

Third Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Mr. Bidhu Jha
Constituency of Radisson

Vol. LXVI No. 2 - 6 p.m., Tuesday, June 3, 2014

ISSN 1708-6671

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MELNICK, Christine	Riel	Ind.
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
PIWNIUK, Doyle	Arthur-Virden	PC
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan, Hon.	Dauphin	NDP
SWAN, Andrew, Hon.	Minto	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	The Pas	

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Tuesday, June 3, 2014

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Bidhu Jha (Radisson)

**VICE-CHAIRPERSON – Mr. Tom Nevakshonoff
(Interlake)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Allum, Hon. Ms. Blady, Hon. Mr. Swan

Mr. Caldwell, Mrs. Driedger, Messrs. Goertzen, Graydon, Jha, Nevakshonoff, Pedersen, Ms. Wight

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Bill 52–The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

Ms. Erin Crawford, Canadian Cancer Society, Manitoba Office

Mr. Daniel More, Brigham Enterprises

Mr. Mike Klander, Rothmans Benson & Hedges

Mr. Rob Cunningham, Canadian Cancer Society, National Office

Mr. Ken Guilford, private citizen

Mr. Murray Gibson, MANTRA – Manitoba Tobacco Reduction Alliance

Mr. Mel Hinds, private citizen

Mr. Ken Dalton, Thomas Hinds Tobacconist Ltd.

Ms. Margaret Bernhardt-Lowdon, Manitoba Lung Association

Ms. Tessa Bortoluzzi, Ms. Erin Andrushuk, Ms. Hayley Ward, Ms. Ashpreet Maan, Ms. Marlies Morris, Manitoba SWAT – Students Working against Tobacco - (by leave)

Bill 49–The Manitoba Public Insurance Corporation Amendment Act

Mr. Ken Guilford, private citizen

Mr. John McDonald, private citizen

Bill 57–The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving)

Mr. Ken Guilford, private citizen

Bill 60–The Restorative Justice Act

Mr. Ken Guilford, private citizen

Bill 66–The Statutes Correction and Minor Amendments Act, 2014

Mr. Ken Guilford, private citizen

WRITTEN SUBMISSIONS:

Bill 52–The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

Luc Martial, Casa Cubana/Spike Marks Inc.

John Fitzgerald, Imperial Tobacco Canada

Andrew Klukas, Western Convenience Stores Association

Glen Ross, Glen D. Ross Agencies Ltd.

Ruth Couldwell, private citizen

Val Burgess, private citizen

Harold Bidzinski, private citizen

Jarred Skolnik, private citizen

Ren Kumar, Sheffield & Sons Tobacconists

MATTERS UNDER CONSIDERATION:

Bill 49–The Manitoba Public Insurance Corporation Amendment Act

Bill 52–The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

Bill 57–The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving)

Bill 60–The Restorative Justice Act

Bill 66–The Statutes Correction and Minor Amendments Act, 2014

* * *

Mr. Chairperson: Good evening. Will the Standing Committee on Justice please come to order.

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

Hon. Andrew Swan (Minister of Justice and Attorney General): I nominate Mr. Nevakshonoff.

Mr. Chairperson: Mr. Nevakshonoff has been nominated. Are there any other nominations? Hearing no other nominations, Mr. Nevakshonoff is elected as Vice-Chairperson.

The meeting has been called to consider the following bills: Bill 49, The Manitoba Public Insurance Corporation Amendment Act; Bill 52, The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments); Bill 57, The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving); Bill 60, The Restorative Justice Act; Bill 66, The Statutes Correction and Minor Amendments Act, 2014.

How long does the committee wish to sit this evening?

Mr. Swan: Until the work of the committee is done, Mr. Chairperson.

Mr. Chairperson: Agreed? *[Agreed]*

We have a number of presenters registered to speak tonight as noted. The list of presenters are before you. And I like to particularly welcome the out-of-town presenters, namely: Mr. Mike Klander, Mr. Rob Cunningham, Les Hagen and Daniel More. All of you are welcome here. And we will—the topic of the determining an order of public presentations, I will note that we have a number of out-of-town whom I have just acknowledged.

With this consideration in mind, in what order does the committee wish to hear the presentations?

Mr. Kelvin Goertzen (Steinbach): I think that historically we hear the presenters in the order of out-of-town presenters first, and I think we should continue with that historical precedent, Mr. Chairperson.

Mr. Chairperson: Thank you—Mr. Goertzen, sorry, I should amend that. Thank you.

Before we proceed with the presentations, we do have a number of items and points of information to consider.

First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask you to provide 20 copies. If you need help with photocopying, please ask our staff.

As well, I would like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allotted for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called the second time, they will be removed from the presenters' list.

A number of written submissions on Bill 52 have been received and distributed for the committee's consideration. A list of individuals providing these submissions have also been distributed to the committee members.

To save the Chair having to read these names out, does the committee agree that the list of individuals providing submissions appear in Hansard? *[Agreed]*

The following written submissions on Bill 52 have been received, by the people listed below:

Luc Martial, Casa Cubana/Spike Marks Inc.; John Fitzgerald, Imperial Tobacco Canada; Andrew Klukas, Western Convenience Stores Association; Glen Ross, Glen D. Ross Agencies Ltd.; Ruth Couldwell, Private Citizen; Val Burgess, Private Citizen; Harold Bidzinski, Private Citizen; Jarred Skolnik, Private Citizen; Ren Kumar, Sheffield & Sons Tobacconists

And does the committee further agree to have these submissions appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process of speaking to the committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or presenter,

I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience, and we will now proceed with the public presentations.

*(18:10)

Presenter No. 4 on Bill 52, Erin Crawford, is asking leave to present first for family reasons. She has a sick child home. Is there agreement of the committee to allow Ms. Crawford to go first? *[Agreed]*

Also, one of the out-of-town presenters, No. 9 on your Bill 52 list, Mr. Daniel More, has a plane to catch to return home and has asked to go right after the first. Is that agreed? *[Agreed]*

Bill 52—The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

Mr. Chairperson: On Bill 52, I would now request Mr. Erin Crawford to come forward—Ms. Erin Crawford, I'm sorry.

Now, Ms. Erin Crawford, do you have any written material for distribution to the committee?

Ms. Erin Crawford (Canadian Cancer Society, Manitoba Office): Yes, I believe that's been distributed.

Mr. Chairperson: Please proceed with your presentation.

Ms. Crawford: Thank you very much to the committee for hearing me tonight and for allowing me leave to go first. I'll be brief.

Tobacco kills people. We know this. We have the opportunity to do something about it, and when we have the opportunity do something about it, we should. You have that chance here tonight and I hope that you will take it and that you will put forward the strongest legislation that it is in your power to do.

My colleague from the National Public Issues Office of the Canadian Cancer Society in Ottawa, Rob Cunningham, is here tonight, and I will let him speak in more detail to some of the reasons why we think that this is very important.

But suffice it to say that too many Manitoba kids use tobacco, that too many Manitoba kids are using flavoured tobacco and that any time that we're making it easier or better or more enjoyable for kids to use tobacco, we're doing something wrong.

I hope that tonight this committee will think about that, will look at this legislation is an important step in providing protections to kids as it is, and it will be a more important step strengthened further by some amendments that we are be proposing tonight. I hope that you will hear everybody out and make a decision that is the in the best interest of all Manitobans.

Thank you very much.

Mr. Chairperson: Thank you. Thank you for presentation.

Do members of the committee have any questions for the presenter?

Hon. Sharon Blady (Minister of Healthy Living and Seniors): Erin, as our Canadian Cancer Society point person in Manitoba, I want to thank you for your individual efforts and your dedication. And, as you know, I always learn so much from you and I will continue to learn from you. And I really do want to thank you for coming tonight and everything that the Cancer Society does, too, on behalf of Manitobans. And so I can—I look forward to our continued work together.

Thank you for being here.

Mr. Kelvin Goertzen (Steinbach): Thanks for your presentation, for being here this evening. I hope things are well at home after the committee hearing.

The amendments that are in the package, is that something that you'd like to speak to or is that something that the national chairperson would prefer to speak to? *[interjection]* Okay. Thank you.

Mr. Chairperson: Yes, Ms. Crawford.

Ms. Crawford: I'll let the national representative speak to that.

Hon. Jon Gerrard (River Heights): Thank you, Erin, for coming. And I'll make this quick, but I think it is important that you tell us why you feel so strongly that menthol tobacco should be banned. *[interjection]*

Mr. Chairperson: Ms. Crawford, kindly address to the Chair. *[interjection]* Thank you. Go ahead, Ms. Crawford.

Ms. Crawford: The Canadian Cancer Society is proposing two amendments that we feel would significantly strengthen the legislation as it's been put forward, and those two amendments are to remove

the exemption that currently is proposed for both menthol and chewing tobacco.

The reason why we think that it's important to remove these exemptions is because having those exemptions means that a significant number of Manitoba children and youth are being left behind by this legislation. So we know from the data that a significant number of Manitoba youth who are using tobacco products are using menthol products and so they are not going to get the protections out of this legislation that we would like them to have if the menthol is exempt.

Mr. Chairperson: And no questions?

Thank you for your presentation.

Now I would like to call upon Daniel More to come and give presentations. Do you have any written material?

Mr. Daniel More (Brigham Enterprises): I do have some written material to distribute.

Mr. Chairperson: Thank you. Now you may proceed with your presentation.

Mr. More: Thank you. I'd like to thank the committee for giving me this opportunity to stand in front of you today, also for the concession made so that I can get home.

I would just like to speak quickly on Bill 52, first starting with we—Brigham is a 106-year-old specialty tobacco business. We share Manitoba's concerns about tobacco and youth smoking. Our company has always dealt with specialty tobacco that we have felt very strongly has the appeal, access and distribution to adults who are making informed decisions.

What we are concerned about with Bill 52 is its lack of due diligence and the statistics that have combined with it, as Mark Twain has suggested, lies, damn lies and statistics. There are parts of this legislation that are based on studies, or parts of studies. And I'd just like to clarify a few things, which is, first of all, that there is absolutely no research or government data that links the use of any flavoured tobacco in kids starting to smoke.

There—the—it's been said that flavoured tobacco are promoted to kids, which is the force behind Bill 52. This is biased and a skewed interpretation based on excerpts from the Youth Smoking Survey, not what the survey itself says.

The Youth Smoking Survey does not link the use of tobacco products, as I've said, to the uptake.

The survey itself, conveniently left out, suggests that kids who have tried flavoured tobacco are already smokers. The survey—the statistics in the survey suggest that kids who are not already smokers have next to a zero per cent chance of trying flavoured tobacco. The survey also suggests that—and I don't want to be unbiased; I'll play both ends. The statistics are there to be read. Of the kids who do try flavoured tobacco, 50 per cent of that is menthol.

The issue here is access and the access, 75 per cent of that comes from friends and family. Specialty tobacco, our concerns are 1 per cent of the tobacco consumed in this country and 0.5 per cent of that use is flavoured tobacco.

*(18:20)

The legislation, as it has been proposed right now, does not, with the exceptions that it has, doesn't take into consideration pipe tobacco, which I don't think is the type of thing that appeals to kids. At the very least, we'd like to see that excluded. We'd like to see, perhaps, to provide an opportunity for due diligence and to look a little bit more closely at what the issues here are—and I can't cover it in 10 minutes—is to suggest a wider parameter of prescribed products that then can be weighed and balanced and considered for their individual merits.

As I say, we want to prevent kids from starting to smoke in the first place. It's the right thing to do and we are right behind that. We want to see measures taken that are going to be enforceable and doable. When we saw Bill C-32 come into effect, those of us stakeholders in this industry knew that that was going to fall short and was not going to achieve what it had set out to do. The loophole found in Bill C-32 isn't a loophole; it's called compliance. And, when compliance was set at 1.4 grams, companies complied; that's not a loophole. The legislation was poorly conceived because it went through too quickly and that's what we're suggesting here with Bill 52, is it's being run through without due diligence and proper consideration.

Thank you for providing an opportunity for me to state these things.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have any questions for the presenter?

Ms. Blady: I'd like to thank you, Mr. More, for coming out here. I do appreciate, obviously, the

extreme time and dedication it has taken for you to be out here tonight, and I do really appreciate your input and will take your views into consideration along with all of the presenters. Thank you.

Mr. Cliff Graydon (Emerson): Thank you, Mr. More, as well, for taking the time to come out and make the presentation tonight.

And you made a couple of really good points that is disputed by many on the other side. I mean, there was definitely two strong sides to this whole issue of smoking. But, at the same time, the question that I would ask you is, if this is banned, would we be forcing the tobacco industry—the flavoured tobacco industry to go underground?

Mr. More: In my opinion, that is always a—or often a repercussion of legislation of this sort. Contraband—these products are still available in the United States. In fact, you don't have to bring them in. Unless flavoured tobacco is made to be a possession offence by individuals, a person travelling to the United States could bring it in under their duty-free exemption. They could bring it back from other provinces who don't have this sort of restrictive legislation, and on that note of possession, perhaps, one of the ways to limit youth access or, perhaps, provide a second thought before accessing or acquiring these types of products, would be similar to alcohol where—and I'm not looking at making criminals out of victims here.

What I'm suggesting is a fine like alcohol. You're a minor, you have alcohol out of your home, you get a \$50 fine or whatever it happens to be, and that's justification to think twice before participating in this type of thing.

I drive by high schools at lunchtime and I see kids out on the street smoking all the time and they're smoking cigarettes. They aren't smoking flavoured tobacco. I know it's an anecdotal research, but they're not out there drinking beer, and that's because there are possession laws for them that would make them—that would restrict that kind of action.

Mr. Graydon: So, as it stands now, flavoured tobacco has an oversight that when you go to buy flavoured tobacco you have to be 18 years of old—18 years of age and have adequate ID. So there is a certain degree of oversight, not that I'm encouraging people to smoke, but at the same time we do have oversight now. But if it goes underground, how do we police it? In your mind, how would that be policed?

Mr. More: There—it's impossible to police. The same youth studies identify that drug uses—use of marijuana, kids who have tried marijuana, far exceeds the—and illicit drugs, far exceeds those that use flavoured tobacco.

So once flavoured tobacco goes underground, seemingly, it would be easier to get flavoured tobacco than it would be to get cigarettes, that you would need to go into a store and meet the compliance requirements to purchase.

Mr. Graydon: Correct me if I'm wrong, but you do travel across Canada a lot. Would you say that marijuana is available in any of the cities that you go to? Readily available?

Mr. More: Well, I don't know firsthand, but seeing that Vancouver is affectionately known as Vansterdam and Vangroovy, and from the stories I've heard, I think it's fairly accessible there.

Since the decriminalization of marijuana, I think that the concerns for simple possession have decreased. With the medical marijuana, I think that it has increased and is more readily available than certainly in products like this.

Mr. Chairperson: Mr. Graydon, limiting of time, I would have to request you, there are other members who want to ask questions, if you may be quick, and Mr. More can be quick in answer, because we are limiting time now.

Mr. Graydon: I'll do the best that I can.

So then, Mr. More, when you spoke of marijuana being available in most cities, and it's not from personal experience, of course, but—and with the comments that you've made after that, are you suggesting then that at one point we're going to see marijuana be legalized?

Mr. More: I'm not in a position to talk about that. I don't know the issues other than the statistics that I'm looking under the youth smoking survey, identifying that those same high school kids have tried marijuana, illicit drugs, pharmaceutical drugs, alcohol and binge drinking far in excess to flavoured tobacco.

Mr. Chairperson: I'm sorry, the limit is crossing, but I would allow one question, Dr. Gerrard, if you may ask a brief one.

Mr. Gerrard: Very briefly.

You mentioned a high rate of menthol use or menthol tobacco products. If you were going to

effectively ban flavoured tobacco, would it make sense to include menthol tobacco?

Mr. More: The statistics indicate that menthol, as a flavour, is one-half of all of the flavours consumed under flavoured tobacco.

Mr. Chairperson: Thank you very much.

Now we'd like to call Mr. Mike Klander. Yes, Mr. Klander, do you have any written material to distribute?

Mr. Mike Klander (Rothmans Benson & Hedges): Yes, I do.

Mr. Chairperson: Please go ahead. Yes, kindly go ahead and make your presentation, Mr. Klander.

Mr. Klander: Thank you, Mr. Chairman.

My name is Mike Klander. I'm the manager of corporate affairs for Rothmans Benson & Hedges Incorporated.

Rothmans Benson & Hedges is a wholly owned subsidiary of Phillip Morris International, and Canada's second largest tobacco company. We employ over 700 employees in Canada, where we manufacture cigarettes and fine-cut tobacco. Now we also distribute pipe tobacco and cigar products.

*(18:30)

Rothmans Benson & Hedges understands the purpose of Bill 52 is to prohibit the sale of flavoured tobacco products, which target youth, and we support that goal. At the same time, we believe that the proposed bill is drafted in such a manner that it sweeps in several traditional tobacco products, such as pipe tobacco and tipped pipe tobacco cigars, which have been used by adult smokers in Canada for decades. And those products, we believe, are materially different than the products which are, we believe, is the focus of this bill.

Therefore, I'm appearing here today to ask for a limited exemption for these adult-oriented products, similar to the exemptions that already exist in the bill for other traditional products such as menthol and smokeless products, including snuff and chewing tobacco.

We are also concerned about the impact this bill could have on the growing illicit trade problem in Manitoba. While illicit trade is not as prevalent in Manitoba as it is in central Canada, it is—we believe is on the rise, and we would encourage the

government to carefully look at the impact this bill would have on contraband tobacco.

Just briefly, on pipe tobacco, and the previous guest touched upon it, if you were to go into any tobacconist shop, you'll quickly discover that a vast majority of pipe tobacco is flavoured. Many of the same flavours this bill intends to eliminate are found in pipe tobacco—vanilla, cherry, plum, rum, chocolate. Pipe tobacco, with its unique aromas and tastes, have been available since at least the 19th century in that format. Bill 52, the way we read it, would ban most of those pipe tobacco blends.

The other product I want to talk to you about today is Captain Black. RBH is the sole Canadian distributor of Captain Black, which is a pipe tobacco and a tip pipe tobacco cigar. They've been on the Canadian market for over 18 years. Each of these products is carefully blended to create a unique flavour and aroma, which is only found in pipe tobacco. Flavouring agents are used to replenish natural sugars lost during the curing process and—in some of the tobacco blends and to create the unique taste of the product.

I just brought some, just for visually—*[interjection]* No visuals? Am I permitted to show you our products?

Mr. Chairperson: No, I'm sorry. That may not be appropriate here.

Mr. Klander: Okay. In my presentation there are photos of our products, if you can see, Mr. Chairman. I also, for the benefit of this committee, did bring samples of the products which we believe this bill was intended to address. I could show them to you or very well describe them to you, but that being said, I'll talk to you about Captain Black. It comes in two formats, pipe tobacco and tip pipe tobacco cigars, and four specific blends: original, gold, red, and royal. Since we don't actually manufacture these products I can't give you the exact profile, but I can tell you that they are flavoured and there are sweet, sidestream aromas. The Captain Black red has a cherry-like flavour and both the red and gold variants do have tips that are sweetened.

The other products that we refer to were blunt wraps that come in flavours such as mango, watermelon—if I can show them—if I was able to show them to you, you would see the colourful packaging that they come in. Cigarillos that come in

strawberry flavours—I have a package here that is Dutch chocolate, and varying degrees.

What I wanted to show you through that is the visual of the difference of the type of products that I'm referring to here. Our products' design are neutral and adult-oriented and clearly not in the same category of those colourful or candy-like products that the bill was intended to address. They are products not represented in any way as having a candy, confectionary, or alcohol flavour.

For these reasons, we don't believe that Captain Black pipe tobacco or pipe tobacco cigars should be banned by the province. Instead, we believe these products should be treated in a similar manner as the other adult-oriented traditional products that have already been exempted by this bill.

Therefore we would recommend the following amendment to the bill or its regulations: That the following flavoured products are exempted: pipe tobacco products, including pipe tobacco, pipe tobacco cigars and tip cigars that are not by their packaging, labelling, advertising or otherwise represented as having a candy, confectionary, or alcohol flavour.

And, finally, I briefly touched upon the illicit trade issue. I just have a few more comments on that. A recent study conducted late last year by the Western Canadian Convenience Store Association found that 15 per cent of all cigarettes in Manitoba were illicit or contraband. The study, which collected over 4,400 discarded cigarette butts from 30 public locations across the province found contraband to be as high as 30 per cent in some of those locations. We're all too well aware of the contraband problem that currently exists in Ontario, but make no mistake: the problem also exists here in Manitoba.

Ontario's inability to combat illicit trade, coupled with the tremendous tax disparity between the two provinces, where the provincial tobacco tax alone is \$30 higher in this province than in the neighbouring province, makes this province ripe for a rise in illicit trade.

While we do support a ban on candy and confectionary flavours that target youth, at the same time we strongly urge the government to fight contraband tobacco so that the products it wishes to ban simply don't end up moving from the legitimate market to the underground economy. Any decision that prohibits the sale of tobacco products to legal smokers has the potential to create a vacuum that

criminals and conveyers of illicit tobacco will quickly exploit.

Based on our experience in Canada and markets around the world, we believe that product bans like this one can lead to increased contraband activity, particularly if those measures are not accompanied by measures to combat illicit trade. Thank you.

Mr. Chairperson: Thank you for your presentation.

Now, the reason I did not, you know, kind of allow that—it's an exhibit, and as I understand, the committee rules are not permitting you to exhibit.

Mr. Goertzen: Is there a possibility that—I understand the rules and I agree with the rules, but I'm not a smoker, and I—most tobaccos are now concealed behind gates in stores, so I don't get a chance to see these things, and I don't really want to go to 7-Eleven and ask them to start showing me around. Like, can I just get a chance to see the difference between the candied-flavoured ones and the Captain Black ones, because I just don't know what he's talking about.

