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Minister of Health's 2023/24 *Tobacco and Smoking Act*

Annual Report



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INTRODUCTION

As legislated within Nunavut's *Tobacco and Smoking Act* (*TSA*)¹, the Minster of Health (Minister) is required to prepare an annual report on the operation of the Act. The Department of Health (Health) is responsible for administering the TSA since its enactment on May 31, 2023, when it replaced the *Tobacco Control and Smoking-Free Places Act* (TCSFPA).

The TSA Annual Report provides an overview of Health's efforts in enforcing and monitoring compliance with the TSA and its regulations, including insights on the Tobacco and Cannabis Program's accomplishments, implementation strengths and challenges. This report covers the period from April 1, 2023, to March 31, 2024, and will be used to inform ongoing implementation of the TSA.

HEALTH'S TOBACCO AND CANNABIS PROGRAM AND TOBACCO CONTROL IN NUNAVUT

Tobacco use is the number one preventable cause of disease and death in Canada. Nunavut is leading the country when it comes of rate of tobacco use. In 2018, the average smoking rate across the provinces was 16% for individuals aged 12 and older; ² data from Nunavut for the same year for those aged 16 and older indicates a smoking rate of 70%,³ with some communities having reported smoking prevalence as high as 84%.⁴ Furthermore, 51% of Nunavut youth aged 12 to 19 smoke, which is more than six times the Canadian rate of 7.7%.⁵

This high rate of smoking among youth in Nunavut is a pressing concern. Health has taken steps to address this public health issue through tobacco control initiatives under the Tobacco and Cannabis Program (TCP). Health via the TCP has a series of tobacco reduction strategies and oversees regulatory enforcement by monitoring tobacco retailers

¹ Upon the *Tobacco and Smoking Act* coming into force in May 2023, the Minister of Health is required to prepare an annual report on the operation of the Act, which is reflected in the title of the report. However, the report also includes activities conducted from April 1, 2023, to May 30, 2023, while the *Tobacco Control and Smoke-Free Places Act* was still in force and required an Annual Report of the Chief Public Health Officer (CPHO).

² The 2018 Canadian Community Health Survey does not include the territories when referring to national averages. Statistics Canada, June 25, 2019, "Health Fact Sheets - Smoking, 2018."

³ These statistics (70% and 16%) are taken from two different surveys: the Lot Quality Assurance Health Survey (LQAS) and the Canadian Community Health Survey (CCHS), respectively. Although CCHS does measure smoking rates across Canada, including Nunavut, LQAS methodology leads to more accurate sampling. For example, LQAS surveys Nunavummiut in person and in their preferred language, while CCHS does so over the phone in English or French. These LQAS results are also in line with the latest Inuit Health Survey.

⁴ Government of Nunavut, 2014. "Canadian Community Contaminants Report: Arviat and Cambridge Bay," as cited in Chief Medical Officer of Health, "2015-2016 *Tobacco Control Act* Annual Report," p.2.

⁵ Canadian Community Health Survey, 2014.



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with the assistance of Environmental Health Officers (EHOs). The TCP has four overarching goals:

- **Prevention**: Encouraging Nunavummiut to never start using tobacco, vapour products and cannabis.
- **Protection**: Protecting Nunavummiut from second-hand smoke.
- **De-normalization**: Influencing attitudes around tobacco, vaping and cannabis use so that it is no longer considered the norm in Nunavut society.
- **Cessation/Harm Reduction**: Encouraging and helping Nunavummiut who want to reduce or quit tobacco, vaping, and cannabis.

