

**Fourth Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Human Resources**

*Chairperson*  
*Mr. Jim Rondeau*  
*Constituency of Assiniboia*

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**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON HUMAN RESOURCES**

**Wednesday, September 9, 2015**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Jim Rondeau (Assiniboia)**

**VICE-CHAIRPERSON – Mr. Ted Marcelino (Tyndall Park)**

**ATTENDANCE – 10 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Chief, Chomiak, Hon. Ms. Crothers*

*Mrs. Driedger, Messrs. Graydon, Marcelino, Martin, Rondeau, Swan, Wishart*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Ms. Erin Crawford, Canadian Cancer Society–Manitoba Office*

*Mr. Andrew Klukas, Western Convenience Stores Association*

*Mr. Alex Scholten, Canadian Convenience Stores Association*

*Mr. Beju Lakhani, Canadian Vaping Association*

*Ms. Tracy Fehr, Manitoba Lung Association*

*Mr. Donald Reay, private citizen*

*Ms. Christine Houde, Heart and Stroke Foundation*

*Mr. Jim Baker, Manitoba Hotel Association*

*Mr. Garry Iwankow, private citizen*

*Mr. Kerwin Unger, private citizen*

**MATTERS UNDER CONSIDERATION:**

*Bill 30–The Non-Smokers Health Protection Amendment Act (E-Cigarettes)*

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**Mr. Vice-Chairperson:** Good evening. Will the Standing Committee on Human Resources please come to order.

Our first item of business is the election of a Chairperson. Are there any nominations?

**Mr. Andrew Swan (Minto):** I nominate Mr. Rondeau.

**Mr. Vice-Chairperson:** Are there any other nominations?

Hearing no other nominations, Mr. Rondeau is elected Chairperson. Thank you.

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** This meeting has been called to consider Bill 30, the non-smokers health protection act, e-cigarettes.

I would like to remind that the Standing Committee on Human Resources will meet again on Monday, September 14, 2015, at 6 p.m., to consider–continue consideration of Bill 30.

As per an agreement between the House leaders, presenters have been scheduled and assigned to present at one of these two committee meetings. Tonight we will hear from 10 of the presenters registered to speak on Bill 30, and you will have the list of those presenters before you. On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance, marked with an asterisk on the list.

With this consideration in mind, then, in what order does the committee wish to hear the presentations?

**Hon. Dave Chomiak (Minister of Mineral Resources):** I think usually we work with out-of-town presenters first, to be followed by those on the list.

**Mr. Chairperson:** Is that agreed? *[Agreed]*

Before we proceed with the presentations, we do have a number of other items and points of information to consider.

First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room at the back.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff in the back.

As well, in accordance to our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from the committee members. I will endeavour to try to give you warning before your time is up.

If a presenter is not on the list—in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committees. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn on or off the mics. I know this is different for many of you, so just be patient.

Thank you for your patience, and we will now proceed with the public presentations.

There we are. So the first presenter that we have is out of town, Erin Crawford from the Canadian Cancer Society, Manitoba office.

Erin, are you here? Do you have written copies of your presentation? You may proceed whenever you're able to.

**Ms. Erin Crawford (Canadian Cancer Society—Manitoba Office):** Good evening, committee members. I am pleased to have e-cigarette legislation here in Manitoba to speak to tonight.

Seventeen per cent of Manitobans smoke. This is still too many people taking unnecessary cancer risks, and more needs to be done to reduce this number. But it is a decline from the 21 per cent that we saw in 2004 when The Non-Smokers Health Protection Act was first passed in Manitoba. The measures taken in that act have transformed the smoking culture in Manitoba, and we have all benefited. The youth smoking 'drate' has dropped even more dramatically, from 21 per cent in 2004 to 13 per cent today.

Today, however, we see a new product in e-cigarettes, which are increasingly present and popular. Like any new trend, it is hard to say with certainty whether the long-term effects of e-cigarettes are positive or negative, whether the new

culture and new norms that accompany it are good or bad.

We don't know with certainty how people are using e-cigarettes. We don't know if they're using them to quit or as a supplement to smoking or even as an on-ramp to smoking, and it's probably frustrating to all of us—it certainly is for us—when we want clear answers to guide our policies, laws and decision making. But what we do know is that while we wait for the research and the evidence to show us whether people are using e-cigarettes to quit smoking or to start smoking, what the long-term health effects of vapour are and whether vapours are safe for bystanders or not, regulation is warranted because of the very fact that we don't know these answers.

It's been 11 years now since the sight of people smoking in public areas in Manitoba was the norm. My greatest fear is going back to that, because I think if you look back at the debates from that time, it was a very scary change for a lot of people. People believed that they were going to lose their businesses. People believed that they were losing their rights, and people were very reluctant to move in the direction of banning tobacco-cigarette smoking in indoor places. But we got there, and I think that probably everybody would agree, and certainly the smoking rates show, that we're in a better place now because of it. I'm sure that nobody around the committee table or in this room wants to do anything that would erode that, and that's why I'm glad to see that there is legislation coming forward regulating e-cigarettes, because I worry about our smoke-free culture being eroded bit by bit simply because we once again become accustomed to seeing people vaping or to vaping ourselves.

The Canadian Cancer Society has submitted several proposed amendments to government to strengthen this legislation. One concern is the potential for exempting bars and casinos from this legislation. As we've seen in data that was provided by MANTRA, and who will be presenting next week, 65 per cent of Manitobans oppose allowing e-cigarette use in bars, casinos or lounges. The general public and workers in bars, casinos and lounges deserve the same protections as public in other venues, and we would urge government to abandon plans to make this exemption.

We also urge government to amend the proposed bill to allow further conditions to be put on vapour product shops by regulation in the future to prevent

these from becoming sorts of lifestyle lounges where a variety of products are sold.

We hope that this committee will take the opportunity to make this legislation as strong as possible, and we look forward to quick drafting of regulations and bringing this act into force quickly. People are ready for it, and now people are expecting it, so we hope that there won't be a significant time lag in bringing these important protections forward.

Thank you very much.

**Mr. Chairperson:** Thank you very much, Ms. Crawford.

Do members of the committee have any questions?

The honourable minister, please.

**Hon. Deanne Crothers (Minister of Healthy Living and Seniors):** Ms. Crawford, I just want to say thank you so much for coming this evening to talk about this legislation. I have had the opportunity to meet with you as well as other stakeholders who have an interest in this legislation and have certainly heard from individuals as well on both sides of this issue.

It's challenging, for sure, but certainly from the feedback that I've received already since this legislation was introduced, I want to clearly indicate to everyone here that I will be moving amendments during clause-by-clause consideration of the bill after presentations on Monday night, and two of those, specifically, will be to specify the definition of a vapour product shopped–vapour product shop, excuse me, that could be subject to additional requirements specified in the regulations. And we'd certainly–should the need arise for more specific parameters in the future, we would absolutely have some consultation with vapour shop owners and other stakeholders on what those regulations would be.

\* (18:10)

The second will be to repeal the ability to exempt adult-only establishments, such as bars and casinos, from the ban on use in enclosed public spaces where smoking is currently prohibited. I'm sure no one will be surprised to hear that there are those who will be speaking strongly in opposition of those two issues, and not just Canadian Cancer Society, but I've certainly heard from other folks such as MANTRA and the Manitoba Hotel

Association and others, but I just want to make sure that you know I did hear your message very clearly and have taken some time to consider this and will be making those amendments.

**Ms. Crawford:** Thank you very much for that, minister. We certainly look forward to seeing that. One comment: the lung cancer rate is 17 per cent–the survival rate from lung cancer, pardon me, so I think that anything that we can do and any way that we can strengthen the protections that are available to Manitobans, I think they're really important things. So I look forward to seeing those.

**Hon. Jon Gerrard (River Heights):** Thank you very much for your presentation, and perhaps I'd like to give you a moment to elaborate a little bit on some of the concerns. You've talked about–there are potential long-term effects, and give you a chance, also, if you want, to talk about, you know, what evidence there is at this point. *[interjection]*

**Mr. Chairperson:** Ms. Crawford–sorry. Ms. Crawford, go ahead.

**Ms. Crawford:** I think that there is research that's starting to be done and there are some studies. Part of the issue that is happening with those right now is that some of the studies conflict one another, so there's different messages coming out from different data that we're seeing. And the other thing is that there hasn't really been–the product hasn't really been in place long enough to be able to tell what some of the long-term effects are.

So, in terms specifically of–it's a product that you're inhaling, and they all have different things that are in them, and there's probably not enough regulation of even what's in the product itself, the device or what is called the e-juice.

In terms of the effect that that has on the person who's actually using it, and in terms of the effect that that is having on somebody who's in the room with somebody using it, we haven't had these products around for 30, 40, 50 years and been able to study on a population base where people are using them enough to be able to really say with any certainty whether this is going to have negative health effects for people or not. And so the issue is do you put–continue to put people at risk, knowing that there's the possibility.

**Mr. Cliff Graydon (Emerson):** Yes. I'd like to thank you very much for your presentation tonight

and thanks for taking the time to come out and giving us your point of view. Thank you.

**Mr. Chairperson:** Any others?

Thank you very much for your presentation.

The next out-of-town presenter would be Andrew Klukas from the Western Convenience Stores.

I hope I got your name correct. Okay, you'll help me. Do you have any written materials to give to the group?

**Mr. Andrew Klukas (Western Convenience Stores Association):** I do. I have copies of some recommendations that we've made. I also have printed copies of my presentation, if you want.

**Mr. Chairperson:** If you want to provide them we will distribute them.

**Mr. Klukas:** Thank you.

**Mr. Chairperson:** You may proceed, and can you help me with your last name?

**Mr. Klukas:** Klukas.

**Mr. Chairperson:** Klukas.

**Mr. Klukas:** Very good, you did well.

**Mr. Chairperson:** Okay, thank you very much. Okay, go ahead, Mr. Klukas.

**Mr. Klukas:** Thank you.

Good evening, distinguished committee members. My name is Andrew Klukas and I'm the president of the Western Convenience Stores Association. I would like to thank you for the opportunity to present on behalf of our retailers.

The WCSA is a not-profit-not-for-profit trade association that represents the interests of 7,000 convenience store retailers operating throughout western Canada. In Manitoba there are over 850 sites that employ 7,000 people. Our stores generate \$2.5 billion in sales that collect around \$200 million for the provincial government in retail sales taxes alone.

As you know, Bill 30 will prohibit the sale of e-cigarettes to minors, limit advertising and promotion and ban their use in most indoor public places. Our association welcomes the introduction of Bill 30 and the regulation of e-cigarettes in Manitoba. However, we do have concern with certain elements of the bill.