Hon. Andrew Swan (Minister of Justice and Attorney General): I think probably the best answer is if Mr. Goertzen wants to go over and talk to the presenter after, that's fine. I mean, the concern is that—I mean, there is a reason for the rule that exhibits not be provided. There may be, for example, someone from the Canadian Cancer Society that might have some rather colourful exhibits as well about the dangers of smoking, and I think the rule, as it now stands [*inaudible*] chance to see in the submission, I think that's helpful. I would encourage Mr. Goertzen to have a chat with the presenter after the—after his presentation is done.

Mr. Chairperson: I may have to cut this off now because we have limits of time.

So I will request now—the presenter is here to ask—committee should ask questions if any member wishes to.

Ms. Blady: Well, I just wanted to thank you, Mr. Klander, for coming here; again, coming from out of town, taking the time to come here and present your input, and your knowledge is appreciated.

Mr. Chairperson: Thank you, Madam Minister.

Mr. Goertzen: Well, just as a note—I know my colleague has a question—I would like to see the difference, and so I—no disrespect to the next presenter, but we're stuck under rules from

apparently 100 years ago, so when you're done, I'll go and observe your products, and I don't want to disrespect the next presenter, so just so you're aware.

Mr. Graydon: I want to also thank you, Mr. Klander, for your presentation. It was a very well-thought-out presentation, and as well as your amendment is well thought out, as well. The fact that you pointed out—or the things that you pointed out is to how do you police the underground, and it just—it's something that really sticks in my craw is that we're going to drive this—we're going to drive the market underground rather than having an oversight. Have you any idea how we could do this? *[interjection]*

Mr. Chairperson: Mr. Klander, kindly address to the Chair before answering. Thank you.

Mr. Klander: The easy answer is it's incredibly difficult and you probably can't. Where I'm from in Ontario, in southern Ontario, they are—illicit tobacco products are widely available. Any Ontarian can enter a—one of the Aboriginal reserves in Ontario, they can go and buy products. No one asks for ID, you can buy any product. There are no health warnings. People are giving you samples, you can try it. You can buy as much of this as you want. Sometimes the price of a—200 cigarettes is about the—it's about the same price as a movie ticket, compared to a legal carton of cigarettes which is anywhere between 80 and 100 dollars in Ontario.

So I think in places like Ontario they have legislation in place to combat this, but there just simply isn't the political will to seize people and arrest them. They'll go after big shipments, but they won't go after individuals going to the reserve. And if I could just also add, you don't have to go on the reserve to get these products. Everyone knows someone who will deliver it, and, sadly, people don't believe they're breaking the law. At the end of the day, they think the two people that they're sticking it to are the government and tobacco companies, which, as most of you know, are very easy targets.

Mr. Chairperson: Thank you.

* (18:40)

Mr. Gerrard: You mentioned that in some places the contraband tobacco has been identified as much as 30 per cent. Is it easy to identify the contraband versus the non-contraband? And as a corollary to this, if it were, it was suggested earlier on that there be a possession fine for youth with flavour—well, for youth with tobacco and could you have a possession

fine for somebody with contraband cigarettes? *[interjection]*

Mr. Chairperson: Kindly address through the Chair. Thank you. Yes, Mr. Klander.

Mr. Klander: The—in terms of the studies that we refer to as butt studies, third-party research firms collect these and it's as simple finding what the brand is on the cigarette filter. Most of the legal products do have a brand name. Actually, some of the illicit products are branded, as well, but we know what those products are.

And in terms of your second question, it's my understanding, at least I know it is Ontario and in other places, possession of contraband tobacco is a fineable offence. The problem that we have—Quebec obviously has much larger fines than Ontario is. Ontario, technically speaking, you could be fined up to \$574.10—that number might have changed when the tax increase—for the possession of one contraband cigarette. To our knowledge no one's ever been charged with that. In Ontario, because of certain political sensitivities, there just simply isn't the political will to put fines on individual smokers and very little happens.

Quebec, on the other hand, has been much more vigilant and aggressive in their approach and they've seen success.

Mr. Chairperson: Thank you.

Mr. Graydon: I want to thank you again, Mr. Klander, for making your presentation and also pointing out the difference in a price of a carton of cigarettes in northwestern Ontario and Manitoba and the fact that there—perhaps you know but there is a—been a big bust of cigarettes coming in through Manitoba. I think there was over a million cigarettes in that bust. We're certainly a place where—that's already ripe for underground and gang-related activity. This is just going to add to it then, according to what you're saying.

Mr. Chairperson: Mr. Klander, I will request you—as the time is already 5 o'clock—I mean five minutes, so I would request you make your answer very brief, if you can.

Mr. Klander: I think the Manitoba-Ontario corridor is a significant issue. I think it's very easy to bring products across. The—some of the large scale—and we're talking about these illicit products on reserve in Ontario. These are large-scale, multibillion-dollar companies who have manufacturing facilities that

rival ours. They are trying to export their products to reserves—they already do to reserves across Ontario and I believe also into western Canada. There have been some success in stopping them here but it will continue to happen.

Mr. Chairperson: Thank you very much.

Now your time is—thank you for your presentation and so now we will move to Mr. Rob Cunningham.

Mr. Cunningham, do you have any material to distribute?

Mr. Rob Cunningham (Canadian Cancer Society, National Office): Chair, it has already been distributed through Erin Crawford. It is the material that's in this folder.

Mr. Chairperson: Thank you. So go ahead with your presentation.

Mr. Cunningham: Thank you, Chair, and members of the committee for the opportunity to present today on this very important bill.

Let me just first identify the materials that are in the—before you in terms of the written materials. We have our brief, which has been endorsed by a large number of health organizations, apart from the Canadian Cancer Society: the Manitoba Dental Association, Manitoba Lung Association, Manitoba Society of Pharmacists, Sport Manitoba, some leading academics with expertise in this area, the Manitoba Dental Hygienists Association, Manitoba Tobacco Reduction Alliance and some of those witnesses will be appearing later before you tonight. And these organizations all recommend two amendments to improve the bill with respect to ensuring a ban on menthol cigarettes and a ban on flavoured chewing tobacco and snuff.

Also in this material is the text of proposed amendments for your consideration, very short amendments that could remove this exemption, these—for menthol cigarettes and for chewing tobacco and snuff.

Also in the brief is this study from October 2013 from the Propel Centre for Population Health Impact data for the nation-wide Youth Smoking Survey. And I'll speak to that in a moment.

And finally, there are some examples of different flavoured tobacco products available for sale, and I'll speak to that. I also do have many examples—and I understand I cannot demonstrate

actual products. I have them with me so if members of the committee would like to see them afterwards, I can show those actual products.

Mr. Chairperson: May I request you not to exhibit any material that we have. It's not within the rules of the committee to exhibit even photographs and things like that. So you have distributed your material. That's okay. But kindly go ahead and make the presentation.

Mr. Cunningham: Thank you, Chair. I'd like to begin by reiterating what's acknowledged in the brief in terms of Manitoba's long-standing leadership in the area of tobacco control.

Manitoba was the second province in Canada to ban the visible display of tobacco products in retail and one of the first jurisdictions in the world to do so. Manitoba is one of the first provinces to have 100 per cent smoke-free restaurants and bars. I see Minister Swan here—with respect to introduction of the lawsuit against the tobacco industry for health-care costs.

And today, Manitoba leads Canada with tobacco tax administration agreements with First Nations to allow that the amount equal to the provincial tobacco tax be included in the price for on-reserve sales to status Natives, and the First Nations governments keep that revenue. That's a model for the rest of Canada. And it's also relevant to discussions of contraband because it very much helps with respect to that.

The bill—Bill 52 is a very important bill. Tobacco use is a leading preventable cause of disease and death in Manitoba and in Canada. The overwhelming majority of new tobacco consumers are underage teenagers. We need to do everything we can to prevent kids from starting to smoke or use tobacco products.

And it's a product that's highly addictive. It causes cancer. It kills. And we should not be making these deadly products taste better, easier for kids to start or to consume. It's a concern with respect to youth. And now we have some young adults who started off smoking these flavoured products as kids and who are 19 to 24, so it's a concern in that vulnerable age group as well. There is no justification, in our view, and this is based upon and confirmed by the emerging trend of governments worldwide with respect to legislation on flavoured tobacco and elsewhere in Canada.

Alberta, in December, with all parties' support, had legislation adopted to ban flavours in all types of tobacco products. There's no exemptions for chewing tobacco or snuff. There's no exemptions for menthol cigarettes. That legislation has not been proclaimed. It's not yet in force. Regulations could make exemptions, but the government has not made any indication that they intend to make such exemptions. And we would urge that the same level of protection for Manitoba kids be included in terms of strengthening the amendments to avoid loopholes in this bill, as we see in Alberta.

So to address the exemptions one by one, if I invite members to go to this document that shows images of flavoured tobacco products on the third-last page—are examples of flavoured chewing tobacco and snuff. And I purchased identical brands and flavours today in Winnipeg. These are accessible to boys in Manitoba. That's including athletes, baseball players, hockey players who would not otherwise be smoking.

And so we have examples, you know, sold today: citrus, cherry, mint, peach, candy and fruit flavours. This should not be for these categories of products, you know. We should not have a candy coating for cancer-causing products.

You would be familiar, I believe, members of the committee, with the Winnipeg Free Press feature from last December 20th on terms of male athletes in Manitoba using chewing tobacco. Last Friday, the journalist who wrote that received a national newspaper award for that and a couple of other sports features. It's a real health problem in Manitoba.

And we would urge an amendment to ban flavoured chewing tobacco and snuff, to remove that exemption in the same way that bills in every other province that have been introduced to date have done so. There is no exemption elsewhere.

With respect to menthol cigarettes, it's become a huge problem among youth and is way more popular among youth than among adults. Thirty-four per cent of Manitoba high school student smokers, and this is included in the brief, smoke menthol, compared to only 4 per cent of cigarettes sold in Canada that are menthol. So it's a huge problem among youth. It's a local anesthetic. It soothes the throat. It makes it easier to start. It discourages quitting. And it is the most popular flavour.

* (18:50)

And of the 5,800 Manitoba high school students who use flavoured tobacco product, 2,900 use menthol, 1,000, mainly males, use chewing tobacco and snuff. So if we were to have these exemptions, we'd be having a very significant loopholes in terms of allowing these flavoured tobaccos to be continued to be sold for kids.

I would like to touch on some other issues that have been raised by the witnesses before me, and you see on the last two pages of these images of products, after smokes tobacco, you have these examples of water pipe tobacco. So a dozen years ago hookah or sheesha was a non-issue. It's taken off in North America, in Europe and Australia among younger people, teenagers and young adults. It's heavily flavoured and you see these examples here of orange and strawberry, of cola, cola-flavoured tobacco products, cinnamon, and if there was to be this exemption for pipe tobacco proposed by Rothmans Benson & Hedges, it creates a loophole that would allow water pipe tobacco. And the tobacco industry, if there was ever an expert at exploiting loopholes, it's the tobacco industry, and we cannot allow loopholes. And so we cannot support the amendment that's been proposed by big tobacco. And it would weaken protection for Manitoba kids.

Contraband—Manitoba authorities are to be commended for their efforts to reduce contraband—tremendous success. And because Manitoba uniquely has these great controls with respect to reserves, you don't have the same leakage or problems that you find in central Canadian provinces.

The tobacco industry always rates its contraband as reasons to not have package warnings, to not have display bands, to have anything. In fact, after—despite these arguments, after package warnings went on packages, contraband went down. After displays were banned in Ontario and Quebec, contraband went down. They always raise this argument to oppose every type of regulation.

Sure we can do more to try and enforce sales to minors, but it's notoriously difficult and kids are getting these despite these laws being on the books for more than a hundred years. In terms of—in terms of Alberta and Nova Scotia, they have banned youth possession, but there is no demonstrated evidence that this has reduced youth tobacco use. We would need an army of inspectors to be chasing after kids all the time.

So there's a lot, I believe, in terms of full rationale in the brief as to why our two proposed amendments would strengthen the bill. We urge these for your consideration. I look forward to any questions you may have.

Mr. Chairperson: Thank you for your presentation.

Ms. Blady: I want to thank you very much for coming, Rob. Again I really appreciate the time that you took to travel here to Winnipeg and to present on this important matter. I have to say we really do value the work that the Canadian Cancer Society does and, again, all the work that you do to fight cancer in general but—and over the years, I have to say I'm really pleased with work that we've done like partnering on the many important initiatives, like the smokers' health line, and you know, working with both you and Health Canada to have that 1-800 number placed on all cigarette packaging, as you say, that was an important step. And, again, we continue to work together to promote the help line.

And I'd also like to say that thanks to that partnership, that we have seen a twofold increase in call numbers to the help line, meaning that between 1,500 and 2,000 Manitobans are now receiving the professional support in their quit attempt.

And so, again, I really do want to thank you for the incredible role that you play in reducing tobacco use in Canada, and I also want to congratulate you, too, on receiving recognition for your work from the World Health Organization. That's again, very impressive. So I have to say that I am looking forward to future work with you and especially with you, the Cancer Society and the Minister of Health (Ms. Selby) on restricting tanning bed use for those under the age of 18 years of age. So I know that there's much good work that we can continue to do together.

Mr. Blaine Pedersen (Midland): Thank you, Mr. Cunningham, for your presentation and obviously your organization's been a leader in the fight against tobacco. In the interest of the time, I'm going to ask two questions in one. So I'll just go ahead and ask the two questions. First of all, why was these amendments that you're proposing, why was this not included in the original legislation? Were you not consulted or is there a specific reason? And then, secondly, you've brought forward a couple of amendments. Is there any indication from government that they're going to accept these amendments?

Mr. Cunningham: I thank you for the questions.

Our recommendation to all provincial governments is to have a ban on flavours in all categories of tobacco products, without exception. That's what has been adopted to date in terms of Alberta, although there's always a—the—it's not proclaimed yet, so the regulations are not finalized, but that is our recommendation.

In terms of specifically what the government intends to do with respect to these amendments, we're hopeful that after the committee deliberations and hearing the witnesses and considering the evidence, that ideally today those amendments would be adopted, and if not, at report stage.

Mr. Gerrard: I note that on your brief you have the support from Manitoba dentists and Manitoba dental hygienists, and I would presume that this is in part because of the significant deleterious impact of these products on the mouth and the oral cavity.

Can you talk about this, and particularly as it's relevant to the menthol and the oral chewing tobacco flavoured products? *[interjection]*

Mr. Chairperson: Mr. Cunningham, please address through the Chair. Thank you.

Mr. Cunningham: Dentists and dental hygienists see daily, first-hand, what chewing tobacco and snuff can do in terms of oral health, in terms of gum disease, tooth loss, oral cancer, in the same way that physicians see daily what all categories of tobacco products can do.

So I—we know that dental associations in Manitoba and nationally have been very active in trying to deal with this issue of chewing tobacco and snuff and flavour, and the Canadian Dental Association has been very active in urging that. And I think, yes, that's absolutely a fundamental reason why that they have supported that amendment.

Mr. Graydon: Thanks for the presentation, Mr. Cunningham. And the question I have is, why do you suppose that menthol flavouring was exempted by, firstly, the federal government, and then, of course, the provincial government? What would your opinion be for that? *[interjection]*

Mr. Chairperson: Mr. Cunningham, please address through the Chair. Thank you.

Mr. Cunningham: The federal bill, C-32, was introduced in 2009, and it dealt with, what was at the time, an emergence of cigarillos, because there was

evidence that that product category had a tremendous increase in youth use. The government explained before the committee—the Standing Committee on Health at the House of Commons—that they were not dealing with other categories of tobacco products because they did not have evidence of youth use, whether menthol, whether smokeless tobacco, chewing tobacco, snuff.

That's no longer the case. A lot of time has elapsed, there's new research available. And this research that's in the material before you, the youth smoking survey, you know, the data that was released in October 2013, provides this data of high youth use, and so it's time that we respond accordingly.

Mr. Chairperson: Mr. Graydon, we have—no, sorry—I'm really sorry. There is no time left. It's five minutes past.

So thank you very much, Mr. Cunningham, for your presentation.

Now I'd like to call upon Les Hagen. Les Hagen is not here. Now, Les Hagen not being here, the name will be dropped to the bottom of the list.

Now I would like to go to—yes, we would now request Ken Guilford.

Mr. Ken Guilford (Private Citizen): You're very close, Mr. Chairperson. It's Ken Guilford, but you're very close. I must commend you on a great job you have of speaking to us nice and slowly, and that's great.

But that's not why I'm here. I'd like to thank the committee, NDP, the Conservative—

Mr. Chairperson: Would you kindly hold one second, sir. Thank you.

Bill 49—The Manitoba Public Insurance Corporation Amendment Act

Mr. Chairperson: My mistake, I should have started that we are talking now about Bill 49. And this is where we'd go and get the presenters done. So, like you to—we like you to start your presentation. Do you have any materials to be distributed?

Mr. Ken Guilford (Private Citizen): No, I don't. I don't even have the bill because it wasn't given to me.

Mr. Chairperson: Kindly go ahead and make your verbal presentation.

* (19:00)

Mr. Guilford: What is Bill 49, please?

An Honourable Member: The Manitoba Public Insurance Corporation.

Mr. Chairperson: Go ahead, sir.

Mr. Guilford: Well, what happened to the other—*[interjection]* Oh, okay, okay. Thanks.

What I would like to say is with as much as—at all—as I like the government—would they mind quit spending as much money as they do? There's about 10 pages of what? And you want me to read this yet? Now, how the hell am I going to read all that?

What I would like to say instead is make three announcements, if I could, please, three very important—which involves everybody. Can I make three announcements? What I'd like to say is today is our day, o-u-r, our day. You know what happened today? Judy Wasylycia-Leis, she accepted her nomination for some—to be mayor of Winnipeg. Yeah, woo. I love it. She's my mentor, she's my best friend, she and Ron, I tell you, they are great. I love them, and I'm so happy that Judy is gone in there.

You know what? With Judy on my team, I'm here, all the more excited to let you know that Judy—a lot of you people don't have time to read, write, whatever. I don't either. You know why I do? Because my home care worker this morning brought me the newspaper so I knew that Judy Wasylycia-Leis is going to be the new mayor. Why? Because I'm also on her team, and I been here, I don't know how many days or whatever speaking in the Legislative Building, I've been here for the purpose of getting to know people. I've been here also to show people can see on the outside. I'm hoping that they—what's the matter? You okay, Andrea? Can I stay—keep on speaking or do you want *[inaudible]* They're taking the Chairperson's knowledge away. Can I continue speaking now? No, he's too busy with Andrea. Chief Clerk, can I speak now? The Chairperson doesn't want to answer.

Mr. Chairperson: Yes.

Mr. Guilford: Thank you.

What I would like to say is please don't interrupt me anymore and I—when I'm fired up, I want to keep fired up, and I would also like to say *[inaudible]* Are you listening to me or what? I'd like to hear and see people that are intent and would like to hear what I have to say, because you two over there are ignorant. That's what I would say, ignorant, and that is not a swear word. But he keeps on at it. I would like to bar

that guy. I'd like to bar him because he does not know when to keep his mouth shut. I'm not telling him [*inaudible*] time right now, I'm cut off and I'm on a time out right now. When you guys come into my office, I give a time out to people. But this is not my office. But I say that we have a time out while Andrea gets his business done, and then Andrea can come in and start listening then. I do not like it, Andrea, if you ignore me all the time.

Mr. Chairperson: Mr. Guilford, could I request you to get a pause here. I didn't notice that there is a mic which the television station has put on that. It is not customary here but, anyways, if you are okay with that, I don't think I have any problem with that, but we have to make sure that we don't get deviate from the norms of the committee. I request you to please to keep in mind the respect of the committee.

Mr. Guilford: I have respect. I don't have respect with anybody that's cuts me off, like Andrea does.

Mr. Chairperson: Could I request you to kindly address through the Chair. But, when I request you to take a pause, kindly understand we are all trying to do our job here and the best and respecting the rules and regulations of the committee. So kindly ensure that you are agreeable with that mic which is put on your dais. So please go ahead. You have a limit of 10 minutes of your presentation, so please go ahead and make your presentation.

Mr. Guilford: On one condition, Sir—

Mr. Chairperson: Thank you.

Mr. Guilford: —that that guy keeps quiet and listens to me. You're the Chairperson and city clerk. Yes, you can Andrea, friends or not, you can.

May I have that permission, Sir, to keep him quiet? I want him out of the room. They all do that. Both—both. They all do what you say, then I'll—you do what I say. Is he prepared to listen? And then I'll carry on. No, he's not.

Mr. Chairperson: Continue.

Mr. Guilford: I want him out of the room because he has no respect for me at all. You don't, because you keep on yapping.

Mr. Chairperson: Now, I would request you to please come—you know, come to order. Let us respect the committee's norms and stand and speak as politely as you can. Make your points, but please

do not bring commotions here because we are listening to your points.

Floor Comment: There were no motions being brought. I asked you before if I could make announcements. Those were announcements, Sir. I think you don't understand. And when I ask somebody to keep quiet, I don't—Andrea, the Clerk, I don't think he understands. I will agree with you, and I thought I was agreeing you—that I will agree with you, Sir, if he keeps quiet.

Mr. Chairperson: Mr. Guilford, kindly understand. We—I request you to make your presentation on the issue that you want to talk about, this particular bill. With—without—[*interjection*] could I please request you not to interrupt when I'm speaking? I request you to bring the points you want to say without commotion and without, you know, display of anger and frustration. We are here to listen to your points, but please speak with clarity and with respecting the stature of the committee. Give your points; we will listen to—committee members will listen to you, and we would have given you a chance to, as we are allowing everyone to speak freely, but please respect the norm of the committee.

So kindly go ahead. Conclude your presentations as best as you can. Thank you.