These four goals are supported by six specific areas for action, which are:

- **Training and Capacity Building**: Health care providers (HCPs), wellness workers and others are trained in tobacco cessation and cannabis harm reduction and outreach techniques.
- **Partnerships and Outreach**: Organizations outside of the Government of Nunavut (GN) who host programming for Nunavummiut are supported with funding and resources to incorporate tobacco cessation and cannabis harm reduction messaging.
- **Policy and Enforcement**: TCP contributes to updating tobacco and cannabis related legislation and taxation, in addition to overseeing the Tobacco Education and Compliance Program for retailers in the territory.
- **Mass Media**: Print, video, radio, online and social media messaging are used to disseminate information across the territory.
- Knowledge Translation and Resource Development: Nunavut specific resources are developed for various stakeholders and reviewed regularly.
- **Monitoring and Evaluation**: Data is collected and analyzed to track program progress.

NUNAVUT'S TOBACCO AND SMOKING ACT (TSA)

Health has been at the forefront of tobacco control efforts, focusing on education, community programming, and services. To further enhance its tobacco control strategy, it has introduced the new TSA to strengthen and replace the previous version of the TCSFPA on May 31, 2023. The TSA outlines the regulations governing the use, sale, and monitoring of tobacco, vapour products, and cannabis in Nunavut. It also defines the consequences for those who fail to comply with these regulations, including individuals and corporations, as well as retailers. Through the TSA, the TCP aims to provide information on the health risks and support to all Nunavummiut to be tobacco and smoke-free. It applies a harm reduction approach by being very specific in its purpose to:



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- Protect Nunavummiut from second-hand smoke;
- Prevent minors from accessing and using tobacco and smoking products;
- Reduce the visibility of tobacco and smoking products; and
- Reduce the usage of tobacco and smoking products.

2023/2024 TOBACCO AND SMOKING ACT - RELATED DEVELOPMENTS

CHANGES IN THE NUNAVUT TOBACCO LEGISLATION

Up-to-date legislation is an important tool to help lower tobacco use rates and protect people's health. The new Act incorporates best practices in Nunavut's tobacco control strategy. The amendments to the legislation were designed to support and strengthen the prevention of tobacco and smoking products use, the protection of non-smokers, and the cessation/harm reduction of smoking. The changes also sought to enhance regulatory oversight of tobacco and smoking products to reduce their appeal.

The summary of the key changes to the TSA is as follows:

- 1. Protecting Nunavummiut from second-hand smoke.
 - Strengthen the smoke-free places and buffer zones by increasing the distance from three to nine meters.
 - Make public housing smoke-free, including GN staff housing.
 - Prohibit smoking in motor vehicles, including all-terrain vehicles, snowmobiles, and motorized boats, when a minor is present in or on it.
 - Power to appoint enforcement officers who will have all the powers of peace officers when exercising their functions for the purpose of ensuring compliance with any provision of the TSA and regulations.
 - Update definition of smoke that includes tobacco, vape and cannabis.
- 2. Preventing minors from accessing and using tobacco and smoking products.
 - Ban all flavoured tobacco and vapour products, product that is being flavoured other than by the flavour of tobacco, or product that is designed to be used to flavour, tobacco and vapour products.
 - Prohibit all tobacco, vapour products and cannabis use in smoke-free places and within nine metres of schools and schoolgrounds, daycares, workplace, and playgrounds, arenas, sport fields, etc.
 - Require all tobacco and smoking product retailers to submit a report to the Minister every two years since the last report, if applicable; at least four weeks before commencing the sale of tobacco or smoking products; no later than one week after any change in the information contained in the last report submitted; and when ceasing to sell tobacco and smoking products.



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- Raise minimum age of sale for tobacco, cannabis, and vapour products including accessories, such as papers and pipes, to 19.
- Extend the ban on confectionary appearing as tobacco products (e.g., candy cigarettes) to also apply to vaping products, water pipes, and herbal shisha.
- 3. Reducing the visibility of tobacco and smoking products.
 - Prohibit display signs indicating the availability or price of tobacco, or a smoking product at retail stores.
 - Eliminate the requirement that health warning signs and underage-sales signs be placed in stores and replaced it with the requirement that the international no-smoking symbol be displayed in a conspicuous manner and not obstructed from view.
 - Prohibit tobacco and smoking product distributors and retailers from offering retailers and other customers incentives related to tobacco sales.
 - Require retailers to store tobacco and smoking products under the counter or in an opaque overhead bin.
- 4. Reducing the usage of tobacco and smoking products
 - Strengthen regulatory framework for specialty tobacco, vape, and shisha shops the inside of the tobacconist, vape shop or shisha shop shall not be visible from the outside; and no activity shall occur at these shops, other than the sale of authorized products.
 - Prohibit sales where tobacco and smoking products sales are banned.
 - Impose restrictions on ads and displays like those on tobacco and smoking products.
 - Limit nicotine concentration to 20 milligrams per milliliter for vaping products.

