

## **REPORT**

### ***Legislative Services***

**To:** Mayor Johnstone and Members of Council  
**Date:** February 24, 2025

**From:** Hanieh Berg  
Corporate Officer  
**File:** 05.1035.10

**Item #:** 2025-59

**Subject: Response to Notice of Motion: Regulating Vape Shops**

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#### **RECOMMENDATION**

*THAT the proposed resolution titled “Regulating Vape Shops” included as Attachment 1 to the staff report titled “Response to Notice of Motion: Vape Shops” from the Corporate Officer, dated February 24, 2025, be endorsed for submission to the Lower Mainland Local Government Association.*

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#### **PURPOSE**

To report back on the proposed resolution to the Lower Mainland Local Government Association regarding vape shops in accordance with the Notice of Motion policy.

#### **BACKGROUND**

At the Regular Council meeting of December 2, 2024, Council adopted the following resolution:

*THAT the following resolution be submitted to the Lower Mainland Local Government Association:*

*WHEREAS Health Canada has stated that they share the concerns of parents, educators, youth and public stakeholders regarding the increase of youth vaping in Canada;*

*WHEREAS the Liquor and Cannabis Regulation Branch (LCRB) oversees provincial liquor and cannabis regulations, including licensing and monitoring of private cannabis retailers; and*

*WHEREAS individual municipalities and regional districts can decide to amend local zoning bylaws to exclude vape shops defined as retail stores used primarily for sale of electronic nicotine or e-cigarettes as permitted uses;*

*BE IT RESOLVED that the Province of BC include retail stores used primarily for sale of electronic nicotine or e-cigarettes under the Liquor and Cannabis Regulation Branch and thereby include restrictions that regulate where and how many of these retail stores are able to receive business licences in a community.*

This report responds to the proposed resolution to the Lower Mainland Local Government Association regarding vape shops in accordance with the Notice of Motion policy.

## **DISCUSSION**

Vaping has grown in popularity over the past decade, initially through marketing as an anti-smoking aid or as a “healthy alternative” to traditional tobacco products. As the use of vaping products has increased, particularly among youth, so have the health concerns. In a letter dated November 27, 2024 from Dr. Carolyn Wonneck, Medical Health Officer, Fraser Health, it is stated that “[vaping] among youth and adolescents carries significant health risks related to the negative impacts on youth brain function and development<sup>1</sup> and pulmonary and cardiovascular disease.<sup>2</sup>”

### **Federal and Provincial Regulations**

In 2020 the federal and provincial governments introduced several new measures under the *Tobacco and Vaping Products Act* (federal) and the [E-Substances Regulation](#) (provincial) to restrict the promotion and sale of vaping products to youth.<sup>3</sup> Among other things, these regulations:

1. Prohibit the promotion of vaping products by means of advertising done in a manner that allows the advertising to be seen or heard by young persons.
2. Require a health warning statement on all ads for vaping products.
3. Distinguish two types of sales premises in which vapour products may be sold.
4. Place restrictions on restrictions on flavour, content, packaging of vapour products; including limiting the sale of flavoured vapour products, which are attractive to youth only to age-restricted sales premises.

Further, under the provincial regulations business owners are required to submit a “[Notice of Intent to Sell E-Substances](#)” to the Ministry of Health of their intent to sell vapour products.

Despite federal and provincial regulations prohibiting the sale of vapour products to youth, municipalities have limited powers and jurisdiction to regulate vaping. Given that the Liquor and Cannabis Regulation Branch (LCRB) oversees provincial liquor and cannabis regulations, it is suggested that the LCRB also oversee the regulation and licensing of vape establishments. As such, it is recommended that a resolution be submitted to the Lower

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<sup>1</sup> Chadi, N ., Vyver, E., & Bélanger, R. E. (2021). Protecting children and adolescents against the risks of Vaping. *Paediatrics & Child Health*, 26(6), 358-365

<sup>2</sup> Rotermann, M. and Gilmour, H. (2022). Correlates of vaping among adolescents in Canada. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/82-003-x/2022007/article/00003-eng.htm>

<sup>3</sup> Health Canada. <https://www.canada.ca/en/health-canada/news/2020/07/final-vaping-products-promotion-regulations-vppr.html>. Province of BC. [https://news.gov.bc.ca/files/2020.07.20\\_SummaryVaping\\_Regs.pdf](https://news.gov.bc.ca/files/2020.07.20_SummaryVaping_Regs.pdf)

Mainland Local Government Association calling on the Province of BC to include retail stores used primarily for sale of electronic nicotine or e-cigarettes under the Liquor and Cannabis Regulation Branch.

### **FINANCIAL IMPLICATIONS**

None.

### **NEXT STEPS**

Subject to Council-approval, the proposed resolution, included as Attachment 1, will be submitted to the LMLGA in accordance with their resolution submission deadline and criteria. Should the proposed resolution be endorsed, LMLGA will submit it to the Union of BC Municipalities for consideration at its annual convention scheduled for September 22<sup>nd</sup> to 26<sup>th</sup>.

### **CONCLUSION**

This report responds to Council's referral to submit a resolution to the LMLGA regarding the need for the LCRB to regulate vape shops in the interest of public health as there are serious health risks associated with vaping, particularly for youth and minors who are often the target audience for such products.

### **ATTACHMENT**

Attachment 1 – Proposed Resolution to LMLGA: Regulating Vape Shops

Attachment 2 – Letter from Dr. Carolyn Wonneck, Medical Health Officer, Fraser Health dated November 27, 2024

### **APPROVALS**

This report was prepared by:  
Hanieh Berg, Corporate Officer

This report was reviewed by:  
Blair Fryer, Director, Community Services

This report was approved by:  
Lisa Spitale, Chief Administrative Officer