Mr. Guilford: When—like, you paused, and I thought you quit three times now. I'm sorry. I thought you quit three times. You know, I started talking, and then you're up again. What I would say is that goes for all of us in this room. Keep quiet while I'm speaking.

Remind me of your answer, Sir. I'm waiting for your answer. And I'm not—this is a time out right now because you don't want to answer, and I'm waiting for you to answer, Sir. You know what I asked you. Why don't you answer it?

Mr. Chairperson: Mr. Guilford, I am requesting you—I am the Chair of the committee. I am not here to answer your questions. I am here to listen to you, to make sure that the committee members listen to your presentation. Therefore, please make presentations as clearly as possible, and I will do my job as Chair to give committee members a chance to listen to you and ask questions. That is my limitation is only that. So please respect that, and please make your presentation. You are not here to ask questions to the Chair. You are here to make a presentation to

the committee, and members are here listening to you, so please make your presentation. You have only four minutes left.

Mr. Guilford: No, I don't. I got a lot more. You know why? Because you interrupt me, interrupt me, interrupt me. And that guy there, just when I tried start, he started talking already. That's crazy, Andrea. You're the chairperson, you're looking after this room. And who are you? Andrea—I know I'm forgetting your last name, but it won't—

Mr. Chairperson: I would request you now, sir, that—*[interjection]* I'm requesting you now, as a Chair, that the topic is here to discuss on the Bill 49. Now, we are deviating too much and we are bringing commotion here. So I respectfully am asking you, your time is really out now. If you have any specific points to make, please make it briefly within a minute.

Mr. Guilford: Okay. All I had to say is, it's very childish and very uncouth, especially for a man of that stature in the city clerk, Andrea. You don't understand what I'm saying is everybody else kept quiet except for you. And now you're talking again. I'm quitting. That's it. I can't compete with you, Andrea. I cannot compete against you. You're crazy. I'm good.

Mr. Chairperson: Thank you very much, sir.

Honourable minister, you have any points to say?

* (19:10)

Hon. Andrew Swan (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Yes, Mr. Guilford, I know you've come down and presented a number of times, and I've known you for a number of years. This is a very democratic process, right? Anybody can come down and present to a committee of members of the Legislature. You've got three parties represented here today, and you have the opportunity to have members hear what you have to say. Every word that you say is being recorded by the people behind me and there's a transcript being made.

And it's a very democratic process, but, Mr. Guilford, you have to understand that goes both ways. And just as you're entitled to have members of this committee hear you and respect what you have to say, there is a requirement that you offer that same respect, and—as I'm the minister sitting in this chair, but reflecting on the Chair and reflecting on

non-partisan staff of this Legislature is not something that any member of this committee accepts.

So, Mr. Guilford, I know you're going to be back up here on some other bills. You are welcome to present; it is your right as a Manitoban. But it's your responsibility as a Manitoban not to reflect on what the Chair is doing or what the staff are doing. It's your opportunity to tell us what you think about particular bills, and if that is what you do, nobody is going to stop you from doing that.

But I have to tell you, as somebody who's known you for a long time, if you continue to reflect on these two gentlemen, the members of this committee will tell you that we do not want you to come back and present, and I don't want us to have to do that.

Mr. Chairperson: Mr. Guilford, could I request you—now that the minister has explained to his point, respectfully we are all asking you not to give up your right but please respect also the right of others who are sitting here doing their job to listen to you peacefully.

Therefore, I request you to conclude your presentation. We have only one minute I have requested you and given, so please conclude that, and then we will ask any committee members to ask you questions. That will be open too.

So please conclude.

Mr. Guilford: What I would like to say is I agree with most of you, MLA Andrew Swan, and I don't know your name because you never mentioned it. But I agree with both of you to a point. The thing is, the point is, we all should be quiet and listen to each other. We have to listen to each other. We have—that's—how else we're going to know? You can't know without doing that.

That's all I have to say about that.

Mr. Chairperson: Thank you very much.

Now I would request committee members, if you have any questions to ask the presenter, please go ahead.

Seeing no questions, I would thank you very much for your presentation, Mr. Guilford.

Now, the second presentation on Bill 49 will be from John McDonald. Please come and make your presentation.

Thank you, Mr. McDonald. Do you have any written material to distribute?

Mr. John McDonald (Private Citizen): I did, but I noticed there was a typing error in it, and so I will send it directly to the minister tomorrow.

Mr. Chairperson: Okay, so please go ahead and make your presentation, sir.

Mr. McDonald: If I could have the liberty, and if I'm taking too much, I'm sure you will let me know, I'd like everybody in the committee, and I thank you for allowing me to be here, to pretend that you are the sole income earner in your household. You're stay-at-home spouse; you have two young children under the age of two. You get the phone call from the RCMP; your stay-at-home spouse has just got killed on the Perimeter Highway.

This is not a makeup story; it happened to Landon Hall [*phonetic*] and his wife, Samantha—September 2, 2012. The driver entered the eastbound Perimeter heading west. Now, under the PIPP death benefits set out in the legislation, there's a lump sum paid out to a non-earning spouse of X amount of dollars. It—the surviving stay-at-home parent receives—well, it's a minimum death benefit. The surviving spouse of the stay-at-home parent now faces massive change of life but also massive costs.

Now, the expenditures of daycare are extremely high, especially if you've got two children. If your occupation takes you past 5 o'clock, as everyone in here realizes, you got to get somebody in early in the morning and late in the evening to look after your two children. The cost of a nanny in this situation was \$4,000 a month. I don't think any one of you here could go to the finance department and say, I need an extra four grand a month to look after my kids. It does not happen.

The caregiver weekly indemnity act, set out in section 132, provides funding if the party is injured, regardless of how bad that injury is. Death is the ultimate injury, and there is nothing paid, other than the initial lump sum. And the funding will flow up to age 16, and I believe it's going to be increased to age 18 for those with a disability. The surviving spouse receives no compensation to look after the children under section 132.

I had an amendment that could be added to section 132 which would subject section 2, where the victim is described, dies as a result of the accident, the surviving spouse shall receive indemnity as set out in section 132. It would be a very simple amendment to make to that section. It would not—it's not a long-paying situation, as children can stay

home alone at age 12. So the latest it would be paid is to—one child reaches 12; the other one's two years behind, there's two years extra.

The disability benefit in this situation goes to the children aged 18 for the passing of the amendment that's being changed, and, if you happen to be the—a working spouse that gets injured, and that goes to age 65.

The frequency of this type of accident is very low. I've only heard of one in the last few years, and that's the one I'm talking about. The incident out in the west end of the city, where the hairdresser got killed, there was no children involved.

So that is where I'm thinking that, under today's current legislation, there is a zero value given to a stay-at-home spouse. If Samantha had have been working, pulling in 50 grand a year, there would have been a much larger payout.

* (19:20)

A stay-at-home spouse, under this legislation, and it's nobody's fault here, but it can be changed and can be made retroactive, would put some value on a stay-at-home spouse.

That is my presentation.

Mr. Chairperson: Thank you.

Mr. Swan: Well, Mr. McDonald, thank you for coming down and presenting to committee on a change you believe should be made and for speaking on behalf of, I presume it's friends of yours, who had this experience. And, obviously, all members of this committee are very sorry to hear that.

You say you do have some other materials. I'll have my assistant grab you before you leave the building just to make sure that that gets to me as quickly as possible. And I will give that due consideration.

Thank you for being here tonight. [*interjection*]

Mr. Chairperson: Mr. McDonald, kindly be recognized before you speak.

Mr. McDonald: Yes, sorry.

Mr. Chairperson: Address to the Chair, thank you.

Mr. Kelvin Goertzen (Steinbach): Thank you for your presentation today, Mr. McDonald—I appreciate that—and on behalf of those that you're representing at committee.

So, just for clarity, what you're suggesting is that the weekly indemnity of the surviving spouse or partner of the deceased victim, that that weekly indemnity carried forward to the surviving spouse, would that be as long as they're not remarried or in another relationship? Or is there some thought you've given to when that would end?

Mr. McDonald: Yes. If the surviving spouse remarried, or another partner, the benefits would stop.

Hon. Jon Gerrard (River Heights): Again, thank you for your presentation and for coming in.

Just for clarity, you're suggesting that the benefits would stop when the oldest child is at age 12, or when all children are at age 12?

Mr. McDonald: When the—all children reach age 12. The first child reaches age 12, the benefits, because there is benefit limits for one or two, three or four children. As each child reaches age 12, the benefits for that child would stop.

Mr. Chairperson: Thank you. No more questions?

Thank you very much, Mr. McDonald.

Bill 52—The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

(Continued)

Mr. Chairperson: Now we will go back to Bill 52. And Mr. Hinds, No. 3 on the bill, is asking to switch places to go after No. 4, Ken Guilford.

Is that agreed? *[Agreed]*

Also, for your information, Tessa Bortoluzzi will speak on behalf of SWAT in place of Nicole Gomes, No. 11 on the Bill 52 list.

So now we are going to Bill 52 presenters, and I request Murray Gibson to make a presentation.

Mr. Murray Gibson (MANTRA—Manitoba Tobacco Reduction Alliance): Thank you, Mr. Chair, honourable members—

Mr. Chairperson: Do you have any material that you want to—

Mr. Gibson: No, I do not.

Mr. Chairperson: Okay. So kindly go ahead and make your presentation.

Mr. Gibson: Someone once said that the height of chutzpah was killing your parents, going to court,

pleading for clemency, because you're now an orphan. I sort of feel like I'm standing in that kind of room today, and I want to talk about some of the bigger picture here. You know, we're being asked to consider certain exemptions to consider the tobacco industry, and I think it's time we stopped and just took a good look at the big picture.

Is this good legislation? No, with qualification. Is it necessary legislation? Absolutely. Why is it absolutely necessary? Because we're dealing with an industry, whether you want to call it big tobacco or little tobacco, that does not seem to understand the word no.

You know why we're here tonight? Because in 2010, federal legislation was passed and the industry conveniently found a way to get around it. So I'm asking you tonight to consider if this is really the kind of an industry that we should be making exemptions for.

They like to also talk about the 1,500 outlets they have across this province and make you believe that they're a big part of the Manitoba economy. These 1,500 outlets are not primarily businesses whose main purpose is to sell tobacco products. They complain about the high taxes that are on tobacco products and the \$280 million that the province plans to take in tobacco taxes, but they never talk about the \$260 million in direct health-care costs that are caused by smoking and the additional \$530 million in indirect costs the economy that result from smoking in this province. Where's the economic benefit?

They talk about adult choice and rights. Whose choice? The choice of two thirds of those who smoke, who are totally addicted to the nicotine of the products? Whose rights? I have yet to read in the Charter of Rights that smoking is a guaranteed right. I don't know if anybody else has.

Flavoured tobacco is really about lipstick on a pig; it's about making a product that is the No. 1 cause of premature death and morbidity in this province look attractive. It's about attracting new smokers and keeping existing smokers hooked. It's absolutely necessary that we stop the charade that kills 37,000 Canadians a year.

Why is it not good legislation? Plain and simple, it doesn't go far enough. We should be introducing legislation that calls for a ban on all flavourings, similar to what Alberta has done. We should be hearing what the Quebec coalition is saying: ban all

new tobacco products, period. We should be talking about much more robust licensing system for the sale of tobacco products with a goal of reducing the availability of these products, not making them more attractive and not making them more readily available. What we have before us is one more diversion created by an industry that are masters of illusion.

Let's talk about the kids. No, let's talk about the adults. Someone said that best practice is the best of our experience and the best of our science. What does our experience tell us? Let me start by sharing a little of my own experience. For 15 years I worked with the Canadian Cancer Society, and the last 12 years I have worked for MANTRA, the Manitoba Tobacco Reduction Alliance. Why? Because I have seen first-hand the effects of tobacco use and it is disturbing.

I would like to zero in on one person, his name is Stan, a very good friend of mine who was a smoker. He never went anywhere without two packs of cigarettes. He was 58 years old when he had his first stroke; it partially paralyzed his right side. With hours of rehabilitation and personal perseverance, he was able to regain most of what he had lost through that stroke, but he continued to smoke.

Less than two years later he was out blowing the snow in his front yard and again, a stroke, that severely paralyzed his right side. He dragged himself into his house because he lived by himself, just inching his way up there little bit at a time. When he was released from the hospital, he managed to walk with a cane, had little or no use of his right arm and was unable to put sentences together.

In November of that year, he was diagnosed with lung cancer. Just before he died, I went to see him. He was a big barrel-chested man lying there with tubes up his nose and struggling for every breath. I said, Stan, how are you? All he could say were these three words: can't breathe, drowning. His funeral was July 16th, 1998, and I gave the eulogy.

* (19:30)

I wish I could say it ended there, but it didn't and it hasn't. Every day in this country others are suffering the same fate because of smoking and an industry that refuses to say enough and governments who allow them to carry on as if nothing is happening.

Last week I was speaking with smokers who want to quit and who work in one of the largest workplaces here in the city. I see the same things.

I see the woman who just got back to work after losing a lung to cancer because of smoking. She's a two-pack-a-day—or I also see the woman who is—whose husband is dying of COPD. She's a two-pack-a-day smoker; she spends \$200 a week to feed that habit, and they can't quit. We could fill the entire grounds of this Legislature with individuals and families with similar stories. I am sure most of you are, if not all of you, could tell us of some of the ones that you know about. When does our experience tell us it's time to say enough? When will we have heard enough of the tobacco industry's specious arguments, enough of their trying to make something attractive that is essentially ugly?

The best of our science: 2014 marks the 50th anniversary of the Surgeon General's report. In 1964, it laid bare the truth about smoking. That's 50 years ago. Since then 31 of its annual reports have dealt with smoking and health. The evidence continues to mount in spite of all of that. This year they, again, causally linked nine new chronic diseases and two new cancer sites to smoking. The report is entitled *The Health Consequences of Smoking-50 Years of Progress*. It provides evidence from 2010-2011, was compiled by top-75 experts in the United States, reviewed by 100 of their peers. One section is entitled, *Ending the tobacco epidemic in the United States*, and it looks at what they call the end-game strategies that would achieve a 'ciety' that is free of tobacco-related death and disease, and in addition to using the existing evidence-based measures that we have in place, they suggest two things: (1) reducing nicotine content to make cigarettes less addictive, and we could start doing that gradually and moving it down; (2) greater restrictions on sales, particularly at the local level—and I highlighted these words—including bans on category—on whole categories of tobacco products. What you're expecting—or looking at today is not something unusual. The Surgeon General is saying this is something United States could look at.

How much science do we need before we say this has gone on long enough? I'm urging you to totally ban all flavoured tobaccos as a first step. Every time we have left loopholes in the legislation, the tobacco industry has found a way to circumvent the law. Leave no exemptions, make no exceptions. Don't listen to industry's cry that we have always had flavoured tobacco. Look at the big picture. Tobacco products cause disease and death, and any attempt to make them more palatable should be met with strong resistance. Thank you.

Mr. Chairperson: Thank you, Mr. Gibson.

Do members of the committee have any questions for?

Hon. Sharon Blady (Minister of Healthy Living and Seniors): Murray, I just—I want to thank you for being here today. I want to thank you for a very passionate presentation and, again, the hard work that you and everyone at MANTRA does to reduce tobacco use in Manitoba. And I value the partnership that we have with you in terms of the—making a difference in reducing tobacco use, and I believe your stories, you know, what you told us today was really evidence of that. I know that we're working together to expand the smoking cessation in vulnerable populations project to more workplaces throughout the province.

And, again, I want to also thank you for lending your resources and expertise to assist smokers to quit in the workplace through the healthy workplace campaign, the Wellness Works campaign and, again, I really do want to thank for your continued efforts and your passion and your dedication in being here tonight and I thank you for what I believe you taught us all tonight.

Hon. Jon Gerrard (River Heights): I just—you're very passionate about not having these two exemptions for menthol and for flavoured chewing tobacco. Just repeat that once more for me. *[interjection]*

Mr. Chairperson: Mr. Gibson, kindly—

Mr. Gibson: Sorry, my apologies.

Mr. Chairperson: Thank you.

Mr. Gibson: Make no exemptions, make no exceptions. I ended up by saying that, basically, tobacco products cause disease and death, and any attempt to make them more palatable should be met with strong resistance. I say that because this is not just about children and whether or not they'll be lured into smoking; it's about people continuing to smoke because the products have been made more palatable to them.

Mr. Chairperson: Thank you.

Mr. Cliff Graydon (Emerson): Thank you very much for your presentation, Mr. Gibson. It was certainly done with a great deal of passion. I'm wondering if—what your opinion would be of the e-cigarette being used as a tool. Is that a useful tool for people that want to quit smoking? *[interjection]*

Mr. Chairperson: Mr. Gibson, kindly be recognized. Sorry about that.

Mr. Gibson: It is not recommended at this time through Health Canada. It has not been tested or properly proven, and there is really no controls on the marketplace, and that should cause us all serious concern. Nicotine is a controlled product through Health Canada, and they need to move forward and put some better controls in place, and I think they are probably watching the FDA in the United States to see what they're going to do.

Mr. Graydon: Thank you. And were—the next question, I guess, would be: Mr. Gibson, were you consulted on this bill prior to the drafting? *[interjection]*

Mr. Chairperson: Mr. Gibson, kindly be recognized before you speak, through the Chair. Yes, Mr. Gibson, go ahead.

Mr. Gibson: Mr. Chair, no, I was not formally consulted on this. I was aware that this piece of legislation was coming up, but I was not formally consulted, and I didn't expect to be.

Mr. Vice-Chairperson in the Chair

Mr. Graydon: Could you tell us why you would think that menthol was omitted in this bill?

Mr. Gibson: I think the—my conclusion can only be that we are willing to pander to the tobacco industry who will say these products have been around for a long time. Tobacco's been around for a long time. We need to start somewhere, and maybe we just need to start, as the Surgeon General's reports say, cutting whole categories of these products, and that includes menthol, in my mind.

Mr. Vice-Chairperson: No further questions?

Seeing none, thank you for your presentation, sir.

Call Mr. Ken Guilford, private citizen.

Mr. Guilford, do you have any written materials for the committee, sir?

Mr. Ken Guilford (Private Citizen): No, I do not.

Mr. Vice-Chairperson: You may proceed.

Mr. Guilford: Okay. Thank you. What I would say is I'm deadly against this bill. I do not like it, do not want it, and I'm sure my buddy Robbie Ford would not like it either. And I apologize for the last—I'm too loud again. My voice carries. It's hard, but what I'm

saying is that we don't need this, with tobacco, here. I was smoking, okay, and I used to smoke one year and quit the next year, and go on and on and on. I went to the hospital there, and I started smoking because people would offer me cigarettes and all that. When I got back into Lions Manor, where I did live, and now I live on Kirby, what I would—live now—sorry.

What I would like to say that the manager, one of the managers there, and she come out and saw me on the picnic table. She come out of Lions Manor, and she says, Ken, you know you're not allowed to smoke in here. Well, I said, what? Didn't happen to those other people. What about them? Why can they get up and smoke? And so why can't I join in? No, you can't do that. Grandfather clause.

You know, that's the same as the bill. Out the door, out the door. And that's about it. Thank you very much.

Mr. Vice-Chairperson: Thank you, Mr. Guilford.

Floor is open for questions.

Ms. Blady: Mr. Guilford, I would just like to thank you, Ken, for coming out this evening and for your active participation in the democratic process. So thank you for coming out.

Floor Comment: May I say something?

Mr. Vice-Chairperson: Mr. Guilford.

Mr. Guilford: Thank you. What I would like to say not only this evening—I've been here every evening. I've been here every bill. I spoke on every bill. How can I do that? No, it does not take a lot of knowledge. All you have to do is look at the first [*inaudible*] paragraph and look at that and see where you are. Either that or there is a resolution, be it resolved. But then you can have the passion. We can talk or not. But when it comes to a government of Manitoba bill, wow. I can't believe you go through that whole thing. But, on a bill like this, where I'm firmly against it, it's easy for me to stand up and say that I am firmly against it and talk about whatever.

But you're not here for all night, I'm sure, this last night, I hope, and I'm tired about doing it. Back to the city again.

* (19:40)

Mr. Vice-Chairperson: Seeing no further questions, Mr. Guilford, thank you for your presentation.

Call Mr. Mel Hinds, private citizen.

Mr. Hinds, do you have any written materials for the committee, sir? I see you do. Our staff will distribute them. You may begin when ready.

Mr. Mel Hinds (Private Citizen): Good evening, Chair and committee members. My name is Mel Hinds. I own Thomas Hinds Tobacconist and Hinds Brothers Tobacco. We're based in Winnipeg. I'm born and raised in Winnipeg, and I'm here to represent that company.

I'm going to approach this a little bit differently. I'm going to ask if you could read the information I presented, and I'd rather have questions asked of me after you've read this three pages. So, I'll give you the time to go through that, and then if you have any questions of me, I'd be happy to answer.

Ms. Blady: I just wanted to state that our normal procedure would be—if there was a written submission, that would come in separately. For example, we have a couple that are in there. We usually elect to have them included in it. So, by asking us to read it like this, it would not have your words reflected on the record. I would ask that the committee, in light of the request that Mr. Hinds has made, is—can I make a motion to the Chair to—no—can I—sorry—that's—I—[*interjection*] thank you for that. Can we ask—can I ask for leave so that his written presentation be put into the record for the purposes of the Hansard?

Mr. Vice-Chairperson: Is it agreeable to the committee that Mr. Hinds' written presentation go into our Hansard record as is? Is that agreed? [*Agreed*]

Dear Members of the Committee,

I am Mel Hinds. I own Thomas Hinds Tobacconist Ltd., which is located in Winnipeg on 185 Carlton Street opposite the Convention Centre. We have been at the same location for almost 25 years and I have been in the tobacco business a lot longer than that. I know it well and would like to share some of my experience with you in respect of Bill 52.

