Emerging Legislative and Research Developments

Several governments and independent agencies are currently studying e-cigarettes and/or considering legislative changes, including the Government of Canada, the Government of Alberta, and other jurisdictions such as the Government of Ontario and the United States Food and Drug Administration.

Government of Canada

Federal Health Minister Rona Ambrose recently directed the House of Commons Standing Committee on Health to undertake a study and a report on e-cigarettes, including the potential risks and benefits. On 2014 October 21, the Committee began the e-cigarettes study, and is seeking the advice of a variety of health stakeholders. The Committee is also working through various options to determine the most effective way to regulate e-cigarettes, including reviewing how the current federal legislation may be applied to e-cigarettes. Health Canada officials providing evidence during the Committee's proceedings said that the department is considering options such as the potential for a new regulatory regime to protect young people, while providing access for adult smokers. The Committee held five meetings in October and November before suspending its proceedings at the conclusion of its November 4 meeting. The Committee anticipates meeting at least three more times before completing its study. However, it has not indicated the timeframe for continuation of the study.

Government of Alberta

In Phase 1 of The City's E-cigarette Review, Administration has been working collaboratively with Alberta Health Services (AHS) on research as well as development of a cost-sharing initiative to jointly fund citizen engagement in Phase 2.

The Government of Alberta is continuing to monitor the research on e-cigarettes and is collaborating with stakeholders to determine whether e-cigarette products should be regulated in the future. In its 2012 strategic brief on Electronic Smoking Products, AHS indicates that more research is required to inform potential regulatory options.

In 2013, the Government of Alberta passed two Acts to strengthen overall tobacco regulations. However, the legislation does not pertain to e-cigarettes. When proclaimed, the first of these Acts, the *Tobacco Reduction Amendment Act*, will amend the current legislation, to better protect youth and other Albertans from the harmful effects of tobacco, tobacco-like products and second-hand smoke. Alberta Health describes tobacco-like products as those composed of plants or plant products. Also awaiting proclamation is the *Tobacco Reduction (Flavoured Tobacco Products) Amendment Act*, which would prohibit the sale of flavoured tobacco products, which may be more appealing to youth. The Acts are awaiting proclamation and are not yet in force. The Government of Alberta has indicated that it will proclaim the legislation in stages so that Albertans have time to transition to the changes.

Other jurisdictions: Ontario

The Government of Ontario has awarded a $500,000 grant to the Ontario Tobacco Research Unit (OTRU) to conduct a two-year study on e-cigarettes, in partnership with the Centre for Addiction and Mental Health. The research questions include the prevalence of use, especially among youth; the health impacts; their effectiveness as a cessation aid; and the potential for renormalization of smoking. Administration has been in communication with a representative from the OTRU and will continue to monitor the progress of the research. This will include monitoring information that the OTRU intends to disseminate as the project progresses. The

OTRU advises that several reports will be published on the different studies throughout the two-year research project.

Other jurisdictions: the United States

In 2014 April, the United States Food and Drug Administration (USFDA) announced its intention to propose new regulations to include e-cigarettes, deeming them subject to regulation as tobacco products. These regulations will likely address how the products can be marketed, impose rules on health warning labels, ingredient lists, and potentially banning the sale of e-cigarettes to minors. In 2014 August, the USFDA closed its public comment period on the proposed rule, titled the *Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act*. If the rule is finalized as proposed, e-cigarettes that are tobacco products will be subject to USFDA regulation.

The USFDA is further holding public workshops in 2014 December to obtain additional information about these products for use in carrying out its responsibilities when the new rule is finalized. The e-cigarette workshops will gather scientific information on a wide range of technical topics such as: the potential risks associated with different device characteristics; the potential material hazards (e.g., leaching, metal particle deposition) associated with e-cigarettes; design or product standards; the chemical composition of e-liquids; how impurities and contaminants are identified and controlled; the chemical constituents of e-cigarette aerosols inhaled and exhaled by users; and other potential sources of risk.

The USFDA had earlier issued a warning about the public health risks posed by e-cigarettes, including concerns that the products may contain ingredients that are known to be toxic to humans. The agency is also concerned that e-cigarettes can increase nicotine addiction among young people and may lead youth to try other tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death.

Administration is monitoring the progress of ongoing national and international developments, including the United States e-cigarettes regulation, and will include any updates in the Phase 2 report and subsequent recommendations for Council.