

E-CIGARETTE REVIEW WORK PLAN

EXECUTIVE SUMMARY

The popularity of electronic smoking products (ESPs) - also known as electronic cigarettes, e-cigarettes and electronic nicotine delivery systems (ENDs) - has been increasing in recent years. As a result, Council directed Administration to prepare a project work plan examining the issue of e-cigarettes and the potential impacts on communities and citizens. The plan includes a two-phased approach, with Phase 1 consisting of an examination of existing regulations, best practices in other jurisdictions and research into potential health, nuisance and behavioural impacts. Phase 2 of the work plan will include internal and external stakeholder engagement, consisting of an online survey in addition to targeted stakeholder consultations in conjunction with Alberta Health Services, Alberta Health and Wellness, The Canadian Cancer Society, the e-cigarette business community and key internal City partners. Administration will bring forward the Phase 1 findings of this multi-pronged review to the SPC on Community and Protective Services by 2014 December, along with Phase 2 findings, including any applicable bylaw amendments by 2015 June.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Community and Protective Services recommends that Council:

- 1) Receive this report for information; and
- 2) Direct Administration to report back to the SPC on Community and Protective Services with Phase 1 findings by 2014 December.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2014 March 31, Council approved Councillor Diane Colley-Urquhart's Notice of Motion 2014-13 requesting Administration prepare, in respect of e-cigarettes and their potential impacts on communities and citizen, a project scope and work plan that would:

- a) lead to determining recommendations for Council, including any bylaw changes, as to how this matter could be addressed;
- b) include consultation and participation among identified key stakeholders, including but not limited to Alberta Health Services and Alberta Health and Wellness;
- c) identify resource and cost estimates;
- d) be presented to the 2014 September meeting of the SPC on Community and Protective Services.

BACKGROUND

Overview of E-cigarettes

Electronic smoking products (ESPs), also known as electronic cigarettes (e-cigarettes), personal vaporizers (PV) or electronic nicotine delivery systems (ENDs) are battery-powered devices which produce a smoke-like vapour to simulate tobacco smoking behaviour. While the appearance of ESPs vary, they generally use a heating element that vaporizes a liquid solution, known as e-liquid. E-liquids usually contain a mixture of propylene glycol, vegetable glycerine and flavourings; however the range of additives has also been known to include nicotine amongst others. It is important to note that confirmation of the identity of a specific additive would require laboratory testing.

E-cigarettes are often marketed as a smoking alternative, with promotional materials typically describing the use of these products as safe. At this time Health Canada has not fully evaluated

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the products for safety, quality and efficacy, and advises Canadians against purchase or use of electronic smoking products.

While e-cigarette use has become more commonplace, the regulation of the devices is inconsistent throughout North America. Authorization to manufacture and sell e-cigarettes with nicotine under the *Canada Food and Drugs Act* has yet to be granted to a Canadian company, resulting in e-cigarettes which deliver nicotine currently existing in a regulatory grey zone, neither approved nor banned. Within the United States, the U.S. Food and Drug Administration have yet to make a determination on the e-cigarette issue, whether to regulate or otherwise. In practice, although e-cigarettes containing nicotine have not yet received approval for sale, they are readily available in both the Canadian and American retail market, including at specialized “vape” shops.

Current Legislation

Within Alberta, the provincial *Tobacco Reduction Act* came into effect in 2008 prohibiting smoking in public places and workplaces. It defines “smoking” as having control over a lit tobacco product, comprised in whole or in part of tobacco, including leaves or any extract of tobacco leaves. This includes cigarettes, cigars, cigarillos, pipe tobacco and specialty tobacco products such as chewing tobacco and snuff. Additionally, The City of Calgary Smoking Bylaw 57M92 further restricts smoking in certain outdoor places; including Olympic Plaza and outdoor recreational areas - specifically pools, skating rinks, playgrounds, skate parks and sports fields. Currently e-cigarettes are not addressed by existing provincial or City of Calgary legislation.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

With the growth of e-cigarettes in recent years, Council directed Administration to prepare a project work plan examining the issue of e-cigarettes and the potential impacts on communities and citizens.

The work plan includes a two-phased approach, with Phase 1 including a review of emerging e-cigarette legislation in other jurisdictions and an examination of implications for existing Alberta legislation. In addition, this phase will also include a review of potential community impacts; including potential health impacts, the role of e-cigarettes as a cessation agent, the potential for the renormalization of smoking behaviour, and potential public nuisance issues.