Let me start by saying that the tobacco industry is not all the same. There is a big difference between cigarettes and premium cigars and pipe tobacco. The products are different; the suppliers are different; the pricing is different; the customers are different; and the marketing is different. I can describe the differences best by describing our retail store to you.

Our retail store is a tobacconist shop. It only sells tobacco and accessories. 89% of our sales consist of

top quality tobacco products, which are mainly cigars and pipe tobacco and 11% of our sales comprise traditional accessories. We stock cigarettes but do not promote or display them. They make up only 1% of our sales.

Our cigar prices range from \$2.00 - \$95.00 per cigar. Most cigar sales are in the range of \$10.00 - \$40.00 per cigar. However, some of our premium brand cigars are unique and will sell for much more. Like wine, aging and blending creates unique tastes making them very desirable and collectible. The people who purchase them will store and age them to further enhance the flavours. I have re-sold some of these cigars through Sotheby's of England for local clients, in one case getting ten thousand dollars for a box of ten cigars and in another getting thirty-three thousand dollars for a box of 50 cigars.

Smokers of premium cigars generally do not inhale the smoke. For them, smoking is all about savouring the aroma and tasting the flavour on the tongue, on the pallet of the mouth and in the nose. These products are all about flavour. They are not the flavours that Bill 52 had in mind as appealing to children, but the fact is that some of these cigars have added flavours that Bill 52 would ban from Manitoba.

Pipe tobacco is even more of a problem when it comes to flavoured tobacco products. Thomas Hinds Tobacconist sells a very high quality traditional pipe tobacco or loose tobacco. This tobacco makes up 25% of our sales. 80% of this tobacco has flavour added and has been produced in this way for well over 100 years. Under Bill 52, it would be banned as a "flavoured tobacco product".

Our clients consist of a mature group of adults who want choice and quality in the tobacco product they wish to purchase. (This is the same concept as purchasing a fine bottle of wine).

When we opened in 1991 the scene in downtown Winnipeg was quite bleak with vacancies everywhere. Very few business people were willing to step up and take the risk to open a business downtown back then. I had faith in Winnipeg that if I built a unique high-end store in downtown Winnipeg that the people would come, they would support this store. They did and they continue to do so.

We have grown to be a destination store not only serving the people working and living downtown but also drawing people from the suburbs to our

downtown location so they can enjoy the unique and pleasurable experience we offer.

We are listed in Tourism Winnipeg along with other upscale businesses such as the Velvet Glove and 529 Wellington as a go to Winnipeg destination. We are a tourist destination catering to sport fishermen, touring musicians, actors, all kinds of people in the entertainment industry, politicians, business people on the move and tourists in general. We have also been recognized in a European Trade Magazine as being one of the top ten stores on the planet based on our selection, service, product knowledge and decor. We have an international reputation that you might not associate with a Winnipeg-based store.

The fact is that our Winnipeg operation is more than just retail store; it is the head office for our wholesale tobacco business and international cigar manufacturing business, which operates under the trade name Hinds Brothers Tobacco.

We have created and produced a premium line of cigars - one of which has been recognized as the best in the world - by the Cigar Aficionado Magazine - the bible of the cigar industry and sister magazine to the Wine Spectator published in New York City. The first and only Canadian to do so, I might add.

A tear sheet from the Cigar Aficionado Magazine reporting that scoring for our Thomas Hinds Honduran Selection brand is attached to this presentation.

We sell our cigars and pipe tobacco wholesale throughout the world. In Canada we have wholesale licenses from seven provincial governments and an excise bonded warehouse licence from the federal government. We are a designated wholesale tax collector in seven provinces in Canada, a tax collector for the Federal Government and are authorized by the Government of Canada to apply duty paid customs stamps. We don't just supply tobacco products within Manitoba; we supply tobacco products nationally from Winnipeg.

None of this business involves selling flavoured cigarettes to children. Nothing like that is involved in the market that I am serving.

Our store is accessible only to adults 18 years of age and older. A sign posted on our entrance door clearly states this and is vigilantly enforced by the staff. I do not sell anything else that might entice children into our store, like food products, snacks, drinks or lottery tickets. Because of this, The Non-Smokers Health Protection Act and its

regulations currently exempt our store from the prohibitions against smoking in enclosed public places and the display and advertising of tobacco products in store. We are a highly regulated, legitimate business and in all our history we have never been cited for any violation of a tobacco law or regulation.

My store has worked with the RCMP to identify bootleg Cuban tobacco products being smuggled and sold illegally. I know the extent of competition from illegal distribution that we already face. If Bill 52 does not give me an exemption from the ban on flavoured tobacco products, my ability to carry on business in Winnipeg will be seriously affected. The products and services that I am providing are uniquely available through my store. If I close operations, the only available alternatives would be illegal.

Thomas Hinds Tobacconist is a good corporate citizen known for our honesty and integrity. I was born and raised in Winnipeg and I continue to make my home in Winnipeg because I still believe it is a good place to make an honest living and raise a family.

It would be a shame for our clients: doctors, lawyers, business people, police, firefighters and people from all walks of life from the Province of Manitoba to be denied adult choices in their home province of Manitoba as an unintended consequence of Bill 52.

Thomas Hinds Tobacconist needs an exemption for flavoured tobacco to prevent this from happening.

Thank you.

Mr. Vice-Chairperson: Mr. Hinds, you have the floor for the remaining amount of your time to speak freely.

Mr. Hinds: Well, I wanted this document on record. I'm hoping you'll all read it. I'm allotted 10 minutes; I'll give you the time to read it. If you have any questions for me, I'd be happy to answer. If you don't have any questions of me—I'm hoping that you'll find something in there that you might.

Mr. Vice-Chairperson: Okay, if that's the extent of your oral presentation then I'm going to open the floor to questions.

Mr. Graydon: Thanks for your written presentation, Mr. Hinds, and thanks for taking the time to come in.

The question I have is, the bill, as it is—has been drafted, bans the sale of flavoured tobacco, but I

could buy unflavoured tobacco from you and add my own flavouring, could I not?

Mr. Hinds: Yes, if you wanted to take it home and add chocolate syrup to it, you're more than welcome to do that. We don't suggest that. We don't offer that service in our store, and you're ruining a fine tobacco in doing that, on top of it.

Mr. Graydon: Thanks for that, but I—and the reason I asked that question is my father-in-law was a Copenhagen man, but he always had to put a few drops of brandy in it, and he didn't think that he ruined it all with that brandy. So I'm suggesting, if we're banding—if we're banning a flavoured tobacco or a flavoured cigarette, is it possible that an individual that wants that flavouring will buy a flavour and do that on their own?

Mr. Hinds: Your question is if somebody bought some tobacco and wanted to take it home and add flavouring to it, would they do that? I have no idea. I don't know what people do in their private homes, to be honest with you. Your guess is as good as mine. I don't—I operate out of my store. That's my realm. What people do when they leave the store, I have no idea. It's a hard question to answer. I'm sorry I can't answer it any better than that.

Mr. Graydon: The question is, is it possible to do? I'm not suggesting that people do it, but is it possible to do that?

Mr. Hinds: Is it possible to add ketchup to chips? Yes, it's possible. Now, anything's possible if you want to do it. You know, I—how am I supposed to answer that? That's a tough one.

Mr. Vice-Chairperson: Any further questions?

Ms. Blady: Well, I'd like to thank you, Mel, for coming out today and the detail of your presentation here, and I know that you have already had—we've already had the chance to meet and that you have spoken to Andrew from my department a number of times, but I really do appreciate you taking the time to come out today to address the committee and to answer the interesting array of questions put forward to you. So I—your input and your sense of humour and decorum are appreciated.

Mr. Gerrard: Just—you've mentioned the concern about contraband tobacco, and have you any suggestions to the committee about measures that could be taken to reduce contraband tobacco? *[interjection]*

Mr. Vice-Chairperson: Mr. Hinds, I have to recognize you. I'm sorry.

Mr. Hinds: Sorry. Contraband is a \$2-billion-plus industry in Ontario alone. If you think it's not going to be a problem, you're kidding yourselves. It's controlled now and you have controls in place now. If you dismantle those, there's a potential—I'm not—you know, I don't have any hard facts. I've been in the business for 30 years. I have a good idea what it's all about. There's a good potential that contraband could surface in Manitoba if all flavour's taken off the market. It's too tempting for the criminal element.

The spread, \$3—I'll give you an example. Fifty grams of pipe tobacco cost \$3. At the consumer level, it's 50. That's a lot of room for the—for money to be made on contraband. What could happen—and I have no hard facts. I'm not as polished as some of the previous people, but I have been in business for 30 years and I completely understand it at all levels. The very thing that you're trying to protect—I'm going to leave it at that. I'm not going to go any further. I hope I answered your questions as well as I could.

Mr. Vice-Chairperson: Seeing no further questions, sir, I thank you for your presentation.

Call Mr. Ken Dalton, Thomas Hinds Tobacconist Limited.

Mr. Dalton, do you have any written materials for the committee, sir?

Mr. Ken Dalton (Thomas Hinds Tobacconist Ltd.): I do.

Mr. Vice-Chairperson: Our staff will distribute them. You may begin when ready.

Mr. Dalton: I represent Thomas Hinds Tobacconist. Mel Hinds just gave you some presentation on his experience in the industry.

One would think from listening to some of the earlier presentations that came before me that the issue for debate here is whether tobacco is good or bad. I'm not here to debate that point. I'm here to speak in favour of regulation and controlled distribution methods. Basically, the system that is in place now of tight regulation and, basically, high taxes is designed to reduce tobacco consumption. If all that were necessary to abolish the use of tobacco were to ban it, then I don't think I'd have anything more to say here to anyone. I don't believe that works and I don't know whether the rest of you do or not, but the existing distribution systems that we have are based on regulation.

Mr. Chairperson in the Chair

* (19:50)

Thomas Hinds Tobacconist is just a tobacconist. Having said that, it is not only a retail tobacco shop; it is a wholesale operation, a manufacturer of cigars and an importer. It doesn't sell anything except tobacco and tobacco accessories. Eighty per cent of the pipe tobacco that it sells is flavoured. It would all be banned under the current definition of flavoured tobacco products under the Bill 52.

The problem with that is that the pipe tobacco also constitutes about 25 per cent of its sales. That would be enough to kill the profit and essentially put it out of business. I don't know whether it would adapt to this in some other fashion, but it's not selling snacks and foodstuff. It doesn't have anything else to push like lottery tickets. It sells tobacco. It's relatively unique in the province. It doesn't sell a lot of cigarettes; less than 1 per cent of its products. It sells premium, hand-rolled cigars and pipe tobacco.

Now, the problem with the definition of flavoured tobacco product under Bill 52 is simply that it includes in the definition any tobacco product that has an aroma or taste other than tobacco that is apparent either before or during use. Virtually all of the cigars that are sold—and the pipe tobacco as well—by Thomas Hinds Tobacconist is sold because of its flavour. People are not buying these cigars at \$40 or \$90 or \$1,000 a cigar because they are addicted to nicotine. You can get a fix much cheaper through cigarettes. They are buying it because of the flavour. It's a subtle flavour. People buy it because they like it. You may think that this is a bad thing, but that's what they're doing. The question is whether they should be continued—they should be allowed to continue doing that.

So the choice in the particular case of my client is whether they would be continue—or allowed to continue in business to sell to adults only. The nature of their tobacconist shop is such that minors are simply not admitted at the premises. There's a sign on the door, not allowed in. Strictly enforced. And that's a requirement of their status under section 71 of the—or 7.1 of The Non-Smokers Health Protection Act regulations that specifically name them, one of two that have the exemption under the act for the—against the prohibition to not promote or display in the store. And the reason for that is fairly simple: there are no minors in that store to be induced to smoke anything. The fact that some of their products have got flavouring in them is not going to induce

any minor to buy them from them, because they can't. They can't even get into the store.

We're proposing an amendment to the definition of flavoured tobacco product to add to the exemptions that are listed—or the exceptions, I should say. Currently, the products that are proposed for exception are snuff, chewing tobacco and menthol tobacco product. We would prefer to see, either as an addition to those or a substitution for them, pipe tobacco or a cigar prescribed by the regulations. The reason for introducing the notion of having a cigar prescribed by the regulations is simply to avoid the most usual criticism of the Tobacco Act that its definition of a little cigar led to abuses. We would be quite happy to leave that up to the minister's discretion to ensure that the prescribed characteristics didn't move and allow for abuse.

What we're looking for is an exemption or an exception for hand-rolled, premium cigars. These are not run off of a conveyer with a—or out of a machine with a filter attached to them. These are very traditional cigars, and that's what Thomas Hinds Tobacconist sells, along with pipe tobacco.

Pipe tobacco's a little easier to define and provide an exception for because its distinctive from—as a tobacco product. You have very few—or very little evidence that the young people are attracted to pipe smoking. The experience of our client is that the demand for pipe tobacco comes from a—strictly a mature—not just an adult, but a mature adult market interested in the traditional methods of smoking. We're not talking about hookah pipes or anything like that. This is very traditional flavoured tobacco and the fashion that—it's been around for at least a hundred years. We're not certainly adding flavours of cherries or candy to this kind of product.

The other proposal that we have for an exception to the prohibition is to suggest that the exception that's put in the bill right now as an amendment to add 6.5(2), be amended to read as follows: subsection (1) does not apply to (a) a tobacconist shop prescribed for the purposes of that subsection; and (b) a person who gives a flavoured tobacco product to any other person if the gift is intended solely for use in a traditional Aboriginal spiritual or cultural practice or ceremony. So the words we're proposing to add are: a tobacconist shop prescribed for the purpose of that subsection.

This is a formula that already works in connection with the act under the prohibition at

section 7.1 for display and promotion of products. Thomas Hinds Tobacconist is named under that regulation, and it's a control mechanism that allows for the minister to ensure that they know who is trafficking in these substances. If you—if the intention is to control them and regulate them, this is an ideal method of doing so. It's the alternative to prohibition which, in our humble opinion, does not work.

The other point that I would like to make is that the current draft of Bill 52, the prohibition in it in 6.5(1) now reads that: no person shall supply or offer to supply a flavoured tobacco product to any other person. The wholesale business of Thomas Hinds Tobacconist sells from—

Mr. Chairperson: Mr. Dalton, just one second, sorry. We have only a minute left, so kindly ensure that you are finished within that time. Thank you very much.

Mr. Dalton: The wholesale operation of Thomas Hinds Tobacconist is unique in the province. We know of no other wholesaler that brings tobacco products into Winnipeg and distributes them across the country from here. The wording as proposed in Bill 52 would prohibit the sale from Winnipeg to another province of tobacco product—flavoured tobacco product. So it goes far beyond consumption of flavoured tobacco products in Manitoba. That's an additional reason why we're requesting an exception for the particular operations of Thomas Hinds Tobacconist.

Mr. Chairperson: Thank you very much. Now, thank you for the presentation.

Members of committee, any questions?

Ms. Blady: Thank you, again, Mr. Dalton. I want to, again, thank you for your time to come out here and present, taking the time to do so and the thoroughness of your explanation. I do appreciate the fact that you have—along with your colleague, Mr. Hinds, met with me before—and, again, I appreciate the insight that you bring to—and your in—and the input that you bring tonight.

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, thank you for your presentation. I just want to look—you got—you've proposed an amendment to section 1(1), the flavoured tobacco product, and in there you propose adding the words pipe tobacco or a cigar prescribed in the regulations. Just to clarify, are you suggesting that the term prescribed by the regulations should

apply to all of these things, to cigars, or to cigars and pipe tobacco?

Mr. Dalton: Our recommendation is that it apply only to modify cigars.

* (20:00)

Mr. Graydon: I want to thank you for your presentation tonight, Mr. Cuddy [*phonetic*], but I—and I do have a comment, a couple of comments on your amendments. They're very well-thought-out amendments. Were you consulted on these prior to the drafting of the legislation?

Mr. Dalton: No, we were not.

Mr. Graydon: Well, I would suggest that both of your amendments are very well thought out and certainly bear looking into a lot further.

Mr. Dalton: Thank you very much for this opportunity to make the presentation too.

Mr. Kelvin Goertzen (Steinbach): There's an axiom in law that you are probably aware of when it comes to making legislation, that there's the unintended consequences of legislation. There are probably many good reasons to support legislation like this, but is it your view that you and your client are perhaps the unintended negative consequence of legislation that might be intended at a good thing, that somehow the legislation has caught you by accident, that it wasn't intended at you and it wasn't directed at your client and there are probably ways to maintain the spirit of the legislation while still protecting the business of your client?

Mr. Dalton: We have no idea whether we were intended or not. We've seen no evidence to indicate that the purpose of the legislation was aimed at our client or the business that our client—the segment of the business that our client is in.

The proposals that we have made are intended, though, to keep with the spirit as we understand it to be in the act in that we certainly do support the notion that children should not be made the target of marketing tobacco. It's not appropriate under any circumstances.

Mr. Gerrard: You have the experience with this business. One of the concerns that many have raised is the contraband tobacco because it gets into the hands of kids and so on. Can you give us any advice in decreasing the contraband tobacco that's available?

Mr. Dalton: The best advice that we can give you is to maintain well-regulated alternative distribution channels. Our experience has been that that is the most effective way of combatting contraband or illicit traffic because it doesn't drive the customers into the hands of the outlaws who—once it's outlawed, you basically have lost any ability to control any aspect of it, so.

Mr. Chairperson: Thank you.

Mr. Graydon: I just want to apologize for not calling you by your name but by your company name. I apologize for that, Mr. Dalton. Thank you.

Mr. Dalton: Thank you very much. We appreciate this opportunity to do it, make a presentation to the committee.

Mr. Chairperson: Thank you. Thank you very much, Mr. Dalton.

Now I request Margaret Bernhardt-Lowdon.

Thank you very much. Material for distribution? Yes, kindly go ahead and distribute it.

Go ahead with your presentation, ma'am. Thank you.

Ms. Margaret Bernhardt-Lowdon (Manitoba Lung Association): Good evening, Mr. Chair, honourable ministers and members of the committee. My name is Margaret Bernhardt-Lowdon—horrible name to pronounce, regret it, but what can you do. I want to thank you for having me come here tonight. And on behalf of the Manitoba Lung Association, our board and our staff, I just like to share a few of our thoughts with you on this bill.

The Manitoba Lung Association is a non-profit, registered health organization, and we've served the people in Manitoba for over 110 years. And during that time we've made our best effort to prevent lung disease and help people manage it better.

Our tag line—and I don't know if you've heard it, but our tag line is: When You Can't Breathe, Nothing Else Matters. And that really forms the basis of everything that we do, our mission and our vision.

We're part of a larger organization, as well, that tackles things like this. And, again, our primary focus is preventing lung disease and helping people cope.

In Manitoba right now we have 284,000 people suffering with lung disease, so one in five Manitobans.

We've always strongly supported policies and laws that protect our children, our youth and our teens from tobacco use, and we do believe that Bill 52 will achieve this by prohibiting the sale or supply of flavoured tobacco and by repealing the exemption that allows a parent to provide tobacco to his or her child in a non-public space. I was quite astounded that that was still on the books, so I'm glad that you're looking at that.

And now, while this amendment will go a long way to protecting our children, we think it could be stretched. We think it could go just a little bit further. We would recommend that this amendment be expanded to include prohibiting the sale or the supply of menthol tobacco products, snuff and chewing tobacco. We believe that removing these exemptions will make a more significant impact on reducing the effects of tobacco on lung health.

Tobacco remains the leading cause of preventable disease and death in Manitoba, and all type of flavoured tobacco, including menthol tobacco, chocolate, cherry, whatever you want to flavour it with, they cause devastating and fatal illnesses, and 80 per cent of diseases like COPD and lung cancer are caused by smoking. Now, I'm not telling you anything you don't know. Everyone in this room knows that tobacco is a dangerous product, and I think it's important that we put in controls into place for that.

And at the Manitoba Lung Association, when we're talking about flavour tobacco, we really do believe that lung disease, lung cancer and other chronic diseases should not come in a candy wrapper. So we applaud you on this legislation. Flavoured tobacco products are designed by the tobacco industry with the goal to specifically appeal to youth. According to the Physicians for a Smoke Free Canada, flavours grab the attention of youth and make them more likely to want to experiment with commercial tobacco, especially when they're packaged in colourful, attractive wrappers that resemble candy or a kid-friendly product.

And tobacco companies, keep in mind they have to continue to reinvent these products to attack youth because they're losing their buyers in a larger percentage every year as they die from things like lung disease. By using marketing tactics and finding loopholes in existing legislation, the tobacco industry is able to attract new young customers. And flavoured tobacco products have the same negative health complications as unflavoured

tobacco products. They're just as addictive despite the deceiving candy flavours, the colorful packaging and the catchy slogans.

As previously stated, the Lung Association believes that a ban on menthol flavoured tobacco products should be included in this bill; one-in-four Manitoba youth who use tobacco smoke menthol cigarettes—and I think we've heard that already tonight. In comparison, menthol cigarettes represent less than 5 per cent in adult use. One thing that hasn't been said tonight is that menthol is a little bit worse in some cases than other flavours, it's very insidious. What menthol does is it reduces the harshness of tobacco so you don't cough as much so you want to smoke. It helps you—it actually facilitates you to take deeper breathes so you inhale more. It also enhances nicotine absorption, so now you get more of the chemical in you. So keep in mind when you're talking about menthol, that's what we're talking about. And, unfortunately, we still have a lot of work to do because menthol flavoured tobacco products are popular, and the newer flavoured products like cherry and grape and chocolate are gaining popularity all the time.

Manitoba's worked very hard to reduce smoking rates, especially among young people, and although smoking rates in Manitoba are declining, they're still too high.

According to the Propel Centre for Population Health Impact, 14 per cent of our youth smoke on a regular basis—we're talking about kids that are 15 to 19—compared the national average of 11.8. So we're at 14, most of Canada is at 11.8. And according to the most recent youth smoking survey, 45 per cent of youth who've used tobacco in the last 30 days use some form of flavoured tobacco.