The Act contains changes that Nunavummiut strongly support. The feedback received during community and stakeholder consultations showed that a substantial number of Nunavummiut are in favour of the changes.

IMPLEMENTATION OF THE TSA

In 2023/24, the TSA brought about significant changes that affected the habits of smokers and tobacco retailers, as well as public premises covered by the law. The TCP team developed the TSA Implementation Plan and began rolling it out with the support of an external contractor to provide general project management support. The strategy of the plan simultaneously mobilizes five levers of intervention attached to the priority areas of the Program's overarching goals of tobacco control in Nunavut. The five levers are as



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follows and have been broken down into 19 actions, which are attached to 86 activities to be accomplished by 2026:

- **Roll out a Sustainable Tobacco Communication Strategy** in support of the TSA's number one goal to protect Nunavummiut from second-hand smoke.
- **De-normalize Tobacco use and Make it Less Attractive in Nunavut** in support of preventing minors from accessing and using tobacco and smoking products.
- Encourage and Support Smokers in their Efforts to Quit: in support of the TSA's goal to reduce the visibility of tobacco and smoking products.
- Improve Access to Treatment and Care: in support of the goal to reduce the usage of tobacco and smoking products, Health provides nicotine replacement products, available in the local health centres or pharmacy, at no cost to those who are on their journey to reduce or quit tobacco, vaping, and cannabis use.
- Monitor, Evaluate, Research, and Disseminate Knowledge about Tobacco: to operationalize a database and a progressive enforcement program.

As of March 31, 2024:

- Health has conducted a series of informational and awareness-raising activities to disseminate the new legislative measures. These activities have reached both the public and specific target audiences including tobacco retailers and proprietors of smoke-free premises covered by the TSA. The TCP team has incorporated initial communications on the TSA changes, such as public service announcements, letters, memos, and social media posts.
- Health continues to invest in educational media campaigns to raise awareness among Nunavummiut of the impact of smoking on their health and the health of those around them.
- Health awarded a Request for Proposal contract for the design and implementation of a mass media campaign to educate Nunavummiut on the TSA.
- Health supported the Nunavut Housing Corporation in implementing the smokefree publicly funded and GN staff housing initiative. Key messaging has been incorporated in information cards (K-cards) and magnets to educate residents and tenants about the new smoking rules including buffer zones and where to find support on their quit journey. Signages designated for smoke-free housing have been developed. All these resources will be distributed throughout the territory.
- The "nine-metre buffer zone", as well as smoke-free places rules are strictly enforced. They prohibit the use of tobacco, vaping, and cannabis within smoke-free areas and within nine metres of any building entrances and exits including walkways, stairs, ramps, windows, and air intakes.



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- Regarding the compliance and enforcement initiatives, the Tobacco Retailer Toolkit has been updated with enhanced features and content and is currently undergoing approval. A set of four retailer reporting forms has been created and
- has received the endorsement of the Minister to assist retailers in complying with the new TSA and regulations. Health has also developed an outreach plan for retailers with the goal of increasing education and engagement regarding the new retailer toolkit and retailer reports requirements. Health is planning to collaborate closely with the Department of Finance and the Department of Justice to develop new and effective procedures that will streamline the enforcement of the TSA and its regulations. Furthermore, Health prepared a Request for Proposals for a comprehensive, evidence-based Tobacco Education and Compliance Program (TECP). This program will provide support to the EHOs with retailer education and outreach visits, as well as formalized tobacco and smoking product inspection activities.

