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**Monday 25 May 2015**

**Lundi 25 mai 2015**

Speaker  
Honourable Dave Levac

Président  
L'honorable Dave Levac

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 25 May 2015

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 25 mai 2015

*The House recessed from 1757 to 1845.*

**Hon. Liz Sandals:** On a point of order, Mr. Speaker: I seek unanimous consent to put forward a motion without notice regarding the speedy passage of Bill 103.

**The Acting Speaker (Mr. Paul Miller):** The minister is seeking unanimous consent for the expedience of Bill 103. Is it the pleasure of the House that the—I heard a no.

ORDERS OF THE DAY

MAKING HEALTHIER CHOICES  
ACT, 2015

LOI DE 2015 POUR DES CHOIX  
PLUS SAINS

Resuming the debate adjourned on May 13, 2015, on the motion for third reading of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

**The Acting Speaker (Mr. Paul Miller):** I believe the last time we debated this, the third party had the floor. The member from Nickel Belt.

**M<sup>me</sup> France Gélinas:** For those who are interested, you're going to be stuck listening to me for the next 60 minutes. I hope you had a good supper, because what I'm about to tell you actually may help you make healthy choices.

What I will be talking about in the next 60 minutes is Bill 45, which was introduced by the Associate Minister of Health and Long-Term Care. Basically, Bill 45 has three parts to it. The first part has to do with menu labelling, so that when you go into a restaurant or fast food, you will have nutritional information; the second part has to do with flavoured tobacco; and the third part has to do with e-cigarettes.

I will start with the first part of the bill, which deals with menu labelling. The research on menu labelling is now very robust, and the science is there to tell us that there are so many diseases that are directly linked to what we eat. We all know that our children in our generation are facing an obesity epidemic directly linked to what we eat and the lack of exercise, but we also know that if you

give people information, they use it and they make healthier choices.

What menu labelling is all about—it's not about taking choices away from people. People will have the exact same choices as they had before. But we will give them more information, and that information can be used so that they make healthier choices for themselves and for their children.

To start out, the bill talks about calorie labelling so that when you go into—name it—a Pizza Hut, a Swiss Chalet, a McDonald's, a submarine sandwich place—any restaurant that has more than 20 premises here in this province, then you will see the name of the item that you're about to order, the price of it and the number of calories that this item has.

**1850**

This is something that has been mandatory in New York City for close to seven years now. Actually, when I first introduced that bill—that was about seven years ago—the idea had come from the early research that was coming out of New York at the time. They were one of the early adopters of this menu labelling. Basically, the early results were so telling. Don't get me wrong; all of those restaurants that we're talking about already have that data available to them. That data is available usually in a brochure that nobody can find. I've studied this file for a long time. When I go to a restaurant, I ask to see the brochure, and it's always the same reaction: They start looking under the cash someplace; then they ask, "Hey, do you know what happened to—", and finally they find the brochure, or sometimes it's on a poster on the way to the bathroom. Other restaurants have it on the back of a little piece of paper that they put in a tray, if they offer a tray. And most of them also have that information on their website. But, Speaker, except for me and a few nutritional geeks, who goes on a website to check out the number—

*Interjections.*

**M<sup>me</sup> France Gélinas:** Oh, there you go. Sorry about this. Two of my colleagues have joined the nutritional geek club and look at the number of calories in what they're about to purchase. But very few people do that; very few. Most people—it's spur of the moment. You go to one of those restaurants, you see what you feel like eating, and you order it. But there is no way, just by looking at the name of the item, to guess how many calories are in that food. It is impossible. I could lay out a number of examples for you—well, the examples are meant to trick people—but even without trying to trick you, it is impossible to say which one has more calories than

others. Things that look so healthy, like a carrot muffin—it's a muffin; it has carrots in it; it must be healthy—it actually has more calories than a Boston cream doughnut, which is already really high up there in the number of calories.

It's really hard for people to guess this thing, and although the information is available, it's not available at the point of purchase. So what this bill will do is it will change that. It's not a big change. It's a small change. You will still see the name of the item the way it used to be before; the price will stay the same, or change whenever they want to change it; but you will see this added—the number of calories. Just because we change the place where that information is available to us, one person out of two will use it to make a healthier choice. And if they're buying food for their children, up to 8% of the people will use that information if they are purchasing food for their children.

This is the type of information that has been available to Ontarians and Canadians for decades when we go to the grocery store. When we go to the grocery store, you will see people—they're not part of the food geek group; they're just regular Canadians who, when they shop at the grocery store, they turn the can around or turn the package around and look at the number of calories and the other nutritional information that is contained within the package, and they make their purchase decision armed with that information. That doesn't mean that if you want to treat yourself to something that is high in sugar—it will still be there, but if you want to make healthier choices, that information will be available to you right there on the menu board. This is what the first part of the bill will do.

Of course, it won't apply to every single restaurant in Ontario. You have to realize that, in order for that information to be accurate, the recipe has to be really set and the portion sizes have to be very standard. So you're dealing with a restaurant where the recipe is standard and where the portion size is very standard, because of course the calorie content will vary, depending on if your portion is bigger or smaller and depending on what kind of ingredients you put into that food. But this bill will apply to restaurants that have more than 20 premises in our province, and all of them already have this.

If you go to a little mom-and-pop restaurant that happens to be in your neighbourhood—your favourite one—their recipes are not standard enough. They often buy or purchase food, whatever is in season, whatever is available locally for them, and they cook with different ingredients, depending on what is available to them. Those restaurants will not display the calories in their food, simply because to do the counting of calories and portion size, you have to have standard ingredients, standard recipes and standard portion size. So this is all good.

The part where the bill falls flat is the opportunity lost. A bill is not an incremental type of exercise. Really, once you go to first, second and third reading of a bill, what is written in that bill is what gets done. In order to change it, you have to start over with first reading, second reading, public consultation, third reading and royal assent.

We in Ontario are missing a huge opportunity, and that opportunity is to also put sodium levels in this.

I will read from the centre for excellence in—I never get the title properly—the Center for Science in the Public Interest:

“Mandating calorie labelling on restaurant menus is a step in the right direction, but it is a costly mistake to ignore sodium.” The text of the legislation published so far doesn't include sodium, but it goes on to say, “The evidence and community support for sodium on menus is here and now; what is needed is the political will.” This is us. “The only voices opposed to mandating sodium ... on restaurant menus are lobbyists for companies selling salty meals, presumably worried that effectively informed customers will buy less food or none at all, unless restaurants do less pre-salting. Posting sodium on menus would incentivize companies to use salt more sparingly and help customers to make healthier choices.”

He goes on to say, “More than 40 groups and experts endorsed a joint statement calling for both sodium and calorie levels on menus. In a study of menu offerings in nearly 30 Canadian chains”—all of them having restaurants here in Ontario—“CSPI found that sodium levels in the same menu category within the same restaurants typically varied five-fold and calories varied twofold. Studies show that people, even dietitians, underestimate sodium levels in foods to an even greater extent than calories.” It goes on to say what a teaspoon or tablespoon of salt could do.

We had this wonderful opportunity to not only give people information about the number of calories that they are about to consume, but also to give them information about the amount of sodium that they're about to be consuming. We all know that sodium has a direct link to many quite severe chronic illnesses. If you look at coronary diseases, it often starts with high blood pressure. The first thing that your primary care provider will tell you if you have high blood pressure is to look at how much salt, how much sodium, you have in your diet. The salt that we add from the salt shaker certainly counts, but so much prepared food has amounts of sodium that are right off the charts.

#### 1900

The Canadian food guide will tell you that we should consume about 1,500 milligrams of sodium. Just for a laugh—but it's not really funny—I will give you the amount of sodium that is in some typical restaurant food. Remember, you're not supposed to eat more than about 1,500 milligrams of sodium through your entire day, through everything that you eat in a day—

#### *Interjections.*

**The Acting Speaker (Mr. Paul Miller):** I know it's after hours for school, but if we could cut it back a little bit—I cannot hear a word she's saying. If you want to have group discussions, I'd appreciate it if you'd go outside. Thanks.

**M<sup>me</sup> France Gélinas:** Thank you, Speaker.

I was talking about how in general, people should not eat more than about 1,500 milligrams of sodium, of salt,

in an entire day. So that's breakfast, lunch, supper and every snack you have in between: 1,500.

Well, listen to this: East Side Mario's—lots of us eat there—Hell's Kitchen Chicken: 3,220 milligrams. That's in one dish. If you go to Casey's—I like them—the pad Thai: 2,810 milligrams. There's more salt in that one recipe than you should eat in a day. If you go to the Pickle Barrel: This one is the vegetable chow mein—vegetables; no meat: 6,460 milligrams of salt, and this is a vegetable chow mein. The number of calories—

**Mr. Steve Clark:** I'm going to have a drink of water just listening to that.

**M<sup>me</sup> France Gélinas:** I'm making my colleagues thirsty, talking about so much salt.

If we look at Wendy's, for their Baja Salad—it's a salad; nothing special to it—1,620 milligrams. There's more salt in that salad than you should consume in your entire day.

We go to Montana's. Their fish and chips: 1,850 milligrams. Again, with most restaurant meals—and this is one serving; you haven't had breakfast, lunch or snacks or anything—one serving is more than what you should consume in a day.

We'll go to Country Style. Their breakfast bagel: 1,410. So at breakfast, you will already be close to your maximum sodium for the rest of the day. I suppose you could drink water for the rest of the day, but you may get pretty hungry.

A&W Papa Burger: 1,550 milligrams. We go to Dairy Queen. Their burger is no better: 1,750 milligrams. If we look at Arby's—I tried to vary it up—the French Dip: 2,910 milligrams, almost double what you should consume in an entire day you have in one sandwich, and you haven't even had fries with that yet; you're just at the sandwich.

**Mr. Steve Clark:** They have curly fries.

**M<sup>me</sup> France Gélinas:** You probably want the curly fries with it, but I will spare you how much salt there is in those.

Jack Astor's: The chicken fajita—is everybody sitting down? Because this is the winner. Does anybody want to guess how much salt is in the chicken fajita at Jack Astor's?

**Mr. Wayne Gates:** Thirty-four hundred.

**M<sup>me</sup> France Gélinas:** It's 7,577 milligrams of salt.

**Mr. John Vanthof:** Say that again?

**M<sup>me</sup> France Gélinas:** It's 7,577 milligrams of salt in a Jack Astor's chicken fajita. This is a lot of salt.

**Mr. John Vanthof:** Pass the pepper.

**M<sup>me</sup> France Gélinas:** “Pass the pepper,” says my colleague. Exactly. This is enough salt for an entire week, and you're having it in one meal, in a fajita.

We go to Boston Pizza. Boston Pizza's Buffalo Chicken Sandwich: 3,960. If you go to Kelsey's, their Pulled Pork Sandwich is 3,920, almost two and a half times what you should have in an entire day. The list goes on and on and on—all this to tell you that you would have to search really hard to find restaurant offerings that are not high in sodium right now.

Do you know what menu labelling did, where it made people change their orders in the states that have put that kind of legislation forward, many years before us? It also changed the preparations that the restaurants did. There is a sub shop that offers a tuna sub. That used to be one of my favourites, Speaker: Tuna Melt, it was called. There were 1,900 calories in one of those; basically, everything that I can eat in a day in one sub. Unfortunately, after you eat it, you would still be hungry for supper; therefore, you would go way beyond. What happened is that a lot of people did the same thing I did. Once they knew how many calories there were, they never ordered it again. So what did the restaurant chain do? They actually changed their preparation. They changed their recipe so that the number of calories in that sandwich was more in line with the 350 to 450 calories that you find in most other adult-sized sandwiches.

So you can see the impact it has. Not only does it empower the consumer to make healthier choices, but it also acts as a stimulus for the restaurant industry to have other types of offerings. I have no doubt in my mind, Speaker, that if we were to add—even if it was a flag for high sodium, even if it was some indication as to which foods are high sodium, so many people are watching the amount of sodium that they eat, it would have an impact. Once the restaurants are not selling those food items anymore, they change their recipes and put forward other offerings that are not so high in salt.

It is really easy to add a lot of salt to a dish. We don't really taste it that much. Usually afterward we tend to be very thirsty. This is what's happening with my colleague here. Afterward you tend to be really thirsty, but while you eat it, very, very seldom will you say, “Oh, wow, this is too salty. I can't eat this.” It blends in with the taste of the food and we just don't know. But whether you know that you're consuming sodium or not, the effects on your body are the same, the effects on your cardiovascular system, the effects on the chronic diseases that come with an unhealthy cardiovascular system, whether we talk about strokes or heart attack or high blood pressure. Some of those are pretty devastating diseases.

If you have seen someone have a stroke, a stroke on the left side of your brain leaves you paralyzed on your right side. Most people are right-handed, so not only are you at risk of losing the ability to use your right hand and right leg, you lose your ability to speak, because speech is located in the left side of your brain. Those are really life-changing disabilities once you can't walk anymore, once you can't use your right arm, once you can't speak anymore because of a stroke. Those can be profoundly hard disabilities to overcome.

And a lot of it is based on the food that you've eaten. But not necessarily the salt that you add at the table; it is everything that you bought that was prepackaged, that was full of salt. And as more and more people don't cook at home any more but eat in restaurants—and more and more families consume more and more meals from restaurants—we have no idea what we're consuming. So all we're asking is that for the information that is there—for people who go to the grocery store and cook their own

meals, we're asking for that information to be there. This is, as I said, a real opportunity lost.

I would like to put into the record a list of people and agencies that are happy that we are going to be introducing menu labelling in Ontario but that would have liked us to include sodium. The list is really long, but I will read into the record quite a few of them. We have Kim Raine, who is the co-director of the coalition for chronic disease prevention. We have Doris Mae Oulton, who is the managing director of the Alliance for the Prevention of Chronic Disease. We have Adrianna Tetley, who is the chief executive officer of the Association of Ontario Health Centres. We have Yoni Freedhoff, who is an assistant professor at the University of Ottawa and the medical director of the Bariatric Medical Institute. As you know, the Bariatric Medical Institute is where there is a new surgery that is now covered by OHIP to help people who are very obese lose weight.

