NOTIFICATION

Addendum

The following communication, dated 10 May 2022, is being circulated at the request of the delegation of Canada.

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**Title:** Repealing Section 8 of the E-Substances Regulation

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| **Reason for Addendum:** | |
| [ ] | Comment period changed - date: |
| [ ] | Notified measure adopted - date: |
| [ ] | Notified measure published - date: |
| [ ] | Notified measure enters into force - date: |
| [ ] | Text of final measure available from[[1]](#footnote-1): |
| [ ] | Notified measure withdrawn or revoked - date:  Relevant symbol if measure re-notified: |
| [ ] | Content or scope of notified measure changed and text available from1:  New deadline for comments (if applicable): |
| [ ] | Interpretive guidance issued and text available from1: |
| [X] | Other:  Repealing Section 8 of the E-Substances Regulation – date: 4 April 2022 <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/186_2020#section8>  E-Substances Regulation can be found at:  <https://www.bclaws.gov.bc.ca/civix/document/id/crbc/crbc/186_2020> |

**Description:** British Columbia (B.C.) enacted the E-Substances Regulation (ESR) in July 2020 as part of a multi-pronged effort to address the increase in youth vaping and to protect users from the potential harms associated with the use of vapour products. The ESR introduced requirements for B.C. retailers by restricting the sale and distribution of certain vapour products, placing restrictions on the strength of nicotine contained in e-substances, implementing packaging and labelling requirements, and establishing reporting and notifying requirement.

Section 8 of the ESR set out packaging and labelling requirements for vapour products being sold by B.C. retailers. They included:

1. Stating the nicotine concentration of the e-substance

2. Stating the total volume of the e-substance

3. Stating the following warning: "WARNING: nicotine is highly addictive"

4. Showing a specific warning symbol (Schedule 1 of the ESR)

5. Stating the manufacturer details, the brand and product name, and the type of product

On 1 July 2020, the Government of Canada introduced the *Vaping Products Labelling and Packaging Regulation* (VPLPR), which included new requirements for the packaging and labelling of vapour products. The labelling and packaging requirements under the VPLPR are very similar to those of B.C.'s ESR, and therefore duplicative.

B.C. has taken steps to repeal section 8 of the ESR because of the introduction of the VPLPR, and due to concerns raised by manufacturers and retailers over their ability to comply with the packaging and labelling requirements set out in the ESR. B.C. is confident that the VPLPR upholds comprehensive and enforceable standards that ensure that users have access to transparent, accurate and informative product details. By repealing Section 8 of the ESR B.C. is aiming to eliminate any potential confusion for manufacturers that may be created by the existence of two sets of labelling and packaging requirements.

Following section 8 of the ESR being repealed, manufacturers will only be required to comply with the packaging and labelling requirements under the VPLPR to have their products sold by B.C. retailers.

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1. This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained. [↑](#footnote-ref-1)