

MOTION

8. Exploring a More Robust Policy Framework Relating to the Sale and Promotion of Vaping Products

At the Council meeting on November 5, 2019, Council referred the following motion to the Standing Committee on City Finance and Services meeting on November 6, 2019, in order to hear from speakers.

Submitted by: Councillors Bligh and Dominato

WHEREAS

1. There has been a noticeable increase in the number of Vancouver retailers selling vape equipment and supplies over the past few years amid calls to limit, or even ban, vaping products and their promotion given serious concerns regarding the health risks associated with vaping, particularly the advertising of vaping products which often targets minors and youth;
2. The City of Vancouver does not currently impose any specific restrictions on the sale of vape equipment and supplies, for example, there is no minimum distance requirement between retailers of vaping equipment and supplies as is the case for liquor stores and cannabis retailers, nor does the City have a license category specific to retailers who sell vape products;
3. The BC Lung Association notes that although the long-term health effects of using vaping products are currently unknown and under scientific examination, the “Short-term health effects include coughing, sneezing, exacerbation in asthma symptoms and increased heart rate” are known;
4. On September 4, 2019, in the wake of reported cases of severe pulmonary illness and a number of deaths associated with the use of vaping products in the United States, Health Canada advised Canadians who use vaping products to monitor themselves for symptoms of pulmonary illness (e.g., cough, shortness of breath, chest pain) and to seek medical attention promptly if they have concerns about their health;
5. On September 19, 2019, Dr. Bonnie Henry, B.C.’s provincial health officer, issued a notice under the Reporting Information Affecting Public Health Regulation that requires physicians to report incidences of patients exhibiting symptoms that meet the national case definition for vaping-related illness;
6. On Wednesday, October 16, 2019, Dr. Bonnie Henry, B.C.’s provincial health officer, confirmed the first probable case of a vaping-related illness in B.C., noting “several other investigations [are] underway that may also meet the case definition of probable or confirmed vaping-related illness in the near future”;

7. Dr. Bonnie Henry, B.C.'s provincial health officer, has also stated that vaping "is quickly emerging as a significant public health issue, [and]... turning back the clock on decades of effective anti-smoking efforts and creating a new generation of young people addicted to nicotine;"
8. Vancouver Coastal Health has reported seeing "the classic signs of nicotine addiction in young people who vape" (i.e., they can't concentrate in school, they're irritable, and they don't recognize they are experiencing nicotine withdrawal) and further stated that there is "a limited window of opportunity to reach young people who use e-cigarettes" given that studies show 99 percent of people who become addicted to nicotine do so before the age of 26 while the brain is still developing;
9. Vancouver Coastal Health (VCH) is responsible for the enforcement of provincial regulations governing sales of tobacco and vape products in Vancouver;
10. For its part, Vancouver Coastal Health has expressed grave concern that the "young e-cigarette users of today don't know the risks of vaping, and could become the tobacco smokers of tomorrow," while also noting that although the long term health effects of vaping are not known, it is known that the chemicals in some products are not safe when inhaled and that anyone near someone vaping can also be affected by the vapour;
11. The BC Lung Association makes note of several studies that suggest the health effects of vaping can be similar to those of cigarette smoking and also notes that there have been cases of children and adults poisoned by swallowing the e-juice or absorbing it through their skin;
12. Vancouver Coastal Health notes on its website that "Vaping products, like vape pens and e-cigarettes, may contain:
 - Nicotine
 - Volatile Organic Compounds (also found in gasoline)
 - Carbonyls (also found in embalming liquid)
 - Tiny particles (also found in wildfire smoke)
 - Toxic heavy metals such as chromium, nickel and lead
 - Flavours (e-juice)"
13. Vancouver Coastal Health advises that there are currently 479 retailers in Vancouver that fall under the purview of VCH's Tobacco Enforcement Program:
 - 232 – sell tobacco and vape products
 - 149 – sell tobacco exclusively
 - 33 – sell vape products exclusively
 - 65 – Liquor premises that sell tobacco and/or vape products
14. The federal *Tobacco and Vaping Products Act* distinguishes between "tobacco" and "vape" products and specifically allows – at present – for advertising vape products as long as the advertisements meet the criteria stipulated in the legislation and regulations. This has resulted in