#### 1910

We have Susan Mills, who is the president of the Canadian Association for Enterostomal Therapy. We have Paulette Guitard, who is president of the Canadian Association of Occupational Therapists. We have Lisa Keenan-Lindsay, who is the president of the Canadian Association of Perinatal and Women's Health Nurses. We have Ian Culbert, who is the executive director of the Canadian Public Health Association.

We have Kevin Willis, who is the executive director of the Canadian Stroke Network. We have Anne Rochon, who is the executive director of the Canadian Women's Health Network. We have Dorothy Morris, who is the national director of health promotion and advocacy from the Canadian Council of Cardiovascular Nurses. We have Rick Blickstead, who is the president and CEO of the Canadian Diabetes Association; Lynne Vear, who is the president of the Canadian Dermatology Nurses Association.

We have Eldon Smith, who is emeritus professor and chair of the Libin Cardiovascular Institute and former chair of the steering committee on the Canadian Heart Health Strategy. We have Angela Dunklee-Clark, who is the president-elect for the Canadian Orthopaedic Nurse Association. Bill Jeffery, who has been here many, many times in this Legislature trying to stimulate to us to do the right thing, is the national coordinator of the Center for Science in the Public Interest. We have Dr. Dhali Dhaliwal, who is the president and chief executive officer of Cancer Care Manitoba.

We have Dr. Tom Warshawski, chair of the Childhood Obesity Foundation; Corinne Voyer, coalition sur la problématique du poids; Kathy Lawrence from the College of Family Physicians of Canada; Barbara Anello, active chair for the DisAbleD Women's Network Ontario; Janice Macdonald with the Dieticians of Canada. We have Dr. Norm Campbell, Heart and Stroke Foundation, and the chair in hypertension prevention and control.

We have Sam Hammond. He's been talked about a lot lately. Sam is the president of the Elementary Teachers' Federation of Ontario. We have Adrienne Montani, who

is the provincial coordinator of the Child and Youth Advocacy Coalition; David Hardy, president of the Fitness Industry Council of Canada. We have Anna Hunt-Blinkley. She's from British Columbia. We have Ross Feldman, physician, president, board of directors of Hypertension Canada.

We have Leslie Beck, in nutrition counselling. We have Michelle Devia, who is the president of the Licensed Practical Nurses Association; Joan Ttooulias, president of the Ontario Home Economics Association; Neil Collishaw, research director of Physicians for a Smoke-Free Canada. We have Jake Cole, on the board of directors of Prevent Cancer Now; Marjorie MacDonald, president of the Public Health Association of British Columbia. We have Dr. Joel Kettner, who is president of Public Health Physicians of Canada.

We have Rhonda Seidman-Carlson, president of the Registered Nurses' Association of Ontario. We have Christopher Jones, senior leader with Sports Matters Group in Ottawa, Ontario. And we have Andrew Pipe, who is a professor in the faculty of medicine, University of Ottawa, and chief of the division of prevention and rehabilitation, University of Ottawa Heart Institute.

I wanted to read their names into the record because those are people who know an awful lot about chronic diseases or nutrition-related diseases, and they all put their name to a letter asking this Legislative Assembly to add sodium to menu labelling. I think this is an important step that Ontario has to take now and not wait years down the road. We will be asking restaurants to make changes to their menus and menu boards. They will have to put up new menu boards. The minister was nice enough to offer a briefing, and we will give the restaurant industry many months to comply.

I would say that a lot of people would agree that it would make a huge difference in the health of Ontarians if we were to put the sodium there. And if we're going to ask the restaurants to change their menus and menu boards, let's get them to put not only the calories but also the amount of sodium. Other jurisdictions are doing this. And for a lot of those restaurants that work elsewhere, they also have some of their establishments in our province. So they already know how to do this. Don't ask them to change their menus and menu boards twice. Let's get it right the first time. Let's get the number of calories on the menu as well as the amount of sodium.

That was for the first part of the bill. And after talking about so much salt, I'm getting thirsty, so there is a glass of water coming for me.

The second part of the bill is also a part that is very interesting to me. It is to say no to flavoured tobacco, to end the flavour. This part of the bill basically has to do with regulations around tobacco and focuses on flavoured tobacco. In 2008, that was my very first private member's bill to go through. I was elected in 2007. The first private member's bill that I put forward was to ban flavoured cigarillos. It was new to the Legislature that we were allowed to co-sponsor a bill. Dave Levac, who was an MPP from the Liberal Party—he's now our Speaker—

co-sponsored the bill with me. I was very pleased that my very first private member's bill, to ban flavoured cigarillos, went through and actually became law. It is the law in Ontario that tobacco manufacturers—or anybody else, for that matter—are not allowed to sell flavoured tobacco.

But you know what, Speaker? The ink had not even dried on that bill before the tobacco industry had found a loophole. You see, when we wrote the bill we had to say what a cigarillo was. So what we did was we described it—at the time, we didn't want to catch flavoured cigars. We really wanted to focus on cigarillos. So we described what a cigarillo was by the number of grams of tobacco in the cigarillo. This is how we described what they were. Well, the ink was not even dry on that bill before the tobacco industry increased the number of grams of tobacco by 0.1 of a gram over the description we had and they continued with the same production, same distribution chains, same targeting of the kids—same everything—and kept on selling their product.

I have in my office boxes of the cigarillos that are banned, no longer allowed to be sold in Ontario, that I kept from before. And I also have bags of the new cigarillos that you can find now. I can tell you that in the First Nations close to where I live, as well as the corner store close to where I live, we are at 39 different flavours of cigarillos and flavoured tobacco. They never lost a beat. They continue to target youth. And they are very, very effective at it. We will soon find out that more than half of all youth smokers in Canada are using flavoured tobacco. The marketing of those products is made for kids. They are priced really cheap.

You can still buy a flavoured cigarillo in my riding for one dollar. They smell just like fruit candy. I handled a lot of them when I was preparing for that bill, and it doesn't take long before the entire room smells like candy. If you have a bunch of them in a bowl, it smells like a bowl of candy. They are really, really sweet. They take the harshness of tobacco out when you smoke them. Of course, it's tobacco in there, so they're just as addictive as anything else.

#### 1920

It was clear that the tobacco industry is targeting their next generation of smokers. They want kids to experiment with those flavoured cigarillos, with flavoured tobacco, so that they become the next generation of smokers. We all know how difficult it is to quit smoking, and once you are addicted, it doesn't take long that the harshness doesn't bother you anymore. You don't want the candy-flavoured tobacco. You want the cigarettes and you will be wanting those cigarettes many, many times a day, because the addiction will call you back to it. The tobacco industry wins.

We saw some good steps forward in the Smoke-Free Ontario, steps that the government has taken and that this province has taken to help people quit smoking, or not pick up the habit. But in some parts of the province, and certainly the part where I'm from—although in general in Ontario the smoking rate is at about 18%, in some parts

of the province like Nickel Belt, we are closer to 28%. This is something that needs to change.

So the second part of Bill 45 is really to look at banning flavoured tobacco. Not only will it ban flavoured tobacco in smoke tobacco, it also will ban flavoured in smokeless tobacco.

Baseball season has started. It probably started earlier in Hamilton than it did in Nickel Belt. I can guarantee you that if you go on any baseball field where teenagers and adults play—not Little League, but adults and teenagers—look on the bench and you will see at least four, five, six different flavours of chew. That's chewing tobacco. Here again you get the nicotine fix, and it won't take long before you go from chewing those products to wanting to smoke, because the nicotine addiction will drive you to cigarettes.

Bill 45 would ban flavoured tobacco. It also makes other changes to regulate the use of tobacco. We tried, as much as we can, to keep it away from youth. So all of this looks pretty good. Except that here again the first part was pretty good, because we're bringing in calorie labelling, but we're really missing this opportunity to add sodium. In the second part of the bill we are doing something good, that is, to make sure that flavoured tobacco won't be available in Ontario anymore.

There is no description of what a cigarillo is or anything like this. No more flavoured—as simple as that. But there is a part of the bill that allows for exceptions; that is, we could exempt some flavours. And the flavour we know is being exempted is menthol. Menthol is the cigarette of choice for 28% of youth; 28% of Ontario youth who smoked in the last 30 days smoked menthol cigarettes. I don't know where this idea comes from where we would allow one flavour to continue. But I can tell you one thing, Speaker: The tobacco industry has resources, creativity, ingenuity like you cannot believe. If you give them that loophole to exempt menthol from flavoured tobacco bans, I guarantee you that they will find at least 36 loopholes to continue to target youth—

**Ms. Catherine Fife:** That's right.

**M<sup>me</sup> France Gélinas:** Absolutely—to target youth with flavoured tobacco.

There is no doubt that the first time you smoke a cigarette, you want to gag. It does not really taste great.

**Ms. Catherine Fife:** It's not natural.

**M<sup>me</sup> France Gélinas:** No, it's not a natural thing to do. Most people will choke, and it kind of makes you feel a little bit queasy and nauseated. It's not really a good feeling at all. But add some menthol to that tobacco and the harshness goes away. Why do you figure 28% of kids smoke menthol tobacco? Because a lot of those are first-time smokers, and when they take that first drag it tastes pretty bad. So in order to get through the second drag, they will smoke menthol tobacco. Take that flavour away.

I know that some people will tell you it is sacred for the First Nations. The tobacco that is used by the First Nations for their sacred ceremonies is not the treated tobacco that you find in a menthol cigarette whatsoever.

They use untreated tobacco. If they want menthol, they will use actual mint leaves. It has nothing to do with respecting First Nations; it has everything to do with creating a loophole that the tobacco industry will jump through with both feet and is guaranteed to make us come back here through this process once again, thinking, "Wow, we should have thought about that." Well, we are thinking about it. Don't use this loophole that exists in Bill 45, in third reading of Bill 45. This is a mistake. Ban all the flavours—the sooner the better. There is no reason to keep this loophole in Bill 45.

The last part of the bill has to do with e-cigarettes. For those of you who are not familiar with them, they sometimes look like a cigarette. Sometimes they look like some kind of an electronic gadget. You drag on it just like you would on a cigarette and you put cartridges of flavour in it. And once you inhale through them, there is vapour that will come—it's really a vaporizer—there is vapour that will come and you will exhale the excess vapour that you breathe in.

When we had the public hearings for this bill, a lot of people came with anecdotal evidence that it has helped them quit smoking. The problem, Speaker, is that even if there are a hundred or a thousand pieces of anecdotal evidence, it is still just that: anecdotal. The products have not been out long enough to be able to have a robust body of scientific evidence to say that vaporizers or electronic cigarettes help you quit. But there is enough anecdotal evidence that we should make sure that if it ends up being a good way for people to stop smoking, then to be able to do this. But for now, electronic cigarettes will be regulated. I think things as simple as, don't sell those things to minors—I can't see who would argue with that. Why would we want our kids to start smoking electronic cigarettes?

It's always a balancing act. I think in the bill right now the regulations will help us regulate this industry that has so far been practically unregulated. A lot of people will tell you that this is a new product and it should be regulated by Health Canada. Health Canada has been asleep at the switch and has done nothing with this, so that the Ontario market right now is flooded with distributors of those electronic cigarettes and cartridges that come in dozens and dozens of different flavours, and vaporizers that work at different temperatures and all of this. In pretty well every town in our province you can buy those electronic cigarettes completely unregulated. Now you're starting to see them—often the one that looks very similar to a regular cigarette—more and more in places where we do not see tobacco any more. If you come into a restaurant in Sudbury right now, there is a good chance that at the table next to you they are smoking those electronic cigarettes. Some of them smell exactly like a regular cigarette. Plus, you have those vapours that go around.

**1930**

I can tell you that people like me, and I had been working in health promotion for a long time before I was in politics, who spent a lot of time, effort and energy trying to denormalize smoking so that people really under-

stand that smoking is not a part of life, smoking is not normal, and spent a lot of time, effort and energy getting there—to suddenly see those electronic cigarettes popping up just about everywhere and renormalizing it. I can fully remember going into restaurants where people beside me would smoke. Then you would go into a restaurant and one section of the restaurant was non-smoking and the other section of the restaurant was smoking—which was a big joke, because the entire place smelled like cigarette smoke anyway.

For many years now, close to a decade, people have not been allowed to smoke indoors, people have not been allowed to smoke in restaurants and bars and people have not been allowed to smoke in public places etc. But now you see those electronic cigarettes that look, feel and smell like regular cigarettes renormalizing the process? No, no, no, we don't want any of that. So let's make sure we regulate this.

But at the same time, the regulations would certainly allow for the continuing sale of those products and use as a smoking aid if people so choose. So, not taking it away from the market; it will still be available in Ontario. It will still be available to people who choose to use it as a way to quit smoking. If they want to use it in their homes, go right ahead, but don't sell it to kids and don't renormalize this activity with people.

As you know, Speaker, this bill contains two of my previous private member's bills. Certainly I'm very much looking forward to seeing this bill reach the finish line. Altogether, I have presented 11 private member's bills either dealing with calorie labelling, menu labelling, a ban on flavoured tobacco or a mix of both of them at the same time. For 11 private member's bills I have been pushing those ideas. I often say to the efforts of people pushing through a private member's bill—I call it that we bring more and more people into the tent, or we build a bigger and bigger parade. When I first started to talk about calorie labelling, I will always remember I was sitting in that seat right there. The gallery on the east side was packed with restaurant representatives and lobbyists, each and every one of them with their clean little shirts that had "Casey's," "Montana's," "Pizza Hut"—you know, like they wanted people to know who they worked for. They were all looking at me making my little speech about why we should have menu labelling. If looks could kill, I would not be here anymore, because they all looked at me with the wish that I could drop dead. But I lived through that. A vote was taken at the time, and it passed by three votes. We had a true—it doesn't happen very often in this House, but every now and again it does. We had a Liberal government at the time; it was in 2009. They could have defeated it right there, but some of their members voted for, some of their members voted against; our members all voted in favour. On the PC side, same thing: some voted for, some voted against, but it passed by three votes.