Convenience stores are licensed distributors of tobacco products. For decades we've been upholding all provincial tobacco regulations. When e-cigarettes first came to the market and were unregulated by any provincial or federal authority, we proceeded cautiously. When the federal government announced that e-cigarette cartridges containing nicotine were prohibited in Canada, we followed the rules and refrained from entry into that market, whereas, I'm afraid to say, many shops out there have not.

If passed, Bill 30 will create—if passed in its current form, that is, Bill 30 will create two classes of e-cigarette retailers: those shops where e-cigarettes are the primary product being sold and all other stores that happen to sell e-cigarettes alongside any number of other products, including convenience stores. We feel strongly that creating these distinctions is unnecessary and, in fact, counterproductive from a public policy standpoint. We're requesting that certain elements of the bill be amended in the spirit of fairness within the industry and to ensure consistency for consumers.

First, section S 4.1 provides an exemption on e-cigarette use in public places for vapour product shops so customers can be permitted to try flavours before making a purchase. We understand the need to ban e-cigarette use in public places and we support most of the measures being proposed in this bill. But imagine two car dealerships next to each other selling the same cars, but one dealership allows customers to go for test drives before buying and the other is told by the government that it's not allowed to let potential customers test drive their vehicle. That's the kind of environment that convenience stores will be forced to operate in should Bill 30 pass without any amendments.

Now, I—as I understand it, sampling vapes is allowed because the products are helping people to stop smoking. If convenience stores aren't allowed to do anything to encourage smokers to try a different product, Manitoba will be missing the best opportunity to encourage people to stop smoking, which occurs in the moments they are making a decision to buy cigarettes.

Furthermore, denying retailers the option of promoting these new product lines will build a systemic preference for continuing tobacco sales. Tobacco is a sunset category and our members want to continue diversifying their product offerings. As written, Bill 30 denies them that opportunity and in

so doing creates an environment where they will probably become more dependent on tobacco sales.

So we recommend that all stores that sell e-cigarettes be given an exemption, subject to all the same restrictions that would apply to anyone selling these products, so that consumers can sample flavours before purchasing wherever they purchase them.

Good public policy, in our view, in this situation means setting out the rules of the game that apply to everyone selling a product. Those that choose to comply with the rules can benefit from exemptions on sampling while the rest cannot. That's fair and it creates a level playing field. However, Bill 30 goes a step farther and it picks winners and losers essentially before the game begins. That's an example of questionable policy that denies our members the right to comply with a public standard. We ask simply that you put a standard in place and apply it to everyone.

Now, we've heard the argument that the purpose of the exemption for existing retail outlets that sell mostly flavour products, or vape shops, as they're called, is to protect them from competition from convenience stores, which sell many other products in addition to e-cigarettes. If so, it is somewhat ironic that the Bill 30 exemption for vape shops is rooted in the argument that they need to be protected from competition when vape shops have themselves been illegally selling nicotine products, products containing nicotine, without penalty.

But in our view, the protection is not necessary in any case. If the same standard applies to anyone who sells cigarettes—e-cigarettes, Manitoba will not see convenience stores suddenly going into direct competition with existing vape shops. The latter have already captured the bulk of the market and it would not be a good investment for convenience stores to make the needed conversions that they would need to make today. Over time, you might begin to see some convenience stores or retailers investing in upgrades to their sites to comply with any restrictions on promoting vapour products. Meanwhile, vape shops may find it worthwhile to venture into the convenience store channel, depending on the needs of consumers in their local market. We invite that sort of competition. It's good for business. It's good for communities. Yet under Bill 30 as it's written, convenience stores will essentially be shut out of an evolving e-cigarette market.

The second article of Bill 30 I'd like to mention is section S 7.3.1(1). This provides an exemption to the ban on displaying and advertising e-cigarettes in places where the sale of vapour products is the major activity while all other stores that sell e-cigarettes, including convenience stores, are subject to a display and advertising ban.

Once again, in our view, all stores selling e-cigarettes should be allowed to display and advertise their products, subject to whatever standards that should apply to all sellers. What we're asking you is to be consistent with advertising and display regulations across the province. As such, we recommend that all stores that sell e-cigarettes be allowed to do so on the same terms and subject to all of the same restrictions.

Once again, it's highly unlikely that any convenience store today will invest in a redesign of their store. However, if there is a business case and they want to invest at some point, why not? It's an investment in the community and it creates work.

\* (18:20)

If Bill 30 passes without amendments, the provincial government will arbitrarily be creating an unbalanced market, one that denies the retail sector the kind of natural evolution that invites local investment and encourages modernization of retail sites. By disallowing that kind of evolution over time, while indirectly promoting dependence on tobacco sales outside of vape shops, Bill 30 will tend to ghettoize our industry over time.

For decades, convenience stores have upheld all provincial tobacco statutes, and we have been the first line of defence in preventing youth access to tobacco. In the absence of provincial and federal regulations, we've been advocating for our members to avoid selling e-cigarette or vapour products containing nicotine, and we've promoted best practices that include the application of age testing to prevent sales of these products to youth. Our members pride themselves in being a significant contributor to the provincial economy and upholding the standards that support public health and safety.

In the spirit of doing what is best for Manitobans and fostering a strong and competitive business environment in this province, we request that the government of Manitoba adopt our recommended amendments to Bill 30, which I passed out.

Let's go about this in the right way. Set the standards under which anyone selling e-cigarettes

can display and promote them. Let those sellers decide whether it's worthwhile for them to make the effort to comply with those standards for sampling and displaying products. It's not necessary for the government to take the extra step in dictating who has the right to comply with that standard. Regulate the product, not the people.

Thank you for the opportunity to present, and I welcome any questions you may have.

**Mr. Chairperson:** Thank you very much, Mr. Klukas.

**Ms. Crothers:** Mr. Klukas, thank you very much for coming and sharing your perspective. And I'm really pleased to hear that convenience stores, as you've just indicated, have worked hard at preventing under-18 set from being able to purchase through their store. So thank you very much for that.

And I have heard what you said. I'm listening. I just wanted to thank you.

**Mr. Klukas:** Thank you very much, appreciate it.

**Mr. Gerrard:** I wonder if you could clarify one thing, and that is that you talk about if the convenience stores that you're representing were allowed to get into this business, they'd have to make some sort of conversion. Would that conversion be so that the children wouldn't be in the area where the e-cigarette vapours were or where there was, you know, a restriction of the vapours in some fashion so they don't spread to the rest of the store? I mean, what kind of conversions are you expecting and would you expect under those conditions?

**Mr. Klukas:** Yes, these are the kinds of restriction that would seem to make sense to us. Right now they're not explicit in Bill 30 because, of course, vape shops typically aren't allowing youth into the store. There are some issues. There are some non-users who would be exposed, but we're not going to go there. But, yes, we would expect that there would be some kind of a need to create—for example, you may want to see—and I'm just, you know, making this up—glazed glass in areas where people sample products. You might want to see a special space created so that other customers in the store are not exposed to them. Things like that, they're logical, they make sense. But, you know, our point is that whatever these are, and it's for you to decide what those restrictions are, we will comply with them, but we want to have the opportunity to comply.

**Mr. Graydon:** I want to thank you very much for coming in, Mr. Klukas, and I like the remark that you made to regulate the products not the people. I appreciate that remark, and thanks very much for your presentation tonight.

**Mrs. Myrna Driedger (Charleswood):** Thank you for your presentation.

I have a question and it's mainly for clarification. In your comments, you indicated that the federal government announced that e-cigarette cartridges containing nicotine were prohibited in Canada. Are you aware of when that changed, then, because now they do contain various levels of nicotine. What's your understanding of that contradiction?

**Mr. Klukas:** My understanding—the federal government has not yet regulated e-cigarettes. They have not approved any products containing nicotine for sale in Canada, and for that reason those products, as unapproved, we view them as illegal products. We're still waiting for the government to regulate. In fact, had they regulated, perhaps we wouldn't even be having this discussion today. I think the provinces are having to step up and try to create a framework in the—in which these products are controlled. We appreciate what your government is trying to do here, but the federal government has fallen short. So that—is that—does that clarify? Yes.

**Mrs. Driedger:** And just a follow-up to that, because I'm trying to understand this, too. If there's nicotine in the product, is there any way that there are, you know, remnants of all of that that end up in the environment through the vapour, or what happens to it all?

**Mr. Klukas:** My understanding is that the vapour products don't have that second-hand smoke thing happening. But I'm not an expert on that. You'd have to consult with the experts, I think.

**Mr. Chairperson:** Thank you very much, Mr. Klukas, for your presentation.

We have Alex Scholten from the Canadian Convenience Stores Association.

Do you have a presentation to hand out, sir?

**Mr. Alex Scholten (Canadian Convenience Stores Association):** I do.

**Mr. Chairperson:** Okay. The pages will gather it, and you may begin when you're ready, Mr. Scholten.

**Mr. Scholten:** Thank you, Mr. Chair.

Good evening. I want to begin by thanking the honourable members of this committee for allowing me to be here tonight to speak on Bill 30.

My name is Alex Scholten, and I'm president of the Canadian Convenience Stores Association. I'm here, as my counterpart from the Western Convenience Stores Association is as well, on behalf of the over 850 convenience store retailers who operate in the province of Manitoba and the 7,000 people employed by those small-business owners.

While the CCSA advocates primarily within the federal realm, the issue of e-cigarettes has been front and centre for provincial and even municipal governments to step up and legislate. Given a lack of federal leadership on this issue, particularly around the approval of nicotine-based products and regulation around sales practices and general consumption, other levels of government have had to step up.

We have advocated for regulation of e-cigarette products in other provinces and federally and commend the government of Manitoba for taking a leadership role in this area. However, while we understand and support the need for regulation, we do not necessarily agree with all of the points contained in the legislation proposed in Bill 30.

As a trade association representing convenience stores across Canada, we've received countless inquiries from retailers over the past three years on the status of e-cigarette legislation due to the uncertainty created federally with some regulations in place but a woeful lack of enforcement of those regulations.

In order to clarify what the regulatory environment looked like prior to provinces and municipalities starting to regulate in this area, our association prepared a best-practice recommendation document that was approved by retailers across the country. So attached to the outline of the presentation I gave you, on the back page is our best-practice recommendations for retailers.

The document, which was released in August 2014, identifies two points in particular that our industry believed were important for retailers to follow. The first point was that the sale of e-cigarettes should be age tested and not sold to youth. The second point is that no e-cigarettes containing nicotine have been approved for sale by

Health Canada and therefore these products should not be sold in convenience stores.

