



COALITION QUÉBÉCOISE  
POUR LE CONTRÔLE DU TABAC

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## Quebec's legislative framework for vaping products strikes a proper balance

**MONTREAL, Dec. 6, 2018** - The trial regarding the 2015 *Tobacco Control Act*, of which several provisions are challenged by the **Canadian Vaping Association** and the **Association québécoise des vapoteries**, began Monday (Dec. 3<sup>rd</sup>) at the **Quebec City courthouse**.

Specifically, these associations are challenging sections 2, 3, 5, 21, 29, 32 paragraph 2, 72 and 74, on the grounds that they are under exclusive federal jurisdiction and violate both **Canada** and **Quebec's** charters of rights, particularly with respect to their freedom of expression related to communications to consumers regarding the benefits and risks associated with their products. In essence, the vaping industry is contesting restrictions on promotion, the ban on online sales, the ban on product displays at point of sale as well as the ban on the use of vaping products inside speciality boutiques.

"The regulation of vaping products under Quebec law is completely reasonable and absolutely justified, as it strikes an appropriate balance between allowing smokers who have trouble quitting to access these less harmful products, and the inherent health risks associated with these products for non-smokers, their addictiveness and role in contributing to the smoking epidemic," explained **Flory Doucas** of the **Coalition québécoise pour le contrôle du tabac**.

In fact, [the more research is advancing](#), the less these products appear harmless: more harmful than initially believed, less effective as a smoking cessation aids and more likely to serve as a gateway to smoking among young people. Not only does research show that young vapers are more likely to take up smoking (up to [four times more likely according to a recent study](#)), but the data is not conclusive [as to their effectiveness as cessation tools](#), with some studies even showing that [vaping nicotine supresses cessation for a majority of smokers](#). (Watch [this excellent overview](#) of the latest research.)

Vaping retailers complain that their products are subject to the same law as tobacco products, which are more harmful. However, as **Ms. Doucas** explains: "The law already offers several beneficial exceptions for e-cigarettes: unlike tobacco, they can be flavoured and can be openly displayed in speciality shops, of which there is no limit in terms of their numbers. As well, they are not subject to any specific tax."

Vaping associations also invoke federal law to argue that Quebec's provisions go too far. "On the contrary. It's the federal law that is far too weak," said **Ms. Doucas**. "Just a few days ago, several anti-tobacco groups [complained about the federal government's weak stand regarding promotion](#) of vaping products, pointing to the eye-catching, trendy and glamorous ads cropping up nationwide ([on TV, on social media](#) and in [other contexts](#))... except in **Quebec**, which has a more comprehensive framework.

"Elsewhere in Canada, such ads are in full view of the general public, including youth and non-smokers," added **Ms. Doucas**. "Thankfully, in Quebec, such ads may only appear in publications that have an 85% adult readership. Given that we are dealing with highly addictive products, this is clearly a more sensible

approach. Quebec's more precautionary stance enables it to better protect youth against the scourge of nicotine addiction currently sweeping the United States."

"Indeed, we are extremely concerned about the marketing of 'JUUL', an attractive vaping product designed for discreet use that delivers *a particularly strong nicotine hit*." Recently, the **FDA** [sounded the alarm regarding its popularity among young people](#) and announced the implementation of [urgent measures](#) in response. (Multinational **Philip Morris** is currently engaged in negotiations to acquire a significant share of the company.)

In **Canada**, the [Canadian Student Tobacco, Alcohol and Drugs Survey](#) revealed that the use of vaping products among high school students has increased by 75% over the two years preceding 2017, even doubling in some provinces. In **Quebec**, past-30-day use of e-cigarettes among students over the last 30 days increased from 6.8% in 2014-15 to 9.8% in 2016-17. Another more precise survey (with a much larger sample size), released yesterday, the [Enquête Québécoise sur la santé des jeunes du Secondaire 2016-17](#), estimates last 30-day use at 10.9 %.

"Nothing prevents e-cigarette manufacturers from having their products certified as nicotine replacement therapies, meaning medication to help smokers quit, similar to nicotine [patches](#), [gums](#), [lozenges](#), [inhalers](#) and [sprays](#)," added the **spokesperson**. "This would enable them and those who retail their products to take advantage of less restrictive promotional regulations, to convey all sorts of therapeutic benefits relative to smoking cessation, and for consumers to be eligible for insurance coverage. One needs to remember that behind these well-meaning retailers lie wealthy manufacturers who have chosen not to certify their products as medicines that help smokers give up smoking and that might have something to do with issues pertaining to the risks or effectiveness of these products. One thing remains clear: it should be up to the overall scientific community and the government, not the industry or retailers, to determine whether or not a given product is an effective treatment."

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