Fast forward to 2015: The restaurant industry is now on board. Some of them, actually, have made it a marketing strategy, to put the number of calories right on the



front of their products, because people want to know. If you look at some of the Coca-Cola products right now—and I'm sure I'm allowed to use a brand name; if I'm not, I just did—you will see that on the front of their cans, they put the number of calories right there in great big font because they know that consumers want to know that information. They have taken marketing decisions to really show people how many calories are in their products. You will also note that, at the same time, they introduced a whole family of new products that have zero calories. I am told that they taste exactly the same, but they have zero calories. They certainly show that in their marketing strategy.

So times have changed. The restaurant industry is ready for that change, and it is up to us to really take this opportunity to not only put calories forward, but also sodium.

*Applause.*

**M<sup>me</sup> France Gélinas:** They surprise me every now and again.

Same thing with tobacco: It is time to ban flavoured tobacco in this province. Sooner will be best. Let's make sure that we don't open a loophole, by not including menthol, that the tobacco industry will utilize. I believe that would be a big mistake.

Le projet de loi 45 est vraiment composé de trois petits projets de loi qui ont été réunis dans le projet de loi 45. Le premier est vraiment pour mettre sur les menus le nombre de calories. Donc, lorsque vous irez dans une grande chaîne de restaurants—il doit y avoir au moins 20 restaurants en Ontario—vous allez voir l'item, le prix et également le nombre de calories.

Les recherches ont démontré que lorsqu'on met le nombre de calories directement sur le menu et que les gens le voient, lorsqu'ils font leurs décisions d'achat, les gens ont tendance à faire des décisions avec 25 % à 28 % de moins de calories dans chacun de leurs achats. On a également remarqué qu'ils ont tendance à dépenser un peu plus. Ils vont quand même aller manger dans ces restaurants-là aussi souvent, mais ils vont faire des choix sur le menu qui leur permettent de consommer entre 25 % et 28 % de moins de calories.

Au fil des jours et des semaines, parce que la population ontarienne mange de plus en plus souvent dans les restos, on se rend compte que consommer 25 % à 28 % de calories de moins a un gros impact. On parle de centaines de calories de moins par jour qui sont consommées, ce qui veut dire que l'épidémie d'obésité dont on parle, qui est reliée, bien entendu, à la nourriture qu'on consomme—cela aide à s'assurer qu'on consomme un peu moins. Donc, dans le projet de loi, on voit finalement, après sept ans d'efforts qu'on va mettre non seulement le nom de l'item mais le nombre de calories et le prix.

Ce que j'aimerais, c'est qu'on fasse non seulement mettre le nombre de calories, mais qu'on ajoute également la quantité de sodium. En ce moment en Ontario, il y a tellement de sodium qui est ajouté à la nourriture qu'on nous sert dans les restaurants. C'est incroyable.

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J'avais donné quelques exemples; je vais vous relire quelques-uns. Si on va chez East Side Mario's pour « Hell's Kitchen Chicken »—le poulet « hell's kitchen »; je ne sais pas trop comment on traduit ça—c'est 3 220 milligrammes de sodium. Les adultes, en général, ne devraient pas consommer plus de 1 500 milligrammes de sodium. Donc, ça vous donne une idée, monsieur le Président : c'est plus de la moitié pour un seul item au menu. Cela n'inclut pas ce qu'on a mangé pour le déjeuner, ce qu'on a mangé pour le dîner, ce qu'on est en train de manger pour le souper, ou si on a eu des collations entre ça. Vous pouvez imaginer comment vite le montant de sodium va vite augmenter.

Casey's, c'est la même chose. Un pad thai chez Casey's, c'est 2 810 milligrammes, quasiment le double de ce que tu devrais consommer dans ta journée, dans un seul item chez Casey's. Je pourrais continuer : The Pickle Barrel, et là c'est un chow mein aux légumes. Un chow mein a quand même beaucoup de légumes, et puis c'est un chow mein aux légumes—on n'a même pas de viande là-dedans—6 460 milligrammes. C'est l'équivalent de quatre jours complets de sodium dans un seul chow mein. On n'a pas déjeuné encore, on n'a pas dîné, on n'a pas eu de collations, on n'a pas eu de breuvages, on n'a eu rien de ça, et on vient de consommer 6 460 milligrammes de sel.

*Interjections.*

**M<sup>me</sup> France Gélinas:** J'ai de mes collègues qui disent : « Pas de chow mein pour moi. » Mais c'est qu'on ne le sait pas. On ne le sait pas. Une salade chez Wendy's, la salade Baja, a 1 620 milligrammes, plus que ce que tu devrais consommer dans toute la journée, dans une salade qui a vraiment surtout des fruits et des légumes, et pourtant ils y ont rajouté 1 620 milligrammes de sel.

**M. John Vanthof:** Je vais rester avec le Baconator.

**M<sup>me</sup> France Gélinas:** Non. Mon collègue fait de mauvais choix au restaurant.

Le « fish and chips » chez Montana's, c'est 1 850 milligrammes. Si on regarde un bagel de déjeuner chez Country Style : 1 410 milligrammes. Là on est au déjeuner et il nous reste encore le dîner, le souper, les collations, les boissons, puis tout ça, et on a déjà consommé le maximum qu'on devrait consommer pour la journée.

On a une opportunité en or en ce moment en Ontario. Lorsqu'on va demander aux restaurants de changer leur menu et d'y ajouter les calories, on a une occasion en or de leur demander de rajouter également le sodium, étant donné qu'on sait qu'il y a un lien direct entre le sodium qui est consommé dans la nourriture dans les restos et les maladies cardiovasculaires, telles que la haute pression, les ACV et les maladies cardiaques.

Je pourrais continuer. Un de mes préférés, c'est le fajita au poulet. Un fajita, vous connaissez ça. Cela a beaucoup de légumes et on enroule ça dans une espèce de crêpe : 7 577 milligrammes. Ça vaut la peine d'être répété : 7 577 milligrammes de sodium dans le fajita au

poulet chez Jack Astor's. Ça, c'est l'équivalent d'une semaine de sel dans un seul repas. Puis là, il y a beaucoup, beaucoup de sel. Je vous donne ça comme exemple, monsieur le Président, parce que je ne veux pas qu'on manque l'opportunité.

La deuxième partie du projet de loi, c'est le tabac aromatisé. Comme vous le savez, mon premier projet de loi lorsque je suis arrivée comme députée, c'était de vraiment bannir les cigarillos aromatisés, donc le tabac aromatisé que l'on vendait dans des cigarillos qui étaient vraiment destinés à la jeunesse. Ils sont dans des emballages qui sont pleins de couleurs. Ça ressemble un peu à un Fruit Roll-Up, ces affaires-là. Ça sent les bonbons, ça sent les fruits, mais c'était du tabac.

On a réussi à faire passer le premier projet de loi, mais l'encre n'était même pas sèche sur ce projet de loi que déjà l'industrie du tabac avait trouvé une échappatoire et a continué à vendre. Ils ont même augmenté le nombre de saveurs de tabac aromatisé qu'ils avaient sur le marché et ont continué de les vendre directement aux jeunes. C'est clair que si les jeunes commencent à consommer du tabac aromatisé, ça ne prend pas beaucoup de temps avant que la nicotine fasse son effet—la nicotine crée la dépendance—et les jeunes ne veulent plus vraiment le tabac aromatisé; ce qu'ils veulent c'est une cigarette. L'industrie du tabac a gagné un autre fumeur ou une autre fumeuse, et le cercle vicieux continue, où ces jeunes-là vont continuer à fumer, souvent toute leur vie. C'est tellement difficile, une fois que tu commences, d'arrêter de fumer.

Donc, un autre bon pas dans le projet de loi 45 est qu'on va bannir le tabac aromatisé, que ce soit le tabac que l'on fume ou le tabac que l'on chique. Que ce soit ce qu'on appelle les « chews », le tabac à chiquer—si c'est aromatisé, ça aussi, c'est partie; on n'en veut plus.

Le problème avec le projet de loi, c'est qu'il y a encore une clause qui permet d'exempter certains saveurs. On sait déjà que la ministre a l'intention d'exempter le menthol. À ce moment, 28 % des jeunes qui ont fumé pendant le dernier mois ont fumé des cigarettes menthol. C'est clair que il y a une ligne directe entre le tabac aromatisé menthol et la jeunesse. Il y a tellement de jeunes qui en fument. C'est une erreur d'avoir cette clause dans le projet de loi. J'ai essayé autant que possible en deuxième lecture et en « clause-by-clause » de faire changer ça. Je n'en suis pas venue à bout, mais ce n'est pas le temps de descendre les bras. Il faudra s'assurer que lorsque l'on va bannir le tabac aromatisé en Ontario, le tabac menthol y est également inclus.

La dernière partie du projet de loi est la cigarette électronique. La cigarette électronique va continuer d'être disponible mais pas aux enfants, et on va limiter là où l'on aura le droit de l'utiliser.

Je vous remercie d'avoir été si patients avec moi.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments? The Associate Minister of Health and Long-Term Care.

**Hon. Dipika Damerla:** I'd like to begin by welcoming Chris Yaccato of the Ontario Lung Association. We

often have gallery members, but I think it shows true dedication to the cause when somebody shows up at a late sitting. Thank you so much, Chris.

Speaker, I just wanted to congratulate the member from Nickel Belt for, as usual, presenting such a persuasive case and doing such a great job of advocating for Bill 45. I've heard her many times, and she always does a great job.

The thought did occur to me that I could have written her speech today. The reason is that I've heard her say these things over and over again. When she was telling the anecdote around cigarillos, in my head, I'm going, "Oh, now she's going to say, 'before the ink dried.'" The only reason I'm saying this is that when, at this point, the opposition can actually begin to predict the lines somebody is going to be using in a debate, I think we've debated this to death. I think that everything that had to be said has been said.

The member opposite did what she's being asked to do, so this is not about her. But I think the leadership on that side needs to recognize that we're not really adding any value by continuing to debate this bill. All the arguments have been made. They've been made very well, and they're all valid, but now we're really repeating ourselves. I think this time would be better used if we were debating something more timely, like trying to get our kids back to school. I think that would be real leadership, and we should just move on.

I think this bill is ready to be voted on. Let's vote on it. Let's make it law, so that we can start making it easier for Ontarians to truly make those healthy choices. My plea to this House would be: Let's stop talking over and over about the same things; let's start to act on it. That's my request.

**The Acting Speaker (Mr. Paul Miller):** The member from Leeds-Grenville.

**Mr. Steve Clark:** I want to thank the member for Nickel Belt for her comments. I'm going to do something a little bit different: I'm going to talk about something that happened in the riding on break week, and then tie it back into Bill 45.

During National Nursing Week, I took the opportunity to go to the Leeds, Grenville and Lanark District Health Unit for Take Your MPP to Work Day, and participated in the RNAO Best Practice Spotlight Organizations program. Our local health unit is now involved in it; it's the official start of a three-year journey for the health unit. I was pleased that the program was all about improving outcomes for patients, and that it takes into account the entire range of health-related issues.

I also want to try to tie it back to Bill 45, because for healthier choices, the guidelines of the best practice program include things like smoking cessation and treating childhood obesity, so I wanted to do a shout-out to my local health unit because I think it's commendable that they're involved in this program. What I like best about it is that it also allows them and their participating agencies to adopt guidelines that are specific to their patients. So it means that in Leeds-Grenville and Lanark they're going

to tailor-make it to the needs of our constituents. I think that's very, very important.

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I enjoyed the opportunity to take part in that process. I got to bring greetings not just from myself but also from my colleagues from Lanark–Frontenac–Lennox and Addington and also Carleton–Mississippi Mills. I got to speak to some front-line nurses. Again, I think it's very important when you're going to talk about health care, whether it is Bill 45 or any other health bill, that you actually get the opportunity to speak to the people on the front lines to see what's happening.

I did see a tie-in between this program and Bill 45, especially because of some of the smoking cessation, the childhood obesity—I think it's really important to have that grassroots touch, and I'm glad that I was able to bring my local program as part of listening to the wonderful hour that the member for Nickel Belt talked about. Thank you, Speaker, for giving me this chance.

**The Acting Speaker (Mr. Paul Miller):** Kitchener–Waterloo.

**Ms. Catherine Fife:** It is such a pleasure, actually, to follow the member from Nickel Belt. Her history on this file is unquestionable. When I talk to people in the riding of Kitchener–Waterloo, which I represent, they comment on her ability to have brought forward legislation, private members' bills, on the tanning beds, on flavoured cigars and on the issue of smoking cessation. Seven years; the member from Nickel Belt has been fighting this battle for seven years.

Recently I had the pleasure of attending a breakfast with the Cancer Society of Ontario, and the associate member stood up and the member from the PC caucus stood up, and the member from Nickel Belt said, "We tried to change this legislation. We tried to ban the menthol portion of this legislation. Why leave a two-year window around menthol cigarettes when we know through research"—the Premier has said, "We're going to put evidence above partisanship. We're going to make sure that we do policy in this province right." They have the evidence, and yet you've left a two-year window around the menthol cigarettes. For us, that's irresponsible. If you really want to lead on this file, follow what we have put forth through seven years of private members' bills on cancer prevention. Do it right and actually follow through on it.