*(20:10)

Tobacco use remains the leading cause of premature death in Manitoba. It results in over 1,500 deaths a year. My father died of it, my mother died of it, my father-in-law died of it, all because of smoking. That's why I think we need to address this legislation.

It's imperative that we take the necessary steps to reduce the social, the medical and the economic costs of tobacco use by our kids.

So, in conclusion, the Manitoba Lung Association, we recognize and commend the provincial government for having made great strides to reduce tobacco use in Manitoba. We firmly

believe that you, and Manitobans, understand that we all have a role to play in protecting our children and protecting our communities and making sure that our kids grow up healthy and well. So, by enacting Bill 52, another important step will be made to help our youth.

Now, while this bill will help protect our youth from getting introduced to tobacco, the Manitoba Lung Association calls on our government to go just a little bit further. How about you include a ban on flavoured chewing tobacco and snuff and menthol-flavoured products? Add that to Bill 52.

Removing the current exemptions from the bill will make a more significant impact on reducing tobacco-related disease and death. And, ultimately, I know that it's going to protect more Manitobans today and in the future from significant and well-understood risks of tobacco. Thank you.

Mr. Chairperson: Thank you, Ms. Bernhardt-Lowdon for your presentation.

The committee, any questions?

Ms. Blady: I just want to thank you, Margaret, for coming out tonight. I know we've had the opportunity to, again, do some announcements together, some exciting work that you're doing, and I'm really appreciative of the partnership that we have with the Manitoba Lung Association. It's those partnerships like the Manitoba Quits, the quit and win contest that we've done together, the NOT-Not on Tobacco program, and Nic-O-Time project, are really helping Manitobans of all ages kick the habit, or steer clear of tobacco in the first place. And, I really want to thank you for the great work that you do, and I really look forward to our continued partnership. Thank you.

Mr. Graydon: I want to thank you as well, Margaret, for your presentation tonight.

And the—one of the questions I'd like to ask is: Were you consulted in—during the drafting of the bill? *[interjection]*

Mr. Chairperson: Kindly be recognized. Yes, Ms. Bernhardt-Lowdon.

Ms. Bernhardt-Lowdon: Not specifically for this bill but we have consulted with the Province in the past on similar items, but not for this specific one.

Mr. Graydon: I certainly applaud you when you talk about not wanting young people to get involved

in smoking. What would your definition of young people be?

Ms. Bernhardt-Lowdon: Well, the children that we deal with in the core area of the city, they start at eight. So, for me, we have to start before that.

Mr. Graydon: Well, I applaud you in your work. And the reason I ask that was because, in today's world, in any tobacco shop, you have to be 18 years old to buy the tobacco. But if we're going to ban the sale of a specialty tobacco, that doesn't mean that the other cigarettes aren't there. What would you say, or what do you think would stop the children at eight and 10 years old from getting the cigarettes—the other cigarettes that aren't flavoured?

Ms. Bernhardt-Lowdon: I think tougher legislation might have to be put into effect. I think organizations like us and Manitoba Healthy Living, we educate the children about tobacco and the marketing that is used so that they can avoid it.

But, I guess that's why we really want to focus on the flavoured tobacco, because we've got these eight-year-olds starting now, and maybe they don't get exposed to the flavoured tobacco, but once that comes, they'll be no stopping it. And that's what—

Mr. Chairperson: Dr. Gerrard.

Mr. Gerrard: You made a pretty strong case for not having the exemption for menthol. We heard earlier on that there were something like 50 per cent of the flavoured-tobacco products were menthol. And, so the legislation, as it stands now, only does 50 per cent of the work. Would you—I mean, why would the current bill exempt 50 per cent of the flavoured tobacco? Can you help me understand this?

Ms. Bernhardt-Lowdon: I don't know. I'm sorry, I really don't know why it wouldn't. I think it should.

Mr. Chairperson: Mr. Graydon, do you want to ask a question?

Mr. Graydon: No, that's fine. Thank you, Mr. Chair.

Mr. Chairperson: Thank you very much for your presentation.

And now we will request Tessa Bortoluzzi. Thank you. Do you have any material for the committee?

Ms. Tessa Bortoluzzi (Manitoba SWAT – Students Working Against Tobacco): No, I do not.

Mr. Chairperson: Okay. Then kindly go ahead with your presentation.

Ms. Bortoluzzi: Hello, everyone. I am Tessa Bortoluzzi. First and foremost, I would like to thank all of you for having us here today. Secondly, I would like to ask my presentation to be joined by a couple of my fellow Manitoba SWAT members. I would like to ask leave of the committee for this to be allowed.

Mr. Chairperson: Please hold on. Okay. Is there leave of the committee for the presentation with—
[Agreed]

Thank you. Go ahead.

Ms. Bortoluzzi: We are students from West Kildonan Collegiate and are part of a group called Manitoba SWAT, which stands for Students Working Against Tobacco. SWAT is a student group run by a teacher, Ms. Harder, and what we do is make presentations to middle schools and high schools encouraging kids to not smoke.

Our school was the start of the original SWAT team. Our smoking prevention and education presentation is an hour in length and has many components that educate, gross out and inform kids about the harmful effects of smoking. The reason we are here today is we represent the voices of the youth. We are the faces of the consumers the tobacco products—the tobacco industry is marketing in creating flavoured tobacco products, and we would like our voices heard as to why we think the sale of flavoured tobacco products is a bad thing.

Manitoba SWAT's existence, our presentations, are one small way that youth are fighting the harmful effects and fighting back against tobacco usage. As youth, we recognize the harmful effects of tobacco and work hard to promote a healthy lifestyle amongst the youth. The sale of flavoured tobacco products is a step back for the work we do.

Ms. Erin Andrushuk (Manitoba SWAT – Students Working Against Tobacco): I am Erin Andrushuk. So, even though cigarette-like candies have been banned by FDA, our local youth are still using flavoured cigarettes, cigarillos and smokeless tobacco products. Tobacco industries claim they are not marketing towards the youth, but what adult is going to go out and buy a product that looks like it belongs in a child's lunch kit? And, also, not to mention the different flavours that it comes in, like chocolate, cherry, and grape, which also appeal to youth.

So why do we still have these products on the shelves if it's more appealing to youth itself? So, ultimately, the companies are sugar-coating it with the packages and the bright slogans and the bright colours and the flavours and making it look more innocent than it really is. But, truthfully, it is actually—in the future, it can be the cause of many deaths.

Ms. Hayley Ward (Manitoba SWAT – Students Working Against Tobacco): I'm Hayley Ward. So having a variety of flavours is a curiosity to new smokers. These flavoured products allow a young smoker's first experience with smoking to be more enjoyable and less harsh. It masks the flavour of the actual cigarette. The bright packaging and flavours make smoking or chewing far more enticing. Not only is it enticing for youth, but it encourages youth to try a variety of flavoured products.

Youth are impressionable. If they see a skull and crossbones, they think danger, poison, but if they see bright packaging like bright greens and pinks, it's far less likely that they'll think it's dangerous. They might think it's safe.

So you can be the judge. Imagine a 12-year-old kid looking at a smoking display and they see a package of cigarettes with harmful-like symbols on it, such as poison symbol, and then they see the colourful ones. Which ones are they most likely to choose? I think it's obvious that they would choose the ones that look like Halloween candy. So this is a marketing ploy, a loophole in which tobacco companies can get youth more hooked and buying their products.

Ms. Ashpreet Maan (Manitoba SWAT – Students Working Against Tobacco): Hi, I'm Ashpreet Maan. So the price of this product has been adjusted to target the youth, making it more affordable. The cost for flavoured cigarettes, cigarillos and smokeless tobacco products is ranging from four to seven dollars, making it cheaper than regular cigarettes, which cost from 12 to 15 dollars, and we know how kids are always looking for the cheaper stuff. This, then, becomes a starter product for the youth.

* (20:20)

So what they don't tell you is that these products are addictive and carry all the same health risks. Big tobacco companies can say this product isn't targeted to the youth, but the reality is, how many adults want

brightly coloured packaging and tobacco that tastes like candy?

So it's easier to mask the harsh taste and disguise the smell of second-hand smoke when being around flavoured cigarettes, cigarillos and smokeless tobacco products, especially for youth who are trying to keep the fact that they are smoking from their parents.

So there are actually two boys at my school and they sell flavoured tobacco products to kids who are younger than them. The boys sell the products for one to two dollars apiece and are usually sold to grade 9s. Even if the youth are not buying them themselves, those two boys they're buying them to sell to them because they know that they will sell and that those boys—the little ones, the grade 9ers—they'll pick up the habit because of the flavourings.

Ms. Marlies Morris (Manitoba SWAT – Students Working Against Tobacco): I am Marlies Morris.

So today we brought with us visual aids for our presentation and I understand that they cannot be used, but I would still like to describe them to you and what effect they have in our normal presentations. So we use the visual aids in our presentations for our smoking prevention and education for youth. We have one that is known as Mr. Gross Mouth that has different types of mouth and tongue cancers and receding gums and other harmful effects that are shown when—from smokeless and smoke tobacco along with a tar jar which represents the amount of tar accumulated in the body over three months. And we also have one that is called phlegm jar, and it's the amount of phlegm in a jar that would be hacked up by a two-pack-a-day smoker for an entire month. Finally, we have pig's lungs; they are used to show the harmful effects that, although you cannot see it, smoking is damaging your body. Although we cannot show you, we guarantee that they would make you squeamish and they do look very disgusting.

And I'd like to ask you, would—if you were to look at these or look at the bright Halloween coloured candy-like packaging, what would a kid more likely be—like, what would they buy?

Ms. Ward: So I'm Hayley Ward, again.

So we have a duty to protect the future generation. We need to speak up and be heard that this is not acceptable. You have the power to stop this from happening. We are the future and we want to be safe

I would also like to add that we feel the bill doesn't go far enough and we would like to include the ban of flavoured chewing tobacco, snuff and menthol. And although previously said in another presentation that menthol is only half the flavour of other flavours, that one half is still addicting and it might have an almost familiar taste to kids because it's one the main ingredients in cough candies such as Halls. And if tobacco companies want to keep this flavour available, there is obviously a desire for this flavour.

Also at our school, to touch on the chewing tobacco, our boy's hockey team is actually found to be using chewing tobacco, and these student athletes would normally not be smoking or chewing tobacco, but there is a kind of a myth that chewing tobacco is healthier for you, but in reality it's not.

So, all in all, we are here representing the youth. We are the youth and we would like to see these products removed from shelves.

Thank you.

Mr. Chairperson: Thank you, members of SWAT, and I like to now request the committee members, if you have any questions, starting from minister.

Ms. Blady: Well I—Tessa, Erin, Hayley, Ashpreet and Marlies—I want to thank you for coming out tonight. I know it was wonderful to have the opportunity to meet with you at the announcement, and I've met with other SWAT teams since, including one in Gimli that was actually recognized by their community for the healthy living work that they do, and it was another group of bright, young women like yourselves.

I'm always so impressed by the level of commitment, the energy and the maturity that the SWAT teams bring to the fight against tobacco use. And as a mom I know, too, that the message that you send to your peers could be the exact same message that parents try to send to those very same kids. But as a mom I know that sometimes when I say something to my boys, I can literally watch it go in one ear and fall out the other, but that if it was to come from someone like yourself it might stick a little better. It might have—it'll have some extra meaning.

So, again, in my mind this is one of the most effective and inspiring things we're doing, is working with you as a SWAT team and, again, to expand the SWAT program and get the message out to more and more young Manitobans.

So, again, thank you for taking the time, especially towards the end of the school year with this nice weather where I'm sure you'd rather be somewhere else. Thank you for being here tonight.

Mr. Graydon: I'd like to thank you young ladies for the presentation you made tonight. It was very, very professionally done, and I'm sure that you do have a big impact in the schools and to the rest of the young people that you speak to. So thanks very much for the work that you do.

Mr. Gerrard: Thank you all. You did very well in presenting tonight. One question for you, and this deals with the fact that you've got athletes, young athletes, who are using chewing tobacco. Do you think that banning flavoured chewing tobacco would decrease the likelihood of young people who are athletes using chewing tobacco? *[interjection]*

Mr. Chairperson: Be recognized, yes, thank you.

Ms. Ward: Chairman, I do believe that this would decrease the amounts of student athletes using chewing tobacco because chewing tobacco doesn't have a good taste to it. Well, I don't speak from experience, but just from the ingredients in it, I know that flavoured—or flavoured chewing tobacco would taste a lot better. So just not having that other option for them, I think it would decrease the numbers, yes.

Mr. Chairperson: Thank you. Thank you very much for your presentation.

**Bill 57—The Highway Traffic Amendment Act
(Countermeasures Against
Drug-Impaired Driving)**

Mr. Chairperson: Kindly note, now we are going to Bill 57, and the presenter here is Ken Guilford, so kindly come and make your presentation, sir.

Mr. Ken Guilford (Private Citizen): Good job, Mr. Chairperson, you did it. My name is Ken Guilford. I'm here to—first of all, point of clarity; MLA Swan, you're a person of this committee, I believe, and if the name is in front, it's got to be your name, right? What I would like to say, second paragraph, I do not understand at all. I'm a layman, and I would like, you know, clarification, please. What does it mean?

Mr. Chairperson: Yes, go ahead, please.

Mr. Guilford: No, I'm asking to—point of clarification, Mr. Chairperson, and when that happens, it means that I need someone to stand up. You always say, oh, for Andrea or Mr. Swan, MLA Swan, and to tell him what the second paragraph

does. Nobody knows. I've asked four or five people. They don't know what it means. You made it, Mr. Swan.

Hon. Andrew Swan (Minister of Justice and Attorney General): Is there leave—I think I would need leave of this committee to answer a question from you, Mr. Guilford. I'm prepared to do that if that's what the committee wants to have happen.

Mr. Chairperson: Is the committee—have leave to—

An Honourable Member: Briefly.

Mr. Chairperson: Brief, yes. *[Agreed]*

Mr. Swan: And Mr. Goertzen doesn't say that lightly, because he received a rather lengthy briefing on the technical parts of this bill.

Mr. Guilford, the intention of this bill is to continue to prevent people who are impaired from driving on our roadways. We now know that the breathalyzer is a pretty clear way to measure how much alcohol somebody has consumed. It's more difficult when somebody has taken drugs, whether it's illegal drugs or whether it's too much drugs that are otherwise legal; they're prescription drugs or over-the-counter medications.

And the police tell us that—and we accept that they have a very, very good way of doing evaluations and testing on this which now is good enough for the Criminal Code but not good enough for The Highway Traffic Act. And what we want to do is take the advice of the police and match up what's in the Criminal Code so that if the police give the Criminal Code test, that can also result in a short-term licence suspension under The Highway Traffic Act. That's really what this bill is all about. *[interjection]*

Mr. Chairperson: Thank you. Mr. Guilford, please be recognized. So I thank the minister for answering your questions, but please make your presentation.

* (20:30)

Mr. Guilford: Okay. Well, I'm sorry about that, and I would like to thank MLA Swan, Mr. Swan, or whatever—I don't know what it is, anyway. And what I would like to say is I agree wholeheartedly with the bill, but I would—one condition, that the language is changed so I can understand it. And I bet you half the MLAs here can't understand it before you, but now that it's more clear, I'm sure that now we know what we're voting on. Thank you.

Mr. Chairperson: Thank you very much.

Any questions anyone has?

Mr. Swan: Thank you, Mr. Guilford, and you raise a reasonable point. We want laws to be as plain language as possible. The whole area of dealing with impaired driving is pretty technical and pretty complicated, so we've tried to simplify it, but I'm afraid because of the wording of the criminal law and because of some of the other issues, it may not be as clear as we might like. We scratched our heads to try and figure out how best to express it and, unfortunately, it may just not be as clear to you as we'd like.

But I want to thank you for coming in and presenting on this bill.

Mr. Chairperson: Thank you. Thank you very much. *[interjection]*

Mr. Guilford, please, before speaking, be recognized first. So, raise your hand and I will recognize you.

Yes, Mr. Guilford. Go ahead.

Mr. Guilford: What I would like to say is to MLA Swan, I don't understand why the language could not be worked on between highway traffic, Criminal Code and yourself as the Justice Minister of Manitoba and committee. I assume you have a committee. Is that right? I don't—I can't—I assume you have a committee. What I would like to say, you guys just sit down *[inaudible]* can make this one a little more clearer, I'm sure, without interrupting the highway traffic, criminal law and everything else. I'm sure you can make it a little bit clearer. But what I would like to say is the fact that, Mr. Swan, what I would like to say is will you please look at this into more—layman's work. I don't have a car, but I do take a lot of legitimate drugs and hope the cops don't come after me because I got taking legitimate drugs. How are you to prevent that?

Mr. Chairperson: Thank you very much for your presentation. Thank you. *[interjection]*

Mr. Guilford, we are here to listen to your presentation, and then committee members may ask you questions. The platform here is not for you to ask questions. You—to make a presentation, which you did, so I thank you very much. *[interjection]*

Now, I'd like you to understand, I have expressed the rule of the committee. We are here to listen to you, which we did. Committee members may ask you questions. None of them want to at this

moment, so I thank you very much for your presence—presentation. *[interjection]*

I thank you very much, Mr. Guilford.

Bill 60—The Restorative Justice Act

Mr. Chairperson: Now, we are talking about Bill 60, and here the name is also of Mr. Ken Guilford. Do you want to make presentation on Bill 60, Mr. Guilford?

Mr. Ken Guilford (Private Citizen): Yes.

Mr. Chairperson: Do you have any material to be distributed?

Mr. Guilford: This is my book; you can't have it.

Mr. Chairperson: So go ahead and make your verbal presentation.

Mr. Guilford: Okay. Ken Guilford, and I'd like to read all this, please. Is that okay?

An Honourable Member: Yes.

Mr. Guilford: Restorative justice is just an alternative approach to addressing unlawful conduct outside the—oh, boy—who made this up? I can't speak on this. The language has got to be changed, so I could read it and understand it. Oh, okay.

Mr. Chairperson, I'm sorry. I cannot understand what MLA Swan's making. I don't—I'm not a lawyer. Mr. Swan has to be able to talk to people that—layman's language, but I'm sorry; I can't read it.

Mr. Chairperson: Thank you.

Any committee members, any questions?

No questions. Thank you.

Bill 66—The Statutes Correction and Minor Amendments Act, 2014

Mr. Chairperson: Now we are talking about Bill 66, and Mr. Ken Guilford's name is again here. Would you like to make a presentation on Bill 66?

Mr. Ken Guilford (Private Citizen): Yes.

Mr. Chairperson: Yes, Mr. Guilford. Go ahead and make your presentation, sir.

Mr. Guilford: I get one minute to do whatever I want with, right? Is that right?

Okay. I am now wanting to speak at this time because of the fact that it's also in highfalutin and not in my language. I would not nearly do it justice if I was to speak on it. But I'm saying, take the bill back, and MLA Swan, please put it into my language, layman language.

Mr. Chairperson: Again, as I mentioned earlier, we are here to listen to your presentation, and committee members may ask you questions. Appears to me they don't have any questions. So I thank you very much for your standing up here and expressing your views. Thank you. *[interjection]*

Now, you should first be recognized. So, yes, Mr. Guilford, go ahead and make—

Mr. Guilford: What I had—please be out of hand. I'm hoping I'm not out of hand to ask for languages that are common to what I use in layman language so everyone can understand all of across Manitoba, not just the lawyers. I don't agree with that at all.

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, Mr. Guilford, you should know that we are working. Every time there's a new bill brought in or a bill's revised, we do have some very smart folks who draft our bills who try to use plain language as much as possible. Sometimes it's difficult because they have to try and put a difficult legal term or a legal idea into the best possible language. But every time a new bill comes out, it's their attempt to help us as legislators, to help Manitobans, by trying to make the law as accessible as possible. So we'll definitely keep your ideas in mind as we draft new bills. Thank you.

Mr. Chairperson: Thank you very much, Mr. Guilford.

We have—the last presenter is Les Hagen. Les Hagen is not here? So the name of Les Hagen is removed from the list.

Now, that concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

* * *

Mr. Chairperson: In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

Mr. Swan: Mr. Chair, could we just proceed numerically? We've only got five bills to deal with.

Mr. Chairperson: Is it agreed? *[Agreed]*

Now, going back to clause-by-clause consideration. During this consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in the proper order. Also, if there is an

agreement from the committee, the Chair will call clauses in blocks that to conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions and amendments to propose. Is that agreed? *[Agreed]*

We will now proceed to clause-by-clause consideration of the bills, and we go to Bill 49.

* (20:40)

Bill 49—The Manitoba Public Insurance Corporation Amendment Act
(Continued)

Mr. Chairperson: Does the minister responsible for Bill 49 have an opening statement?

Hon. Andrew Swan (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Mr. Chair, Bill 49 contains a number of different provisions to modernize the Manitoba Public Insurance legislation. The first thing it does is it empowers Special Investigation Unit investigators to investigate fraud. The great majority of Manitobans are very trustworthy when it comes to dealing with their auto insurer. Ratepayers want to make sure that our investigators have the right tools to go after those few people who decide to try to beat the system and try and defraud the corporation.

Second main area deals with an insurance term, and I know we've had some discussion tonight about how accessible terms are. Deals with a legal issue called subrogation. Basically, what this means is that when MPI is dealing with another insurer in a different jurisdiction to try to recover loss on behalf of somebody, that recovery is intended to be based upon the way we calculate coverage under the Personal Injury Protection Plan and not tort compensation, which is the old way it was done in Manitoba.

The bill will also eliminate access to benefits to improve alignment with what you can call the founding principles or the main principles. You have to pay into the program in order to receive benefits under the program, and recent court decisions in Manitoba have suggested that certain people driving vehicles which are not part of the MPI system—for example, golf carts, Segways or other vehicles—the courts have actually awarded PIPP benefits to individuals driving those vehicles, and we think the legislation needs to be clarified to demonstrate that those are outside of the system.

