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Building *Nunavut* Together
Nunavut iuqatigiingniq
Bâtir le *Nunavut* ensemble

Chief Public Health Officer's 2020-2021 *Tobacco Control and Smoke- Free Places Act*

Annual Report

INTRODUCTION

The *Tobacco Control and Smoke-Free Places Act* Annual Report is a requirement of the Chief Public Health Officer (CPHO) as legislated within Nunavut's *Tobacco Control and Smoke-Free Places Act (TCSFPA)*. It should be noted that the *Tobacco and Smoking Act (TSA)* was adopted in Spring 2021 but the coming into force date has not yet been determined. The *TCSFPA* will be repealed on the coming into force of the *TSA*.

The *TCSFPA* Annual Report summarizes changes to the *TCSFPA* as well as the Department of Health's (Health) efforts to enforce, comply with, and educate others on the *TCSFPA*. This report is for the period of April 1st, 2020, to March 31st, 2021.

Health's Tobacco and Cannabis Program (TCP), has four overarching goals:

- Prevention: encouraging Nunavummiut to never start using tobacco;
- Protection: protecting Nunavummiut from second-hand smoke;
- Denormalization: influencing attitudes around tobacco use so that it is no longer considered the norm in Nunavut society; and
- Cessation/Reduction: encouraging and helping Nunavummiut who want to reduce or quit tobacco.

High tobacco use rates in Nunavut are a pressing concern for Health. In 2018, for people aged 12 and older, the average smoking rate across the provinces was 16%¹, while similar data from Nunavut indicates a smoking rate of 74%.² Some communities in Nunavut have reported smoking prevalence as high as 84%.³ Furthermore, 51% of Nunavut youth aged 12-19 smoke, which is more than six times the Canadian rate of 7.7%.⁴

Tobacco use directly contributes to high prevalence of serious illnesses and diseases in Nunavummiut, such as lung cancer, tuberculosis, and respiratory issues among infants. Smoking weakens the immune system and damages the lungs which, among other things, increases the risk of developing more severe COVID-19 symptoms.

¹ The 2018 Canadian Community Health Survey does not include the territories when referring to national averages. As a result, data for Nunavut is taken from the 2014 version of the survey; Statistics Canada, June 25, 2019, "Health Fact Sheets - Smoking, 2018."

² These statistics (74% 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.

³ 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.

⁴ Canadian Community Health Survey, 2014.

BACKGROUND ON THE *TCSFPA*

Health has been responsible for the administration of the *TCSFPA* and its regulations since their enactment in 2004 and 2007, respectively. The *TCSFPA* outlines how, where, and by whom tobacco can be used and sold in Nunavut, who is responsible for monitoring tobacco retailers, and what the consequences are for failing to adhere to these regulations.

The *TCSFPA* has two principal objectives:

- Promote and protect the health and wellbeing of Nunavummiut by ensuring that public places and workplaces are smoke-free; and
- Reduce access to tobacco and related products, especially for children and youth, through restrictions on the display, promotion, and sale of these products.

Tobacco control laws are an important part of Nunavut's strategy to lower tobacco use rates.

2020/2021 *TCSFPA*-RELATED DEVELOPMENTS

INTRODUCTION OF THE TSA

To date, Health has focused its tobacco control efforts on education, community programming, and services. To complement its tobacco control strategy, Health has developed the new *TSA* to replace the previous *TCSFPA*. Up-to-date legislation is an important tool to help lower tobacco use rates and protect people's health. However, aside from some consequential amendments introduced in 2018, Nunavut's tobacco control legislation has not been amended in 15 years, and updates are needed for this legislation to be effective.

In 2020/21, the TCP continued the work to develop the new Act, which was introduced in September 2020. The adoption of the new Act will be covered in next years' report as this occurred in Spring 2021.

The *TSA* is organized into four major themes. Each theme aligns with the goals and objectives of the current *TCSFPA*. The new Act incorporates best practices in tobacco control and expands on the current legislation. The changes to the legislation are as follows:

1. Protecting Nunavummiut from second-hand smoke.
 - Make public funded housing smoke free, including Government of Nunavut (GN) staff housing.
 - Prohibit smoking in vehicles—including all-terrain vehicles (ATVs), snowmobiles, and boats—with people under the age of 19.
 - Power to appoint existing GN staff as enforcement officers.

2. Preventing people from using tobacco and smoking, particularly children and youth.
 - Ban all flavoured tobacco products.
 - Prohibit all tobacco use within 9 metres of school grounds.
 - Give enforcement officers the power to revoke a retailer's tobacco license for infractions.
 - Require tobacco and vape retailers to report every two years.
 - Raise minimum age of sale for tobacco/vape accessories, like papers and pipes, to 19.
3. Reducing the visibility of tobacco and smoking products.
 - Prohibit price advertising signs at stores.
 - Eliminate the requirement that health warning signs and underage-sales signs be placed in stores.
 - Prohibit tobacco distributors from offering retailers incentives related to tobacco sales.
 - Introduce strong regulatory framework for specialty shops.
4. Regulating emerging products, particularly vaping devices.
 - Ban flavoured herbal shisha.
 - Regulate vaping products.
 - Prohibit sales to people under 19.
 - Prohibit sales where tobacco sales are banned.
 - Prohibit flavours other than tobacco.
 - Impose restrictions on ads and displays similar to those on tobacco.
 - Limit nicotine concentration for vaping products.