The Cancer Society of Ontario, they were shocked. There were members of this party who were sitting at the breakfast and they were like, "We didn't know that this two-year window was left open on menthol cigarettes."

*Interjection.*

**Ms. Catherine Fife:** It's true. You can't challenge it. It's the truth.

The member from Nickel Belt has raised this concern again and again, and I commend her courage in standing in the face of, quite honestly, short-sightedness on the part of this government.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Arthur Potts:** Thank you, colleagues, and thank you, Speaker, for recognizing me in this lonely spot at the back of the room here. I, too, would like to commend the member from Nickel Belt for her reasoned remarks on the bill. I did have a sense of déjà vu, having heard them before in previous debates on the same bill, not that it in any way diminishes the importance of the great remarks she made.

I also want to comment on how admirable it is and how so much in awe I am of her proficiency in both official languages, because it allows her, of course, to spend a good portion of her discussion in one official language and then say the same thing in the second official language. I could hear about the sodium context—she spoke of all the different restaurants, first in English and then in French, but I appreciate it because sometimes we need to be hit over the head two or three times to get the message.

I'm reminded in this whole sodium debate of the great fable of the king and his three daughters. The king said to his daughters, "Who loves me the most?" One daughter said, "Dad, I love you like all the gold in the world." The second daughter said, "Dad, I love you like all the diamonds and jewelry and rubies and such in the world." And he said, "Oh, you're the greatest daughters." And the third daughter said, "Father, I love you like salt." The father was so horrified that his daughter would diminish the affection that she had by saying, "I love you like salt" that he banished her from the kingdom, and he banished all salt from the kingdom.

In the fable, all the people of the community rose up in arms because their food didn't taste very good anymore. The whole country was in an uproar because of salt, and he realized what a truism it was that his third daughter said that she loved him like salt that he brought her back and made her the favourite one.

So we recognize that salt is, of course, what makes our food taste very good, but it doesn't diminish the fact, as the member from Nickel Belt points out, that too much salt is not a good thing. We appreciate very much her reminding us of that in both official languages.

I ask again, as the Minister of Aboriginal Affairs would ask, why are we debating this bill?

**The Acting Speaker (Mr. Paul Miller):** The member from Nickel Belt has two minutes.

**M<sup>me</sup> France Gélinas:** I'm going to have a little quiz with you. You have to tell me the difference: We're at Montana's. You can order the beef ribs or the sirloin steak. Take a guess at the calories between the two.

*Interjections.*

**M<sup>me</sup> France Gélinas:** I thought you were going to say something. The ribs have 1,500 calories, the steak has 420. Could you have ever—the difference between the two is huge.

If we go to Tim Hortons now, you have a choice between the breakfast sandwich or the English muffin egg and cheese sandwich. Which one do you figure?

*Interjections.*

**M<sup>me</sup> France Gélinas:** If you're interested, the Tim Hortons breakfast sandwich has 530 calories; the English

muffin egg and cheese sandwich has 280 calories. One is double the other one, but by seeing them on the menu, it's impossible to guess.

If we go to Pizza Hut, on the children's menu, you have a choice between the Boneless Bites—those are little chicken nuggets—or we can go with the Veggie Lover's pizza. This time, we're going to do sodium. Do you figure the chicken nuggets or the pizza have the most sodium?

*Interjections.*

**M<sup>me</sup> France Gélinas:** So the people who said the chicken nuggets, 1,600 milligrams of sodium, versus the pizza, which had 430—the difference is fourfold, but it is almost impossible to guess.

If you go to McDonald's, the Angus bacon and cheese sandwich versus the Double Quarter Pounder—same thing. The Angus bacon and cheese sandwich has almost 2,000 calories, the other one has 800. It is impossible to guess. That's why we need to put sodium on the menu.

**The Acting Speaker (Mr. Paul Miller):** Now the member has made everybody hungry.

Further debate?

**Mr. Randy Hillier:** Speaker, I'll be sharing my time with the member from Bruce-Grey-Owen Sound this evening.

I listened with intent to the associate minister's comments during this debate on Bill 45, and I find her comments atrocious. I find her comments despicable. She said that there is no need for further debate, no need for further discussion, and that we ought to be doing something more productive and valuable with our time. That's what the Associate Minister of Health, who is the author of this bill, said.

Speaker, it's unfortunate that the Associate Minister of Health was not in the committee, hearing depositions and testimony from so many people on Bill 45—so many people opposed to Bill 45. This debate is not over. I believe it has only just begun.

I want to dispel some myths that have been presented as fact by the Associate Minister of Health. The first one is, this is not a cigarette. This is not tobacco. But under Bill 45, this electronic vaporizer will be deemed to be a tobacco product—

**Hon. David Zimmer:** Prop. Prop. Prop.

**The Acting Speaker (Mr. Paul Miller):** Prop.

**Mr. Randy Hillier:** It has nothing political—this is a fact.

**The Acting Speaker (Mr. Paul Miller):** No, but that's a prop. You can't use it.

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**Mr. Randy Hillier:** That is an electronic vaporizer. It is not a cigarette. It has a battery in it. It has a coil in it. It's an electronic device. There is no tobacco in it. However, Bill 45, schedule 3, says that item is, and will be treated exactly as if it were a cigarette.

The Minister of Health says they're not banning vaporizers. They're not banning electronic cigarettes, but every restriction that applies to cigarettes will apply to that vaporizer. Every restriction and every new restriction

that ever comes forward under the Smoke-Free Ontario Amendment Act will apply to that electronic cigarette. They will be banned from use in indoor facilities. They will be banned from use in all workplaces, indoor or out. If you're driving a motor vehicle for work, it will be banned, subject to fines and penalties. If you have a store that sells these, it will be subject to the same restrictions as tobacco—hidden behind a case that nobody can see. Clerks and vendors will not be allowed to display them, will not be allowed to talk about them and will not be able to demonstrate them.

A vaporizer is an electronic device. It is not a cigarette. You need—

**Interjection:** What does it look like?

**Mr. Randy Hillier:** Does that look like a cigarette? Does it? Well, if that looks like a cigarette to you, you're in a different world than me.

I'm going to say to you, Speaker, that the bans—it will be a ban. You will not be allowed to demonstrate them. You will not be allowed to show them.

**Hon. David Zimmer:** Hear, hear. Good legislation.

**Mr. Randy Hillier:** The Minister of Aboriginal Affairs says that that's good legislation.

I'm going to tell you, Speaker; I asked a question in the House this morning. Before I got to that question—there are three people in my Perth constituency office who are all smokers. They have all quit and they're all using that—every one of them. They've all tried to quit on many occasions. They have used patches. They have used inhalers. They have used gums. They have used everything—hypnosis, acupuncture. They could not quit. But now those three people have quit smoking because of that prop.

Dr. John Britton from Action on Smoking and Health in the UK, a respected physician from the Royal College of Physicians and Surgeons in the UK, testified to our committee that over three quarters of a million Britons have quit smoking in the last four years because of that. More people have quit smoking in the UK because of that than all other nicotine replacement therapies—all—combined, including patches, inhalers and Champix, in the last 10 years. More people—three quarters of a million people—have quit smoking. This is the greatest technology and advantage to reduce harm from tobacco that this country has seen, and this province, this government, is outlawing it. Outlawing it.

You are going to prevent people from having the advantage of quitting smoking. Why? Why is this government so hell-bent to prevent people from quitting smoking? I don't know. But I know that the two stakeholders, the two interest groups that are promoting the ban on those vaporizers, have a vested interest. One of them is Big Tobacco, because Big Tobacco sees that as a threat. There's no greater harm-reduction and smoking-cessation device than that. Big Tobacco doesn't like them. Neither does the Liberal government. Big Pharma doesn't like those. Big Pharma hates them because, compared to nicotine patches—

**Mr. Arthur Potts:** What do doctors say?

**Mr. Randy Hillier:** What do doctors say? Talk to Dr. Gopal Bhatnagar, who was at the committee. He's the head cardiac surgeon in this province. He is a professor at the University of Toronto—

*Interjections.*

**The Acting Speaker (Mr. Paul Miller):** Continue.

**Mr. Randy Hillier:** Dr. Bhatnagar testified that that is the best harm-reduction and smoking-cessation device that he has ever seen as the head cardiac surgeon and professor emeritus at the University of Toronto.

*Interjections.*

**Mr. Randy Hillier:** You can look smug, you can laugh, you can joke, but what we're talking about are people's lives. What we're talking about is helping people kick the habit. There's no doubt why I have one of those. Everybody in this Legislature knows that I'm a smoker, or probably knows I'm a smoker. I'm smoking a whole lot less these days, a whole lot less. One day I hope soon that I'll stop smoking, and I'm sure when I stop smoking, it will be because of that.

Let me say to every member in this Legislature: The laws that you have proposed will make it that when I want to satisfy my nicotine addiction, I will have to go outside and join smokers. I cannot use that anywhere else. I'll have to go outside and congregate with smokers because that is now unlawful. Is that what we want to do? Is it?

I've heard from the Associate Minister of Health that this bill is targeted to youth. That's not true. It's not true. If it was targeted to youth, we would put in restrictions to prevent people from entering vape shops who are under 19. We would not prevent people over 19 from seeing and having vaporizers demonstrated to them. We would not prevent the family man who is working as a truck driver from using that in his workplace, in his truck.

This law is not targeted at youth, it's targeted at everybody, with very, very tragic circumstances. Three quarters of a million people in the UK: That's nothing to sniff at. There's nothing to sneeze at. That is powerful. If we have really do have compassion in this House, if we really do want to help people quit smoking, to kick that habit, why are we going to such lengths to make it difficult, to impede and to interfere? We should be promoting that over smoking, not restricting it, not condemning it, not demonizing it as if it is a cigarette.

Speaker, harm reduction is a known and recognized and validated strategy. The Supreme Court ruled on it not too long ago with the Insite injection sites in Vancouver, where that injection site provides methadone.

*Interjections.*

**The Acting Speaker (Mr. Paul Miller):** The member will take his seat. He knows he's not supposed to have conversations with people in the audience. That goes for the member from Barrie, too.

Continue.

**Mr. Randy Hillier:** Thank you, Speaker.

That site offers methadone in replacement as a harm-reduction strategy for those people who are addicted to heroin. We know the federal government moved to make

that an unlawful activity, that harm-reduction site. We know that the Constitution was protected by the courts—the Supreme Court. They said that Insite injection site could not be closed down because it was reducing harm to people. It was a benefit to people.

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This pales in comparison to methadone. It pales. It pales in its negatives, but it far exceeds the benefits—far exceeds the benefits. This is known: that there are many, many tens of thousands of people who are quitting smoking because of it and reducing the harm in the process. But this government is moving to demonize that harm-reduction technology.

I suspect, Speaker, that if schedule 3 of Bill 45 is adopted by this House, if it is proclaimed into law, there will be a constitutional challenge. It will be done on the same precedent and the same arguments as safe injection sites—as against the security of the individual, the security of the person under section 7 of our Constitution that government cannot, and will be prevented by the Supreme Court, in any legislation that reduces the security of the person and takes away their opportunity to reduce the harm to them.

The associate minister said that this debate is over. I said that it has just begun. I'm asking this Legislature—

*Interjection.*

**Mr. Randy Hillier:** He can laugh. This is important to many, many people. There are—you'll see them tomorrow morning at 9 a.m. at the press conference here—people who are very, very sick from tobacco who have now found a way to get off tobacco. They are very, very distraught that this government is trying to take away their improved health that they're now finding.

This debate has begun, because if schedule 3 gets adopted, if it does get proclaimed, there will be a constitutional challenge. I'll be there with David Sweanor, the most effective litigator against the tobacco industry in this province—in this country—a renowned jurist and professor of law at the University of Ottawa. He'll be here at our press conference at 9 a.m. tomorrow. I invite Han to come down and take a listen to what they have to say. I invite the Associate Minister of Health and Long-Term Care to come down and listen to what David Sweanor has to say. Listen to what Dr. Bhatnagar has to say. Listen to what Andy Prevost has to say when he tells about health. Take a look in Hansard and look up what Marion Burt said to the committee. Go through the Hansard. You'll be astonished; you'll be amazed. I don't believe that anybody who has any empathy for those who are hurting, those who are suffering the effects of ill health because of an addiction, will be so smug and be so willing to hurt them even further with Bill 45.

I do invite everybody to come down to the press conference tomorrow morning. I'm going to ask, once again—Bill 45 has three schedules—I'm asking this government not to proclaim schedule 3 into law. Leave it sit, do some more studies, do some more evaluation, do some more investigation, and, at the end, see if you can still say that that is a demon, if that is a hurtful and ter-

rible product that needs to be banned in this province. Do some investigation. There's no rush. Many, many people have got better health because of that device. Think twice. Think three times. Don't proclaim it into law. Everybody who attended that committee recognized that restrictions on youth on vaporizers would be valuable. Everybody recognized that there are some regulations that would be beneficial. Take your time. Work with the communities. Work with those professionals, those doctors like Bhatnagar, those significant groups like ASH, Action on Smoking and Health—ASH is one of the world's recognized anti-smoking, anti-tobacco groups: "ASH does not support the inclusion of electronic cigarettes in smoke-free laws which would completely prohibit their use in enclosed places." I have a whole binder here of studies, research and evidence that electronic cigarettes or personal vaporizers are indeed a godsend for those who are addicted to nicotine and tobacco.

Mr. Potts—the member from Beaches—East York—

**The Acting Speaker (Mr. Paul Miller):** You corrected yourself. I've already warned you not to get into cross-dialogue. I don't want to hear it again.

**Mr. Randy Hillier:** The member for Beaches—East York—I'll read it once again: "ASH does not support the inclusion of electronic cigarettes in smoke-free laws which would completely prohibit their use in enclosed places." I can read a lot more of their recommendations; they've been read into the record in committee. It's unfortunate that the Associate Minister of Health wasn't at those committee hearings to hear that compelling testimony.