COMMUNICATIONS, EDUCATION, TRAINING, AND ENFORCEMENT

Through its compliance promotion and monitoring, and enforcement activities, between April 2023 and March 2024, Health has been working to educate Nunavummiut and other stakeholders on the requirements of the TSA.

Social Media

Throughout the year, the GN *Tobacco Has No Place Here* Facebook page published several posts highlighting the current smoking laws and supports available for those wanting to quit or reduce smoking, vaping, or cannabis use, as well as educational content on the harms of using tobacco and smoking products. An emphasis was placed on making the content on the Facebook page more interactive to promote participation on comments and questions. Content and key messaging surrounding the new legislation is continually being created and published periodically.

"The *Tobacco Has No Place Here* Facebook page has a total of a total of 6,061 people who like the page, the majority of which are in Nunavut. This fiscal year, 104,174 people saw the page's posted content, leading to 382,859 views. The Tobacco website was visited by 4,233 people, with most coming through a direct link, showing strong brand awareness.

Alternative Nicotine Educational Media Campaign

In response to the revised definition of smoking, which includes tobacco, vaping, and cannabis, Health implemented the *Alternative Nicotine Educational Media Campaign* to educate Nunavummiut of the harms and risks of smokeless tobacco use and vaping as well encourage them to seek support with reducing and quitting. The campaign was rolled



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out in two separate phases: the first focused on smokeless tobacco and the second focused on the vaping. The campaign employed a multifaceted approach, utilizing targeted social media tactics, TV broadcasting, radio, display network ads, video ads, posters, and movie theater ads, to reach a general audience, youth, and Elders. It officially ended in December 2023. Additional work was completed on an educational resource to raise awareness about vaping. It will be released in 2024/25.

TSA Mass Media Campaign

In January 2024, Health awarded an RFP contract for the design and implementation of a mass-media campaign to inform Nunavummiut about the new TSA. The campaign focuses on the smoke-free publicly funded housing, GN staff housing and motor vehicles. The comprehensive campaign includes mixed media content as well as specific resources (K-cards, posters, decals, radio scripts, videos) for various stakeholders outlined in a recently created Health stakeholder matrix. The campaign will be launched in 2024/25.

Training and Education

Health aims to increase knowledge and capacity for HCPs, Community Health Representatives (CHRs) and Community Wellness Coordinators (CWC) to deliver tobacco reduction initiatives in their communities. The TCP worked collaboratively with CHRs to plan educational outreach activities in their communities. A total of nine communities received funding for any planned outreach activities and events with tobacco, vaping, and cannabis-related programming. The activities were designed to highlight the changes to the laws, including the increase in the no-smoking buffer zone, smoke-free public housing, GN staff housing, and vehicles.

Each training session delivered during the fiscal year included a concise overview of the changes to the tobacco legislation. Overall, 23 HCPs, CHRs, and CWCs were trained in two virtual sessions. The TCP also provided two online modules for stakeholders. A total of 35 stakeholders participated in the Introductory Brief Tobacco Intervention Training, and 38 attended the Intermediate Brief Tobacco Intervention Training.

In addition, Health staff attended a conference where current evidence on clinical tobacco treatment, program development, and smoking cessation research was presented, supporting resource development.

Tobacco Enforcement and Compliance

Alongside education and training, tobacco retail enforcement is an important component of the TSA. Indeed, Nunavummiut expressed support for increased education on the health effects of tobacco and smoking products use, and clearly requested more enforcement. Health employs a progressive enforcement approach that includes a combination of education visits, inspections, monitoring activities, and warnings.



