

QUESTIONNAIRE

Contact Details

Please provide your contact details in case we need to contact you in connection with this questionnaire. Note that this is optional.

	<input type="checkbox"/> Member State <input type="checkbox"/> Observer State <input type="checkbox"/> Other (please specify)
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1. While the concept of harm reduction has traditionally been applied to drug use, the Special Rapporteur is taking a broadened approach to harm reduction. What types of harm reduction policies, programmes, and practices are in place in your community, and what is their purpose or aim? How successful have they been at achieving that aim? Please provide data, as possible.

Canada has supported harm reduction in a rather token form, authorizing needle exchanges and safe injection sites in several cities, but cannot be said to be overly active in the idea. A major change was the legalization of marijuana in 2018, although the products are heavily regulated and legally available only from authorized stores. Medical marijuana has been approved for some time.

The Canadian government appeared to embrace harm reduction when it enacted the Tobacco and Vaping Products Act in 2018. The act was designed to protect youth and non-smokers from any harm but also to allow adult smokers to switch to vaping in a form of harm reduction. However, in the intervening years the harm reduction component seems to have been forgotten and the government seems to want to treat vaping in the same way it has treated smoking. The federal government imposed a nicotine cap, threatened a flavour ban (not yet implemented) and imposed a high excise tax on eliquid. Four provinces have enacted flavour bans and several have applied high taxes. The focus is on punishing vapers and finding ways to make it more difficult for them to vape.

Advertising of vaping is banned and vendors are not even allowed to tell smokers that vaping is less harmful than smoking. Meanwhile NGOs, some

public health officials and the press are free to speak against vaping and have done so with great enthusiasm.

In 2018 there was a plan that Health Canada would make available some statements that the vaping “industry” could use to encourage smokers to switch. However, they have not yet done so.

The result of this negative propaganda is that a recent study shows that 89% of Canadians perceived “moderate or great risk in regularly using ... e-cigarette with nicotine”¹

In fairness, in response to the first review of the TVPA in 2021, Health Canada removed some of the extremely negative comments from its web pages on vaping, makes a point of assuring readers that no one has developed popcorn lung from vaping (a major theme of the NGOs and the press), and states that completely switching from smoking to vaping can reduce health risks. However, these changes were not well-publicized.

2. How do legal frameworks affect the harm reduction policies, programmes, and practices (whether related to drug use or otherwise) that are available in your community, country, or region? Are there laws or policies that either facilitate or serve as a barrier to adopting or implementing certain harm reduction policies, programmes, and practices? Aside from legal and regulatory barriers, are there other obstacles in place? Please provide specific examples.

In my opinion, the regulation that prevents anyone in the vaping “industry” from making any health or efficacy claims is related to the regulations that were put in place to prevent the pharmaceutical industry from making unfounded claims. Any pharmaceutical product has to undergo an extensive (and expensive) approval process before being allowed to advertise any effect or benefit.

The fact that vaping eliquid contains very few ingredients and is not intended as a pharmaceutical product means that it should not be ruled by this pharmaceutical framework. In the case of vaping, the “safety” factor does not apply – in fact, the total restriction on positive statements works against the interests of public health. I do not know the theories behind this restriction, but it looks suspiciously political and seems to be protecting the pharmaceutical industry whose smoking cessation products are put in jeopardy by vaping.

¹ Discussion paper on the second legislative review of the Tobacco and Vaping Products Act p.15