You know, the evidence is overwhelming. The hurt that will happen with schedule 3, if it is passed, is overwhelming. Take your time. Take a deep breath. Do some more investigation. We'll work with you. Every amendment that we put forth in the committee was arbitrarily and unilaterally shut down without any discussion or debate by the Liberal members of that committee. We offered up solid, solid amendments that would restrict the use of these things to youth but not impede their use for adults who want to quit smoking. Surely we want to help people quit smoking; we want to reduce the terrible, terrible negative effects on people's health from cigarettes and tobacco.

I do encourage everyone here to come down and listen to David Swenor tomorrow, listen to Dr. Bhatnagar, listen to Andy Prevost. Here I am, a known smoker, with the anti-smoking groups. Whose side, who do you think is on the high ground here? Who do you think is working towards helping people who are addicted to nicotine? Or who do you think is not?

I do look forward and I do hope that this government does not proclaim schedule 3 into law. I know the Associate Minister of Health has received thousands of personal testimonials from people who have used vaporizers to quit smoking. I know the Minister of Health has. I know the Premier has. I don't know about every other member. Go on my website. You'll see hundreds and hundreds of people who have commented on my petition

about schedule 3 to Bill 45. Read their personal testimonials about how their life is now better and how they cringe and are distraught that this Liberal government is trying to make their life worse in this moral panic to demonize vaporizers. Thank you very much, Speaker.

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**The Acting Speaker (Mr. Paul Miller):** The member from Bruce—Grey—Owen Sound.

**Mr. Bill Walker:** Thank you very much, Speaker. It's a pleasure to also stand in my place today and speak to the third reading of Bill 45, the Making Healthier Choices Act. This bill bans all flavoured tobacco products including menthol, regulates the sale, use and promotion of e-cigarettes and vaporizers, and requires restaurants with more than 20 locations to post caloric information on its menus.

My colleague from Lanark—Frontenac—Lennox and Addington has just given a very compelling discussion. He has invested a lot of time—personal time—researching this bill and sitting in committee during hearings. I know he has done his best to try to find ways, with this legislation, to make it the most effective for the people. He's found compelling arguments, he's cited research, he's cited evidence and he's cited the reality of what could be used for e-cigarettes and vaporizers to help fight addictions to tobacco.

He's trying to quit himself. He's trying to quit a trend in his family—I believe he referenced earlier today in his question that his parents smoked, he smokes, his kids smoke. He is trying to stop that. He's trying to find a way to provide for people to have a cessation product that will actually allow them to finally stop that addiction. I applaud him for trying to quit smoking himself and for trying to encourage others—friends, family and strangers—to stop this horrific addiction, and I wish him the best of success.

I applaud him for trying to find a way to amend this legislation so that it can help those who actually have an addiction to smoking with a tool that has been proven to work, so that he can help thousands of people across this great province—across our country—to stop smoking and to save not only them and their family and friends from the harm that smoking does, but also think of the costs that we would save if we didn't have to treat so many people with this horrific addiction.

At first reading, I supported the spirit of Bill 45, but I also saw some glaring red flags, namely, schedule 3, which is a lot of what my colleague just spoke about. It aims at reducing access to vaporizers, a new and popular anti-smoking and cessation device for millions of ex-smokers, and banning menthol-flavoured tobacco products.

In my first time speaking to this in the House, I asked the associate minister to leave schedule 3 out. The first two parts—the Smoke-Free Ontario Act and the Healthy Menu Choices Act—I believe would have sailed through this House with no debate, and it would actually be law today. We knew this was going to be contentious. We knew there were people coming from both sides and that

we needed time to have proper debate and proper discussion to create legislation that is truly going to serve all Ontarians. I asked for that and really didn't receive even the kindness of, "Yes, we'll give that consideration." It was, "No, we're going full steam ahead."

My concerns with these changes were reinforced during committee hearings, after we received testimony from experts in the field—compelling testimony, as my colleague, again, referenced. One lady had smoked for 48 years and the vaporizer, the e-cigarette, actually allowed her to stop smoking. She also shared with us that not only had it allowed her to stop smoking, but she uses it when she's at her computer at night because it takes away her craving for other foods, so it is helping her with her weight concerns that she also shared with us, Mr. Speaker.

Another person said that they were on 12 different medicines before they started using vaporizers. They're down to no medicines now, and that vaporizer has turned them around. Think, again, of the costs—not only the pure physical costs, but the costs to our system, to his family and friends; that he now is living a more balanced, healthy lifestyle because of these things.

Two very specific concerns are that schedule 3 of Bill 45 may undo some of the recent successes of the anti-smoking campaign in reducing smoking prevalence, and it will also be a boon to the criminals who smuggle illegal cigarettes with little change in the availability of a flavoured tobacco product. I spoke about this at length.

No one in our caucus—I don't think anyone in this House—is going to argue that we don't want to ban tobacco products to children. But this isn't about that. We all know of—and many of us have them in our backyards—illegal smoke shacks where you can buy 200 cigarettes for \$8. They're doing nothing about that, and they've had 12 years. So we can listen to all the arguments, but at the end of the day, they could have had this if they truly wanted to stop that. It's not part of this bill. And that was one of the big things—I stood up from day one saying if it had been in there, a whole different conversation might be taking place. But they're trying to smoke and mirrors this, that it's all about kids. If you truly wanted to do that, you would have had this in there.

During my discussion at committee I asked very point-blank: Will you make it illegal for youth to actually possess or sell tobacco, similar to alcohol? They didn't even want to address that. They wouldn't give it the time of day. If they truly wanted to make this about youth and truly take it out of their hands, there were other actions that I wanted to see in there.

I want to get on record that I have never smoked in my life and I remain a strong supporter of the anti-smoking campaign. To me, it's personal. I've lost loved ones—most closely to me, my sister Marj—and friends to cancer. I've endured great loss and heartbreak in my lifetime because of tobacco. Of course, tobacco is the major culprit, but then there are also the other 4,000 chemical compounds created by burning a cigarette, and most of them are known to cause cancer. Combined, these toxic

chemicals kill the equivalent of two busloads of people every day—I believe we have a stat here: 13,000 lives in Ontario; 36 lives every day.

Given this statistic, it's difficult to imagine that kicking the habit of smoking is as hard as it is. But because it is, researchers are always looking at new ways to make quitting easier, or to at least help smokers cut down. We heard numerous people in committee tell us those stories, anecdotal stories across the spectrum of people who had tried everything. I believe, again, my colleague mentioned all the different things that people in his constituency office have tried to no avail. But the e-cigarette—the vaporizer—actually helped them to at least cut back, if not quit.

I think we, as legislators, should support those efforts. We should always be looking at legislation that—yes, there's certainly the prescriptive side that it's not going to do—but we need to be looking at this from the other perspective of the people and the unintended consequences for those people who are now going to have this limited to them. They may actually revert back to smoking regular cigarettes. That is deplorable and unconscionable. We should support the two million people who, every year, try to quit smoking, whether it's with the help of nicotine patches or vaporizers or other different devices. We support them by allowing cessation products to be available so that they can decide which one might be right for them.

Most of my family, other than my oldest sister Marie and myself, were smokers. They tried everything: They tried the patch, they tried hypnosis, they tried bribing with money, they did everything imaginable—but could not. I think, again, when I hear the stories of the people—people like Randy Hillier, who I probably would guess has smoked for 25 or 30 years. Seeing him cut back is obviously a step in the right direction. It can't be nearly as harmful as the harm you get from smoking raw tobacco.

If you want to improve their quitting success or just keep them motivated to quit smoking, then don't restrict their options the way this bill aims to. This is why it is painful for me to watch this government steamroll with the new rules that threaten to undo or to stagnate smoking reduction rates in Ontario.

In committee, we received excellent advice from health experts and others with regard to accepting vaporizers as a smoking cessation tool. The main message on vaporizers was that smoking rates continue to decrease as vaping rates increase. Why would we not be trying to harness that? Why would we not be trying to engage that to allow even more people to improve their health, to stop that addiction of smoking raw tobacco? During the hearings, this government was told that by restricting access to this device, a device that reduces the health impacts that tobacco smoking is known to cause, it will inadvertently increase smoking prevalence in Ontario.

We also heard how the new restrictions and flavour bans will force people addicted to smoking to seek banned products from illegal smoke shacks, and demand

for illegal substitutes will spike. That is, again, unconscionable. If people are going to revert back to that and actually go to those smoke shacks where they can buy 10 times as many cigarettes for the same amount of money as a legal cigarette, that is absolutely unconscionable and deplorable, and we need to give due consideration to that potential.

As I mentioned earlier, I asked the government to make smoking by youth—similar to drinking under age—illegal. They did not even entertain that as a thought process; they would not accept. We, I believe, had 39 amendments that we discussed in committee. Not one of them even really received debate, and none were accepted. Again, how can the government come in and say, “We want to work with people. We want to be collaborative,” and you will not accept one in 39 amendments on something as controversial as this? Goodness knows they could have, if they really, truly were sincere about the health of Ontarians and listening and working with others. They could have opened up to some of those thought processes.

These are the two key unintended consequences you’re creating by limiting and reducing access to anti-smoking and cessation devices such as vaporizers, e-cigarettes and menthol-flavoured cigarettes.

I want to now share some of the excerpts from those key testimonies and submissions we heard in committee. This submission was from David Sweanor. Mr. Sweanor is an established health policy speaker and lawyer; an adjunct professor, faculty of law, University of Ottawa; and an honorary lecturer, division of epidemiology and public health, University of Nottingham.

In his submission, Mr. Sweanor raised an excellent point, and that is that “the public health tragedy of the 14,000 Ontario deaths per year is not from the nicotine they seek, but from the extraordinarily deadly way they get it.” He argues that these vapour devices can save lives. His research is based on findings and advice of the World Health Organization’s former head of tobacco control, Dr. Derek Yach. Dr. Yach was a professor of global health at Yale. He developed the World Health Organization’s Framework Convention on Tobacco Control, now in effect in almost 180 countries worldwide. As such, I think the minister can agree that Dr. Yach is an authority on tobacco control.

**2030**

Dr. Yach maintains that these devices can help people quit smoking more effectively than other remedies—more effectively than other remedies, and yet we’re trying to find ways to take them out of the hands of people who are trying their darndest to quit such a huge addiction.

I would like to know why the minister disagrees with Dr. Yach, and more importantly, why she is restricting millions of smokers in Ontario access to this anti-smoking and cessation device.

Testimony from Gary Grant: Mr. Grant is a 39-year retired veteran of the Toronto Police Service and represents the National Coalition Against Contraband Tobac-

co, which is made up of 17 business groups and law enforcement organizations. He said Ontario has the worst contraband tobacco problem in Canada, with one in three cigarettes purchased over the past year being illegal. At \$8 per baggie of 200 illegal cigarettes and no ID nor proof of age of majority required, “the Centre for Addiction and Mental Health has flagged contraband’s easy availability as a prime reason for Ontario’s stubbornly high youth smoking rate.”

I’ve heard it from people right in my own riding. The youth today are smoking those cigarettes because they’re very inexpensive. It’s getting back on trend because they have such access to it that more youth are back out trying. I have two young sons, an 18- and 21-year-old. Thank goodness they’re almost through that phase. But at the end of the day, if they really wanted to stop more youths from smoking, there has to be some kind of legislation that’s targeting and addressing this, which we all know is a problem and has been for many years. They’ve had 12 years and, to my knowledge, have not brought out one shred of legislation to even look at contraband cigarettes.

Mr. Grant also said, “Illegal cigarettes are a cash cow for organized crime with criminals using the proceeds to fund other illegal activities, including guns, drugs and even human smuggling.” Some 175 criminal gangs use the proceeds to finance their activities.

**Mr. Tim Hudak:** Wow, 175.

**Mr. Bill Walker:** Unbelievable, and that’s probably a low number, he tells us.

He said, “The RCMP have identified more than \$100 million in suspicious transactions from one contraband hot spot alone.” Just think of that and the implications, Mr. Speaker.

He said the illegal smoke shacks already offer twice as many menthol products as corner stores. So again, it sounds good in the press that you’re going to ban menthol, but the menthol smoker tells us that they’re not going to stop smoking menthol. They’re just going to go somewhere else to get it. Where are they going to go to get it? The illegal smoke shacks. We get no tax revenue. It’s contributing, again, to that ill health and negative perception, and there’s nothing there addressing it.

Therefore, if 5% of the smoking population buys menthol, then this bill, which bans it, will hand that 5% of business to organized crime. “To put it in clearer terms,” he said, “That’s more than 300 million cigarettes each and every year, representing more than \$130 million in lost tax revenues” for Ontario, money that’s not going to our schools, to our hospitals, to our social and community services. That is a loss that they should be addressing and need to be addressing.

Again, through Bill 45, the province is effectively handing organized crime groups more of Ontario’s contraband tobacco market. Their ask was for the province “to exempt menthol from the flavoured tobacco ban until such a time as meaningful progress has been made on contraband tobacco.”

The federal government has started to take more tough action through Bill C-10, which allows police to lay



criminal charges against contraband smugglers. Ontario, however, is falling behind and has consistently failed to introduce new measures to address this problem. Twelve years they've had, Mr. Speaker, and I again believe there has not been one piece of legislation brought to the floor of this House to even start to address the problem.

I share the coalition's concern. I don't want the contraband tobacco problem to get even more out of control in Ontario.

The other way to help protect children and teens from becoming addicted to nicotine is to crack down on illegal smokes through tougher fines and additional powers for local, municipal and provincial police to lead anti-contraband investigations, as well as greater licensing of cigarette manufacturing materials.