As well, courts have also suggested that somebody who operates a vehicle on a closed track could also be covered by MPI coverage. I don't think ratepayers have any expectation that's the case except when the driving on a closed track is for training for police, for fire or for EMS personnel.

There's a grab bag of other minor issues aligning PIPP benefits with the stay in school act to continue income replacement indemnity for catastrophically injured claimants who have been employed but can't continue for any reason. It'll provide the maximum flexibility for people who've suffered the most serious injuries to try to get back into the workforce without fear that those efforts will cause them to have to reapply or to start all over again to get the benefits.

It will align retirement income benefit indexation to July 1st, which makes sense because that's when people have their income tax filed and they have their notice of assessment back. It will increase the death payments for—to non-dependents—to \$12,000 approximately and index it thereafter.

And the final item is it will provide a caregiver weekly indemnity for all claimants caring for individuals without remuneration, which we think is a further enhancement of the way that the program works.

So it's a number of items, some of which MPI has, I think it's fair to say, has been waiting for a couple of years to come into place to modernize the act and, in certain cases, provide better coverage for Manitobans.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): Just briefly. Certainly this bill covers a lot of ground and has a lot of different issues contained within it related to Manitoba Public Insurance. Those sections that deal with the no-fault insurance provisions and which respond to court decisions where the intention of no fault was to never capture vehicles that may be motorized but not motorized and insurable in the way that we would normally assume to be motorized and insurable, we support because we recognize it would likely cause a hardship on those who own golf carts or kids who own motorized cars that don't want to necessarily go through MPI and we understand that, and we support the principles of no-fault insurance.

There are a number of other amendments within the bill that have some merit. I took to heart the presentation by Mr. McDonald today. I may want to have some more discussion with the minister about that particular case that he raised and to see what changes could be made today or in the future. But we are generally prepared to see the bill go through consideration at this point, Mr. Chairperson.

Mr. Chairperson: We thank the member.

Clauses 1 through 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; clause 9—pass; clauses 10 through 14—pass; clauses 15 through 18—pass; clauses 19 and 20—pass.

Shall clauses 21 through 26 pass?

An Honourable Member: Pass.

An Honourable Member: No.

Mr. Chairperson: Shall clause 21 pass?

An Honourable Member: Yes.

An Honourable Member: No.

Mr. Chairperson: I see a no, a yes.

Mr. Goertzen: Mr. Chairperson I have an amendment for the committee by way of motion.

I move

THAT Clause 21 of the Bill be renumbered as Clause 21(1) and the following added as Clause 21(2):

21(2) The following is added after subsection 132(2):

Weekly indemnity for surviving spouse or partner of deceased victim

132(2.1) If a person providing care as described in subsection (1) dies as a result of an accident,

(a) that person's surviving spouse or common-law partner is entitled to receive the indemnity that the deceased person,

(i) if alive but unable to provide care as a result of the accident, would be entitled to receive, or

(ii) while alive but unable to provide care as a result of the accident, was already receiving; and

(b) clause (3)(a) applies to the adjustment or termination of the indemnity.

Termination of the survivor's weekly indemnity

132(2.2) Unless earlier terminated under clause (3)(a), the surviving spouse or common-law partner's entitlement to the indemnity terminates if he or she enters into a new or subsequent marriage or common-law relationship.

I hope Mr. Guilford doesn't ask for an explanation.

Mr. Chairperson: It has been moved by Mr. Goertzen,

THAT Clause 21 of the Bill—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense? Dispense.

The amendment is in order, the floor is open for questions.

Mr. Goertzen: Mr. Chairperson, as much as anything, I bring this forward to have a discussion about this issue. I recognize that the government is unlikely to accept an amendment of this substance at a committee of this nature at this particular hour. However, having said that, I do think that there is value in the discussion that was brought forward by Mr. McDonald during his presentation in determining what longer term value can be ascribed to a spouse who isn't providing income to a house, but may be providing value to that home.

Now, I was not able to ascertain from Mr. McDonald's presentation the financial implications of this type of amendment, and I know these things are always in consideration. Maybe that's something that the minister, maybe not on the spot, but at some point in the future could provide. But I do think that this amendment is worthy of consideration either now or in the near future to see what can be done to address the situations like were raised by Mr. McDonald and the person that he was referencing in his presentation.

I think that most MLAs would recognize that there is value to those who are in the home but not always working in the home and that the loss of that spousal partner can provide a challenge to those that remain because there is a loss of value in contribution to the home that isn't, I know, easy to indemnify and put a number on, but that is important, I think, to consider in terms of how that loss impacts the home.

* (20:50)

So I put this amendment forward. I know it's substantive and it's something that may require further examination, and I understand that, but I think that it's important that it be brought forward tonight in this context and perhaps considered in the future.

Mr. Swan: You know, I thank the member for bringing this forward. And I do want to learn a bit more about the situation that Mr. McDonald told us about tonight, and I understand he will be providing more information to my office.

I am aware that there are some death payments that happen already to the surviving spouse, regardless of whether or not the deceased worked. So, I understand there's a base amount without considering children. The amount was \$40,000, but that's been indexed from 1994. So the payment is about \$58,000. I don't think anyone's going to pretend that that would satisfy all of the needs of somebody.

I'm also aware that death payments are payable where there are dependent children. And that amount can range from a base, in 1994, of about \$19,000 up to \$35,000 per child, depending on their age. So that amount is, I think, closer to 30 to 40 or 45 thousand dollars per child.

But I will take a look at what Mr. McDonald sends, and we will take a look at this. I mean, MPI has moved in a number of ways to try to find ways to expand coverage or to enhance benefits where there appears to be an issue.

So I'm not ready to accept this amendment, but I do appreciate the member for Steinbach (Mr. Goertzen) bringing this forward. I appreciate Mr. McDonald for coming down tonight and speaking about this, and we may well be talking about this in future.

Mr. Goertzen: I thank the minister for that undertaking, and perhaps he can be in contact with Mr. McDonald. I believe the Clerk's office would have his information from registering at committee, and maybe the staff in the department or with MPI could speak to him in more detail about this because I know he's speaking not—he recognized there's a death benefit payout, but I—this is addressing more the indemnity that goes forward on a weekly basis beyond that.

So I think that, again, I—my guess is—although, it's only a guess—and so I appreciate this won't pass tonight, but I think it probably has a small—relatively

small monetary value impact to the MPI as a corporation, but I would expect that it would have a significant impact on those few individuals who would find themselves in this unfortunate circumstance.

So I'll take the minister at his word that he'll be—or him staff will be in contact with Mr. McDonald, and maybe we can have this discussion, then, in the future.

Mr. Chairperson: Thank you.

Mr. Swan: Just briefly, I'll put on the record that my special assistant did indeed make contact with Mr. McDonald tonight, so we'll make sure that we receive the information. So I thank the member.

Mr. Chairperson: We thank the minister.

Now, the committee ready for questions, shall the amendment pass?

An Honourable Member: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: Amendment—those who are in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those who are opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clauses 21 through 26—pass; clauses 27 through 28—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 52—The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

(Continued)

Mr. Chairperson: Now we are talking—taking Bill 52 clause by clause.

Does the minister responsible for Bill 52 have any opening statements?

Hon. Sharon Blady (Minister of Healthy Living and Seniors): Yes, I do.

Mr. Chairperson: Go ahead.

Ms. Blady: Okay. Well, I would really like to say that I appreciate how many people took the time here to come out tonight and to speak to this bill. I know that many of you have already made time to meet with me, either personally or with my department. And I recognize that this is a complex issue and there are strong feelings on all sides. I would like to thank everyone who presented tonight for taking the time to come and give their input.

And let me just begin by stating that I believe it is totally wrong and unacceptable for anyone to try to get kids to start smoking, and I am very disturbed by some of the cigarette-like products that are on the market in Manitoba. I know when my kids go to the store and they say they're going to—looking for something strawberry-blueberry flavoured, you know, I expect them to come home with candy, not cigarettes or cigars. And I want to do whatever I can to keep kids from taking up smoking, and that is what this legislation has always been about.

My department and I have heard from many people throughout this process, and we heard a lot again here tonight, and we have taken everything we have heard into consideration.

One of the groups that I have heard from is tobaccoists, many of whom rely heavily on the sale of flavoured pipe tobacco to adults and do not even allow kids inside the store. This legislation was designed to protect kids and 'predevent' them from developing a dangerous smoking habit. To remain consistent with the federal approach, I will be moving an amendment to exempt it from this bill.

I also have two very minor housekeeping amendments that only apply to the French translation of the bill, to ensure that the French version is consistent with the English version of the bill.

I should be clear that, as healthy minister—living minister, I would love it if no one smoked at all, but my focus has to be on the kids. I'm not interested in interfering with adults who enjoy some kinds of flavoured tobacco products on a casual basis when they go on a road trip for the weekend or fishing with their friends. Our intention in introducing this legislation has always been to ban those products aimed at getting our kids started smoking.

Cigarettes that taste like strawberry and blueberry in flashy packaging are attractive to children and encourage them to experiment with tobacco, and we heard that tonight from teenagers. No parent wants their child to smoke, and we should

do whatever we can to keep them from picking up this dangerous habit in the first place. But we also want to be certain that we are not inadvertently doing anything to make life harder for adults who enjoy flavoured tobacco products during their recreational time that are not marketed to youth.

And this a complex issue. I have a list of nearly 7,000 tobacco products. Among them, there are flavours ranging from whiskey to sour apple. I fully appreciate that public-health groups want to see us ban it all and, as a mother and a non-smoker, I definitely understand where they are coming from. But I also have to respect that there are some adults who occasionally like to enjoy these products.

It is my intent to ensure that we take time to be sure that we are targeting those products that are designed to draw kids into a lifelong smoking habit. Tobacconists and other retailers have also told me that they need time to sell off their stock of flavoured tobacco products. For these reasons, I am moving an amendment that will see this bill come into force on proclamation.

Before this legislation comes into force, I would like to meet with the stakeholders, including manufacturers and public-health groups, to look at the range of products available and determine which ones are being marketed to youth. I also want to continue working with the federal government and other provinces on this issue. It is a—it is very difficult for a small province like Manitoba to go at this alone, as we are faced with a number of complex issues, including enforcement and contraband implications. That is why Manitoba and many other provinces have pushed and will continue to push for a national approach. I think this is entirely consistent with our approach of recognizing that adults have the right to make adult choices, but we do need to do what we can to help young people make the right decisions for their health.

And as part of our ongoing efforts to keep Manitoba kids healthy, the Minister of Health (Ms. Selby) has also made it clear that we are considering further restricting the use of tanning beds by minors under 18, and I will be working closely with the Minister of Health on this file.

* (21:00)

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Cliff Graydon (Emerson): Just a brief statement, Mr. Chair.

We certainly are opposed to young children and youth smoking or being enticed to smoke. And as we—as it was pointed out tonight, when we find that eight-year-olds are smoking, that's just certainly not acceptable by any standards by anyone.

At the same time, we need to also address that there has to be some type of way of policing what we are putting forward. Oftentimes we think we have the best idea in the world and yet we're not able to enforce it, and so I think that's—also has to be a consideration.

It was nice to hear that the minister was willing to address the concerns of the tobacconists brought forward by Mr. Dalton, and I would ask the minister if she is going to accept the amendments as proposed by Mr. Dalton in their entirety and both of them.

Mr. Chairperson: We thank the member.

Now—Mr. Goertzen, you have any comments?

Mr. Kelvin Goertzen (Steinbach): Can the member from Emerson have leave to just engage with a few questions instead of doing it during the clause-by-clause portion? It might make everything go a bit faster.

Mr. Chairperson: While we are going clause by clause and then we may be able to—okay. Sorry about that.

Is there leave to have questions asked prior to clause by clause? *[Agreed]*

Mr. Graydon: Again, I'll just reiterate, the question to the minister was, the amendments that were posed by—proposed by Mr. Dalton seem to be very, very in-depth and to the point and did not detract from the bill that she's putting forward. I'm just asking if she's going to entertain those as they were presented.

Ms. Blady: I thank the member for the question.

In considering the perspective and the information that he brought forward and the detailed proposal that he had made as far as the amendment, we—I am putting forth something that is similar in nature.

Mr. Graydon: I thank the minister for that. I would hope that I would be able to see that prior to it being in the report stage.

Mr. Chairperson: Thank you.

So—Mr. Goertzen.

Mr. Goertzen: Can the minister tell us, did Mr. Dalton—was he consulted on the amendment and is he comfortable that it meets the needs of his very specific and unique business?

Ms. Blady: Yes, I have spoken with both Mr. Dalton and Mr. Hinds, and the amendment that I will be bringing forward should address their concerns, as well as, again, the movement to proclamation should also address further aspects of their concerns.

So, yes, I do believe we can meet all of his needs in the proposed amendments.

Mr. Chairperson: Thank you.

Now we go back to clause by clause.

Shall clauses 1 and 2 pass?

An Honourable Member: No.

Mr. Chairperson: Clause 1—pass.

Shall clause 2 pass?

An Honourable Member: No.

Mr. Chairperson: Clause 2 is—honourable minister.

Ms. Blady: Yes, I have an amendment here.

I move

THAT Clause 2(1) of the Bill be amended in the proposed definition of "flavoured tobacco", in the part after clause (c), by adding ", pipe tobacco" after "chewing tobacco".

[interjection] Okay, sorry.

I move,

THAT Clause 2(1) of the Bill be amended in the proposed definition of "flavoured tobacco product", in the part after clause (c), by adding ", pipe tobacco" after "chewing tobacco".

Mr. Chairperson: It has been moved by the minister

THAT Clause 2(1) of the Bill be amended in the proposed definition of "flavoured tobacco product", in the part after—

An Honourable Member: Dispense.

Mr. Chairperson: The amendment is in order. The floor is open for questions. Any questions on the amendment?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Shall clause 2 as amended pass?

An Honourable Member: No.

Mr. Chairperson: Honourable Minister.

Ms. Blady: I move

THAT Clause 2(1) of the French version of the Bill be amended

(a) in the proposed definition "produit du tabac"; and

(b) in the proposed definition "produit du tabac aromatisé", in the part after clause (c);

by striking out "tabac sans fumée" and substituting "tabac à priser".

Mr. Chairperson: It has been moved by the minister—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

The amendment is in order. The floor is open for questions.

Mr. Goertzen: We'll just assume this is the literal translation of the first amendment.

Mr. Chairperson: Amendment—pass.

Shall clause 2 as amended pass?

An Honourable Member: No.

Mr. Chairperson: Yes, Honourable Minister?

Ms. Blady: I move

THAT Clause 2(1) of the French version of the Bill be amended in clause (a) of the proposed definition "produit du tabac au menthol" by striking out "l'une ou l'autre des caractéristiques" and substituting "les caractéristiques".

Mr. Chairperson: It has been moved by the minister

THAT Clause (1)—

Some Honourable Members: Dispense.

Mr. Chairperson: Thank you. The amendment is in order. The floor is open for questions.

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass; clause 2 as amended—pass.

Shall clause 3 through 5 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: Shall clause 3 pass?

An Honourable Member: No.

Mr. Chairperson: Mr. Goertzen—[*interjection*] Mr. Graydon. I thought it was Mr. Goertzen who read that.

Okay, Mr. Graydon, please go ahead.

* (21:10)

Mr. Graydon: Thank you. I move an amendment to 6.52(2), striking out [*interjection*]—oh, I got to read the whole thing? Okay.

I move

THAT Clause 3 of the Bill be amended in the proposed subsection 6.5(2) by striking out "a traditional Aboriginal spiritual or cultural" and substituting "a traditional spiritual or traditional cultural".

Motion presented.

Mr. Chairperson: The amendment is in order. The floor is open for questions.

Mr. Graydon: What this amendment actually does is it's all-inclusive, rather than an exclusive amendment or exclusive wording in the bill. What this is is all-inclusive for all demographics, and so that's just simplifying and including everyone in the bill.

Ms. Blady: Well, I appreciate what the member has brought forward and appreciate the fact that he is looking for an inclusive perspective. This is one of the issues with an amending piece of legislation is these amendments here don't necessarily reflect the context of the larger act that we are amending, and this is language and wording that is part of that larger act. So the implications for making this kind of amendment would then cause problems within the larger body of the legislation where this language—this current language is consistent. So it would basically introduce an inconsistency to the larger act which we are amending.

But I appreciate the approach that's being taken and as, again, I've mentioned in my own opening remarks about the kinds of considerations that we are giving and the progress and work that can be made under the move to proclamation. This may be a subject that you and I could discuss further to make sure that if—again, that we move forward in a consistent manner.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: Those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those who are opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Recorded Vote

Mr. Goertzen: Recorded vote, Mr. Chairperson.

Mr. Chairperson: A recorded vote has been requested. A voice—recorded voice has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6

Mr. Chairperson: The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clauses 3 through 5—pass.

Shall clauses 6 and 7 pass?

An Honourable Member: No.

Mr. Chairperson: Clause 6—pass.

Shall clause 7 pass?

An Honourable Member: No.

Mr. Chairperson: Honourable Minister.

Ms. Blady: I move

THAT Clause 7 of the Bill be replaced with the following:

Coming into force

7 This Act comes into force on a day to be fixed by proclamation.

Mr. Chairperson: The amendment is in order—[*interjection*]

It has been moved by the minister

THAT Clause 7—

An Honourable Member: Dispense.

Mr. Chairperson: The amendment is in order. The floor is open for questions.

Seeing no questions—amendment—pass; clause 7 as amended—pass; schedule—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 57—The Highway Traffic Amendment Act
(Countermeasures Against
Drug-Impaired Driving)**
(Continued)

Mr. Chairperson: Now, we are—we're coming to Bill 57.

The minister responsible for Bill 57 has an opening statement.

Hon. Andrew Swan (Minister of Justice and Attorney General): Briefly, we know that we want to give the police the best tools to continue to take measures against drug-impaired driving, and we know that the—right now, the practice for police to deal with people under the Criminal Code involves a particular type of test called the drug recognition evaluation test.

The Highway Traffic Act currently refers to a different test, the physical co-ordination test, which is actually a less rigorous form of testing, and this bill will allow police to conduct one test both for determining whether it's appropriate for there to be a charge laid under the Criminal Code, but also determine whether there should be a tiered suspension under The Highway Traffic Act.

Of course, the first violation, because the first and most important thing is safety, is just 24 hours. But then, if people are found driving unsafely after that time, in addition to possible Criminal Code provisions, we want there to be an additional sanction under The Highway Traffic Act to encourage people not to use drugs before driving, whether illegal drugs or whether prescription or other drugs that can impair their ability to drive safely.

Mr. Chairperson: We thank the minister.

Does the critic of the official opposition have any opening statement?

Mr. Kelvin Goertzen (Steinbach): We certainly support our law enforcement officials in trying to ensure that our streets are safe from drivers who are impaired either by alcohol or by other illegal substances from drivers who are distracted, from drivers who are driving imprudently, from drivers who are driving recklessly or dangerously. We want our roads to be safe for all of us and for our children,

and to the extent that this bill is a measure that will improve that safety, we support it.

Mr. Chairperson: We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 through 9—pass; enacting clause—pass; title—pass. Bill be reported.

* (21:20)

Bill 60—The Restorative Justice Act
(Continued)

Mr. Chairperson: Coming to Bill 60, does the minister responsible for this bill have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): This bill is intended to promote the development and the use of restorative justice programs in Manitoba. We know that restorative justice can, in many cases, provide a better way of dealing with offenders to make them take responsibility for their actions to make whole to an individual or the community the damage that they've caused, and can result in lower rates of reoffending and better outcomes. We know, as well, that a successful restorative justice process can also give someone impacted by criminal activity, a victim or victim's family, more satisfaction with how the justice system works, which is also a big benefit.

Manitoba already has a number of measures to allow people to pursue restorative justice—we think we can do better. We think that by more clearly spelling out the availability of restorative justice by encouraging both police at first instance—there's also Crown attorneys—to keep in mind the range of restorative options, we can encourage more people to pursue restorative justice and get better results.

This bill will also set up an advisory council that will help us as we continue to move forward in finding better ways to manage offenders and, most importantly, better ways to improve public safety.

Mr. Chairperson: Thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): Mr. Chairperson, we certainly support the principle of the restorative justice. I believe it was the former government under Gary Filmon who provided funding to the mediation services originally and saw the importance of mediation and restorative justice generally. I do know that there are many people in

my area and beyond who look to restorative justice as a means to bring satisfaction to both the victims and also to those who have offended in terms of ensuring that they don't reoffend.

We have some concerns about whether this bill will have the impact the minister hopes it does. I still have a belief that some of the challenges we have with restorative justice is more of an internal issue in ensuring that it's encouraged and that there's a culture of restorative justice and support for restorative justice measures when asked for by Crown attorneys. And that is, in many ways, a direction that's set from the minister in terms of ensuring that he is supporting his prosecutors in that effort.

And so I think that it is not enough to have legislation, though legislation's not an entirely bad thing, I just simply think it's—it may not have the impact that we want to have if there is not the kind of culture created within the department, because we do already have, I believe, prosecution policies—and they've been listed online—that have specific measures in terms of requiring those to consider restorative justice measures as part of the system. So there are a lot of these things that already exist.

I do have a concern that we, perhaps, don't measure the impact of restorative justice enough and ensure that the success—and I believe that that would be good—comparative to other recidivism rights in the system, good success measured by restorative justice, and I'd like to see that done. I think it would help to change the impression of issues of restorative justice and we'd be able to measure where it's more successful than other situations.

So, with that in mind, I expect to be bringing forward an amendment in relation to that, and I hope that the minister will consider it.

Mr. Chairperson: We thank the member.

Shall clauses 1 and 2 pass?

An Honourable Member: No.

Mr. Chairperson: Clause 1—pass.