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Every year, EHOs aim to conduct two inspections of all registered tobacco retailers in Nunavut. During on-site routine inspections at retail locations, EHOs provide, as needed, information on the provisions being monitored, answer questions, and listen to concerns that retailers raise. It is also possible that EHOs will conduct inspections in response to complaints that they receive. If a retailer is found to be non-compliant with a specific section of the TSA or its regulations, Health has a limited number of enforcement actions to take. Instead, EHOs issue verbal warnings and consider providing education to induce, encourage, or compel the business to correct the observed non-compliance. Follow-ups are considered on previously non-compliant items at subsequent inspections.

Tobacco Retailer Inspections in Fiscal Year 2023/24

This fiscal year, 99 tobacco retailers are actively engaged in the sale of tobacco and smoking products in Nunavut.⁶ The Qikiqtaaluk region accounts for 43.43% of all tobacco retailers and has two physical cannabis stores making it the region with the highest number of tobacco and smoking product retailers.



Figure 1: Tobacco Retailer Facilities in Nunavut

Health conducts inspections of tobacco retailers to promote and assess retailers' compliance with the TSA and its regulations. A retailer is identified as 'Not in Compliance' if at least one case of non-compliance related to the key measures is observed for that establishment. The number of inspections and the non-compliance rate in fiscal year 2023/24 are shown in the table below. This graph does not include smoking products such as vapes, as Health does not have data for these products.

⁶ The number of active retailers is extracted from the Hedgehog inspection software the EHOs use to conduct inspections. This figure does not accurately reflect the list of registered retailers from the Department of Finance due to a discrepancy that will require data reconciliation to resolve.



Table 1: Rate of Non-Compliance with the TSA and Regulations

Rate of Non-Compliance* with the TSA and its Regulations			
Provisions	Number of Inspections	Non-Compliance Rate (%) *	
 Preventing sales/supply to minors Handling tobacco and smoking products requirements Prohibited advertising and promotional activities Records of steps taken - policies, practices, and procedures requirements Prohibition of smoking in workplaces No Smoking signage requirements 	100	19.48%	
*The non-compliance rate is based on the percentage of retailers inspected where at least one case of non-compliance related to the key measures is observed.			

In the past 12 months, EHOs have completed a total of 100 tobacco retailer inspections, including 97 routine inspections and three inspections in response to complaints.

The inspections covered 77 (78%) retailers across the territory, with 23 (30%) of these being subject to two routine inspections. The overall non-compliance rate with respect to the provisions listed in Table 1 was 19.48%.

EHOs conducted an average of one inspection per retailer. This is due to various factors including availability of human resources and tools/resources to conduct inspections.

The number of routine inspections has increased by 25 (35%) in the previous 12 months, reaching 29 (60%) more retailers than in the past fiscal years. The graph below shows the trend in inspection activities over the past four years.⁷

⁷ Analysis is based on routine inspections only and does not include inspection EHOs conducted in response to complaints. Routine inspections are a more comprehensive activity.



Figure 2: Inspections of Tobacco Retailers Over Previous Four Years



*The 2020/2021 and 2021/2022 and 2022/2023 data are respectively found in the Chief Medical Officer of Health's 2020/2021, 2021/2022 and 2022/2023 Tobacco Control and Smoke-Free Act Annual Report.

The increase in the total number of inspection activities carried out in the territory compared with the previous year is due to the easing of travel restrictions following the global Covid-19 pandemic as well as the result of education and enforcement actions to ensure that retailers comply with the new regulations and to support the health and wellbeing of Nunavummiut.

CONCLUSION

The objectives of the TSA are to protect the public from second-hand smoke, dissuade youth from initiating tobacco, vaping, and cannabis use, de-normalize tobacco use and reduce the visibility of products. To date, Health has focused its tobacco control efforts on education, community programming, and services. Health with the support of it partners continues to support the implementation of the new TSA while providing support for those wanting to reduce or quit using tobacco products. Moving forward, Health's key priorities with respect to compliance and enforcement activities in relation to the TSA for fiscal year 2024-2025 is to continue to promote compliance with the TSA and its regulations and actively monitor retailers.