Our retailers have adhered to those recommendations, and to illustrate that, I point committee members to Health Canada's most recent mystery shops, conducted between August and December 2014. In those mystery shops, over 90 per cent of convenience stores—the convenience store retailers tested did not sell e-cigarette products to youth. They denied sales to youth. Given our extensive experience in selling other age-restricted products like tobacco and lottery, I am not surprised by these results, even though retailers at that time and continuing today are not required by law to conduct age testing on the products. They did this themselves.

Early this—earlier this year, we also polled our members to determine if they were selling nicotine e-cigarettes, products still not permitted for sale anywhere in Canada by Health Canada. The results of that polling indicated that well over 90 per cent of convenience store retailers across the country were not selling nicotine products, even though other retailers like vapour shops were openly doing so in contravention of the law.

I raise these two points because I believe they are extremely pertinent to the consideration of the proposed Bill 30. So in looking at Bill 30, what our industry supports in particular is that we firmly believe that no youth should have access to e-cigarette products, and we've long mandated our members to abide by that principle. We also believe that restrictions around consumption, particularly in public places or in restaurants, are prudent.

\*(18:30)

What we have difficulty understanding, though, and agreeing with in the proposed regulation is that the legislation forbids convenience stores from advertising, displaying, or sampling e-cigarette products within the premises, but vapour shops are granted special rights to be able to conduct such practices in order to assist in their sale of these products.

I haven't heard anyone anywhere argue against the facts that e-cigarettes offer significant harm-reduction benefits over combustible tobacco products. That point, I believe, is incontrovertible. In an open letter to WHO Director-General Margaret Chan, dated May 29th, 2014, scientists from Europe, North America, Asia, and Australia stated that these

products could be among the most significant health innovations of the 21st century, perhaps saving hundreds of millions of lives, and they recommend—or recommended—that the urge to control and suppress these products as tobacco products should be resisted. Five of those 50 scientists were Canadians.

In light of these points, we are not only opposed to regulation that treats e-cigarettes like combustible tobacco products because it will limit the potential positive impact such products could have on the health of tobacco smokers, but also fundamentally oppose any legislation that creates an uneven playing field for products we sell in convenience stores. The ability to display, advertise, and potentially sample e-cigarettes is especially important to convenience store owners. We've been responsible vendors of combustible tobacco products for years, and tobacco customers frequent our stores often. We are best positioned to assist those customers in switching over to e-cigarettes only if we are able to display, advertise, and sample those products and educate our customers on the potential benefits that they offer over combustible tobacco products. Otherwise, those potential benefits will never be fully realized.

I believe that logic is why vapour shops have been granted special status under the proposed law to display, advertise, and sample. Bill 30 recognizes the important harm-reduction benefits e-cigarettes offer and seeks to treat these products differently from combustible tobacco.

So why has the distinction between vapour shops and convenience shop–stores been made? We've been told it's because vapour shops won't be able to compete with convenience stores otherwise. If that is the reason, I fail to see the logic in that argument. Vapour shops have competed with convenience stores in the sale of these products very well to this point, so we don't understand what has changed and why they're now required that protection under the bill.

I would also be remiss if I didn't once mention—didn't once again mention the fact that vapour shops have been openly selling e-cigarette products containing nicotine for some time in contravention of Health Canada regulations and increasing their sales while convenience stores in Canada have been responsible in their practices and have followed those laws.

In light of this point, I ask why this government is considering giving vapour shops special treatment. Why are we considering rewarding those who have

failed to abide by the laws pertaining to these products in Canada?

Businesses thrive based on healthy competition and a diversity of products for their customers. They also thrive when government does not legislate them against one another. This is what would happen should certain elements of Bill 30 proceed without amendment. We don't believe that creating a vape shop distinction that allows greater advantages in selling e-cigarettes will assist small businesses. We have never requested limits be placed on vapour shops with respect to the products that they sell, and to this point we resisted complaining that vapour shops have continued to operate while selling unregulated products such as nicotine e-cigarettes. Should these business owners wish to diversify their product offerings, we encourage and welcome the competition.

In light of my time, I think I'll stop there.

**Mr. Chairperson:** Thank you very much for your presentation.

Is there any questions?

**Ms. Crothers:** Thank you very much for coming here and speaking to this, Mr. Scholten, and I, again, I appreciate the concern that you and those you represent show for selling tobacco or nicotine products to our youth. I'm very appreciative that this is something that's front and centre for you. Thank you. *[interjection]*

**Mr. Chairperson:** Thank you. Mr. Scholten?

**Mr. Scholten:** Sorry.

This is a responsibility we take very seriously, so thank you.

**Mr. Graydon:** Yes, I want to thank you very much for your presentation tonight, Mr. Scholten, and I—the—you talked of the scientists from Europe, North America, Asia and Australia who stated this product could be among the most significant health innovations. I think that needs to be explored further, and only time is going to tell. But we need to be on a level playing field, I believe.

**Mr. Scholten:** Yes, I think, as one of the previous presenters alluded to, there are reports from around the world that seem to be conflicting one another. We, as I mentioned in my presentation, believe that there are very few that argue that the benefits of e-cigarettes over combustible tobacco are not there. So I would say that is certainly one of the benefits. I

would also suggest that there are some recent studies coming out of the UK from the UK public health or Public Health England that are very conclusive on the benefits and also who's taking up e-cigarettes, and I would highly recommend that that report be reviewed by this committee.

**Mrs. Driedger:** Just for clarification, I'm wondering if you can tell us, is there a law in place federally that disallows nicotine in the product or are there regulations? I'm not—I'm trying to find that specifically because you did talk about in contravention of the law, but is there actually a law in place that disallows nicotine?

**Mr. Scholten:** There is. The law in place provides that nicotine products will only be permitted for sale if they have market authorization from Health Canada. To this point in Canada, not a single product has received market authorization. That's what the law is.

However, the enforcement of that law, as I mentioned in my presentation, has been woefully lacking. To this point, what has happened is Health Canada has done a little bit in preventing some of the raw ingredients from coming into the country, stopping the products at the border. They've done virtually nothing to prevent the sale of nicotine products at retail across the country.

I've spoken directly with Health Canada about that. The comment that they made to me was they have a proportionate risk-based approach to their enforcement of laws; they balance the potential for harm to Canadians versus the effort in enforcing those laws. As a result of that, my question back to them was: If that's the case and you haven't done any enforcement on these products, it would tend to indicate to me that you do not view these products to be harmful to Canadians. That elicited the response that we have a proportional risk-based approach to this, and they kind of left it there.

But they did acknowledge the fact that they have not closed a single shop selling nicotine products in this country. They have not stopped a single retail operation from selling nicotine products anywhere in the country despite the fact that those products, not a single one of them has received market authorization.

**Mrs. Driedger:** Can you tell me, and I'm just trying to understand this whole issue, how do these vape shops, then, get licensed in order to have their business there?

**Floor Comment:** There is no—

**Mr. Chairperson:** Mr. Scholten, with one minute to answer.

**Mr. Scholten:** Yes, I'm sorry.

There are no licences for them.

**Mr. Chairperson:** Any other questions?

I'd like to thank you very much for your presentation, sir. Thank you for coming.

I now have Beju Lakhani, and I apologize if I've killed your name. You can please correct me on your pronunciation.

**Mr. Beju Lakhani (Canadian Vaping Association):** It's Beju Lakhani.

**Mr. Chairperson:** Okay, and do you have something to distribute?

**Mr. Lakhani:** I have a copy of my presentation.

**Mr. Chairperson:** Thank you. The pages will send it, and you may proceed when you want, sir.

**Mr. Lakhani:** Wonderful. Through you, Mr. Chairman, to Minister Crothers and committee members, I want to thank you for the opportunity to present today on Bill 30, The Non-Smokers Health Protection Amendment Act.

To follow on from the introduction, I am the founder and CEO of Evolution Cigarettes Incorporated, a federal corporation based in Mississauga, Ontario, with sales across Canada. Our company manufactures e-liquids for use in personal vaporizers. I'm also a board member and the current president of the Canadian Vaping Association and a client member in good standing of the Electronic Cigarette Trade Association, or ECTA.

As background, ECTA is the industry's provider of its regulatory framework for the burgeoning electronic cigarette industry. The regulations set by ECTA range, among many others, from mandatory e-liquid testing, appropriate labelling, child-resistant bottles and age restrictions. These regulations have been in place since late 2011, and our industry members pay to participate and submit to standards as set by ECTA, indicating our industry's desire for appropriate regulation.

\* (18:40)

From its beginnings in Canada six years ago, the number of vape shops has grown exponentially, with the current estimate of dedicated retail outlets

across the country numbering well over 500, representing well over 3,000 employees, serving hundreds of thousands of customers and generating over \$170 million in revenue. The growth of this industry, I hasten to argue, has not been the result of expensive marketing campaigns or the efforts of large corporations or the tobacco companies. Rather, its growth has been a direct result of the substantial demand for these products by the over 200,000 smokers in Manitoba and the 5.3 million smokers across the Canada who have chosen to switch to a safer alternative to smoking cigarettes.

Most vape shop owners in Canada, particularly here in Manitoba, are, like myself, former smokers who have switched from smoking to vaping, realized the potential of this revolutionary and disruptive technology and the very real benefits that vaping provides as a safer alternative to smoking.

I respectfully assert that our membership have taken substantial risk to pursue a mission very much aligned with yours, to provide healthier choices for smokers of traditional tobacco products. In many ways Canada has been a model for other countries in developing and implementing effective ways of reducing the harms of smoking with legislation such as Manitoba's Non-Smokers Health Protection Act. In fact, a recent study done by the University of Manitoba Centre for Health Policy asserted that tobacco-related diseases cost this great province its economy, at least \$244 million in health care annually, split between hospital costs, prescription drugs, extra doctor's visits and the cost of treating smoking-related illnesses.

Furthermore, according to the 2013 study conducted by the Conference Board of Canada, smoking results in more than \$11.4 billion in productivity losses nationally.

Our association and its members support the cautious approach undertaken through Manitoba's Bill 30. We agree that regulating the use of e-cigarettes by implementing suitable and effective legislation that ensures adult smokers have access to products that can substantially reduce the health impacts that tobacco smoking is known to cause.

Our association, based on our continued review of the growing body of evidence, including qualified literature, studies and research on vaping, of which there is much, is also convinced that vaping is a healthier choice by orders of magnitude over smoking, and we believe that vaping has the

potential for dramatically reducing disease and death associated with smoking.

As a summary, Mr. Chairman, the evidence suggests that vaping is significantly less harmful than smoking and has virtually no imposition on the health of bystanders. Vapers are almost exclusively smokers or former smokers. Vaping is less addictive than smoking tobacco cigarettes, and that no gateway effect has ever been observed, and rates of smoking are falling at faster rates than seen in recent years.

Mr. Chairman, in August of this year the agency known as Public Health England issued a landmark review of evidence about e-cigarettes. The agency asserted that e-cigarettes, and I quote, have the potential to make a significant contribution to the end game of tobacco.