It's heartbreaking. Tobacco-related diseases cost the Ontario economy at least \$1.6 billion in health care annually, resulting in more than \$4.4 billion in productivity loss. Just think again, Mr. Speaker, what that could be doing if we had the reverse of that happening in our economy. We would be creating jobs, not losing them at the steady rate we are, but I'm not even going to go into all of those issues about why we're losing jobs and the high energy costs. And they account for at least 500,000 hospital stays each year. Just think again of the people who could get through the waiting lists, who wouldn't have to sit in waiting departments in ERs for as long across our great province if we could address this problem truly.

Yet tobacco use remains the number one cause of preventable death in Canada. As such, we should be ensuring that it remains preventable through access to cessation products, products that don't contain tobacco, like vaporizers and e-cigarettes.

We also heard from ex-smokers who vouch that vaping helped them quit. I can't remember the lady's name, but again, a 48-year-old person—she was older than 48. She had smoked for 48 years. This is the one and only thing that has ever helped her decrease. She went from 16 mg to 12, to 8, to 4, and almost is done totally. She actually said that she still uses it from that perspective because it stops her, as I mentioned earlier, from actually snacking on unhealthy foods at night, which she used to again do, while she sits at her computer and tries to augment her time.

What a great story that is. One of the challenges that we are going to have is that we're going to limit her. A fear that she shared with us is that it may drive her back to actually smoking again. Why would we even consider going down that road?

We also heard from ex-smokers that vouched that vaping helped them quit. We heard time and again, "I tried every other thing under the sun. This is the only thing that seems to work." That thing, again, is a vaporizer. It does not contain tobacco, the substance responsible for lung cancer. It contains four ingredients: propylene glycol, which again is generally regarded as safe by the FDA and is used in asthma inhalers; vegetable glycerin; food flavour; and nicotine.

But this ministry—the ministry of wellness—argues that it doesn't have any facts on whether or not tobacco-free vaping is a healthier choice than smoking; hence, it's banning it in all places where tobacco is banned. I find this peculiar. Again, they kind of go on the merits of the quick headline. They just think the public is going to buy into this. I challenge the minister and say: If it's not for sure harmful, why would be restricting people who are actually getting off what we know is harmful, being raw tobacco, and not allow this until that two-year—they pushed the federal government to do a study for two years and yet rushed this legislation in prior to waiting for the results of the test that they actually pushed the federal government to do.

This provincial government—I'm ahead of my notes here—actually asked the federal government to complete a study so they could start contemplating regulatory changes. No one was opposed to that, Mr. Speaker. Everyone would buy into that, but at the end of the day what we want to do is work with evidence-based fact. They're using terminology that says that we want to be ahead of the curve; what-if. What if it is dangerous?

What if it isn't? What's the cost to those people if they go back to smoking? What's the cost to those people if their cessation program is moving forward and all of a sudden they fall off track and go back to smoking and all the other ill-health challenges that they experience?

Instead of looking at that study, they put this bill forward and just want to steamroll with it—like they do with many things. One of the members across, I think from Beaches–East York, said, "Why are we debating this?" I would ask him: It's probably the only bill you haven't time-allocated. Very interesting. You time-allocate a whole lot of other ones; why didn't you time-allocate this? I'm glad you didn't, but it's an interesting fact.

Never mind that the experts have advised of the dangerous counter-effects on our youth. Youth smoking surveys show more youths smoking tobacco products from illegal smoke shacks, as I said earlier tonight—the equivalent of two school busloads full of people who die every day. Unfortunately, our kids may start climbing on those buses because of Bill 45, as we heard from experts during committee.

It's important to remember that we're dealing with two million lives here. That's how many smokers will try to quit their habit this year, and how many may not have an easy time of it because Bill 45 will reduce and limit access to vapers and e-cigarettes in Ontario.

I have a problem any time any one of our rules and regulations works to the detriment of people's health and well-being. In the case of Bill 45, that detriment comes by way of forcing the consumer to the underground economy in pursuit of flavours that you've banned, thereby creating a larger contraband market and inadvertently aiding organized crime.

Needless to say, the government voted down our efforts to fix and enhance Bill 45.

With regard to schedule 1 and caloric monitoring we, of course, support it. With families eating out more often

and obesity on the rise, we want consumers to have the caloric information handy so they can make informed choices for themselves.

I would like to see this government make fighting childhood obesity a public health priority in Ontario. It's one of the things, again—every time I've spoken to this, I've tried to implore the government to put more meat in the bill, to actually get our kids more active. I'm a recreation guy. That's what I was originally educated in. I try to walk the talk a little bit here and there, but at the end of the day I truly believe that for our children we need to have more activity. We need to keep not only our youth but everyone across our spectrum healthier. We need to ensure that people actually lead healthier lives, rather than trying to always fix them once they're sick, once they're ill, once they've got to that point.

It would have been good. I tried to encourage the minister to put even more in this bill in the first schedule, the Healthy Menu Choices Act, to make sure that that's one component, but there could have been another whole section in there. Again, she could have dropped electronic cigarettes and made that a whole separate act. They could have kept to the healthy choices and put a lot more information in about healthy, active living.

If we don't, obesity will overwhelm our health budget. It costs the provincial health care system \$4.5 billion currently. That's \$1.6 billion in direct health care costs and \$2.87 billion in indirect costs. Banning junk food and slapping calorie stickers on food is just one part of it; physical activity should be the number one priority.

**2040**

To everyone listening, to those that may read this later, keeping active for at least one hour a day lowers the risk of heart disease, diabetes and stroke. As I said during earlier debate, your own Healthy Kids Panel urged you to make good on active-living policy, including active transportation, yet Bill 45 has no single mention of physical activity. It's interesting that we've actually provided this, they've actually had their own panel on it, and not any of that made it in. They are certain, and they continue to steamroll schedule 3, the Electronic Cigarettes Act, which, again, is a hugely divisive issue out there and needs more time, more discussion and more clear thinking.

Again, I'm going to stand here and suggest to you, Mr. Speaker, that this bill has good intentions. I still, however, remain concerned over schedule 3. There's clear, undeniable scientific proof that tobacco products cause cancer and other diseases. We support efforts to limit the exposure of young people to tobacco products. Obviously, I would hope everyone in this House would have that same thought process. But let's not throw the baby out with the bathwater. We need to be looking at what's truly going to prevent kids from smoking—and take those tools out of the hands of those people who want to put them in their hands. That's not what this specific schedule is about. It's also about restricting access to an anti-smoking and cessation tool, and as the experts advised, I fear the counter-effect of the new rules.

This has been a really interesting bill to be involved in. It truly has been—I don't know if a lesson in democracy, but maybe a re-emphasis on what democracy is. I came to this bill when I first read it and said, "It's got smoking in there. I'm anti-smoking all the way," as I shared earlier in my comments.

I've had personal loss that will never, ever leave me. I've said in this House prior and I'll say it again: Watching my sister Marj at 43 years of age die in a hospital room as I watched that black whatever-it-is go through her system and out of her system was the most horrific thing I will ever see in my life, I think. If I could retrace that and try to get her to stop, and if a cessation tool like an e-vape was going to be the thing that stopped that, I can't fathom that anybody with good conscience in this House or anywhere else would not actually take a look at this and say, "You know what? There may be an unintended consequence. We need to take a second look at this. We need to slow this down and really see if there's an inadvertent consequence," so that people like my sister Marj aren't going to suffer due to someone having an ideological thought process and streamrolling it through because it makes headlines and it's easy to sell to the general public who aren't really looking at it from a legislative capacity.

It was horrible to watch; it was horrible to even think about that now and understand that we're actually not taking steps in regard to things like contraband, like making it illegal for youth to possess and sell, and yet we're trying to make everything look like the world's going to be fine; that if we just steamroll and get this bill passed tomorrow, smoking is gone. That's not going to be the case.

I sat through all of the committee. I was there every day of the committee and heard every single word that was spoken in that committee. I have to tell you, it was very interesting to hear the people come out and speak from their side, whether they were for or against. Again, it's a divisive issue. There are people who are absolutely adamant: "I don't care. It's going to go through. This is the only way to go." There were certainly people on the other side who are using this as a cessation tool who gave compelling evidence to show that there are benefits to using things like e-vaporizers.

It was very interesting to hear how many people wanted to speak. In my little more than three years being here, this is probably the most compelling and engaging piece of legislation. There were people who were writing in, calling in; they wanted to come and appear before committee. Normally, you can hardly get people to come to committee, other than, again, the standard organizations that you know are going to be here. These were individuals from across the province, from all walks of life.

We asked a number of times to be able to extend it. We wanted a significant extension, but at the end of the day we asked for one extra day to allow some of those people who wanted to participate in democracy, for perhaps the first time in their life, to be able to come to

Queen's Park and give their testimony. Again, the Liberals did not even consider that thought process; they turned us down on a dime. We've negated democracy again, we haven't listened to the people who truly wanted to be part, and then we wonder why our voting records are the way they are; why voter turnout is on the decline continually.

It was also challenging because I'm a health care guy from day one. I'm usually the guy who stands in this House proudly and supports groups like the Canadian Cancer Society, the Ontario Cancer Society, the Heart and Stroke Foundation, the Lung Association. I'm usually their biggest champion. I hope I still am, in their eyes, deemed to be that. But I truly, in this case, had to say that there is another side to this. We need to listen to those people who want e-vaporizers to be able to be legal across the board. Again, we're not talking about youth smoking; we're talking about the restrictions and the requirements. I asked again on behalf of those workers, those people who travel in a courier van, for example, who are only by themselves—there's no one else around them—to put an exemption in that they could. A crane operator—there are 228 cranes, at last count, I believe in the skies in Toronto; there's no one who's going to be in their workspace, Mr. Speaker, but they are not going to be allowed to have an e-cigarette. Why not, if that's going to be the thing that helps them to stop? They're in there for eight-, 10- or 12-hour shifts, and we can't find a way to give them an exemption to be able to utilize that as a tool to help them stop smoking.

Mr. Speaker, these were not outlandish things; these were not partisan things. These, in my mind, were rational things that we brought to the table asking the government, "If you're truly intent on making the health of Ontarians better, you would actually consider and debate and include this in your bill." Not one of those went forward. Again, I find it sad that we couldn't do that.

**Mr. Tim Hudak:** Not a single one.

**Mr. Bill Walker:** Not a single one. We had 39 different amendments in committee. Not even one really got debated; zero actually got included in the bill.

There's nobody in this room who can tell me that they're so smart that they can write something, and they can't accept one more improvement. It's a sign of arrogance. It's a sign that "We've got an agenda, and we're going to move it forward," as opposed to the rhetoric in question period: "We're here to listen. We're here to collaborate. We're here to work with all three parties." It certainly was not indicative—if you sat through that or watched the tapes or read Hansard of that debate—of a party that truly wanted to listen and make the absolute best legislation that is going to truly have a positive impact on the health care of Ontarians.

I tried very much—during first reading, second reading, in committee and here tonight again—to find a balanced approach. I've stated unequivocally that I'm the most anti-smoking guy that you're ever going to see. But I do believe in this case that there are valid arguments.

There is science on our side. There are experts with testimony who are prepared.

My colleague is having a forum tomorrow morning at 9 o'clock, I believe, that I encourage everyone to come out to, especially the associate minister and the Minister of Health—and all of the colleagues who are supporting them—to hear that expert testimony so that, as my colleague asked in his half-hour address, we slow this down and take schedule 3 out of this and not put it through and have inadvertent unintended negative consequences to the lives of Ontarians.

Mr. Speaker, the associate minister earlier this evening suggested that everything that needs to be said on this issue has been said, that the debate is over. I would actually respectfully request that the minister give sober second thought and truly open her mind to other alternatives here. We can actually take this piece of legislation and make it even better than what it is today, with the health of Ontarians truly in mind. If she's really that sincere and truly convicted to making the best legislation for those people who she represents—who we all represent—then she'll step back and listen to some of the science, some of the testimony.

There are a number of deputants, as I say, who didn't get to speak—

**Mr. Tim Hudak:** Which one is the associate minister over there?

**Mr. Bill Walker:** Well, the associate minister, I believe, is not with us, although I'm not certain if I can say that, Mr. Speaker.

*Interjections.*

**The Acting Speaker (Mr. Paul Miller):** I believe you were set up on that one by your friend. You will withdraw that.

**Mr. Bill Walker:** Withdraw, Mr. Speaker. It was just that he knew that I was getting dry and needed a drink of water. I'll take fully responsibility for that remark.

But I do implore the minister, the associate minister and anyone else associated with health or not to be there tomorrow morning to hear the compelling information, the research and the actual facts that are going to be shared tomorrow morning by a number of very credible guest speakers at the member from—I've got to get his—

**Mr. Tim Hudak:** Lanark–Frontenac–Lennox and Addington.

**Mr. Bill Walker:** Thank you. I never get his riding right. I just call him "Mr. Hillier;" it's easier, but I can't do that.

This bill, as I said earlier, has three parts to it. Under the Healthy Menu Choices Act, 2014, owners and operators of regulated food service premises are required to display the number of calories in each standard food item sold at the premises, as well as any other information required by the regulations.

Again, in committee, we did hear evidence and concerns from other organizations saying that in some of these large—over 20 outlets, a franchise-type set-up—we tried to suggest that you could have one counter menu. You don't have to have it on every single piece in the

store because of the volume—grocery stores. There are other ways it would actually be just as beneficial to the public. They could see how many calories, what they need to know. There are better ways, and not one paintbrush covers everything. So we asked for some of those type of considerations. None of that; nothing was considered.

**2050**

We heard compelling evidence, I believe, from the U of T about sodium. I again found this very interesting. They actually suggested that sodium had to be one of the two crucial elements, along with calories, put onto the labelling. I still haven't understood—and I asked the associate minister, again a number of times, why that wasn't considered, without any real explanation other than, "This is what you have. This is what we're moving through, and we believe this is the best way to go." Why, again, will they not accept evidence from experts? The U of T is a pretty renowned institution in this fair city. They've done their homework. They had experts do all of the study, and yet it's still not in there.