Shall clause 2 pass?

An Honourable Member: No.

Mr. Chairperson: Mr. Goertzen.

Mr. Goertzen: Mr. Chairperson, I move

THAT Clause 2 of the Bill be amended by adding the following after Clause 2(3):

The Minister must publish quarterly recidivism rates

2(4) The minister must publish quarterly recidivism rates that indicate the proportion of participants in restorative justice programs who have been charged with a new criminal offence within two years of completing a restorative justice order, expressed as a percentage of the total number of participants.

Mr. Chairperson: It has been moved by Mr. Goertzen

THAT the Clause 2 of the Bill be amended by adding the following—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

The amendment is in order. The floor is open for questions.

Mr. Goertzen: I know that the minister and I have had discussions and debates over how to measure recidivism. And the Auditor General's waded into that debate as well. I don't really want to take up time this evening in debating how recidivism is measured. I used a measurement that's been used in the past. But I do think the principle of measuring recidivism is important in ensuring that we can measure how that works within the system, as compared to other measures within our justice system.

I do think, recognizing that the nature of the offenders are often different who go into restorative justice, I do think they would measure favourably and be part of a education process for the public to see how this can be not only a cost-effective means, in terms of the justice system, which is always an issue within government, but also, I think, more importantly, and most importantly, also one that has better outcomes in certain cases where the offenders are the right type to be going into restorative justice and where victims are agreeable to a restorative justice measure.

Mr. Swan: Okay, well, I thank the member for this. And I think this will be an ongoing discussion. I mean, I'm a little concerned that the amendment put forward really is hazy.

If somebody is coming out of a jail, it's a measurable category. We know that at the current time, we know that under the—under this bill, and also under the proposed federal Victims Bill of Rights, it's actually possible for someone to go through restorative justice either at a pre-charge state

or a post-charge state. And the proposed amendment really doesn't deal with that.

We want to make sure that as we move ahead, we widen the accessibility of restorative justice in the province of Manitoba. There are some communities where it's rarely accessible, some areas where it's more of a challenge. And we wouldn't want a recidivism rate or the need to deal with statistics stop the development of restorative justice into areas where maybe it hasn't been that prevalent before.

The other issue, though, is that the advisory council that is going to be set up under this act will certainly have the ability to provide advice and recommendations to the minister and to the department on a number of things, including the monitoring of the effectiveness of restorative justice programs.

I think we agree that we—I think, anecdotally, the member from Steinbach and I both agree that restorative justice, if done properly, works. I don't think that this amendment is the best way to measure that, but I do accept that we can come up with a better way to do that. And that's certainly going to be one of the things the advisory council does as it gets going.

So I won't be supporting the amendment, but I will be supporting the general idea, which I think the member and I agree on, is that not only do we believe that restorative justice can work, we believe that there should be a way to measure it, so when we're doing the right thing, we can continue to do more of it.

Mr. Chairperson: Is the committee ready for the question on the amendment?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: Those who are in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those who are opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Nays have it.

Recorded Vote

Mr. Goertzen: Recorded vote, Mr. Chairperson.

Mr. Chairperson: Recorded vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 2—pass; clauses 3 through 6—pass; clause 7—pass; clauses 8 through 10—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass; Bill be reported.

* (21:30)

Bill 66—The Statutes Correction and Minor Amendments Act, 2014 (Continued)

Mr. Chairperson: Now we are talking about Bill 66.

Does the minister responsible for Bill 66 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): No, and this simply corrects a number of bills. It fixes up the wording of some. I'll be happy to respond to questions that may arise as we get to specific sections.

Mr. Chairperson: Does the critic of the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): I'm going to break with probably a long-held parliamentary tradition and have some opposition to the bill. Is—and I know nobody will care about this probably, but me, but I think that the amendments of The Elections Act—[interjection]

Mr. Chairperson: Mr. Goertzen, I recognized.

Mr. Goertzen: Did you?

Mr. Chairperson: I did recognize, yes.

Mr. Goertzen: The amendments on The Elections Act that appear within this bill, we agree with the amendments. I think it makes—it clarifies or it makes it more clear that the authorization for advertising for constituencies and parties and leadership candidates have to happen outside of an election period. I think that most of us had been operating as though that were always the case, although I understand that this

maybe wasn't the case in law, but this will ensure that it is now the case in law.

I just don't like changes to The Elections Act or the election finances act happening in the minor statutes and corrections amendment act. I—there are—we treat The Elections Act and the election finances act as—in special ways in many ways. We have consultations generally about them before we make changes. I certainly know that was the habit under Mr. Doer when he was here. There would be consultations about those changes.

There were not consultations about these changes, recognizing, again, that, you know, this is generally putting into law what we already thought was in law. But I don't like the idea of (a) limited consultation on Elections Act and election finances act changes, that there's always been a feeling that those things would be done, if not always entire with, you know, with—entirely with unanimity, that there would be consultation. And there wasn't, as far as I know, a consultation on this. And I don't like the idea of them going into the minor statutes correctment act because I don't think that they're minor.

So that's, perhaps, a parliamentary point that will get lost 10 feet outside of this building, but it's important to me, so I thought that I would raise it here tonight.

Mr. Chairperson: We thank the member.

Now, shall clause 1—*[interjection]*

Mr. Swan: I take the member's comments—

Mr. Chairperson: Shall—we need to have a leave of. This is—we are discussing on questions.

So we have leave for the minister to keep responding to your question? *[Agreed]*

Go ahead, Mr. Minister.

Mr. Swan: Well, I appreciate the point that the member's making. It is within The Election Financing Act, as it's been explained to me. This amendment is really required to fix what turned out to be a drafting error when The Election Financing Act was drafted. Under the old election finances act you needed an authorization for advertising at all times in the case of advertising for parties, candidates and constituency associations. I'm told that as a result of an oversight, the new act says that outside an election period, authorization is needed only in the year of a fixed-date election.

The amendment is only intended to restore the original advertising authorization rules. So I accept the member's point that if this was something new that was being brought in to change The Election Financing Act, I think the member would have a very good point, and my expectation is that counsel would not have given the advice that this would be appropriate to include in the act.

The member is correct. There was a change that was made that, as far as we know, no political party even knew happened, and we continued to act as if the previous version of the act was in place. So the way I understand the interpretation by Legislative Counsel is this is fixing a drafting error. And, again, because we've simply—we are now going back to the way things were and the way that, I think, everybody believed had been the case, this would be appropriate for this act.

The member for Steinbach's (Mr. Goertzen) point is well taken, and I know that Legislative Counsel do take this responsibility seriously, and I would expect that if there are—if there's anything in the way of substantive changes, that Legislative Counsel would certainly flag that, and I would agree it ought not to be part of The Statutes Correction and Minor Amendments Act.

Mr. Goertzen: So I mean—and I—words are helpful. I just—I take exception with the issue that because it reverts back to what was before, that it's not significant. I mean, that would be analogous to saying, you know, when the government came into government in 1999 and they did away with the secret ballot and went to a 60 per cent union sign-up card—if they'd have put that in the minor statutes correction amendment act because that's the way it was 10 years ago, so we're just reverting back to something that had happened before, that wouldn't have been minor. I mean, it's a significant change.

Now I recognize we were all acting in this fashion, but it's still a significant change in law because it's not what the law actually said. Even if we were practising as though the law said that way, it's a significant change in law. That's the one point.

Second point is there wasn't consultation, and I won't—I'm not intending to throw Mr. Selinger under the bus on this one. I do know Mr. Doer was very adamant in terms of consultation on changes, generally, with The Elections Act. That slipped a bit in his later days, but, generally, that was the case, and we did not have notice or discussion of this, and that's just troubling when we deal with elections or

elections finances act, and I just disagree with this being in the minor statutes correctment act.

So I've made my point. You know where I'm coming from, and we'll hope that doesn't sort of happen that way again.

Mr. Chairperson: Thank you.

Clause 1—pass; clauses 2 through 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; clauses 11 and 12—pass; clauses 13 and 14—pass; clauses 15 and 16—pass; clauses 17 and 18—pass; clauses 19 through 21—pass; clauses 22 and 23—pass; clauses 24 through 26—pass; clauses 27 and 28—pass; clauses 29 and 30—pass; clauses 31 through 33—pass; clauses 34 through 37—pass; clause 38—pass; clause 39—pass; table of contents—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

* (21:40)

An Honourable Member: Agreed.

An Honourable Member: No.

Mr. Chairperson: The bill shall be—[interjection]
Yes, Mr. Goertzen?

Mr. Goertzen: Just said no.

Voice Vote

Mr. Chairperson: All those in favour of the bill, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Recorded Vote

Mr. Goertzen: Recorded vote, Mr. Chairperson.

Mr. Chairperson: Recorded vote has been called.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas: 6, Nays: 4.

* * *

Mr. Chairperson: In my opinion—[interjection]

The bill shall be reported. Thank you.

The hour being 9:44, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise. Thank you.

COMMITTEE ROSE AT: 9:44 p.m.

WRITTEN SUBMISSIONS

Re: Bill 52

Introduction

We would like to thank the government of Manitoba and the Standing Committee on Justice for the opportunity to provide the following brief and general submission on Bill 52 (the Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)).

Our submission is made on behalf of our more than 1,500 commercial partners across the province, citizens and voters – who everyday work earnestly and honestly towards productively contributing to the province. The vast majority of these interested provincial stakeholders will see their lives and livelihoods directly impacted by Manitoba Bill 52. The vast majority of them will have been provided virtually no opportunity to involve themselves in any meaningful way on this issue.

The information provided in this submission, is obviously less than exhaustive. This is a direct consequence of the restrictive consultative process currently afforded to private sector stakeholders. We would of course welcome, should there be interest on the part of government - speaking at greater length and in much more expert-detail as to our submission's content and references. This primary information, nonetheless, sufficiently argues the merit (or lack thereof) of Bill 52. It is provided in good faith and is based on actual and easily verifiable federal government (Health Canada) research/evidence. The government of Manitoba and/or any member of the Standing Committee on Justice, could quickly and quite easily contact Health Canada to confirm these facts regarding flavoured tobacco products and youth.

Finally, while we can certainly appreciate how politically difficult it is for any politician to even question the merit of any proposed tobacco control initiative - without appearing to support tobacco or smoking - we would suggest that this issue and this Bill speaks to an even greater and more pressing matter of public accountability in government. It remains our hope that elected officials in Manitoba

will demand due diligence on this file before blindly supporting passage of this completely misguided, baseless, offensive and irreparably damaging Bill.

Luc Martial
VP Government Affairs
Casa Cubana / Spike Marks Inc.

Key Points

- There is absolutely no research, data or evidence of any kind (anywhere) which links the use of any flavor in any tobacco product with actual youth uptake. Kids do not start smoking because of any flavor in any tobacco product. The suggestion that there is such evidence – is at best uninformed and at worse a purposeful lie.
 - Health Canada has never made (or supported) any claim that any of its research or survey data shows a causal link between the presence of any flavour in tobacco and the reason why kids start smoking / become smokers.
 - Health Canada survey data does confirm that high school kids who are already smokers – do subsequently “try” a flavoured tobacco product. The frequency and quantity of this “trial”, however, is completely unknown.
 - Health Canada survey data does confirm that MENTHOL is overwhelmingly the flavor of choice among high school kids who do “try” a flavoured tobacco product. There is absolutely no data anywhere as to what other specific flavor high school kids might be “trying”.
 - Health Canada survey data does confirm that if a high school kid is not already a smoker (i.e. traditional, non-flavoured cigarettes) – that there is virtually zero chance that they will ever “try” a flavoured tobacco product.
 - Health Canada survey data does confirm that flavoured tobacco products are not the gateway to kids becoming smokers. These products (like many other age-restricted products such as flavoured alcohol) find their way into the hands of kids because of a continued illegal access to these – provided largely through friends and family members (not the legal industry).
 - Health Canada survey data does confirm that the market for little cigar products (flavoured and non-flavoured) is legal age driven (94%). The majority of consumers are over the age of 25.
 - The grave misconception that flavoured tobacco encourages youth uptake/consumption – and largely the only leverage to Bill 52 - is derived from third party anti-industry propaganda focused on a second party interpretation of Health Canada’s Youth Smoking Survey (YSS 2010-2011). Health Canada has never authorized, approved, confirmed or supported the interpretation and/or allegations made by those individuals / groups.
 - Bill 52 is dangerously and unfairly leveraged on biased, misguided and misunderstood federal government data. This could easily be confirmed, if the government of Manitoba took the time to simply call Health Canada (Tobacco Control Programme) and ask them to expertly interpret their own survey data.
 - The government of Manitoba has done absolutely no due diligence on this issue/file. The government has failed to verify the accuracy of the information provided to them.
 - The government of Manitoba has failed to provide for any meaningful consultative process/opportunity – in support of the thousands of Manitoban stakeholders across the province whose lives and livelihoods will be relevantly impacted by Bill 52. These legitimate, hardworking, tax-paying citizens/voters should have a right to be heard. Hundreds of petitions have since been sent to the Premier’s Office in the hope of securing meaningful consultation – only to be met with silence. *See attached Petition template which Manitobans have been sending in to the Premier on Bill 52.
 - Bill 52 should not proceed on its current legislative course, as a result. The government should demand and deliver due diligence and public consultation on this issue/file to all interested and impacted legitimate stakeholders in the province-before sanctioning a law that is (quite easily) verifiably baseless in nature.
 - The government of Manitoba should immediately contact Health Canada to secure the expert-based understanding of their survey data – in support of productive and accountable public policies on tobacco products sold in the province.
- Allowed to proceed unchallenged - Bill 52 will simply come to:
- Ban the sale of legitimate and legal flavoured tobacco products which are primarily and overwhelmingly consumed by legal age citizens in the province.

- Protect and promote the sale of the only flavour in tobacco which Health Canada research does show that kids overwhelmingly “try” (Menthol).
- Unjustifiably and unnecessarily undermine the freedoms and individual rights of thousands of legal age citizens/voters in the province – who chose to consume these legitimate products.
- Unjustifiably and unnecessarily hurt businesses in Manitoba – by undermining the commercial rights of thousands of legitimate, licensed government partners (e.g. age verification) who sell a legal, adult-driven, controlled tobacco product.
- Send the market for flavoured tobacco products underground – with a complete loss of government control over these products and to whom they are sold (e.g. kids).

The Evidence

There exist two longstanding, key monitoring mechanisms of relevance to tobacco and smoking in our country - the Youth Smoking Survey (YSS) and the Canadian Tobacco Use Monitoring Survey (CTUMS). Both are conducted by the federal Government (Health Canada).

The YSS is a longstanding survey which monitors the use of alcohol, drugs and tobacco among high school kids across Canada. The YSS was initiated in 1994 and data has been collected on a biennial basis since 2002.

CTUMS is by far the yardstick for monitoring smoking behaviour and trends in our country. It is a million dollars/annual joint venture with Statistics Canada (since 1999).

Health Canada's Youth Smoking Survey (2010-2011)

Key Findings

- High school kids (unfortunately) do try flavoured tobacco products - but only because they are already smoking/smokers. Traditional non-flavoured cigarette products are the gateway to kids eventually “trying” flavoured tobacco products -not the other way around.
- If a high school kid is not already a smoker - there is almost zero chance that he will ever “try” a flavoured tobacco product. The presence of flavours in tobacco products is not relevant enough to actually entice kids into becoming smokers.
- For high school kids who are already smokers and who do eventually “try” a flavoured tobacco product

- the flavour of choice, by far, is Menthol. More precisely, 50% of kids who are already smokers have “tried” a flavoured tobacco product and half of them have “tried” Menthol, while the other half have “tried” another unknown flavour(s).

- High school kids are smoking because they are getting (illegal) access to tobacco products in general. The issue of youth smoking is not one of product design (flavours), but rather product “access”.
- High school kids are getting their (illegal) access to tobacco - by far, from family members and friends (75%)

Health Canada's Canadian Tobacco Use Monitoring Survey (2012)

Key Findings

- There are more than 800,000 legal-age Canadians who exercise their legitimate, individual right to buy little cigar products (flavoured and non-flavoured).
- The market for little cigar products (flavoured and non-flavoured) is adult-driven (94%). The majority of consumers are over the age of 25.
- As with alcohol, marijuana and other age-restricted or illegal products of much greater interest to kids - some kids are unfortunately also getting illegal access to flavoured tobacco products. This illegal access, however, is overwhelmingly being provided to minors by friends and family members (75%) - not the industry.
- Of those kids who do “try” flavoured tobacco products - their illegal market share of our flavoured cigar products has been declining over the last 3 years - from 10% in 2010 to 8% in 2011 and 6% in 2012. In this sense, youth illegal access to our products has declined by 40% since 2010 - and continues to decline year over year.

About the Health Community's Support

Bill 52 is largely leveraged on biased and self-serving assumptions aggressively being promoted by some health and anti-tobacco groups. Their assumptions are derived from a study conducted by the Propel Centre for Population Health Impact (University of Waterloo in Ontario). This study, titled: Flavoured Tobacco Use Among Canadian Youth: Evidence From Canada's 2010/2011 Youth Smoking Survey - was made public in October of 2013.

As regards youth groups who keep emerging on the flavoured tobacco issue and tugging at politicians' heartstrings - their efforts and voices are simply misguided. These youth organizations, these wide-eyed kids, are obviously all well-meaning and should be commended for their interest in wanting to contribute to their communities and society in general - but the fact remains that they do not have the experience, maturity or mandate to understand the information given to them or more importantly challenge its validity and credibility.

About the Propel Centre Report

The Propel Centre for Population Health Impact (University of Waterloo) was contracted by Health Canada to conduct the Youth Smoking Survey (YSS) for 2010-2011.

The Propel Centre then decided to go beyond their mandate and make public their own/personal interpretation of most (but not all) of the data they had collected on flavoured tobacco use among high school kids - acknowledging in their report that their findings did not necessarily reflect the views of Health Canada. Their report (Flavoured Tobacco Use Among Canadian Youth: Evidence from Canada's 2010/2011 Youth Smoking Survey) was made public on October 7, 2013.

Of concern in the Propel report is the omission of the one YSS data which looked at the percentage of kids who had never tried smoking before - but who did try a flavoured tobacco product in the previous 30 days of the survey. This omission is both disconcerting and highly suspicious. From an honest tobacco control standpoint, this is the most important data pertaining to the issue of flavours in tobacco products and the contention that they entice or encourage kids into becoming smokers. More to the point, this omitted Health Canada YSS data (in the Propel report) arguably confirms that if a high school kid is not already a smoker – that there is virtually no chance that they will ever “try” a flavoured tobacco product.

The Propel Centre, at the very least, should have known that health and anti-tobacco groups would be using their report findings to propagandize their position that flavours in tobacco products both target and encourage kids to smoke - while leveraging the University of Waterloo's reputation as a way to lend credence to their longstanding, unjustified call for a ban on flavoured tobacco products.

Highly questionable, if not suspicious, is also the fact that the Propel Centre chose to focus its publicized and promoted interest on arguably the least of all youth-related health priorities – identified from the Youth Smoking Survey (YSS) data which they themselves collected on behalf of Health Canada. In this sense, through their action (and study) – they have created an erroneous impression that flavoured tobacco products are an urgent (priority) and real threat among youth. *See attached YSS graph on actual youth health priorities in Canada.

Historical Use of Flavours in Tobacco Products

Allegations made by health, anti-tobacco and youth groups that the “industry” is targeting kids with flavoured tobacco products are simply unfounded and offensive. The use of flavours in tobacco products is nothing new in the industry. In fact, the use of flavours in tobacco products dates back in some instances to the 1800s. In terms of some flavours long since used in tobacco products (registered trademarks), we find:

- Walnut (1895)
- Beech-Nut (1897)
- Apple(1905)
- Peach (1905)
- Buttercup (1906)
- Wild Cherry (1910)
- Strawberry (1922)
- Rum and Maple (1937)
- Rum River (1939)
- Butterscotch (1945)
- Middleton's Cherry Blend (1947)
- Honey Bee (1956)
- Plumcake (1962)
- Turkish Taffy (1964)
- English Toffee (1966)
- Crème de Mint (1971)
- Mint and Menthol (1971)
- Wild Blueberry (1971)
- Jackson's Applejack (1973)
- Mocha (1975)
- Peach Melba (1977)
- Winter Green (1978)
- Black Ambrosia (1983).

Who We Are - The Company

- Casa Cubana works legal and productive partnerships with more than 1,500 government-licensed commercial partners throughout Manitoba.
- Casa Cubana is a Montreal-based importer of quality cigar products (flavoured and non-flavoured).

Established in 1998, the company's reach extends throughout Canada with a sales force servicing approximately 10,000+ direct accounts - to include wholesalers, retail chains, independent retailers, gas bars, grocery stores and the duty-free channel.

- In Manitoba, Casa Cubana sells flavoured cigar products under the brand names "Bullseye" and Prime Time".

Who I Am - Tobacco Control Expertise

In terms of value-added to my current role as VP Government Affairs for Casa Cubana, I am also a longstanding, highly credible and easily verifiable tobacco control expert in Canada. Over the last 23 years now, I have committed myself to the development of accountable and productive public policies on tobacco. My unique experience includes key postings within tobacco control advocacy groups, the national health community, Health Canada (Tobacco Control Programme) and every level of the private sector.

Specific tobacco control experience:

- Policy Analyst with the Non-Smokers' Rights Association of Canada (1991 – 1995)
- Data Specialist and Public Affairs Coordinator with the Canadian Council on Smoking and Health (1995 -1997)
- Director of the National Clearinghouse on Tobacco and Health (1997 - 1998)
- Executive Director of the Canadian Council for Tobacco Control (1998 – 1999)
- Evaluator (Research and Surveillance) and Policy Analyst with the Tobacco Control Programme at Health Canada (1999 – 2001).

Re: Bill 52

Dear Sir or Madam:

On behalf of Imperial Tobacco Canada Ltd, please find below our views on Bill 52, The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments).