England's Chief Medical Officer of health, in fact, Mr. Chairman, supports this assertion.

As further context, Public Health England, whose mandate is to protect and improve the nation's health and wellbeing, maintains that the current evidence confirms that e-cigarettes are 95 per cent less harmful to health than smoking tobacco, that there is no evidence that e-cigarettes act as a route to smoking for children or non-smokers, and that there is no evidence of harm to bystanders from second-hand vapour of e-cigarettes.

Our association fully agrees, Mr. Chairman, that regulations are needed and the goal of any framework for regulations should be to ensure the maximum benefits are realized while minimizing any potential harms.

As I noted previously, the industry fully supports Bill 30, and on behalf of the association, manufacturers and advocates, I believe that this bill will have a substantial impact in regulating this industry which I can tell you is growing rapidly as a viable and successful alternative to smoking tobacco.

The Canadian Vaping Association vehemently agrees that the sales of any vaping product should be restricted to minors. We can see too that restricting its use indoors is inevitable and, Mr. Chairman, we agree that certain lifestyle promotion advertisements are not appropriate.

Mr. Chairman, vapers across Canada applaud the forward thinking of Bill 30, and this Province's understanding that these vaping products are relatively—are a relatively new technology in Canada and that the majority of converts to vaping

will therefore require in-depth instruction as well as product demonstrations to choose the best option to help them quit smoking.

Therefore, Mr. Chairman, allowing a display and promotion of e-cigarettes in vape shops as well as the use of e-cigarettes in these designated stores will go a long way to ensuring a successful transition away from smoking tobacco cigarettes through this safer alternative.

Mr. Chairman, qualified research worldwide has effectively debunked the myths that have permeated mainstream media about vaping and the technology is getting better by the day. As such we respectfully suggest that you consider a mandatory review of the act with a reasonable timeline to further study the benefit of this alternative to smoking.

I thank you for your attention. I look forward to your questions.

**Mr. Chairperson:** Thank you very much, Mr. Lakhani.

Do we have questions?

**Ms. Crothers:** Mr. Lakhani, I just wanted to say thank you very much.

I think trying to strike a balance between protecting kids from something that we don't know for sure what the implications are, despite your arguments here, has been a challenge for this particular issue. I certainly hear from individuals fairly regularly who have been using this to try and find a way to quit smoking, and that's obviously something we want to encourage Manitobans to do if they currently smoke. And if they don't, we hope they never pick up either one of these products, frankly.

But I just want to say thank you very much for coming and for sharing your perspective on this issue.

**Mr. Lakhani:** Thank you very much for having me.

I would agree with you. I think our association's position is quite clear. We have no desire to appeal to either children or non-smokers. And we're—actually, we've been quite relieved by many of the studies that have come out, especially from the UK, that show that those groups in fact do not take up the use of e-cigarettes.

**Mr. Graydon:** I want to thank you, first of all, for your presentation, Mr. Lakhani.

And I agree that we don't want to see our children smoking. At the same time, if this e-cigarette or this vaping does lead to less tobacco smoke, we do know that many, many parents smoke in their home and their children are subjected to the second-hand smoke. If the information that's coming out of England now is indicating that this is not hazardous to—with the second-hand smoke, that's certainly a step in the right direction to protecting our children, I would suggest.

So thank you very much for your presentation.

**Mr. Lakhani:** Thank you again.

And that's been validated several times now. There have been a number of studies that have been done on second-hand vapour, including studies that our association has undertaken within the vape shops that make up our membership, and what we've found time and time again is that the air quality within vape shops and wherever second-hand vapour exists is not a threat at all to any bystander.

**Mrs. Driedger:** Just a couple of questions for clarification. And I do know one person that has been able to quit smoking because of this product, and I know one other one that is trying to quit smoking and is managing fairly well. This second person, though, is still choosing to use the product that has nicotine in it.

Considering what we're hearing tonight, that it is actually a contravention of the law to have nicotine, can I ask why you are feeling the need to have nicotine in the product and why you can't eliminate it altogether?

**Mr. Lakhani:** Thank you for the question. Nicotine, as you know, is an addictive substance, and many of the people that are quitting smoking are smoking for the nicotine, but they're dying from the smoke. So having nicotine in the product is essential to getting them away from tobacco cigarettes.

Now, to add some clarity and background to—I know many of the questions you've asked have been around nicotine and the legality of nicotine. The current framework that Health Canada's put forward only really allows for two pathways to market authorization: one is as a drug and the other is as a tobacco product. The problem we've incurred is that we are neither. We are a separate category.

Now, thankfully, in March of this year, the House of Commons standing committee did issue a report that contained several recommendations but

the largest of which was that they've acknowledged that a third category needs to be created to regulate these products. Our association, the Canadian Vaping Association, is working with the federal government to try and do this. We would certainly like to see it expedited. But there is an acknowledgement, at least, at the federal level that the category required to provide a framework for regulation is currently missing.

**Mrs. Driedger:** And just one final—it's more a comment than anything. I've been around somebody that is—are using the products, and some of the odours are absolutely dreadful, and it—you know, some of the other ones are not so bad, but, you know, there is an odour that still hangs around. So, if you're in public places and, you know, people were allowed to smoke, I mean, the air can be filled with vapour that you can't see across a room, because I've been in one of those rooms, and then you get all these odours, and it does, you know, enter clothing products or other products. So, you know, there is an odour that does linger.

This is probably just a cheeky question, but who decides what some of these flavours are going to be, and who decides what smells good or not?

\* (18:50)

**Mr. Chairperson:** Mr. Lakhani, with a short answer.

**Mr. Lakhani:** Sure, I mean, that is a great question. I think that when it comes to flavours, the market generally decides.

What we're really concerned about is safety. So implementing the correct GMPs for our manufacturers to make sure that we're testing; ECTA actually provides that framework for third-party liquid testing. Unfortunately, preference is preference. The good news is that it's, you know, it's food flavouring and it's not tobacco tar smoke or anything like that.

**Mr. Chairperson:** Thank you very much for your presentation. I—we have other questions, but they'll have to do it privately. Thank you very much, sir.

The last out-of-town presenter is Tracy Fehr from the Manitoba Lung Association.

Do you have something to hand out, ma'am? The pages will help you, and, while you're doing that, I'd like to introduce Tiffany Fernando and Hilary Ransom, our new pages for this year. So welcome to the Leg. Now they're going to turn red.

You can start whenever you'd like, ma'am.

**Ms. Tracy Fehr (Manitoba Lung Association):** Okay. Thank you, Mr. Chair, honourable ministers and members of the committee. We really appreciate the chance. I'm with the Manitoba Lung Association. I'm the tobacco reduction co-ordinator, and we really appreciate this opportunity to speak to the committee about the use of e-cigarettes and the amendments to this bill.

Just a couple words about the Manitoba Lung Association. We're a charitable, nonprofit, registered health organization. We've served people of Manitoba for over 100 years and are a recognized leader and primary source in lung health. So this is a major area of our concern. We want all Manitobans to breathe with ease and envision a province free of lung disease. Our efforts are focused on lung disease education, management, research, improved air quality and environment, tuberculosis control, occupational lung health services and tobacco reduction, cessation and prevention.

So some of the comments that have been made and some of the information that's brought forth is really important to us as an organization, especially as it applies to tobacco use, to nicotine and to lung health as it relates to that. We have a number of tobacco reduction initiatives. We work with youth on prevention and cessation as well as cessation programming. We've used contests that we target to youth and adults, and, over the last couple of years, we've served more than 6,000 Manitobans just through our ManitobaQuits contest alone. And just having said that, too, I do direct—I work directly with that program, co-ordinating it through the province, and I get a chance to speak to a lot of people, and a lot of the information and, you know, how people have quit smoking.

You know, I get people's ear sometimes; they email me, we talk, and there's no doubt that people are talking about e-cigarettes. You know, that's been something that's been going on for quite a long time. And they, you know, the questions are, you know, this is great; this is working for me. Some people say they'd like to know more about it because they don't know, and I'm needing to respond to those questions in an adequate kind of way. So I just want to reiterate something that has been said here before is we don't know.

There is no definites around e-cigarettes and what they contain. We do not have studies at this point that can say definitively that e-cigarettes are

less harmful. You can say they're less harmful, but that they're not harmful. So I'm just going to review a couple of those things with you today, but I just want to make that clear that it is something that's in the works, that there's different studies that are coming out of different places.

Some of the newer studies are showing some very interesting outcomes. And that is that in the vapours and in some of the content, even in e-cigarettes that don't contain nicotine, that the particles are tiny, they're small; doesn't mean that they're not harmful. They can do—get into the lungs. We don't know about the emissions. You know, we talk about second-hand smoke, and it's a given, now in this day and age, that we know that second-hand smoke is harmful. But what we don't know, and I think that was said really clearly, if you're in a room with people vaping, what is contained in those emissions, and that's yet to be determined what that might be.

So I've outlined—we've outlined a couple of areas that are—have been a concern to us as an organization and as community members. E-cigarettes are increasingly popular, but we've also started to look at what they might be helpful for and where the dangers might lie. One more thing about e-cigarette as a tool for harm reduction: When I'm talking to people I always say, you know, that's great; if it's worked for you, that's wonderful. Usually what people tell me is they may use it in the short term as a way of weaning, and they're using sort of a self-weaning process. Other people will say they just continue to use the e-cigarette. They may never—it might be something that they use socially. It might be something that they use on an ongoing basis.

When something like that is used as a tool for reduction or cessation and it's not regulated, that's a concern to us, because it does contain nicotine, and nicotine, as we know, it's a drug. It's not a non-harmful drug. It has been used as a pesticide. It's an irritant. It's an addictive drug, and anybody that's been addicted for any period of time doesn't want to end up in that cycle of using a drug to maintain their mental well-being, their physical well-being. And nicotine, which reaches the brain in seven seconds, is a very powerful drug, that sometimes we don't really realize how much. I speak as an ex-smoker as well, as many of us have been over time.

So we strongly support policies and laws that protect Manitobans, especially children and youth, from the harms of tobacco use and from unregulated

access to and use of e-cigarettes. So what we don't want to see is we would not want to see people who don't smoke taking up this as a practice. What we are starting to see is that children who wouldn't typically be susceptible are taking up e-cigarettes. We have a couple of studies that point to that, and kids that would typically be susceptible, after this particular study, the JAMA study, 70 per cent of them were using e-cigarettes as the—at the—as the end result, and moving towards cigarettes as well. So that's the other concern, is that e-cigarettes are a beginning. They're sort of an entry-level way to get access to nicotine. So, if somebody starts e-cigarettes, especially our youth, that the next step is actual tobacco use. E-cigarettes are not—the delivery is not quite as quick and effective as the cigarette, so the concern is once someone has been using for a period of time and they want something—they've developed a certain level of tolerance, they're going to want something a little bit stronger, and that's a direct—the next level is to actually go to the tobacco products as well.