So, Mr. Speaker, I challenge again, when they're coming out saying, "This is going to be the best legislation; we truly, sincerely have the thoughts and cares of the Ontarians we serve at heart," why they wouldn't do that.

There were a number of things in that piece of legislation. We were trying to find ways to make it effective. Obviously, all of us support it. I'm certainly going to be a guy who's going to support healthier eating and healthier opportunities. But at the end of the day, let's figure out what the public really wants. What are they going to use as a tool, as opposed to us deeming, "This is what you should do, and because we say it, it makes it right"?

We had a number of people, again from both sides, in this debate. They shared ideas with us, but I didn't see much in the way of any amendments or revisions to that piece of legislation changed either.

We are definitely supportive. It's a step in the right direction. Anything my colleague Mr. Hudak from—

**Mr. Tim Hudak:** Lanark—Frontenac—Lennox and Addington.

**Mr. Bill Walker:** No, that's his. I do know that.

*Interjections.*

**Mr. Bill Walker:** East Lincoln.

**Mr. Tim Hudak:** Niagara West—Glanbrook.

**Mr. Bill Walker:** Niagara West—Glanbrook. He and I were speaking earlier. If you put something as simple as a heart-healthy checkmark on a menu, that at least triggers you to say, "You know what? I have a conscious choice here. I can eat the healthier one or some of the less healthy." I don't necessarily pay attention to the label saying how many grams and how many calories. I just need to understand. I think there are other ways we could have done a lot of this more cost effectively without putting yet more burden onto those business owners.

We had a number of challenges in regard to the franchisee and franchisor. The person who actually is the franchisee does not own. They are the day-to-day man-

agers, but they lease the opportunity to run that business from the franchisor. But the franchisor could be held responsible, despite not even being on-site with the serving of those products. So again, we simply suggested that here is a valid discussion; here is a valid argument. We need to look at this, and we need to build it into the legislation so we're not inadvertently impacting and negatively impeding or impacting that franchisor when it's something that they have no hands-on control of. Again, there was very little discussion in regard to whether they would even give consideration to that.

A number of assorted amendments were made to the Smoke-Free Ontario Act. The sale of promotional items together with tobacco products is prohibited. Again, I don't think there's any issue with that. The sale of flavoured tobacco products is prohibited, subject to power to prescribe exemptions. Again, one of the challenges we had there was that people have said, "If I've smoked menthol for 20 years, I'm not necessarily not smoking menthol tomorrow. I'll just go down the road to that illegal smoke shack and buy it there." There are more flavours there probably than on most of our convenience store shelves.

Again, it sounds good. We're getting rid of all flavours. They tried to bring it all back that that's exactly what induces youth. Maybe go out and talk to some of the youth who've actually started smoking in the last year and ask them what the real issue and the real driver was for them to start smoking. And 99% of the young folks I've talked to, it's from contraband cigarettes that have very easy access and very low costs. They're the ones we're trying to protect. We could have quite easily solved the problem, and not one word in this legislation about contraband tobacco. I can't say that again.

I'm going to go back and just review some of my notes because I think they're valid and worthy of speaking about. Banning the marketing of tobacco products to children is an important step forward, but we also need to shut down illegal smoke shacks. I don't know how much simpler I can say that, Mr. Speaker. We're all in favour of no access. I again pointedly asked the associate minister to include provisions to make it illegal for youth to actually have, sell and have access to cigarettes—similar to alcohol. It seems to work. Now, maybe a few people in this House might have had a beer before they were of legal age. Not many may admit it, but that might have happened. But at the end of the day, most people, when it's illegal, respect the law and they won't do it. Why would we not make this a similar law as we do for alcohol, which again has a negative impact on people's health? Why would we not do this for cigarettes if we were truly intent? Why would we not take every opportunity to limit the ability for them to have access to tobacco products?

Childhood overweight and obesity are on the rise, and again we need to make it a public health priority. I didn't see one real thing in this piece of legislation—despite their panel telling them. The title of the bill, the Making Healthier Choices Act—you would have thought they

would have at least put one minor little thing in there to try to encourage youth and, in fact, all ages to live a more healthy, balanced lifestyle, Mr. Speaker. But at the end of the day, they truly focused more on schedule 3, and that's what most of the debate turned out to be on.

As I've said here a couple of times—certainly earlier—if we had had schedules 1 and 2, this piece of legislation I think would be law already and we'd be living it. It would be in action; it would be making a difference. Schedule 3 should have been taken out. It should have been debated totally separately, and they should have done a lot more consultation. Not one of their strengths is going out to actually talk to the people before they try to bring these things forward. This is yet another one of those that we're going to go out—a lot of people, thousands of people, are utilizing e-cigarettes to try to stop them from smoking, and we're going to take that opportunity away from them, at least in the fullness that it could be.

The Liberals argue that, "We're not making it illegal; it's going to be the same as cigarettes." We get that, but there are also arguments that people need these. There isn't the same second-hand smoke coming off these that is proven to be dangerous to people's health. "Precautionary principle" I think is the big buzzword they were using, and trying to sell that to the public, that, "We're going to be the keepers of you. We're going to tell you what's good, and we're not going to take any chances." At the end of the day, they're not concerned, Mr. Speaker, with that precautionary principle of contraband tobacco. I keep coming back to that because if you listen to the bulk of the people in most of our ridings who have concerns about tobacco and why it's on the increase, that's what we need to be targeting. We need to be looking at that and addressing that if we truly want to impact the health of Ontarians.

We spent a lot of time listening to people—or certainly I did and my colleague did, when we were in debate and listening to those people come in. We wanted to hear a lot more people. As I said earlier, there were a lot of people that were engaged. They actually came to Queen's Park; they wrote letters; they sent emails. I believe that Mr. Hillier has 20,000 people on his website, on his electronic signature, that have signed up for that. That's amazing, how many people have gotten involved and want to turn their lives around, want to become healthier. All they're saying is, "Allow us the opportunity to use a tool that is the only tool of all the things I've tried in my life to be able to beat this."

Mr. Speaker, I hope that today I've been able to present a balanced discussion on this matter. I actually again extend an invitation to all of the Liberals across the floor to come out tomorrow morning at 9 o'clock in the media studio to hear these experts, hear the other side of the story and give due consideration. If the associate minister truly is convinced about making the lives and the health of Ontarians better, she'll step back from this. She'll actually say, "You know what? There is an ability to pull this out. I can let the other two go through, and

we'll make this the stronger, more effective legislation that truly will have a positive impact on the people of Ontario."

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**M<sup>me</sup> France Gélinas:** It was interesting to hear what the member of the PCs has to say. I agree with them wholeheartedly on one part of what they said: It's that we have seen people through that process that, for the first time in their lives ever, they came in front of a committee and they wanted to be heard. They got engaged in the democratic process like it should be. Those were not the usual suspects who know the routines and know how to come in and get there with their pieces of paper all ready. None of that; those were people that were usually scared out of their wits because they had never been here before, and coming to Queen's Park is not always a very welcoming affair.

They had made it through security, found their way to the right room, and then you call their names and they get to sit in front of this microphone. You can see them shaking. They are so nervous, but they wanted to be heard. They really took the time out of their lives to come and talk to us, talk to the politicians, to people they believe are there to represent their voice, represent who they are. They told us their story and they came. Hundreds of them put their names on the list. It was really heartwarming, in a sense, to see that finally people who I'm guessing hadn't voted in years, people who had never paid attention to what's going on in here, all of a sudden wanted to be engaged. They wanted their democracy to work for them. They wanted to be part of it, but rather than giving them an opportunity to be heard, we limited debate, and hundreds of them who would have taken part in the political process for the first time in their lives got the door shut in their face. That was wrong. I agree with what my PC colleagues said: That was wrong.

**2100**

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mrs. Kathryn McGarry:** I rise, on behalf of my constituents in Cambridge, to add my support for Bill 45. I've said many times in this House that I'm a nurse who has cared for so many patients who have been suffering from lung cancer. I'm very supportive of the measures contained in Bill 45 that will protect our youth, and that will prevent them in the beginning from even starting smoking.

I listened to the member from Lanark-Frontenac-Lennox and Addington, who called the bill disgusting. I have to say, as a nurse, that I find that very offensive. As a matter of fact, the member can ask the associate minister himself to reacquaint him with the bill, line by line, if he so chooses. But the member and Marion Burt, who came to the committee, can continue to use e-cigarettes to reduce their cigarette smoking; certainly a goal I applaud. E-cigarettes will be available, except to youth under age 19.

My son Liam McGarry is in grade 12 right now. He tells me that some of his schoolmates will not be smok-

ing anymore if they don't have access to either flavoured e-cigarettes or to menthol. That's from somebody who is actually there.

I'm not sure, but I'm quite sure that the member from Lennox, Addington, Frontenac and Addington—I will get that name correct—is probably over age 19, and he will be able to continue to purchase e-cigarettes. Under the proposed legislation, we'll be banning the sale and supply of e-cigarettes to anyone under age 19, and require retailers to request ID from anyone who appears to be under 25 and wishes to purchase e-cigarettes.

I support Bill 45. It's only restricted to those who are under age 19. Those who wish to continue using e-cigarettes who are over age 19 will be able to continue to do so.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Robert Bailey:** I'd like to commend both the member from Lanark-Frontenac-Lennox and Addington and, of course, the member from Bruce-Grey-Owen Sound. I sat and listened for the hour, and it was quite interesting. I intend to go to that news conference tomorrow, and I'd suggest that all of us who are available go there tomorrow; maybe we can all learn something. I'm over 60 now, and there's not a day that goes by that I don't learn something new. I'm sure that many members of this House could learn some more.

Maybe we should take a look at section 3. I know that I've heard from a number of people in my constituency as well, who are confined to long-term-care facilities and obviously can't smoke in there; they're confined to their beds or to the ward. They're going to really miss these e-cigarettes. They're worried about access to them being banned entirely, because it's the only way they've been able to quit smoking—it's the politically correct thing to do.

I don't want anybody to think I'm—I quit 35 years ago; I quit smoking in 1980. I smoked up until then. I never heard of e-vapors, vapes—whatever they are. It was difficult. Quitting was easy; staying off them was hard. Quitting was easy; I quit two or three times. I did. I should have quit a lot of other things, too, but I didn't.

I certainly sympathize with people who are trying to quit. I certainly urge the government to take a look at section 3. Don't do the politically correct thing; don't necessarily think you've got this right. Maybe take time to take another look at this, and let's do the right thing for those people who do want to quit smoking cigarettes.

I have very close friends and family whom I would like to see go this route, use these vapes and quit smoking, because it certainly is an insidious habit. The smoke shacks are still going to be out there. I've never heard anything about these smoke shacks. Nobody wants to tackle that. You won't hear that brought up in here today, or at any time, by this government.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Peter Tabuns:** I also want to say that I appreciate the comments from the member from Lanark-Frontenac-

Lennox and Addington—man, that's a long title—and the member from Bruce-Grey-Owen Sound.

I'm very pleased that the Conservatives support the idea that there should be a posting of sodium or salt content in food. My colleague from Nickel Belt gave an extensive exposition on the amount of salt that there is in very common fast foods, and I have to say I was pretty taken aback, particularly with the Thai vegetable stir fry. I sort of expected it with chicken nuggets, sure; they almost glisten with crystals of salt on them. But most salads—you think there's kind of a pass. So it does make sense. It's not easy; it's not visible to the eye that there are large amounts of salt that have been shaken on top of some of these foods. I think the member is quite correct that we need calorie labelling, but because of the cardiovascular impacts it also makes tons of sense at the same time to make sure people know how much salt they're getting with the food that they're purchasing.

I differ with the Conservative members about their response to schedule 3. I think there should be regulation of e-cigarettes. I don't think there's any question that when someone is smoking an e-cigarette, they have the potential to be putting nicotine into the air. I would say that all the arguments we've had about tobacco in the past, about the need to protect non-smokers, to protect people from second-hand smoke, are as valid in this situation as they were in the fights that we went through in the 1980s, 1990s and in the last decade about second-hand smoke.

This schedule 3 doesn't ban e-cigarettes, but it does actually protect people who don't want to be smoking involuntarily. On that basis alone, that section should be supported.

**The Acting Speaker (Mr. Paul Miller):** The member from Bruce-Grey-Owen Sound has two minutes.

**Mr. Bill Walker:** Thank you to all those who spoke.

Nickel Belt: France Gélinas is always thorough in her research. It's a pleasure to serve in committee with her. I think the one thing that she reinforced again is that limited debate, the sadness that we weren't allowing democracy to truly, fully run its course on an issue that is so controversial and divisive.

To Cambridge: Obviously we all agree with protecting youth. That's a no-brainer. No one even has to talk about that. You referenced your son Liam. I wonder if you have the conversation with him about the smoke shacks, because when I talk to my sons Zach and Ben, that's where they hear the bulk of it coming from. It's not flavoured, it's nothing else; it's smoke shacks.

The concern that my colleague from Lanark-Frontenac-Lennox and Addington has is not that he can't get access to them; it's actually the limitations put on them. I've never smoked, so I really don't understand just how challenging it is, but I applaud my colleague, who quit after 35 years. You need to be able to have something when you have that drive to have a cigarette. That's what he's trying to suggest to you. If this can allow people to stop smoking regular tobacco—that's what he has concerns about. There are ways that we can do better

legislation to allow people to have access, and it has nothing to do with youth.

My colleague from Sarnia–Lambton—I'm just going to suggest—I think most people on the opposite side always clap for Bob. They like Mr. Bob from Sarnia–Lambton. He's had two PMBs; he's actually listened to people and he has worked collaboratively. Maybe you could take some pointers from him and take this piece out and ensure that that gets done. Again, I want to commend him for being able to quit smoking after 35 years.

