

E-Cigarette Legislation

A Very Brief Public Health Ethics Case

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This short document presents a case study comprising a scenario and material to stimulate further reflection. We originally produced this case for use during a workshop held in June 2016.¹ We have adapted this and other cases and republished them together so that they might be used in combination with the summary versions of ethics frameworks for public health that we have produced to date. They are intended to give public health practitioners some material for practice in ethical deliberation.

Case

Your public health unit has been asked to make a statement at a consultation led by the federal government in collaboration with the provincial and territorial governments. The hearings are on a new regulatory framework for electronic cigarettes in Canada. You have been asked, specifically, to comment on recommendation 5 of the House of Commons' Standing Committee on Health's (2015) report on vaping. According to this recommendation, electronic cigarettes that resemble conventional cigarettes (e.g., similar size, false filters, lighted tip, etc.) should be prohibited in Canada. While intended to avoid 'renormalizing' conventional cigarette use and to prevent electronic cigarettes from becoming 'gateway' devices towards conventional cigarette use, the proposal may also diminish the adoption and use of electronic cigarettes by current smokers.

Instructions

Through deliberation, please:

- Identify the ethical issues that arise in this case.
- Make a decision about whether your health unit should
 - Support the recommendation
 - Support a modified version of the recommendation
 - Reject the recommendation / propose an alternative.
- Give reasons for your decisions.



Figure 1 Different types of electronic cigarettes

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Some considerations

THE CURRENT SITUATION IN CANADA

- There are no manufacturing, quality, safety or labelling standards (Institut national de santé publique du Québec [INSPQ], 2015).
- The sale of e-cigarettes to minors is prohibited, and there are restrictions on their use in British Columbia, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Québec (Non-Smokers' Rights Association, 2016).
- Vaping is less costly than smoking (INSPQ, 2015).

WHO VAPES IN CANADA?

- In 2012, e-cigarette use was more common among current smokers, less so for past smokers, and still less so for non-smokers (never smoked) (Czoli et al., 2014).
- It is more commonly used by the more-educated than by the less-educated (Czoli et al., 2014).

HEALTH EFFECTS

- The vapour contains fine particles, toxic substances and may contain nicotine. The

¹ The PowerPoint is available online at: http://www.nccchpp.ca/128/presentations.ccnpps?id_article=1553



concentrations of contaminants are much lower than are found in cigarette smoke. Little is known about the long-term effects, whether for users or for those exposed second-hand (World Health Organization [WHO], 2014).

- In 2009, Health Canada advised Canadians “not to purchase or use electronic smoking products, as these products may pose health risks and have not been fully evaluated for safety, quality and efficacy by Health Canada” (Health Canada, 2009).
- In 2014, a report by the World Health Organization (WHO) indicated that fully replacing conventional cigarettes by electronic cigarettes would be less toxic for the user, but that the available evidence does not allow for the quantification of the reduction in risk (WHO, 2014).
- In 2015, an independent report published by Public Health England estimated that electronic cigarettes are 95% safer to use than conventional cigarettes and 96% safer generally (including social harms) (McNeill et al., 2015).
- While electronic cigarettes are popular among smokers who wish to quit smoking or reduce their consumption of conventional cigarettes, little is known about the effectiveness of electronic cigarettes in regard to this (WHO, 2014).

References

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Questions or comments?

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