So, at this point, we don't have enough evidence to say that these are a safe and reliable tool or just for social use. Nicotine is a key ingredient in some e-cigarettes. It's highly addictive, as I said before. It's harmful to the cardiovascular system and the nervous system. In short, it is a drug that makes quitting smoking so difficult, and we know that. We don't want to see another generation that is trying to get off another product, and hopefully that's not going to happen.

So regulation enforcement is something that has been an area that we're concerned about. E-cigarettes containing nicotine are not allowed for sale in Canada, and the various speakers that have already been here have said that, but that's not happening. The regulation and the enforcement is just not happening.

Even e-cigarettes that are available in stores at the retail counter that say that they don't have nicotine in them have been found to have some nicotine in them. So unless there's testing and regulation, we don't really know what's in those products, so that's another thing that we need to be clear about. So we need to have a full listing of ingredients and notification of the potential harm. We're recommending that as another avenue to protect the public.

There's another—and I've talked a little bit about this, but the uptake by youth and the renormalization of smoking, those of us who've worked in tobacco

reduction, and anybody knows the numbers are—have reduced for people quitting smoking, and we can attribute them to a few things. So far we haven't been able to attribute them to the reduction—or to the use of e-cigarettes. But we don't want to see this happening. We don't want to see kids back into that. We've done so much work to get teens not to smoke. We don't want to see them taking up this as another practice.

So we appreciate the new bill. We appreciate the prohibition of sale of e-cigarettes to minors, restrictions on advertising and display, prohibition of e-cigarettes in indoor public spaces and cars, so the same as tobacco.

Where we'd go a little bit further is if we saw banning the use of e-cigarettes in indoor public places including vape shops and casinos so that people who don't smoke don't have that exposure; prohibiting the sale of flavoured e-cigarette products which are most often aimed at young, underage consumers—grape, cherry crush, root beer are for children—regulating e-cigarette products as nicotine replacement products with the same requirements for safety and dosing as we would have if we were using them for a tool to quit smoking.

\*(19:00)

So, with that, I'd say we really appreciate the opportunity to speak to this and are glad for some of the amendments that are taking place.

**Mr. Chairperson:** Thank you very much, Ms. Fehr.

**Ms. Crothers:** Ms. Fehr, I just want to say thank you for coming this evening, but also for the work that you do with Manitoba Lung Association. I'm very appreciative of that. I'm just—quickly I wanted to talk to something that you highlighted several times in your presentation, which is the lack of research, and certainly having some research from the federal government for all of—to benefit all of the provinces who are struggling with this would be very much appreciated, so thank you for talking to that.

**Mr. Graydon:** Thank you very much for your presentation, Mrs. Fehr, and as an individual that is missing half a lung I fully understand your concern about smoking and lungs. The reason that smoking is banned in so many public places is because of the second-hand smoke, so it's just as damaging in the public eye and, I believe, in the scientific world and the medical world as actual smoking is. At the same time, when we indicate, or you indicate, and many have in the past, that 20 per cent of the Canadian

youth have tried e-cigarettes, I would suggest that at least 20 per cent of the youth have tried regular cigarettes as well, but many, many more are exposed to the real cigarette smoke in the family's home that they are being raised in, not just in the public places, but more confined in the family home.

So, although I agree with you on the lungs issue because of what I've said, what do you say to the governments that are legalizing marijuana?

**Ms. Fehr:** We don't—as a lung association we want to protect people's lungs. You know, we want—not just their lungs, but the whole person, and any time somebody lights something up, they inhale it, it's going to have some harmful effects. So I wouldn't necessarily speak to the whole issue, the ethics or the morals or that sort of thing, but definitely health issues. I wouldn't want to be sitting in a room full of second-hand marijuana smoke, and we would want to make sure that people are safe from that. So that's kind of another issue, but the second-hand smoke part, for sure that's very legitimate. We probably—there's carcinogens, you know; there's effects on the lungs and the health with that as well.

**Mr. Chairperson:** Mr. Cullen. Oh, sorry. Graydon. Sorry.

**Mr. Graydon:** Thank you, Mr. Chair, and thank you for the second name.

I want to thank you for your presentation. It was very well done, so thanks very much.

**Ms. Fehr:** Is that it?

**Mr. Chairperson:** Yes, that's it. Thank you very much for your presentation, and I apologize for the name wrong.

Donald Reay, private citizen.

Mr. Reay, do you have something to distribute?

**Mr. Donald Reay (Private Citizen):** Yes, I sure do.

**Mr. Chairperson:** Okay. We'll have the pages do that, and you may begin whenever you're comfortable, Mr. Reay.

**Mr. Reay:** Sounds good.

Good evening, everyone. Thank you for taking the time to hear my story and why I'm proud to be a vaper in Canada and why Bill 30 in some aspects is a positive step forward but a bigger step backwards in the classification of smoking cessation aids and the fight against tobacco products.

Let me start by telling you a little bit about myself and my story. I grew up here in Winnipeg. I'm 35 years old, working as a manager in a major retail company. Throughout my years I was exposed to many different experiences in life, and, unfortunately, one of those was smoking. I was a smoker back in the day when you could smoke inside bars and restaurants, when smoking was only starting to be proven to be a terrible habit. I started smoking when I was 16 years old.

As time went on, this thing I called smoking started to get tiring. I was getting sick of smelling like smoke, being that person who sat down on the bus and had that smell, that old I-just-smoked-a-cigarette smell. So, time and time again I tried to quit, using patches, using gum, nicotine mints, cold turkey, compensating with eating lots of food, gaining 20 to 30 pounds, the no-nicotine devices you can buy at the gas station.

I even got it into my mind that smoking the odd cigar would be a good replacement because, after all, you don't inhale cigars. Well, I started to inhale those, too, until I started coughing up blood.

I had a period of time in my life where I stopped for a couple years. But what do you know, I was with a friend, and because he smoked, I said, why can't I? And I was hooked again. With no end in sight, I continued down the slippery slope of being a smoker. I continued to try time and time again to quit.

My girlfriend, Janna, was also a smoker. She smoked a full pack a day, and I was a little over half a pack a day. She tried all the same quitting aids I just mentioned above, including the drug Champix. This drug has a multitude of side effects, such as laboured breathing, hyperventilation, tightness in the chest, anxiety, feeling sad and empty, thoughts of suicide—one that she experienced herself—and this didn't even work.

She said to me her and with some of her friends were going to make a bet to see who could stay away from cigarettes the longest, with the end goal to be smoke-free. I wasn't fully on board with the whole thing until she mentioned using an e-cig to help with the process. Not knowing the price at the time and the anxiety I experienced from making this change, I wasn't sure. But the cost to start is almost the same as buying a pack of cigarettes, so I figured, what do I have to lose? So we decided to make the attempt on February 6th, 2015. Guess what, neither of us have even had a single drag of any kind of tobacco product since then.

But we didn't go into this thinking we knew it all. We didn't go into this thinking it would be easy. We had lots of help from many different avenues of people.

The employees at vape shops educate smokers on what they will need to get started, what you will feel like when you make the switch. They assess your current situation of being a smoker and how much you smoke, then pair you up with the nicotine strength that best suits your needs. This whole process is educational at its best and is a needed service when making the switch. You can try out e-juice flavours when you go into these shops simply so you can find something you enjoy, as everyone has their own taste. Thanks to these people, both my girlfriend and I can say we're proud to be vapers and completely tobacco-free.

Bill 30 states a lot of facts about protecting our province's youth and why they should not be exposed to vaping or purchasing vaping products. For that fact, I completely agree. Minors should not be using or purchasing e-cigarettes. They should not be trapped in vehicles with someone vaping, but not for reasons that Bill 30 is based on, simply because it isn't their choice.

The vapour produced isn't this horrible toxic plume of deadly gas that if someone breathes it in they will get cancer or some other kind of respiratory disease. This juice is made up of four components: propylene glycol, which is in asthma inhalers to help deliver the medicine to your lungs to open up the airways, it's in baby wipes, personal hygiene products and the list goes on; vegetable glycerine, a second component, is used in a variety of personal-care and pharmaceutical applications, as well as food and beverage products; thirdly, flavours which range from artificial to natural ingredients that are all food-grade quality; the fourth and final optional ingredient is nicotine.

There are many people who vape just because they enjoy the hobby and like the hand-to-mouth action that vaping provides. Cigarette smoke contains over 4,000 chemicals, including 43 known cancer-causing, carcinogenic, compounds and 400 other toxins. These ingredients include tar, carbon monoxide, as well as formaldehyde, ammonia, hydrogen cyanide, arsenic and DDT.

So I say it again, minors should not be around vapour produced from e-cigarettes, but only because they don't have a choice, not because it will harm them.

Bill 30, like any other bill or law passed, is made to make limitations to people's liberties, to protect or prevent certain behaviours in today's society from occurring. I wholeheartedly endorse this type of law if it is truly made up of the—made to help this province's people.

But, when Bill 30 is passed, it will be clumping vaping in with traditional analog cigarettes to prevent non-smokers from exposure from two different forms of substance. Analog cigarettes produce a toxic, carcinogenic-filled smoke produced from burning combustible plant material laced with a multitude of addictive chemicals. E-cigarettes produce a water-based vapour by heating three to four food-grade liquids that may or may not contain nicotine.

Maybe it's just me, but those two are very different products. One of these is engineered to get you addicted. The other has been engineered to help you quit. Nowhere in Bill 30 does it even recognize e-cigarettes as a cessation aid, a tool that actually works. We as vapers want this government to recognize this as a helpful quit-smoking aid. So what if it produces vapour that looks like smoke, and so what if it may or may not contain nicotine? The fact that keeps getting avoided by today's politicians and lawmakers is that it helps smokers actually quit.

The excuse is always brought up it hasn't been tested enough to determine if it's healthy or not to vape. A recent study in the UK was just completed that stated vaping is safer than smoking and could lead to the demise of the traditional cigarette. Public Health England has said in the first official recognition that e-cigarettes are less damaging to health than smoking tobacco. The health body concluded that, on the best estimate so far, e-cigarettes are about 95 per cent less harmful than tobacco cigarettes and could one day be dispensed as a licensed medicine and an alternative to antismoking products such as patches. We as vapers want this recognition to be heard and written law, that vaping, as it stands, is a way to become healthy not something that should be feared due to the supposed unknown.

