promotions, including retail restrictions.<sup>101</sup>

## Netherlands

- **Netherlands'** ban on using e-cigarettes in public places comes into force, as does its ban on display of tobacco and e-cigarettes in supermarkets.<sup>102</sup>
- **The Netherlands** junior minister of Health, Paul Blokhuis, announces flavours will be banned in e-cigarettes.<sup>103</sup>
- **Netherlands** government indicates that it will require plain packaging for e-cigarettes for 2022.<sup>104</sup>

## Spain

- **Spanish** regions ban outdoor vaping and smoking where social distancing is not possible. <sup>105</sup>

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98 Xinhua. Germany to further restrict tobacco advertising. September 21, 2020.

99 Vapor Products Tax. Hungary lowers its excise tax on e-cigarettes. January 1, 2020  
<https://vaporproductstax.com/hungary-lowers-its-excise-tax-on-e-cigarettes/>

100 Irish Times. Programme for government: what are the main points in the five-year plan. June 16, 2020  
<https://www.irishtimes.com/news/ireland/irish-news/programme-for-government-what-are-the-main-points-in-the-five-year-plan-1.4279046>

See also. Draft Plan Our Shared Future: <https://static.rasset.ie/documents/news/2020/06/draft-programme-for-govt.pdf>

101 WTO. G/TBT/N/LTU/40 and G/TBT/N/LTU/39

102 Rijksoverheid. Government measures to discourage smoking. <https://www.rijksoverheid.nl/onderwerpen/roken/roken-ontmoedigen>

103 Dutch News. Up in smoke? Dutch ponder new rules to get tough on vaping  
<https://www.dutchnews.nl/news/2020/05/up-in-smoke-dutch-ponder-new-rules-to-get-tough-on-vaping/>

Letter from Blokhuis to Netherlands Parliament

<https://www.tweedekamer.nl/downloads/document?id=afb6cddc-0953-4049-b3c4-f2e1026f0c9a&title=Toezeggingen%20en%20onderzoeksresultaten%20thema%E2%80%99s%20preventie%20en%20gezonde%20leefstijl.pdf>

104 Government Gazette of the Kingdom of the Netherlands. Regulation of the Secretary of State for Health, Welfare and Sport of 20 April 2020, reference 1668603-203750-WJZ, amending the Tobacco and smokers' regulation in connection with the introduction of standard packaging for cigarettes and rolling tobacco.  
<https://zoek.officielebekendmakingen.nl/stcrt-2020-24728.html>

105 The Local. Smoking ban extended to whole of Spain and nightclubs to close.  
<https://www.thelocal.es/20200814/smoking-ban-extended-to-whole-of-spain-and-nightclubs-to-close>

## United Kingdom

- U.K. Environment minister is reported as having cautioned tobacco companies that unless further voluntary efforts are made, the government will impose environmental clean up costs on the companies.<sup>106 107</sup>

## OTHER REGIONS

### Australia

- **Australia** proposes regulations to limit importation of e-cigarettes containing nicotine unless on prescription from a doctor. The ban would be in effect for 12 months from July 1, 2021 while government undergoes a review of nicotine regulation.<sup>108</sup> This measure is later delayed until January 1, 2021,<sup>109</sup> and an interim decision and further consultation process is initiated in September.<sup>110</sup>
- The **Australian Therapeutic Goods Administration** rejected a request to allow heated tobacco products (IQOS) to be sold.<sup>111</sup>

*None of the submissions provided have changed my assessment that nicotine presents a severe hazard from repeated use leading to potential addiction and a significant risk of producing irreversible toxicity, which may involve serious, acute or chronic health risks or death. I am not persuaded that HTPs would not attract 'never smokers' including youth. In this regard, I note that the application, if agreed, would exempt nicotine when in tobacco when prepared and packed for heating from all regulation as a poison, which would allow anyone, including previous or non-smokers, to access these products and potentially expose a new cohort to the health risks arising from the use of tobacco. If exempted from scheduling, there would be no ability to restrict the supply of HTPs to smokers seeking to quit.*