TransLink being unable to prohibit vape advertisements that meet the legal and regulatory requirements;

15. An increasing number of B.C. municipalities and school districts are calling for a policy framework that is more robust than at present to address the many issues related to vaping and vape products and they are taking steps – where they can – to address these issues within their jurisdictional purview while also calling on the provincial and federal governments to take actions appropriate to their jurisdictional powers and responsibilities, for example:
- Richmond city councillors recently voted unanimously to ban advertisements for vaping products on sites and property the City owns and/or has sufficient control over, including transit shelters, transit benches, and other street furniture, to bring attention to the serious health risks associated with vaping, particularly for youth and minors who are often the target audience of vape advertising.
 - Trustees in the Fraser Cascade School District (SD78) recently voted unanimously to send a letter to the Minister of Health asking the province to ban flavoured vaping products, bring in tighter retail controls, develop educational tools to stop students from vaping in the first place, and the creation of tougher penalties for non-compliance.
 - In April, Coquitlam City council asked their staff to find ways the city can help to prevent children from obtaining vape products, while noting that local governments have limited powers and jurisdiction to protect youth from accessing vaping products or the appeal of vape products, including an absence of resources for enforcement. More recently, Coquitlam City council voted unanimously to support a motion asking the Federation of Canadian Municipalities and UBCM to call upon Health Canada and the provincial and territorial governments “to move quickly to coordinate additional public policy and regulations to address access, sale and appeal of vape products to youth, and offer additional enforcement resources, to halt the growing usage of vape products among our youth as a matter of concern to local government and their communities.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to explore various regulatory measures and actions within the City’s jurisdictional powers, either through the *Vancouver Charter* or other relevant legislation, as a step toward the establishment of a more robust policy framework relating to the sale and promotion of vaping products in Vancouver, and for staff to report back to Council before the end of Q1 in 2020 with recommendations and options for Council’s consideration including (but not limited to):

- Measures to limit the proximity of vape retailers to schools, youth-oriented facilities, and other recreation facilities, parks, and libraries etc. frequented by youth
 - Measures to ban advertisements for vaping products on sites and properties the City owns and/or has sufficient control over, including transit shelters, transit benches, and other street furniture etc.
 - Changes to the City's sponsorship policy as it pertains to tobacco products to include vape products etc.
- B. THAT Council empower and otherwise direct the Mayor, on behalf of City Council, to write to the provincial Minister of Health in support of a ban on flavoured vaping products, as well as calling on the province to bring in tighter retail controls on vaping products, to set tougher penalties for non-compliance, and to develop educational tools to stop students from vaping in the first place, including any other measures that would serve to avert the serious health impacts and public policy implications that vaping and vape products represent to B.C. and B.C.'s communities.
- C. THAT Council empower and otherwise direct the Mayor, on behalf of City Council, to write to the Prime Minister of Canada and the federal Minister responsible for the *Tobacco and Vaping Products Act* urging them to amend the *Act* and all relevant regulations to restrict the advertisement of vape products as is the case with limits to advertising tobacco products.
- D. THAT Council direct staff to communicate with their staff counterparts at the Vancouver School Board, the Vancouver Park Board, and Vancouver Coastal Health to offer support for any initiatives they may undertake or be undertaking in relation to vaping and vape products;

FURTHER THAT staff report back to Council on any initiatives that the Vancouver School Board, the Vancouver Park Board, and/or Vancouver Coastal Health may be contemplating in relation to vaping and vape products with an eye to potential partnerships.

- E. THAT Council direct staff to reach out to their staff counterparts in other B.C. communities where there is concern about the impacts of vaping and vaping products in order to signal and offer the City of Vancouver's support for a coordinated Federation of Canadian Municipalities effort and a coordinated UBCM effort to call on Health Canada and the provincial and territorial governments to move quickly on additional public policy and related regulations to address the sale, access, and appeal of vape products to youth, and for the federal, provincial, and territorial governments to consider providing additional enforcement resources to local governments to halt the growing use of vape products among youth as per the grave health concerns this issue has for local governments and their respective communities.