\*(19:10)

Bill 30 needs to be revisited and a new bill processed that is separate from the one that includes tobacco products and recognize that, yes, minors under the age of 18 cannot purchase the product. However, if it is being used to keep people from the horrors of tobacco, it needs to be embraced and

recognized as a true quit-smoking aide that allows smokers to break free of the horrors of addiction. Vape shops with trained, informed employees there to help need to be given the right to educate and promote these products they sell within their shops, with the intention to help. Tax breaks given to people purchasing these products, seeing as less people will need extended health care due to a decrease in diseases caused from analogue cigarettes and a government that recognizes change and innovation in the fight against big tobacco and its harmful cancer-causing products.

I want to conclude that since my girlfriend and I quit together on February 6, 2015, I have stepped my nicotine dose down from 12 milligrams to three milligrams, and Janna has stepped hers down from 18 to 12, because we felt ready to start taking the correct steps to become not only smoke free but nicotine free as well.

Thank you for your time and consideration of this matter of fact.

**Mr. Chairperson:** Thank you for your presentation, Mr. Reay, and the honourable minister, please.

**Ms. Crothers:** Mr. Reay, thank you very much. I want to congratulate you on reducing your nicotine intake; that's for sure, certainly, after the rather rocky road you've had trying to quit.

I just want to make a point that this legislation is actually the only legislation in Canada, currently, that recognizes vape shops and their ability to assist those who are trying to quit by allowing vape shop owners to be able to show people how to use it and to allow sampling. So I'm sorry you think that's not enough, but we have done more than other provinces have in this regard, because until we know more research we don't want to exclude people from being able to get the kind of help that they could get from this product if they're trying to quit.

But thank you for coming. I appreciate what you've said.

**Mr. Chairperson:** Mr. Reay, in reply.

**Mr. Reay:** Just, you know, thank you. I appreciate that response.

It's definitely having those facilities open and able for people who are above 18 to go in and sample and be there and experience what this is is going to help everybody get away from tobacco, because right now that is the proven enemy; it's not vapour.

So—but thank you very much.

**Mr. Graydon:** Thank you, Mr. Reay, for coming in today and sharing your story of you and your girlfriend. It takes a lot of courage to walk up to that mic and tell your story. And I know what it's like to quit smoking. I've done that a number of times. I haven't smoked for a number of years either, because of some of the causes that smoking causes. But I certainly appreciate your story, and I agree this is one of the steps that can be used successfully to quit smoking.

So thanks very much for sharing your story and your girlfriend's story, and good luck in the future.

**Mr. Reay:** Thank you very much.

**Mr. Chairperson:** Thank you very much for your presentation and your time, sir.

Christine Houde, Heart and Stroke association, please.

Do you have something to distribute? Thank you very much. And you can begin whenever you'd like ma'am.

**Ms. Christine Houde (Heart and Stroke Foundation):** Good evening, everyone. My name is Christine Houde. I'm the director of Government Relations & Health Promotion at the Heart and Stroke Foundation in Manitoba. I'm here this evening with the CEO of Heart and Stroke, Debbie Brown, and the foundation appreciates the opportunity to appear before this committee.

Tobacco use is a key risk factor for heart disease and stroke, increasing the incidence of all major forms of heart disease and stroke as well as other chronic diseases.

While we have made great strides in tobacco control, reducing smoking from 50 per cent in the 1960s to 17 per cent today, there is still much work to be done. Over the years, the foundation has worked with its partners, including the Canadian Cancer Society, MANTRA, others, as well as governments across the country, to advance a variety of tobacco-control measures at the federal, provincial and municipal levels.

Today, I'm here to speak about e-cigarettes and their implications for Manitobans. E-cigarettes, as we've discussed, are a relatively new-product category and have been growing in use and are a source of great debate in Canada. I will outline the associated implications, including the potential

risk and benefits. I would like to say that the Heart and Stroke Foundation is pleased that the government of Manitoba has taken initial steps to regulate e-cigarettes.

E-cigarettes mimic the smoking experience using an inhalation and heating process that vaporises an internal fluid. An important point to note is that the content or composition of e-cigarettes varies by brand. There is no standardized formula or means of quality control. E-cigarettes are available, as we've discussed, with or without nicotine; however, e-cigarettes containing nicotine are not legally manufactured, sold or imported in Canada but are available, albeit illegally.

While early studies and some reports have shown that e-cigarettes with nicotine have some potential as a smoking cessation aid, there is not enough scientific evidence at the moment to conclusively state that e-cigarettes are, in fact, an effective tool. Safety concerns have arisen with these unregulated products given that the long-term health impact of inhaling propylene glycol and the effects of second-hand exposure are unknown. The World Health Organization recently indicated that these substances are not merely water vapour but include chemicals, some with toxic properties, and as such second-hand vape should remain a concern. That said, e-cigarettes are likely a safer alternative to traditional tobacco cigarettes given that users satisfy their craving and addiction for nicotine without the overwhelmingly dangerous effects of tobacco. It's important to critically determine whether e-cigarettes end up only acting as an add-on to cigarette smoking, resulting in dual use, instead of complete cigarette smoking cessation.

Researchers and public health experts are also concerned that there's potential for e-cigarettes to be a gateway to tobacco use and nicotine addiction among people that have never smoked cigarettes. In particular, e-cigarettes are appealing to youth and young people. A study undertaken by the Canadian Cancer Society found that 18 per cent of high school student non-tobacco smokers had tried e-cigarettes and another 31 per cent were interested in trying them.

Another concern, of course, is the marketing and promotion of e-cigarettes. Youth are targeted with the addition of attractive candy or fruit flavours similar to tactics used in the tobacco industry. In Canada, it's illegal to make a health claim regarding e-cigarette product's ability to aid in smoking

cessation or to suggest that it's a safer alternative to smoking traditional tobacco cigarettes. However, lifestyle marketing is common and often depicts cheerful and glamorous vapers taking back their right to smoke in public. Companies also use celebrities and product placement to attract users.

Public health experts are concerned that if e-cigarettes are permitted for use in public places and freely marketed that they could renormalize smoking behaviour and undermine tobacco control and smoking cessation efforts.

In light of the need to maintain tobacco control efforts and given the many unknowns around e-cigarette use, there's been growing demand for regulation in Canada and internationally. Municipal, regional and national governments around the world have proposed and implemented policies to regulate e-cigarettes with or without nicotine in a similar fashion as tobacco products, including through amendments to smoking acts; through complete bans, which might provide the most protection but which could hinder progress in understanding the potential role that e-cigarettes might play in smoking cessation; public space bans, which are a strong means of protecting the public from second-hand smoke and vape and preventing renormalization of tobacco smoking; age purchasing restrictions, which can protect youth from nicotine addiction and help prevent smoking initiation; regulation which restricts marketing and promotion; and quality assurance standards which sets parameters around product safety. These are some examples of how e-cigarettes are being addressed across the world and here in Canada.

To that end, the Heart and Stroke Foundation recommends the Manitoba government move forward with the proposed regulation, including, first of all, prohibiting use of e-cigarettes in public spaces and workplaces where smoking is banned by law; secondly, prohibiting e-cigarette sales to minors; No. 3, strictly regulating e-cigarette advertising and promotion, including prohibiting celebrity and lifestyle marketing, unsubstantiated health claims, youth-targeted marketing and co-branding of e-cigarettes with conventional cigarette brands; fourth, I'll mention product regulation, including restricting flavours attractive to youth—although not part of the current proposed legislation, Heart and Stroke encourages both provincial and federal action in this area as the next stage of regulation; fifth, dedicate research funding to enable a deeper understanding of the usage,

potential benefits of e-cigarettes as cessation device, as well as any possible risks; and finally, No. 6, to remove the exemption for vaping in certain adult-oriented public spaces.

Vaping in any public space is problematic on many fronts. First, because the long-term health effects of second-hand vape are unknown, we need to protect Manitobans from any undue—possible undue harm. All Manitobans have the right to clean air in public places and in particular those which are enclosed. We need to protect residents from second-hand vape by banning the act in all public spaces regardless of who the establishment is geared towards. Secondly, vaping in any public space can increase the risk of renormalization or the gateway potential among new users, many of whom will be young adults. The Heart and Stroke Foundation asks that the government reconsider the proposed legislation and mandate that the use of e-cigarettes in bars be prohibited, as has been done in many other jurisdictions.

\* (19:20)

In closing, the Heart and Stroke Foundation supports action on e-cigarettes and is pleased the government of Manitoba has taken initial steps to regulate e-cigarettes. Taking into account the potential threat of renormalization, creation of a new gateway to addiction and health risks, as well as the need for more information regarding the potential smoking cessation benefits of e-cigarettes, it's critical that the government of Manitoba move quickly to regulate e-cigarettes and remove the potential for exemption for vaping in adult-only establishments.

Thank you for the opportunity to speak this evening.

**Mr. Chairperson:** Thank you very much, Ms. Houde.

**Ms. Crothers:** Ms. Houde, thank you for coming this evening and for your advocacy work, and we've had the opportunity to chat before. I'm very appreciative of the suggestions that you provided, and, as I indicated at the beginning of my—at the beginning of this evening, I will be making an amendment to your No. 6, as a matter of fact, so I have certainly heard what you've said and will be responding.

**Ms. Houde:** Thank you, Minister, for that proactive step. We appreciate the efforts on that.

**Mr. Graydon:** Thank you, Ms. Houde, for your presentation tonight and for taking the time to come

in and the work that you do with the health and the stroke foundation.

**Ms. Houde:** Thank you.

**Mr. Gerrard:** Thank you for your presentation.

I just want to be clear. Does the act as it's presented and with the amendments that have been discussed, does it meet all your recommendations or are there further changes needed in order to meet the recommendations that you're making?

**Ms. Houde:** That's a great question, and we certainly are in approval of what—in the act, certainly the one area that we would like to see further regulation would be regarding flavours of e-cigarettes. Realizing that's not part of the current bill, we're looking at working with federal, provincial governments to raising that issue as a further step in regulating e-cigarettes.

**Mr. Chairperson:** Thank you very much for your presentation.

We now have Jim Baker from the Manitoba Hotel Association.

Do you have—thank you, you're—you've done this before. And you may begin whenever you feel comfortable, sir.

**Mr. Jim Baker (Manitoba Hotel Association):** Thanks for the opportunity to share the Manitoba Hotel Association's position on this bill.

We had the occasion to meet with Minister Crothers in April to share our views at that time, and at that time we supported for including the e-cigarettes in The Non-Smokers Health Protection Act while keeping in place the current exemption for designated smoking hotel guest rooms. More about that later.