### Bhutan

- **Bhutan** lifts its decade-long ban on tobacco sales, citing concerns about COVID-infections resulting from contraband trade through India.<sup>112</sup>

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106 Daily Mail. No butts! Tobacco firms are warned they face tougher laws requiring them to pick up fag ends off UK streets unless they ramp up efforts to collect discarded cigarettes themselves. August 25, 2020. <https://www.dailymail.co.uk/news/article-8654783/No-butts-Tobacco-firms-urged-ramp-efforts-collect-discarded-cigarettes-themselves.html>

107 Letter from Minister Rebecca Pow to the Tobacco Manufacturers Association. 20 July 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/909418/smoking-litter-letter-to-tma.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909418/smoking-litter-letter-to-tma.pdf)

108 Government of Australia. Department of Health. Therapeutic Goods Administration. News Release. Prohibition on importing e-cigarettes containing vaporiser nicotine. June 19, 2019.

<https://www.tga.gov.au/behind-news/prohibition-importing-e-cigarettes-containing-vaporiser-nicotine>

109 Government of Australia. Department of Health. Therapeutic Goods Administration. News Release. Prohibition on importing e-cigarettes containing vaporiser nicotine. June 19, 2019.

<https://www.tga.gov.au/behind-news/prohibition-importing-e-cigarettes-containing-vaporiser-nicotine>

110 Government of Australia. Department of Health. Therapeutic Goods Administration. Notice of an interim decision to amend the current Poisons Standard. 23 September 2020. <https://www.tga.gov.au/sites/default/files/notice-interim-decision-amend-current-poisons-standard-joint-acms-accs-25-june-2020.pdf>

111 Australia. Department of Health. Notice of final decisions to amend (or not amend) the current Poisons Standard. 24 August 2020. 0

112 Al Jazeera. Bhutan lifts tobacco ban amid coronavirus measures. August 2020. <https://www.aljazeera.com/news/2020/08/bhutan-lifts-tobacco-ban-coronavirus-measures-200829060406349.html>

## Brazil

- **Brazil** delays its decision whether or not to allow the sale of e-cigarettes until 2021. In 2009, the health regulator ANVISA adopted a regulation prohibiting the importation or sale of e-cigarettes,<sup>113</sup> and in 2017 conducted a public consultation on whether to change the policy.<sup>114</sup>

## India

- **India** initially banned some tobacco sales as part of its COVID-prevention measures.<sup>115</sup>

## Kyrgyzstan

- **Kyrgyzstan** begins taxing e-cigarettes at 1 som / mL (\$0.02).<sup>116</sup>

## Mexico

- **Mexico** bans import of e-cigarettes by presidential decree.<sup>117 118 119</sup>

## New Zealand.

- **New Zealand** passes Smokefree Environments and Regulated Products (Vaping) Amendment Bill, establishing a regulatory framework for the sale of electronic cigarettes.<sup>120</sup>

## Philippines

- The **Philippines** adopted legislation to permit the sale of non-combustible nicotine delivery systems, including e-cigarettes and heated tobacco, reversing a presidential decree prohibiting the manufacture and sale of such products which had been issued in February.<sup>121</sup>

## Singapore

- Plain packaging comes into force in **Singapore** in July.<sup>122</sup>

## South Africa

- **South Africa** restricts the sales of tobacco products as a COVID-preventive measures, but lifts the restrictions in August, 2020.<sup>123</sup>

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113 ANVISA. Resolução da Diretoria Colegiada - RDC nº 46 de 27/08/2009 (available through <http://portal.anvisa.gov.br/legislacao#/>)

114 ANVISA. Consulta Pública nº 314 de 16/03/2017

115 Singh, AG et al. Tobacco use and vaping in the COVID-19 era. *Head Neck* 2020 June  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7267638/>