Potential Health Impacts:

The use of nicotine is a known health risk factor, regardless of style of use. However, proponents of e-cigarettes suggest that these products may be safer than traditional tobacco products due to the absence of tobacco and an assertion that the vapours produced by e-cigarettes contain fewer carcinogens than tobacco smoke. The review process will explore the research on potential health impacts associated with e-cigarettes and the extent to which the behaviour impacts the health and safety of Calgarians.

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E-cigarettes as a Cessation Agent:

Proponents of e-cigarettes suggest that the product is an effective means of supporting smoking cessation efforts as the nicotine levels can be adjusted by the individual user while still experiencing the physical simulation of holding and puffing on an e-cigarette. However, most of the cessation method studies have been short-term and have involved research methodology challenges. Further exploration of the potential efficacy of e-cigarettes as a smoking cessation agent will be pursued.

Renormalization of Smoking:

The behaviour of smoking an e-cigarette resembles tobacco smoking behaviour and there are concerns that this growing trend may renormalize smoking once again. This is of particular concern for youth, for whom certain e-cigarette promotional materials may appear to target - with flavours of “gummy bears”, “cotton candy” and “bubble gum”. The review process will explore and assess if there is a potential link between e-cigarettes and a transition to traditional smoking behaviours.

Potential Public Nuisance Issues:

The issue of e-cigarettes as a potential public nuisance will be examined, including the impact of the associated vapour. The process will include a determination as to whether the behaviour constitutes a nuisance and the consideration of applicable regulatory approaches as appropriate.

Phase 2 of the work plan includes internal and external stakeholder consultations and public engagement. The public engagement will be gathered through an online survey to determine Calgarians views on e-cigarettes, including their general opinions and attitudes around e-cigarettes, attitudes on when and where e-cigarettes should be permitted, along with feedback on whether or not e-cigarettes represent a public nuisance. Consultations will also be held in conjunction with Alberta Health and Wellness, Alberta Health Services, The Canadian Cancer Society, the e-cigarette business community and internal City partners, including the Law Department.

Administration will bring forward the Phase 1 findings of this multi-pronged review to the SPC on Community and Protective Services by 2014 December, along with Phase 2 findings, including any applicable bylaw amendments by 2015 June.

Stakeholder Engagement, Research and Communication

Through Phase 2 of the e-cigarette review process, Administration will engage the public through an online survey along with targeted stakeholder consultation in conjunction with Alberta Health Services, Alberta Health, The Canadian Cancer Society and The Ontario Tobacco Research Unit as leading authorities in the field. Further the e-cigarette business community will also be engaged in the review process along with key internal stakeholders such as the Law Department.

Strategic Alignment

This report aligns with Council’s Fiscal Plan for Calgary 2012-2014:

“Ensuring every Calgarian lives in a safe community and has the opportunity to succeed”

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Social, Environmental, Economic (External)

Social

The City of Calgary is committed to maintaining community standards and promoting safe and vibrant communities for all Calgarians. The review of e-cigarettes will address potential social implications, including public safety and nuisance-related issues.

Environmental

The e-cigarette review process will examine potential environmental impacts on Calgary communities; including any associated effects related to e-cigarette vapour or the burning of e-cigarette liquids.

Economic (External)

The maintenance of community standards contributes to the creation of a vibrant, healthy, safe and caring community, critical to continued economic growth and creating a city where citizens want to live and invest.

Financial Capacity

Current and Future Operating Budget:

Not applicable

Current and Future Capital Budget:

Not applicable

Risk Assessment

The e-cigarette work plan process mitigates potential project risks through the implementation of a comprehensive stakeholder engagement process, including public consultation and the targeted engagement of key community stakeholders.

REASON(S) FOR RECOMMENDATION(S):

Council directed Administration to prepare a project work plan with respect to e-cigarettes and the potential impacts on communities and citizens. The plan includes a two-phased approach, with Phase 1 consisting of an examination of existing regulations and best practices in other jurisdictions and research into potential health, nuisance and behavioural impacts. Phase 2 of the work plan includes public engagement through an online survey along with stakeholder consultation in conjunction with Alberta Health Services, Alberta Health and Wellness, The Canadian Cancer Society, and the e-cigarette business community among others. Administration will bring forward the Phase 1 findings of this multi-pronged review to the SPC on Community and Protective Services by 2014 December, along with Phase 2 findings, including any applicable bylaw amendments by 2015 June.

ATTACHMENT(S)

1. E-cigarette Work Plan Schedule