However, we were not supportive of the regulatory authority to allow e-cigarette use in beverage rooms and other places—casinos were mentioned—where children are generally prohibited. The Manitoba Hotel Association represents the majority of beverage room operators in Manitoba. We didn't ask for this exemption for beverage rooms and we do not support it. We believe it would be a step backward, posing potential health risks and causing unnecessary confusion for licensees and the public. I commend you, Minister, for your commitment this evening to amend the bill to remove this regulatory authority. I really feel that

you have heard and responded to the concerns we raised then.

Currently, many hotel operators have non-smoking policies for their entire properties, including within their guest rooms and including e-cigarettes. More hotels are moving in this direction all the time. If this exemption for e-cigarettes was introduced for their beverage rooms, the hotels may face competitive pressure to allow e-cigarettes there by moving entirely smoke-free properties back to smoking or vaping environments.

Our concern also, of course, has to do with the staff working in beverage rooms. There's a significant concern in requiring staff to work in an environment where e-cigarettes are being used prior to their potential health impacts being fully understood. The choice of some individuals to use these products should not override the staff's right to continue to work in a clean-air environment as they have had for the past 11 years.

This exemption also creates the potential for confusion among licensees and the public. Most consumers do not know the liquor licence type—beverage room in this case—when they visit what is commonly referred to simply as a bar. Bar isn't a liquor licence; it's a term. In allowing an exemption for just one of these types of establishments, an uneven playing field would be created, putting the onus on operators to explain why e-cigarettes are allowed in one type of bar but not a similar establishment next door or down the street.

I would also point out that not all beverage rooms are adult-only environments. During the recent overhaul of Manitoba's liquor laws, the MHA worked co-operatively with the Liquor and Gaming Authority to create the new family-friendly beverage room licence. We are pleased that the Province has moved forward in this way to help qualify beverage room licensees—understand, qualifying beverage room licensees modernize with the option to welcome families until 9 p.m. With the e-cigarette exemption, these premises would presumably be able to allow e-cigarettes in the evening after 9 and then serve children again the following morning. This seems like a step backward from the progressive and modern spirit in which this licence type was created.

I was involved in the often acrimonious debate about The Non-Smokers Health Protection Act when it was originally introduced and ultimately adopted 11 years ago. It's been a long journey for the hospitality industry to evolve in order to survive and

thrive in the new regulatory environment. We have now moved forward and did not imagine we would find ourselves involved in this type of debate once again.

Today the MHA will comfortably stand with the Canadian Cancer Society, the Manitoba Tobacco Reduction Alliance, the Manitoba Lung Association, the Heart and Stroke Foundation and others in opposing the use of e-cigarettes in public indoor spaces. I am pleased that the Province has ultimately adopted this position as well.

Thanks again for the opportunity to bring forward our thoughts.

**Mr. Chairperson:** Thank you, Mr. Baker.

**Ms. Crothers:** Mr. Baker, thank you very much for coming this evening, and all I have to say is that that meeting we had earlier in the year was very instrumental. You're very convincing. But I certainly appreciate the standpoint that you illustrated to me, which was, 11 years ago, how welcome this type of legislation was then and how far you've come with that, so I want to say thank you very much for that.

**Mr. Baker:** Well, I don't know if 11 years ago it was all that welcome. However, times change. There weren't e-cigarettes then; there weren't a lot of things then. There's been a significant change in what a bar is. The beverage room that had the thought in the back of the mind had spittoons on the floor and all that is long gone and we're moving forward. And, again, with the merger of Liquor & Lotteries and the division of some of those responsibilities—Minister Chomiak was involved with that—I think there's going to be more modernization and more good things for our Manitoba people.

**Mr. Graydon:** Thank you for your presentation tonight, Mr. Baker, and I just want to point out that maybe—and maybe you can help me. Are there smoking areas, designated smoking areas, in bars in Manitoba?

**Floor Comment:** No.

**Mr. Graydon:** There are none.

**Mr. Chairperson:** Wait, Mr. Baker. You've done this before.

**Mr. Baker:** But I'm awfully anxious to answer.

Well, no. I mean, the law is that there's no smoking, and then you get into the situations where there's no smoking within X number of feet, yards from—metres from the door.

But the rooms are probably 90 per cent non-smoking. Internationally, the rooms—it's better known as Holiday Inns, but it's the international hotel group, have worldwide said, our rooms are all, 100 per cent, smoke-free.

And so you see what's happening in the drinking establishments, if you want to call it that, is there's more of an emphasis on food than on the alcohol and there is no smoking and the staff are very pleased, the operators are really pleased because they've now found out the maintenance is so much less.

**Mr. Graydon:** I want to thank you for that. Thanks a lot for your presentation.

**Mr. Chairperson:** Mr. Swan—or do you have a response, Mr. Baker?

**Mr. Baker:** Well, thank you for that, Mr. Graydon.

**Mr. Swan:** Well, Mr. Baker, thank you for coming down and presenting today.

I think we've already put on the record this is not your first time coming down to the Legislature to present. I understand this might be your last, as you're heading off to retirement, so personally, as the former Liquor and Lotteries minister and as Justice minister, I appreciate all the advice you gave and the things we were able to work on together, and on behalf of the entire government caucus, Jim, I want to thank you for everything that you've done for your members, and you've worked with government. It always hasn't been easy, but I think we've worked together to build a stronger province.

\* (19:30)

**Mr. Baker:** Well, I thank you for those very kind remarks but I'm—still am a private citizen, so you can see me here some other times.

**Mr. Chairperson:** And, Mr. Gerrard, quickly, please.

**Mr. Gerrard:** I just want to say thank you very much for presenting and for your public service over the years.

**Mr. Baker:** Dr. Gerrard, and thank you. You always listened and sometimes helped, as have—as has anybody pretty much around this room have listened and have helped most times.

**Mr. Chairperson:** Thank you very much, Mr. Baker, and I'd like to say, personally, thank you very much.

**Mr. Baker:** Thank you.

**Mr. Chairperson:** We have Garry Iwankow.

Do you have something to hand out, Mr. Iwankow? The pages are fabulous.

Okay, Mr. Iwankow, you can start whenever you'd like, sir.

**Mr. Garry Iwankow (Private Citizen):** There, testing. Okay, good evening, ladies and gentlemen. My name is Garry Iwankow. I'm a retired Winnipegger. I'm 66 years old. I am smoke-free forever, will never touch it and feel great. So I've got a little bit of a story and then it's a few comments on the bill.

Why did I quit smoking? Bear with me. On March 4th, 2014, while shovelling snow, I noticed that I could only shovel a little bit of snow and I had to take a break. And for me I've always been active. And it surprised me and shocked me, woke me up. I made a deal with myself. I said, I'm going to quit for six months, I can do it, just to see how the other side lives, non-smokers, telling myself, and if I didn't like it, I'll go out and buy a pack.

I smoked for 50 years, started at 14 years old. I tried many things to quit. How did I succeed? The first five months were hard. I did try medication because it was getting tough in the fifth month. I went through a little depression when I quit, some. The pill's side effects, for me, anyway, I shall never forget, just about killed me. Night sweats, body tingling, you name it; it was just scary. I threw them out the window, didn't know what to do next. I heard and I saw people, and I heard personal vape products could help me. So I went and got one, a personal vaporizer, not an e-cig; I don't call them e-cigs because we buy the juice and we mix it in. It's not like the tobacco companies made; we don't know what's in it.

Anyway, I heard that they would work. August 2014, over a year and a half I'm free, like, today. September 4th, I was a year and a half away from cigarettes, and I feel great. I've got my life back. You got to imagine being 14 years old and smoking. I smoked a pack a day and you didn't know what you were missing; it slowly caught up with you. You know, the cigarette, you smoked it, you loved it. You loved it because you were—it was a stimulant, relaxed you, you thought. Anyway, I can now shovel snow, cut the grass with no effort, no more coughing spells in the morning, just everything is better. I will never, ever touch it.

Lung tests done; I was curious about that. I wanted to see, where am I? I know I had to have done some damage to my body. Fifty years of smoking—come on. And the way I was feeling in the beginning in March when I quit—had to, wouldn't you think? Yes, so I asked my doctor, I said, I want a lung test to be done. So, in November, the results came back, 50 per cent capacity. Can you imagine what my capacity was in March? I'm glad I didn't test it.

We scheduled another test, and he said, I'm sending you to a lung specialist for this one. And he sent me to Mr.—Dr. Homick, a specialist. I've been for CT scans because he wants to see the capacity of my lungs and he wants to see how much they're—when you breathe, that's what I think. He didn't tell me that, but he's done it. He's done it. I'm going for that this month, for the CT scan, and I'm going for another test next month.

Oh, I'm sorry, I missed this. In June, I had another lung test by Dr. Homick. Seventy-four per cent, what do you think of that? Yes, somebody likes me. I also—he—Dr. Homick also said, I want to see your lungs. I'm curious, because, well, I think he's curious. And I said, go for it.

I had a lung biopsy, like a—it's like when they put a camera down your throat and look in your lungs to see what you've got. They don't look too bad. So I'm told. He's not sending me for another one of those, because it satisfied what he wanted to see. And it didn't tell me anything bad.

So the idea, that what I'm trying to get at is this next test in October is a biggie. Hey, maybe I'll be 74 per cent, but I won't be 50. And I've got to thank it to vaping. It just saved my life.

Now we get into the Bill 30 corrections. Now, I had—we get into the e-substance, you know, I think it's sections—I don't know, 3 section 1(1). I'm learning how to read these. Anyway, e-substance, add, may contain nicotine; remove, as stated, "contains nicotine," because all e-juices, you get it—you work your way down as your body tells you, and you can go to zero, and you're finished, and you can just enjoy the flavours if you like. I stay with a simple flavour myself, peppermint. I love peppermint now.

The proprietor to ensure no smoking or e-cigarette use. I say remove the e-cigarette use. Change to: or cigarette use or e-cigarette use where allowed. Let the vendors, let the people that run certain businesses decide. Give them that.

Vapour products not to be advertised or promoted. Show excluded are vape product shops. I mean, they're going to advertise a little online, you know, and stuff like that. And that's sounds reasonable to me.

Advertised or promoted—well, they're all promoted in the shop. Like, they can be out for display or—correct, you know. That's what I'm getting at there.

My closing comments: I do hope all here make an effort to do more studies on electronic cigarettes. And my only hope is that you separate these two products, cigarettes and e-cigarettes, as they are both separate products totally.

Not to get into the specifics, but we know cigarettes kill, but allow their use. We don't have enough evidence for e-cigarettes. We don't know exactly if they're harmful, but they're sure an alternative. that's we've all—I think we all must agree, to smoking. But separate them. In any bill, separate—don't put them after no smoking or e-vaping. Separate sign for e-vaping, please.

You take people that want to quit and you confuse them. There's enough bad propaganda about e-cigarettes, in my opinion, just my opinion, that they get confused and they say I may as well just keep puffing away.