116 24 KG. Electronic cigarettes to be excised in Kyrgyzstan from 2020.  
[https://24.kg/english/138563\\_Electronic\\_cigarettes\\_to\\_be\\_excised\\_in\\_Kyrgyzstan\\_from\\_2020\\_\\_\\_/](https://24.kg/english/138563_Electronic_cigarettes_to_be_excised_in_Kyrgyzstan_from_2020___/)

117 Government of Mexico. SEGO. Diario Oficial de la Federacion. Feb 19, 2020.  
[http://www.dof.gob.mx/nota\\_detalle.php?codigo=5586899&fecha=19/02/2020](http://www.dof.gob.mx/nota_detalle.php?codigo=5586899&fecha=19/02/2020)

118 Government of Mexico. Comision Federal para la Proteccion contra Riesgos Sanitarios. Blog. Por decreto presidencial, a partir de mañana queda prohibida la importación de cigarros electrónicos. February 19, 2020. <https://www.gob.mx/cofepris/articulos/por-decreto-presidencial-a-partir-de-manana-queda-prohibida-la-importacion-de-cigarros-electronicos-235401?idiom=es>

119 Government of Mexico. Diario Oficial de la Federacion. DECRETO por el que se modifica la Tarifa de la Ley de los Impuestos Generales de Importación y de Exportación. February 19, 2020. [http://dof.gob.mx/nota\\_detalle.php?codigo=5586899&fecha=19/02/2020](http://dof.gob.mx/nota_detalle.php?codigo=5586899&fecha=19/02/2020)

120 New Zealand Legislature. [https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL\\_94933/smokefree-environments-and-regulated-products-vaping](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_94933/smokefree-environments-and-regulated-products-vaping)

121 Executive Order No. 106. <https://www.officialgazette.gov.ph/downloads/2020/02feb/20200226-EO-106-RRD.pdf>

122 The Strait Times. Tobacco product packaging to be standardised from July 1. June 29, 2020.  
<https://www.straitstimes.com/singapore/health/tobacco-product-packaging-to-be-standardised-from-wednesday>

123 Lancet. Editorial. COVID-19: a new lens for non-communicable diseases. September 5, 2020.

## VII. MARKET DEVELOPMENTS

### CORPORATE DEVELOPMENTS

- Imperial Tobacco Canada appoints Ralf Wittenberg as its President and Chief Executive Officer, replacing Jorge Araya.<sup>124</sup>
- JUUL Canada appoints Rona Ambrose, Canada’s former health minister, to its board of directors.<sup>125</sup>

### BUSINESS DEVELOPMENTS

- Revenues and retained earnings of tobacco companies operating in Canada are made public as a result of their protection under the Companies’ Creditors Protection Act.

(\$000)	1 April 2019	March 2020	March 2021 (predicted)
<b>Imperial Tobacco</b>	366,539 <sup>126</sup>	1,008,647 <sup>127</sup>	1,458,354 <sup>128</sup>
<b>JTI-Macdonald</b>	126,552 <sup>129</sup>	320,407 <sup>130</sup>	623,238 <sup>131</sup>
<b>Rothmans, Benson &amp; Hedges</b>	1,771,000 <sup>132</sup>	2,441,800 <sup>133</sup>	3,146,200 <sup>134</sup>
<b>Total</b>	<b>2,264,091</b>	<b>3,770,854</b>	<b>5,227,792</b>

### BRAND DEVELOPMENTS

- Imperial Tobacco renames Vype as Vuse worldwide, implementing the change in Canada in April.
- Federal regulations prompted two multinational companies to withdraw their products from Canada:

- Imperial Brands announced its removal of myblu brands in March 2020, and instructed retailers to have them off the market before requirements for federal health warnings came into force on July 1, 2020.<sup>135</sup> The company linked this decision to labeling regulations: *We regret to announce that blu has indefinitely ceased distribution in the Canadian market as of March 10th, 2020. On December 19, 2019, Health Canada also announced the final Vaping Products Labelling and Packaging Regulations to create new labelling and packaging requirements for vaping products. These regulations will come into force on July 1,*