This new Act is a crucial step towards improved tobacco control in the territory, and it is a step that Nunavummiut strongly support. The feedback received during community and stakeholder consultations showed that the majority of Nunavummiut is in favour of the changes.

TCSFPA CONSULTATION REPORT

In October 2020, in addition to introducing the new Act, Health released the consultation report *Tobacco Control and Smoke-Free Places Act Review: What We Heard from Nunavummiut*. This report is a presentation of the feedback provided by Nunavummiut during the community and stakeholder consultations that took place from February to May 2020. The report is available on the Department of Health's website.

The feedback can be categorized into three themes:

1. People want more emphasis on education for adults and parents;
2. People want more emphasis on enforcement; and
3. People are supportive of the proposed amendments.

In addition to informing the development of the new Act, the findings from the consultations will be used to improve existing efforts in education and programming.

COMMUNICATIONS, EDUCATION, TRAINING, AND ENFORCEMENT

In addition to updating the legislation, Health has also been working to educate Nunavummiut and stakeholders on the requirements of the *TCSFPA*.

As a result of the consequential amendments made to the *TCSFPA* in 2018, the TCP initiated a sign distribution project to supplement education and enforcement efforts. The TCP distributed 1,400 no-smoking signs in all official languages across Nunavut. These signs clearly state that smoking is prohibited in these areas. The signs were produced and designed to withstand the harsh arctic climate and display information for specific locations in the community.

Signs were produced for the following locations:

- Schools;
- Daycares;
- Playgrounds;
- Health Centres;
- Qikiqtani General Hospital;
- Generic buildings;
- Property boundaries for smoke-free places; and
- Local event spaces i.e., town squares, community hall.

The TCP worked with the Department of Community and Government Services (CGS) to have the signs installed outside all GN-managed buildings in Nunavut and continues to offer signage if more is required.

Additionally, the TCP delivered a communications plan to the stakeholders who are affected by the 2018 *TCSFPA* amendments in an effort to strengthen buffer-zone and retailer compliance. Letters were distributed to health centres, schools, workplaces, hamlet offices, retailers, and community members. Although further changes will be made when the *TSA* comes into force, these communications pieces will support the *TSA* by highlighting Nunavut's smoke-free places and explaining why they are key to protecting people's health.

A telehealth session was facilitated in September 2020, Substance Use Awareness Month, with Community Health Representatives (CHRs). One focus of the telehealth session was to go over the tobacco legislation. Topics covered ranged from buffer zones, smoke-free spaces, and the introduction of the smoke-free signs. Facilitators brainstormed with CHRs to determine what can be done at the community level to support these initiatives.

Throughout the year, the GN *Tobacco Has No Place Here* Facebook page released posts highlighting, among other things, the current smoking laws and supports available for those wanting to quit or reduce. A smoke-free places campaign was set to launch in January 2021, however, it was delayed due to COVID-19 restrictions.

Alongside education and training, tobacco retail enforcement is an important component of the *TCSFPA*. Every year, Environment Health Officers (EHOs) aim to conduct two inspections with all tobacco retailers in Nunavut. These inspections focus on education just as much as enforcement: EHOs work with the retailers to ensure that they are aware of the legislation that affects them. Education is an integral part of enforcement. On the one hand, changes in legislation and high turnover with tobacco retailers can lead to misunderstandings. On the other hand, by adopting the role of the educator before enforcement officer, EHOs build stronger working relationships with the retailers, which encourages voluntary compliance.

In fiscal year 2020/21, EHOs did a total of 81 inspections by reaching 61 unique retailers out of the 92 tobacco retailers in Nunavut (20 retailers were visited twice). During the 2019/20 fiscal year, EHOs conducted 118 inspections with 67 retailers. The percentage of retailers inspected twice has decreased significantly due to COVID-19 and travel restrictions.

Health has identified that some retailers in the territory were retailing products that were made to have the “look and feel” of tobacco and cannabis products, which is not permitted under the *TCSFPA*. A letter was sent to the retailers to encourage removal of ‘Lolipipes’ and other cannabis-related confectionary from shelves.

To date, Health has focused its tobacco control efforts on education, community programming, and services. However, the TCP is exploring options that would place greater emphasis on enforcement, as requested during the consultations.

CONCLUSION

Education as well as effective administration and enforcement of the *TCSFPA* and its regulations are crucial components of Health’s work to reduce tobacco harms in Nunavut. Throughout 2020/21, Health worked to educate the public and stakeholders and train Health staff on

smoking laws and continued the work on the new legislation to support the health of Nunavummiut for an extended period of time.

The objectives of the *TCSFPA* are to protect the public from second-hand smoke, dissuade youth from initiating tobacco use and smoking, denormalize tobacco use and reduce the visibility of products, and regulate emerging products like vaping devices. The GN remains fully committed to advancing the *TCFPA*'s objectives and to reduce tobacco-related health harms among all Nunavummiut.