First and foremost, and as market leader here in Canada, our company supports a ban on candy, fruity, and confectionery flavoured tobacco products and we believe Bill 52 will help address the availability of these products in the Manitoba

marketplace. We have no issue with the proposed ban.

However, in reviewing the text of the Bill with our Legal and Scientific Affairs teams we discovered some nuances with the definitions that may prove problematic in the future. Therefore, we offer the following recommendations to enhance the clarity of the definitions in the Bill to ensure there is no ambiguity, confusion, or legal issues arising from them in the future.

Menthol tobacco product definition

We believe this definition makes good sense as currently worded and, importantly, it is very clear that a menthol tobacco product is "a tobacco product that.....has a menthol aroma or taste resulting from a menthol additive." The fact that the menthol flavour is as a result of the menthol additive is particularly important.

Flavoured tobacco product definition

To avoid the possibility of serious confusion and possible legal challenge in the future, we strongly suggest that the definition of a flavoured tobacco product be amended very slightly to make it more consistent with the menthol tobacco product definition. As it stands, the definition makes it impossible to define "an aroma or taste other than tobacco." In reality, and based on the current definition, it could be argued that any non-flavoured legal product on the market today could be considered a flavoured tobacco product, and then banned as a result.

This would leave the decision about what constitutes a flavoured tobacco product solely up to any individual or organization that subjectively decides and argues that certain products do (or do not) taste or smell like tobacco, potentially resulting in a variety of legal challenges to have that product removed from, or maintained on, the market, based solely on that subjective opinion. This is a significant unintended consequence of this Bill for the Manitoba Government and the legal tobacco industry and we do not believe that to be the intent of the legislation.

In practice, this could potentially force a judge to ask what tobacco taste or aroma is, and what an aroma or taste other than tobacco actually is. There is no "standard" definition outlining what an "aroma or taste other than tobacco" is, or is not. Tobacco taste and aroma can be very diverse depending on the origin of the tobacco, the growing conditions, the

blend used, and the curing or processing of the leaves. What a tobacco taste could be for one individual may very well not be a tobacco taste for another individual who simply has a different sensory or taste reference.

Therefore, we strongly suggest that a flavoured tobacco product should be defined using a cause/consequence approach so it is clear that a taste or aroma that is different from tobacco (consequence) results from one or more flavouring additives (cause).

Without altering the intent of the legislation, a very simple solution would be to amend the current definition from clause 2(1)(a) to read as follows:

"flavoured tobacco product" means a tobacco product

(a) that has an aroma or taste other than tobacco that is apparent either before or during use, or both, and results from one or more additives, including but not limited to, candy, chocolate, fruit, spice, herb, alcohol or vanilla additives.

This definition clearly links the flavour to the additive, which would offer greater clarity and minimize the chance of confusion.

Contraband tobacco

Finally, while we support Bill 52, we must also offer a caution about Canada's ongoing contraband tobacco crisis and its impact on any product ban. As the Federal Government has yet to seriously address the illegal manufacture and sale of tobacco products in Canada, there is a very real risk that the products you seek to ban will simply shift to the illegal market, as happened in Ontario and Quebec after the Federal Government banned flavoured little cigars and cigarillos. It was literally a matter of weeks after the Federal Government banned these products that they began appearing on the illegal market and they now routinely show up in RCMP seizures of tobacco products, when in the past cigarettes were the main product being trafficked.¹

No one should be surprised when the illegal operators—who are already well-established in

Manitoba—use the bans in Bill 52 to ramp up their smuggling of flavoured tobacco products beyond the traditional contraband heartland in Ontario and Quebec. When contraband is as rampant as it is today in Canada, any sort of product ban merely enhances the market opportunity for the illegal operators.

Therefore, we urge Manitoba to be vocal in demanding that the Federal Government take decisive action to shut down or bring under the law the 50 illegal cigarette factories and 300+ "smoke shacks" operating on Canadian soil.

In summary, we sincerely hope you can make the amendment to Bill 52 suggested above. It would ensure the Bill is as robust as possible and its good intent is not left open to subjective interpretation that could lead to unintended consequences for both the legal tobacco industry and the Manitoba Government.

Thank you for your time and consideration.

Regards,

John FitzGerald
Director, Government and Regulatory Affairs
Imperial Tobacco Canada

Re: Bill 52

Dear Committee Members:

On behalf of the 684 convenience store retailers operating in Manitoba, the Western Convenience Stores Association (WCSA) supports the Government's efforts to restrict underage youth access to tobacco products. Our Association has been at the forefront of these efforts through our responsible retailing model and vigilant age verification process. "We Expect ID" is a free online training program offered by the WCSA to all retailers in the province.

While we support the intent of Bill 52, we are concerned about some of the unintended consequences of the legislation, namely the potential for growth in the illicit trade of tobacco and, due to the very broad nature of the legislation, the banning of some products which are legitimately sold by retailers to adults consumers, e.g. pipe tobacco and other traditional tobacco products.

The convenience store industry has discovered that when restrictions are placed on tobacco sales, people leave the regulated sales industry such as

¹ See, for example, the RCMP press release from February 26, 2014, which announced 19 cases of flavoured contraband cigars were seized: <http://www.rcmp-grc.ca/on/news-nouvelles/2014/14-02-26-cornwall-eng.htm>

convenience stores and turn to private and often illegal suppliers to purchase tobacco. As recent as January 2014, the RCMP and Manitoba Finance seized over 1 million illegal cigarettes, representing significant trafficking activity and lost tax revenue in Manitoba.

As you debate this bill in Committee, we would like to ensure this legislation achieves the intended goal of reduced youth tobacco consumption. This goal cannot be reached without a comprehensive, province-wide strategy against contraband (illegal) tobacco.

Manitoba has seen an increase in the illegal tobacco market since the provincial tax increase in 2013. A contraband tobacco study commissioned by our association last year found an average of 14.7% of tobacco on tested sites was contraband, with communities such as Steinbach and Brandon experiencing as high as 27.4% and 34.2 % rates of illegal tobacco respectively.

The unintended consequence of product bans is best evidenced by the results of the federal government's ban on little cigars. The RCMP saw a nearly 1000% increase in the number of little cigars seized following the implementation of the ban in 2010 (140,000 seized in 2010 vs. 1,164,000 in 2011).

The WCSA believes that any legislation that impacts the sale of legal tobacco must be complemented by deterrence and enforcement measures to address the potential increase in the illegal tobacco trade. Criminals who traffic contraband do not check for ID meaning the product is not only cheaper, but more accessible to youth. Ultimately, the presence of an illegal market undermines the purpose of the ban and our shared goal of limiting youth access to tobacco products.

Our Ask:

The WCSA asks that as you debate Bill 52, you also take the opportunity to recommend a proactive contraband strategy that can be implemented throughout the province. As the issue of illegal tobacco continues to grow throughout Western Canada, Manitoba needs to demonstrate leadership to responsibly face this issue head on.

Should you have any questions, please don't hesitate to contact us. Sincerely,

Andrew Klukas
President, Western Convenience Stores Association

Re: Bill 52

Dear Mr. Swan,

I would first like to thank yourself and everyone on the committee for the opportunity to address the above bill, in somewhat of a different light.

My Name is Glen Ross, and I have run a small business in our province for the best part of 30 years.

We employ 9 people, who are all long term employees. The nature of our business is to represent various products in our province for the various companies we represent, to the customer base that we service in the province.

I am proud to say that we have always conduct our business with only totally legal products and always have.

Casa Cubana one of our principals, produces the Primetime and Bullseye tobacco products. While not our only principal they are one of our main clients we broker for.

My concern is that if Bill 52 passes, and is made a law, our Casa Cubana product will become illegal, should this happen our company would be facing extreme hardship, and Bankruptcy would be a real possibility.

I have always believed in our elected officials, and as our paid employees, they should be concerned about small business, and the effect Government Regulations have on the public that actually pays their fair share of the tax burden.

Our Products are already extremely closely monitored, with laws designed to keep our products out of the hands of Juveniles. If this Bill becomes a law it will seriously effect the viability of our Company, by lowering profits for our customer base, and will drive certain tobacco use into an underground situation as it has done in other provinces.

I believe that a law of this magnitude, should be discussed with all of the pertinent facts available, on a national level, and voted on accordingly.

I thank you for your time and consideration, and will be watching the proceedings with a great amount of interest.

Respectfully,

Mr. Glen Ross
President
Glen D. Ross Agencies Ltd.

Re: Bill 52

Manitoba Bill 52 - The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)

- The government of Manitoba has not done the appropriate and expected due diligence whatsoever on Bill 52 (i.e. actually took the time to check the facts about flavoured tobacco products). There are no public consultations nor have businesses or individuals been given the opportunity to share their concerns with Bill52 being fast-tracked through the system by elected officials.
- Bill 52 should not become law – until the government actually does it's due diligence on the issue; consults with every legitimate stakeholder in the province; and confers with Health Canada as to the federal government's own interpretation of its own data (Youth Smoking Survey).

The market for flavoured tobacco products is a legal-age-verified one. We know this because tobacco sellers age-verify customers every day (it's the law). There is absolutely no research or government data that links the use of any flavour in any tobacco product to kids "starting" to smoke (youth uptake).

What has been said/promoted about kids consuming flavoured tobacco products – which is the driving force behind Bill 52 – is a biased and skewed interpretation of Health Canada data (Youth Smoking Survey).

Health Canada has never made or published any statement even remotely suggesting that flavours in tobacco products encourage or entice kids to smoke / become smokers. This can very easily be confirmed by contacting Health Canada directly (Tobacco Control Programme).

Health Canada's Youth Smoking Survey (YSS) does not link the use of any flavour in any tobacco product to youth uptake. Health Canada's Youth Smoking Survey (2010-2011) data does however confirm the following:

1. High school kids unfortunately do try flavoured tobacco products - but only because they are already smoking/smokers. Traditional non-flavoured cigarette products are the gateway to kids eventually "trying" flavoured tobacco products -not the other way around.
2. If a high school kid is not already a smoker - there is almost zero chance that he will "try" a flavoured tobacco product.

3. For high school kids who are already smokers and who do "try" a flavoured tobacco product - the flavour of choice, by far, is Menthol. More precisely, 50% of kids who are already smokers have "tried" a flavoured tobacco product and half of them have "tried" Menthol, while the other half have "tried" an unknown flavour(s).

4. High school kids are smoking because they are getting (illegal) access to tobacco products in general. The issue of youth smoking is not one of product design (flavours), but rather product "access".

Here is a link to Health Canada's YSS data: http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/_survey-sondage_2010-2011/result-eng.php

Proof that Bill 52 is ill-conceived, unjustified and unwarranted – (1) it doesn't at all deal with the real problem which is youth access to tobacco through friends and families; (2) it would want to exempt the only flavour (menthol) that Health Canada research confirms kids do overwhelmingly "try"; and (3) it would ban every other flavour for which absolutely no data exists as to kids "trying" these in any tobacco product.

The suggestion that the "industry" is targeting kids through the use of flavours in tobacco products is absurd and extremely offensive. The use of flavours in tobacco products is nothing new to the industry. In fact, the use of flavours in tobacco products dates back in some instances to the 1800s. In terms of some flavours long since used in tobacco products, we find: Walnut (1895); Beech-Nut (1897); Apple(1905); Peach (1905); Buttercup (1906); Wild Cherry (1910); Strawberry (1922); Rum and Maple (1937); Rum River (1939); Butterscotch (1945); Middleton's Cherry Blend (1947); Honey Bee (1956); Plumcake (1962); Turkish Taffy (1964); English Toffee (1966); Crème de Mint (1971); Mint and Menthol (1971); Wild Blueberry (1971); Jackson's Applejack (1973); Mocha (1975); Peach Melba (1977); Winter Green (1978); and Black Ambrosia (1983).

- The specialty tobacco market in Canada (i.e. other than cigarettes / fine-cut tobacco) represents less than 1% of all tobacco consumed in our country.
- Flavored tobacco products, at best, make up less than 0.5% of the total domestic tobacco market in Canada. Manufactured cigarettes remain by far the tobacco product of choice among Canadians of all

ages. From a purely policy standpoint, it is also important to question the rationale and legitimacy of banning those flavours found in tobacco products - which are equally found in much greater quantities and wider varieties of alcohol products which the government of Manitoba approves for sale every day in the province. This, especially within the context of high school kids finding much greater interest and getting much greater illegal access to alcohol products (compared to flavoured tobacco).

According to the Manitoba Liquor Control Commission (MLCC):

- 15+ alcohol beverages sold in Manitoba are STRAWBERRY flavoured
- 10+ alcohol beverages sold in Manitoba are PEACH flavoured
- 19+ alcohol beverages sold in Manitoba are CHERRY flavoured
- 5+ alcohol beverages sold in Manitoba are GRAPE flavoured
- 10+ alcohol beverages sold in Manitoba are CHOCOLATE flavoured
- 10+ alcohol beverages sold in Manitoba are RASPBERRY flavoured

N.B. Alcohol beverages include Spirits, Coolers, Ciders, Liqueurs, Wines and Beers, Cocktails.

- The need for Bill 52 is (erroneously) argued on the basis that youth consumption of flavoured tobacco products is a serious and pressing health issue. Health Canada's Youth Smoking Survey actually confirms the opposite.

Use of various age-restricted or illegal products, among kids in Grades 6-12, Canada 2010-2011

Youth Smoking Survey (2010-2011), Health Canada

1. Alcohol, 45.4%
2. Binge Drinking, 33.3%
3. Cannabis /Marijuana, 21.2%
4. Illicit Drugs, 8%
5. Tobacco (all), 5.6%
6. Pharmaceutical Drugs, 5.3%
7. Dextromethorphan, 4.8%
8. Flavoured Tobacco (never smokers), 1%

The above information is the due diligence I expect from the Government of Manitoba. Bill C52 is not based on actual facts nor is it in the best interest of the people of Manitoba.

Do not pass Bill C52.

Best Regards,

Ruth Couldwell

Re: Bill 52

I believe that Bill 52 should not become law until the government actually does their own due diligence on this issue.

The Manitoba Government should take the time to check the facts about flavoured tobacco products and not push this through with out the input of the citizens of Manitoba.

It has been suggested that high school kids are smoking these products because they are getting illegal access to tobacco products in general.

Kids under 18 years of age cannot purchase these products without some form of ID identifying their age otherwise it is against the law.

It is said that flavoured tobacco is targeting the kids, yet no tobacco products are allowed to be displayed in any stores that are accessible for people under 18 years of age. Therefore these purchases by kids under 18 must be by illegal means.

I believe that the government should tighten up their laws of selling to minors at store level.

I also believe that flavoured alcohol is a much bigger problem then the tobacco as it can be displayed out in the media and it is also displayed in all Liquor Marts that can be accessed by kids under 18 when they are with a person of legal age. Check the Data on "Don't Drink and Drive".

Also the the taxes generated by these products is very substantial. Where does the government think they will make up this tax? Hopefully not by taxes the citizens!!!

Please do not push the Bill 52 through without checking all the facts.

A concerned citizen,

Val Burgess

Re: Bill 52

I believe that Bill 52 should not become law until the government actually does their own diligence on this issue.

The Manitoba Government should actually take the time to check the facts about flavoured tobacco products and not push this through without any input from the Manitoba people.

The Government should consult with every legitimate stakeholder in the Province Of Manitoba, and confers with Health Canada as to the Federal Government's own interpretation of its own data (Youth Smoking Survey).

It has been suggested that high school kids are smoking these products because they are getting illegal access to tobacco products in general.

Kids under 18 years cannot purchase these products because it is against the law. It is said that flavoured tobacco products is targeted towards kids, but as far as I can see, all tobacco products cannot be shown in any location that is accessible for people under 18 years of age. So the only way they are purchasing these products are by illegal means.

I believe that we should tighten up at store level first and not penalize the ones that are purchasing these products by legal means. This would just drive these products underground.

I also believe that flavoured alcohol is a much bigger problem than flavoured tobacco products. Just look at all the data that is on this. (Don't Drink and Drive)

If this ban on flavour tobacco products passes, where are we going to get the tax base that these items generate?

Does this mean our taxes are going up again?

I have always had trust in our elected government officials that they would do the right thing, but, not this time. I am sure this would affect many businesses and their employees in this province.

Please get all the facts before you proceed.

Please, do not push Bill 52 through without all the facts from all parties involved.

Regards, A concerned citizen of where our government is going.

Harold Bidzinski

Re: Bill 52

My name is Jarred Skolnik, a Canadian citizen, a hardworking Manitoba tax payer and supporter of the sale of flavoured tobacco and flavoured tobacco products. The last time I checked, a Canadian citizen

at the age of 18 yrs, has the right to vote and the right to personal choice (they can choose to drink alcohol, choose to smoke tobacco, choose to eat unhealthy food...) All of which are taxed and can be bad for their health with prolonged use and excessive consumption—but it's their choice! I can talk about the health aspects of what's good and/or bad for our health. That's only part of the issue...."what's good for my health choice...." People are not always going to eat healthy and make healthy choices all the time. Everyone in the room and even you who is reading this cannot disagree because all of you are guilty of it.

We make the choice as adults to vote in who has the best interest of forward progress for our Manitoba economy and in the big picture – the Canadian economy. Bill 52, if passed to ban the sale of flavoured tobacco and flavoured tobacco products will affect our economy. To me, this will affect our economy negatively as Bill 52 is not the answer to make this a better province. It not only will cut hard working tax payers jobs and revenues in the business of Manitoban retailers, but it will also divert taxes on products to affect the smoker (user) of flavoured tobacco and flavoured tobacco products and non-smokers. Over and above GST and PST, we know all tobacco (flavoured and/or unflavoured) are heavily taxed. Where are those taxes going to go? They are not just going to disappear....

This is what Manitobans are thinking; gas prices will rise exponentially....., "The Ripple Effect", suppliers and wholesalers will have to make huge increases in upcharges on other products to make up the difference in lost money; retailers' (independent or corporate), and grocery stores will have to raise prices of fresh produce, everyday convenience items. It won't be just on certain things because they will have to spread it out on everything just to try to make up the difference of money lost. Thousands of Manitoba retailers may run a high risk of having to shut down their businesses.....Your everyday Manitoban consumer gets radically upset.....

1) Because they don't understand why?

2) I don't smoke so why do I have to suffer?

3) Once Manitobans find out (or they already know) who's responsible – getting a vote – the 1% PST increase is not forgotten and the way it was pushed through

4) Canadian revenue from flavoured tobacco tax dollars is worth millions – Why mess with it!?

5) Don't fix what isn't broken.....the adults (18 and over) make it their personal choice to consume flavoured tobacco and flavoured tobacco products.

6) It's a legitimate product sold responsibly to consumers 18 years old and older and they enjoy it – a lot.....smokers (users) of flavoured tobacco and flavoured tobacco products will be smokers (users) of flavoured tobacco and flavoured tobacco products until they decide or if they decide they don't want to smoke (use) flavoured tobacco and/or flavoured tobacco products.

Telling a long time smoker (user) of flavoured tobacco and flavoured tobacco products they can't have it is like asking them to give up their right leg.

7) Consumers will spend less on everyday goods – it's too expensive!

The picture of what can happen to our Canadian economy is clear, but the message definitely is not. It is highly based on a biased interpretation of Health Canada data (Youth Smoking Survey). Today's youth may try a cigarette before they would try a flavoured little cigar; no different than the days 10, 20, 30, 40+ years ago. The same way the youth then may have tried alcohol, illegal street drugs and pharmaceuticals.

Flavours in tobacco – flavours in alcohol.....what's the difference? The difference is alcohol is the #1 legal-age tried product <45%> among today's youth not flavoured tobacco and/or flavoured tobacco products – which is <1%>.

The focus is sorely misdirected.

Alcohol, cannabis, illegal street drugs, pharmaceuticals and regular tobacco are the most chosen forms of age-restricted or illegal products for today's youth. Why are they the most chosen by today's youth.....because they are the most accessible through family, friends, and acquaintances.

Flavoured tobacco and flavoured tobacco products have been sold responsibly for years – because it's the law. Manitoba retailers have signs posted for age verification, clerks I.D. people if they look under the age of 30; there are mystery shoppers and inspectors to control federally regulated tobacco and flavoured tobacco products. Can Health Canada or the government provide proof that any one single retailer in Manitoba illegally sold flavoured tobacco and/or flavoured tobacco products to someone under the age of 18?

People today, young and old make the choice to smoke (use) tobacco / flavoured tobacco and flavoured tobacco products etc. No one tells them it's good for them. Look at all the warning labels, posters, and commercials (media). It's everywhere – yet people still do it by choice.

Thank you for your time and consideration in addressing the committee with my views on Bill 52.

Best Regards,

Jarred Skolnik

Re: Bill 52

To the Committee members:

We are a Tobacco Retailer established since 1995.

The new flavoured Tobacco Bill will hugely affect our sales as several products have some sort of flavouring in them. Some of them may be a bit aggressive on the marketing of the flavours whereas others very subtle to create a differentiate between their own brands or SKU's.

It is a fact that children are getting access to Tobacco products and other illegal smoking materials but quite inaccurate to say that these products are marketed and consumed by children only. Just as an example our Pipe Tobacco, chewing Tobacco typical customer age is 30+. There is a small category of products like Prime Time and Bulls eye that may appeal to 18+ but we have 60 years old buying these on regular basis.

Another negative of this Provincial Bill will be the cross border movement of products as our adjacent Provinces may continue to sell them. This will totally undermine this bill or eventually the Act.

Our request to the committee is to postpone the further action on this matter as it will put enormous pressure on our business viability. As you are aware that high taxation on Tobacco products accompanied by untaxed products growth has already put a big dent on our legitimate businesses.

I hope that the Committee will consider above facts in the report.

Thanking You,

Ren Kumar
Sheffield & Sons Tobacconists.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>