124 Lobbyist Registry. Update September 1, 2009

125 Rieger, S. Rona Ambrose, Canada's former health minister, joins e-cigarette company Juul's board of directors. CBC News. May 17, 2020. <https://www.cbc.ca/news/canada/calgary/rona-ambrose-juul-1.5573968>

126 Imperial Tobacco Canada Court File No. CV-19-616077-00CL. First Report of the Monitor.

127 Imperial Tobacco Canada Court File No. CV-19-616077-00CL. Seventh Report of the Monitor.

128 Imperial Tobacco Canada Court File No. CV-19-616077-00CL. Eighth Report of the Monitor.

129 JTI-Macdonald. Court File No. CV-19-615862-00CL. First Report of the Monitor

130 JTI-Macdonald. Court File No. CV-19-615862-00CL. Seventh Report of the Monitor

131 JTI-Macdonald. Court File No. CV-19-615862-00CL. Eighth Report of the Monitor

132 Rothmans, Benson & Hedges. Court File No. CV-19-616779-00CL. First Report of the Monitor

133 Rothmans, Benson & Hedges. Court File No. CV-19-616779-00CL. Fifth Report of the Monitor

134 Rothmans, Benson & Hedges. Court File No. CV-19-616779-00CL. Sixth Report of the Monitor.

135 My blu. Note for our consumers and retailers. March 2020

[https://www.blu.com/en/CA?utm\\_source=affiliate&utm\\_campaign=tradedoubler&utm\\_medium=1764846](https://www.blu.com/en/CA?utm_source=affiliate&utm_campaign=tradedoubler&utm_medium=1764846)

2020. Starting July 1st 2020, retailers will no longer be able to sell blu products to consumers in Canada.

- In its 2019 annual report, Swedish Match announced that it had withdrawn its snus brands, such as General, from the Canadian market. “due to regulatory developments.”<sup>136</sup>
- Scandinavian Tobacco Group launched Colts Snus in Canada

**RETAIL**

- The Ontario Convenience Store Association conducts a survey of its 6,000 members (independents and regional chains). The majority of stores reported an increase in tobacco sales during the COVID-19 pandemic. One third of retailers reported applying a 10% to 15% margin to tobacco sales, with two-third applying a 5% to 10% margin.<sup>137</sup>
- Imperial Tobacco opens a specialty VUSE vape shop in Toronto.<sup>138</sup>
- Imperial Tobacco, Rothmans, Benson and Hedges and JTI-Macdonald raise the wholesale price of their cigarettes. <sup>139</sup>

Brand	Price increase (per carton)
<b>Imperial Tobacco (August 17, 2020)</b>	
● Du Maurier (except FC Special blend)	\$3.00
● Du Maurier FC Special Blend	\$4.50
● John Player Plus	\$3.00
● John Player (Except John Player Special)	\$3.00
● John Player Special	\$4.50
● Marlboro	\$3.50
● Matinée	\$4.50
● Medallion	\$4.50
● Pall Mall	\$2.50
● Player’s (incl. plain)	\$4.50
● Viceroy	\$4.50
● Vogue	\$4.50
<b>JTI-Macdonald (Sept 8, 2020)</b>	
● Camel, Winston, More, American Spirit	\$4.50
● Export A, Vantage	\$1.50
● Macdonald	\$1.00
● LD, LD Activate, Camel North, Camel Activate	\$2.50
<b>Rothmans (Sept 1, 2020)</b>	
● All brands (except Accord)	\$1.00
● Accord	\$2.00

136 Swedish Match. Annual Report 2019.

137 Ontario Convenience Store Association. Member Survey Results. Impact of Illicit market “shut down” on convenience store tobacco sales. <http://ontariocstores.ca/wp-content/uploads/2020/07/OCSA-Tobacco-Survey-results-July-15.pdf>

138 Imperial Tobacco Press release. Imperial Tobacco Canada Continues on its Quest to Offer Less Risky Alternatives to Adult Smokers. September 17, 2020 <https://www.newswire.ca/news-releases/imperial-tobacco-canada-continues-on-its-quest-to-offer-less-risky-alternatives-to-adult-smokers-876502960.html>