\* (19:40)

You know, it—labelling these two products together is not right. Okay, I said that. I got ahead of myself. But here we are. Take it from a person that's found a new life free from smokes when nothing else worked. Is this not our goal here to have a healthier Manitoba? And we also have a chance to set the bar now for the rest of the country to watch.

What I heard tonight it's—there is some support, and you are trying to study and rip it and get it; that's what we want to see. We want to see fairness. We want to see a look into it. But you will set the bar for all to see.

Thank you very much.

Any of my results, anybody wants to ever see them, my email address is on here, the lung association. I would love to share the results, and I would love to continue my testing, if they so be—I'll—keep testing me and let's see.

Thank you very much.

**Mr. Chairperson:** Thank you very much for a very good presentation, Mr. Iwankow.

**Ms. Crothers:** Mr. Iwankow, thank you very much for coming this evening, and I want to congratulate you for being—it's a year and a half, right—a year and a half free of cigarette use. Well done. I'm glad this has been a positive experience for you and thank you for speaking so passionately about it. I appreciate that.

**Mr. Chairperson:** Mr. Iwankow, any response?

**Mr. Iwankow:** I—like I said, please do all possible to separate these two with any bill to show that there—they are different products. Try and do that; that'll be a winner. You've got to get more people on line. You just have to. They're dying out there. I've saved five people, and I've caught people; they are long-term smokers and you know what the question is? The first question is, they come to you and they see you with this silly thing in your hand—this thing—they say, does it really work? What is that? And you explain to them.

I've got a lady right now, and I'm monitoring her. She was 38 years smoking. She's got COPT—COPD2; that's not good, right. She's still puffing on cigarettes, but she saw me outside when I was picking up some kennel treats for my puppies, and she asked me, does that work? And I explained to her, and I said, give me your email address and we'll talk. She went and got one. Two and a half weeks, she says, everything is going great.

Just—but thank you very much for listening.

**Mr. Chairperson:** We have a couple more questions.

**Mr. Iwankow:** Oh, sure.

**Mr. Graydon:** Yes, thank you very much for your presentation, Mr. Iwankow. It takes a lot of courage, like I've said before, for a citizen to come up and tell a story, and you've done a very, very good job of it, backing it up with the medical records that you have to prove that.

I just wonder what the percentage is of the people out there that are using e-cigarettes that have the same story that you have. It would be nice to know what the statistics are for that. We have statistics for so many things, but we don't have those statistics. So you may be one of 40 or 50 per cent. That type of statistic we need to find that; that's very, very important. It's certainly going to cut our health costs in the province of Manitoba.

Thank you very much for what you've done tonight.

**Mr. Chairperson:** Mr. Iwankow, for response.

**Mr. Iwankow:** No, I don't have much else to say. But I am willing to share these doctor-related tests with anyone that wants to see them, and, if they want me to go for—further I think I'm going to do that anyway. I'm just—maybe I'll be 100 per cent when I go next month. Who knows? No, you know, be positive. But whatever it is, it is, and, if it's up to 80 per cent from 74 per cent, I want to do another test.

**Mr. Chairperson:** Thank you.

**Mr. Gerrard:** Thank you for your presentation, and, certainly, the more that we can move people away from smoking regular cigarettes, that's a big help plus.

Now can you take us through a little bit of the process that you went through? Did you substitute, you know, the—what you were doing cigarettes for vaping, and did you use nicotine in the vaping, and did you decrease the nicotine, and what's happened? *[interjection]*

**Mr. Chairperson:** Mr. Iwankow, just—you have to wait 'til you're recognized, so he'll ask the question, then you can respond, okay?

**Mr. Gerrard:** Yes, I've finished the question.

**Mr. Chairperson:** Oh—thank you. Mr. Iwankow, you have one minute, please, sir.

**Mr. Iwankow:** Yes, I started—first of all, I started with tobacco-flavoured juice because where did I come from? Tobacco. And I worked through that and I worked—I started with a high level—what they call a high level. I started at 24 per cent nicotine. Didn't last two months, and I couldn't take it anymore. I dropped it, went to 18. I went to 12. I'm at 12 right now, okay, after a year and half, and that's a comfortable level for me right at this point, but I found one thing. I don't know if you want to do a study on this, but if you inhale a cigarette, I think it's about 31 per cent nicotine you get in one hit because they've got the chemicals—you guys know that—that help that happen. Well, anyway, your body can't do that when you're using pure nicotine. You're not—there's nothing else with it but, you know, your juice and your flavour. Your body can't take it. Your body'll tell you, all of a sudden, no, I'm dropping it. And that's what I've heard from many people, so.

**Mr. Chairperson:** Thank you very much for a very good presentation, Mr. Iwankow. Thank you.

We now have Kerwin Unger, private citizen.

Do you have any written materials, sir?

**Mr. Kerwin Unger (Private Citizen):** No, I don't.

**Mr. Chairperson:** Okay, you can begin whenever you feel comfortable, sir.

**Mr. Unger:** I thank you all for allowing us to speak this evening. Just want to talk on behalf of a consumer of vaping products. I basically smoked for over 20 years of my life, had my first start to smoking before I was 10 years old, started smoking regularly by the time I was 14, 15 years old. By the time I was 17, 18, I was smoking pretty much a pack a day up until recently, 36 years old. That's over 16 years as pretty much a pack-a-day smoker.

Just over a month ago, a friend of mine, he's been vaping for a few months already, it turned him off smoking, he'd been smoking quite a while, so I decided to give it a try. I've tried all different types of methods, just unfortunately couldn't kick the habit. Through vaping now, it's been just over one month that I've been cigarette-free, and I've never felt better. It's been a positive change for me.

It's been nice to be able to go into vape shops where you can test them out. They educate you on the product, the unit you're buying, to help give you the vape, the mods and everything. It's being able to try the different flavours. Everyone has different taste buds, different likes and dislikes. It's been big getting flavours that you like and enjoy, because I tried a few and I didn't like it. Had I tried them earlier on, I probably wouldn't have stuck with it and gone back to smoking right away. And I've just been able to stick with it. It's been a huge benefit for me, my family, my kids, being able to feel better for my family and not have that smell of smoke on me.

And I look at this bill, it seems to be a very positive thing. I see some of the other provinces' bills, they don't seem to be quite as good as this one.

I just don't like the idea of it being included in with tobacco products, seems to be two different things. It's helping so many others that I know quit smoking. It's helped me so far, and I just hope that the Province really endorses it and gets behind it.

I'd like to see a lot more research done on it. I've read as much research as I can find on it, and there is a few contradictory researches out there, but for the

most part that I've seen, they've all been very positive. I think we all know that with vaping there is some risk that goes with it with health. There's no denying that. I'm sure there's something there, but comparing it to smoking, it is drastically less harmful than smoking a cigarette.

So I was viewing it as a smoking cessation. It's definitely a step in that direction and a positive thing.

I don't have too much to say other than that. Just wanted to tell you a bit about my personal story and how vaping has been a great benefit for me. Thank you.

**Mr. Chairperson:** Thank you. Don't go yet.

**Ms. Crothers:** Mr. Unger, as a mother of an eight-year-old boy, when I hear that you started smoking before you were 10, I want to cry. I'm just—it makes me very sad, but I'm very happy that that isn't the case anymore, certainly not just for yourself but for your family.

And I'm very appreciative that you've taken the time to come this evening and share your experiences and also recognize that there are multiple angles that we're trying to look at this issue. So thank you very much.

\* (19:50)

**Mr. Chairperson:** Okay. Thank you.

Mr. Unger, for response, if any?

**Mr. Unger:** No, just want to thank you.

**Mr. Chairperson:** Thank you.

**Mr. Graydon:** Thank you for coming in tonight, Mr. Unger, and thanks for sharing your personal story. I certainly hope that you have the same outcome that Mr. Iwankow had and the other people have had that have been using vape to stop smoking.

I know a number of people who have been using these vape machines for some time now and don't touch cigarettes at all. They do feel much better themselves. They do seem to have more energy, and I think this has a lot of uses going forward. But perhaps you could put something in perspective for me because I don't smoke, and I don't know what the cost of a package of cigarettes is, and I don't know what the cost of a month's supply of vape is, so could you put that into perspective for me?

**Mr. Unger:** Yes, thank you. It's much more affordable. I was—due to the cost of it, of smoking—it is a very expensive habit. I was spending thousands

of dollars on it every year, and with a family, it was putting more of a struggle on our lifestyle and providing for my family, so that was a big reason, along with health benefits, to quitting.

But basically, vaping, the start-up cost is a little bit because you have to buy the device. To start up, I think the total with taxes was close to \$100. Now all I need to buy is—there's replacement coils and the juice to keep using it, and it's basically—I've worked it out so far to be about \$15 a week. So it's equivalent to basically one pack of smokes, which I was going through in one day's time.

**Mr. Gerrard:** Thank you for your presentation.

Two questions for you. One is that you're feeling better. Can you expand a little bit on that? Are you coughing less? Are you—has your exercise ability changed? And second is, you know, how many vape shops have—do we have in, say, Winnipeg at the moment, and how easy are they to access?

**Mr. Unger:** In regards to how I'm feeling, I've already noticed in the short time that I did start vaping, some differences. Breathing, a little bit: I feel it's easier to keep my breath. I do some exercise. Very active—I have a very active job, so I notice that I don't get winded as quickly. I know if I do a jog, I can go a longer distance than I ever could before without having to stop and catch my breath. So already with my breathing, it's already noticeably. I was already getting a little bit of a smoker's cough. I haven't had that now since I've been starting vaping. That seems to have been a lot better.

As for vaping shops, I've known of quite a few in the city. I'm sure there's more that I don't know of. There seems to be quite spread out around the city, so they're easily accessible for people that want to get to a vaping shop to fulfill their needs that way, so they're quite accessible that way. All the ones that I do attend all post signage, no selling to minors, ID'ing under 25, which I'm very strongly supportive of.

No way a kid should smoke, and even being subjected to vaping, I don't believe that's a good thing either. It should be something that's definitely restricted to adults and even something I don't do around my kids, as I don't want them to be subjected to that or, you know, enticed into that type of a lifestyle if it can be avoided.

**Mr. Chairperson:** Okay. I thank you very much for your presentation, sir. I'd like to say thank you to all presenters. They've done an amazing job, and that

concludes our presenters for tonight. So thank you very much, sir.

I remind the committee that the Standing Committee on Human Resources will again meet Monday, September 14th, at 6 p.m. to consider—to continue consideration of the bill and continue to hear presenters.

Now, the time being 7:54, what's the will of the committee?

**Some Honourable Members:** Rise.

**Mr. Chairperson:** The committee rise. Thank you very much.

**COMMITTEE ROSE AT: 7:54 p.m.**

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