139 Ontario Korean Business Mens Association Notices.

## **INDUSTRY PUBLIC RELATIONS ACTIVITIES**

- In July, 2020, Philip Morris International released its “Integrated Report” on “Progress to a world without cigarettes”. The report included information on its new litter campaign. “Our World is not an Ashtray”,<sup>140</sup> which was also launched that month.<sup>141</sup>
- In August 2020, Rothmans, Benson and Hedges launched a “giving back grant funding program”, offering grants up to \$25,000 to local charities.<sup>142</sup>
- In September 2020, announced a partnership with The Great Outdoors Fund to support litter clean-up projects in Canada.<sup>143</sup>
- In September 2020, Rothmans, Benson & Hedges hosted another Indigenous Harm Reduction Forum.
- In September, Philip Morris-funded Foundation for a Smoke-Free World released several reports related to its “Tobacco Transformation Index”.<sup>144 145</sup>

## **INTELLECTUAL PROPERTY**

### **New trademarks by BAT and its subsidiaries**

- Nicoventures registered a number of trade-marks associated with its re-branding of VYPE to VUSE. These include: VUSE XU (Application Number 2028469), VXU (2028449), VUSE CBD ZONE (202586), Flavour Spins (2019123), VUSE SURPRISE ME (2019121), TAKE ME THERE (2019120), VUSE TRUE ME (2017896).
- BAT formalized the trademark for its new corporate logo.
- In addition to the trademark of CBD in VUSE, BAT also registered trademarks for CBD oils, including RYDE (Application 2036035) and a reverse triangle design (2042670).



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140 <https://www.worldnoashtray.com/>

141 Philip Morris International. Progress toward a world without cigarettes. Integrated Report 2019.

<https://pmidotcom3-prd.s3.amazonaws.com/docs/default-source/sustainability-reports-and-policies/pmi-integrated-report-2019.pdf>

142 Rothmans, Benson & Hedges. News Release. Charities Invited to Apply for Rothmans, Benson & Hedges' Giving Back Grant Funding Program. August 5, 2020.

143 Rothmans, Benson & Hedges. News Release. Unsmoke Canada to Fund Litter Cleanups Across Canada. September 2, 2020.

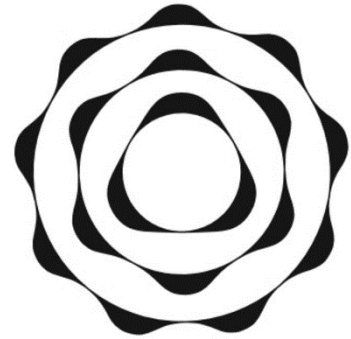
144 2020 Indigenous Harm Reduction Forum.

[https://www.eventbrite.com/e/virtual-indigenous-harm-reduction-forum-tickets-114167155034?utm\\_source=eventbrite&utm\\_medium=email&utm\\_campaign=reminder\\_attendees\\_48hour\\_email&utm\\_term=eventna me&ref=eemaileventremind](https://www.eventbrite.com/e/virtual-indigenous-harm-reduction-forum-tickets-114167155034?utm_source=eventbrite&utm_medium=email&utm_campaign=reminder_attendees_48hour_email&utm_term=eventna me&ref=eemaileventremind)

145 [Tobaccotransformationindex.org](https://tobaccotransformationindex.org/). <https://tobaccotransformationindex.org/about-the-index.html>

### **New trademarks by Philip Morris and its associated companies**

- Philip Morris filed or advanced trademark registration for vaping and heated-tobacco related products including ONELO (Application 2047563), SIERRA HIKE (2047564), TROPICAL DRIFT (2047538), VEEV RED MIX (2045488), TOGETHER FORWARD (2045213) , SMARTCORE (2037052), geometric logo (2044131), IQOS ILUMA PRIME (2044078), AMMIL DAWN (2021026),



### **New trademarks by major vaping companies**

- JUUL Labs registered a trademark for an age-verification system (RACS – Application Number 2030780)