To the member from Toronto–Danforth, thank you very much for your comments.

I'm going to summarize by suggesting again that there are people, there are seniors, veterans of our great country, who again have started using these because they have had that addiction for 50, 60, 70 years. They want to comply; they want to do it. We're going to take them out of their hands, potentially, which is really a shame.

Mr. Speaker, I implore the associate minister to pull schedule 3 and to give more time and more thought to ensure that this is the best legislation we can put forward to truly make healthier Ontarians.

**The Acting Speaker (Mr. Paul Miller):** Further debate.

**Ms. Peggy Sattler:** I am very pleased to be able to rise in this House tonight to speak on Bill 45, the Making Healthier Choices Act, on behalf of the people that I represent in London West. I have to say that it is a real honour for me to be the first speaker up in my caucus following the leadoff from my colleague the member from Nickel Belt. This is a member who knows this file inside out. She has been working on this issue tirelessly for over eight years, since she first was elected in this Legislature. She has introduced 11 private member's bills on issues around calorie menu labelling and stricter tobacco controls, and she was also one of the first MPPs in this Legislature to raise some of the legitimate concerns about the lack of regulation of e-cigarettes.

**2110**

As the member for Nickel Belt pointed out in her very thorough lead-off speech, New Democrats support this legislation, but we do have some very significant concerns about the missed opportunities that this bill represents by the lack of measures on sodium labelling.

Bill 45 has three schedules. The first schedule concerns calorie counts on menus for food service establishments that have 20 or more locations. These new measures will apply to approximately 11,500 restaurants across this province, 15 grocery chains, 14 convenience store chains and two movie theatre chains. So the reach of this requirement for calorie counts is quite extensive, although frankly we would have preferred to see it even broader.

The second schedule of Bill 45 introduces new provisions to ban flavoured tobacco. This is a very significant initiative to address the rates of youth smoking. We know—and I'll speak to this later—that many young people, when they begin smoking, first try flavoured tobacco.

The third schedule of this legislation, which my colleagues over on the PC side of the House have spoken at length about, are new provisions to regulate e-cigarettes. This simply brings the regulation of e-cigarettes in line with the regulations that we already have in place for cigarettes. As others have pointed out, this is reflective of the precautionary principle. It's reflective of the fact that the research is inconclusive about the potential negative health impacts of the vapours that are released by e-cigarettes. We need to do the responsible thing and put measures in place to protect people from the potential ill health effects of the nicotine that could be released by e-cigarette vapours.

I'm now going to address each of the three schedules in some detail. The provisions around calorie counts: This is something that we have had in place in this province for more than a decade on the packaged food that you can buy in grocery stores. I know that I and those of us who do shopping for our family often check the nutritional information that is on packaged goods so that we can ensure that we are making the healthiest choices, the best choices for the people who we are preparing meals for and, of course, for ourselves.

Unfortunately, however, more and more of us are eating out. We're not preparing food at home. Without requiring restaurants to provide this kind of nutritional information, we don't know what kind of calories we're consuming or what kind of sodium we're consuming unless, as the member for Nickel Belt said, we go to extraordinary efforts and ask people in some of the outlets to get this information, which they may have tucked away in a stockroom. The new provisions of section 1 in Bill 45 will make this information much more accessible to many, many more Ontarians.

This is particularly important for children. There is research showing that children consume twice as many calories in restaurants as compared to the calories they consume when they are at home. We've all heard the stories of the epidemic of childhood obesity that we are seeing across this country, in fact. In the US, it's a very high-profile public policy issue as well. It's a public policy issue because there are significant financial costs associated with the negative health outcomes that are related to obesity. In Ontario, there are estimates that, overall, obesity costs this province \$1.6 billion in direct costs and \$2.9 billion in indirect costs. So there are significant financial implications if we don't do something to address rising obesity.

We also know, from recent research from the Centre for Science in the Public Interest, or CSPI, that the costs of overconsumption of sodium are also very, very high. They estimate that about half a billion dollars are spent in Ontario each year to address high blood pressure—hypertension—that is associated with the overconsumption of sodium. Unfortunately, despite all of the evidence that was presented to the legislative committee that looked at the bill during clause-by-clause, Bill 45 does not require sodium content labelling. Going back to what I said earlier about the importance of Bill 45 for children,

sodium content labelling in particular was recommended by the government's own Healthy Kids Panel. So we see the lack of sodium content labelling requirements as a real oversight and a real missed opportunity.

We know that providing consumers with nutritional information can really—it can trigger people to change their behaviour. When people know what kinds of sodium counts are in food, what kinds of calorie counts are in food, when they compare different menu items, they will make different choices once they have that information. Providing that information is critical to get those kinds of behaviour changes that we seek so we can have better health outcomes for all Ontarians.

Despite the testimony, the input, that was provided by more than 40 community group leaders who went to the committee, who spoke about the importance of sodium labelling, the government decided, in its wisdom, that they didn't want to support those amendments. I am aware that some of the Liberal members on that committee, when they were opposing the sodium labelling, said that there were labelling experts on the Healthy Kids Panel who were concerned that there might be too much information for consumers if there were both calorie counts and sodium counts. But, interestingly, as the Centre for Science in the Public Interest points out, these so-called experts were representatives of the companies that would be directly affected by the bill. So one has to wonder whether these experts were really speaking in the public interest or whether there were other commercial or industry interests at stake.

There is also a concern that has now been raised that without sodium labelling and with only calorie labelling, you could actually have one of these perverse incentives where consumers actually start to choose foods that are higher in sodium than they would otherwise because they're trying to select foods that are lower in calories. We know that, for years, restaurants—chains, in particular—have snuck sodium into menu items and have increased the sodium content because, for whatever reason, our palette finds high-sodium foods more attractive. So when chains have to lower sugar content and make changes to their menu formulations in order to reduce calorie counts, they might increase the sodium counts, and that's a very real concern.

**2120**

We also know that it is very difficult to estimate what the calories are in menu items and what the sodium content is. This was pointed out very effectively by the member for Nickel Belt when she threw out those little quizzes to try to guess which was more.

Nine out of 10 Canadians support sodium labelling, just as they supported nutritional information being placed on packaged goods in grocery stores, so this is something that people in Canada want; it's something that Ontarians want.

Across the province we're seeing more and more awareness at the community level and more and more efforts being made locally to try to improve eating habits and promote healthy foods. I just wanted to highlight

three initiatives in my community that I'm particularly proud of that really speak to this community-based effort. In London, we have Growing Chefs!, which is a charity funded by the Trillium Foundation. It's a program to engage professional chefs and farmers, growers, along with teachers, educators and community members, to get kids excited when they are at school about healthy food. So the goal of Growing Chefs! is to help children develop better eating habits by understanding how food is grown and where it comes from. The purpose of the program is to give children hands-on experience growing and preparing their own food, thereby improving children's eating habits. The research has shown that it does reduce childhood disease and obesity when children are empowered with the knowledge of where healthy food comes from.

Another initiative we have in London is called the Food Hub. This is a program that was developed by On The Move Organics in London. That is a company that has been involved in the bicycle delivery of organic food boxes to individual homes since 2008. They are scaling up to create the London Food Hub, which is a model based on Foodlogica in Amsterdam. It uses electric-assist tricycles—in the case of the London Food Hub, these are going to be cargo tricycles—to develop a sustainable, efficient and cost-effective urban food distribution network. This is a very exciting initiative and something that I think is really going to have an impact locally.

The third initiative that I wanted to highlight that shows how people are embracing initiatives to support local food is Western University's HEAL. The researchers involved in this lab are looking at the food system, particularly urban food deserts, and trying to assess what it is that drives food retailers away from urban areas and small towns, how we can increase access to nutritious foods in these neighbourhoods and what viable strategies exist to encourage healthier consumption.

Western's HEAL also has developed the Smart APPetite, which is a smart phone app and a website which is designed to remove barriers to finding local and healthy foods.

Speaker, my community certainly understands the importance of calorie labelling, and we also understand the importance of sodium labelling. We are going to continue to push to have the government move forward on this initiative.

I want to turn now, in the little time that I have left, to schedule 2 to ban the sale of flavoured tobacco, but it also—and this is of some concern to us on this side of the House—allows cabinet to exempt certain flavoured tobacco products from being included in this ban.

We know that adding enticing flavours to tobacco products has been a tried and true marketing strategy that tobacco companies have used for decades to grow their customer base, to get new customers hooked on smoking. Most problematically, flavoured tobacco is a particular inducement to encourage young people to start experimenting with tobacco. We feel very strongly that these amendments to the Smoke-Free Ontario Act are critically important to reduce smoking rates among young people.



We know that the latest Youth Smoking Survey showed that a majority of young people who smoked in the last month smoked flavoured tobacco. In fact, some people would say that menthol is a product that only older people use, but the Youth Smoking Survey showed that almost a third of youth who smoked in the last month had smoked a menthol cigarette. So menthol is, in fact, the most popular flavour of flavoured tobacco.

We believe strongly that the government needs to be very clear that menthol will be included in the ban on flavoured tobacco. We believe very strongly that the government must not bow to pressure from the tobacco companies, who want to see menthol removed from the ban on flavoured tobacco, and we must be very clear that menthol will be included in the ban.

We understand that the language of the bill for a future date on the implementation of the ban on menthol could mean as much as two years before we see this put in place. It could mean more than two years; it could mean 20 years. We believe strongly that this must go ahead, and we must be very clear that menthol will be included.

I just wanted to share with members of this House a statement that I received from a high school student in London. His name is Jack Zhan; he's the co-chair of YouthCan, which is a London youth group that meets monthly to plan activities involving cancer prevention, advocacy and fundraising. Their slogan is "You are never too young to make a difference in the fight against cancer." YouthCan organized many different events across my community of London. They collected over 1,300 signatures in support of Bill 45.

Jack wrote to me and said, "As a teenager, I truly believe Bill 45 is a crucial bill to be passed.... Flavoured tobacco is a sneaky and deceptive tactic used by the tobacco industry to attract youth into smoking in order to replace the dying smokers. If this bill passes, the future would look a lot brighter for us youth today. End the flavour by passing Bill 45!"

I want to honour Jack's words. I want to see Bill 45 passed, and I want to see menthol included in the ban on flavoured tobacco.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. John Fraser:** It's a pleasure to respond to the member from London West. I am fully in support of Bill 45, and I'm pleased to hear that she's supportive as well.

She did mention the ban on flavoured tobacco and quoted statistics that we've all heard throughout this debate which say that about half of youth smokers use flavoured tobacco, and about a quarter of youth smokers use menthol. So the ban on menthol is really crucial to ensuring that our young people do not get hooked on cigarettes. We all know the consequences of smoking.

I want to assure her that the intent of the legislation is not to wait for 20 years to ban menthol. It is in the legislation—

**Hon. Dipika Damerla:** Not necessarily two years; up to two years.

**2130**

**Mr. John Fraser:** Up to two years, as I've been reminded by the associate minister. Thank you very much.

I also wanted to mention her support of menu labelling. I do hear what she is saying about salt content. I know that there's not agreement yet on what are appropriate levels of sugar and salt. What we do know is that prepared foods are often high-content sodium for preservatives. I think people should be aware of that. We do need to start with the menu labelling we have right now. I do agree with her—we're going to have to look at salt—but I don't think we're quite there yet. I appreciate her comments very much.

Her highlighting of the food initiatives in her city: I want to highlight one that we have in Ottawa South, which is a food bus that brings fresh fruits and vegetables to communities that would have a hard time getting access to them at grocery stores.

I do want to add one thing for the member from Lanark-Frontenac-Lennox and Addington—I just wanted to say that—and Bruce-Grey-Owen Sound: It is not a ban on e-cigarettes. Adults can still purchase e-cigarettes. It's an important part of the bill that we make sure that youth don't use this as a gateway to start smoking.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Wayne Gates:** Let me stand on Bill 45, Making Healthier Choices. I've been sitting through this for almost three hours now, and it has been interesting how the debate has gone. The Conservatives are talking about e-cigarettes; I find that interesting. The Liberals just want to shut down debate. And the NDP, under our MPP from Nickel Belt, who tried to pass this for seven years—think about it, seven years. In fairness, seven years.

Then, she is saying, which I think is fair—

*Interjections.*

**Mr. Wayne Gates:** It would be interesting if you guys would listen.

It's interesting so far to say, "Well, why wouldn't we take a look at sodium being included in a health bill?" What we haven't looked at in the three hours I've been here is what is in the best interests of our kids and our grandkids when it comes to healthy choices. Nobody has talked about kids; nobody has talked about our grandkids. What are we going to do to stop obesity among our kids? Well, here's a way we can do it and support local communities: We can use locally grown produce in our schools, supporting local farmers. What happens with that, if it's made locally and the fruits and vegetables are local? Guess what it has less of? Anybody know on that side? Salt. Sodium. I think that would be a good idea.

What I think we should actually do is take a look at our schools. As we put portables on playgrounds because we're closing schools, why don't we make the playgrounds a little better so the kids can still play soccer, play basketball, which would help them stay in shape?

I did learn something today. After I go home from here, one of my favourite meals, quite frankly, is Kraft dinner and hot dogs. Now I'm not the best cook in the

world, obviously, but my staff told me tonight, from listening to this, that that gives you three times the amount of sodium you should have in your daily diet. So I've got to find something else I can make. I thought I'd throw that out.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Yvan Baker:** I'm pleased to be able to speak to this bill. I think there have been a number of important things said. There are a number of aspects to this bill that I think are important and could really impact the health of Ontarians in a positive way.

One aspect of the bill that I want to focus on—it's been raised on a couple of occasions—is the menu labelling piece. When I think back, this reminds me of how food was handled in our home when I was a child. I remember that my mother was really careful about what she fed us. I do remember going to school with my lunch kit and sometimes being disappointed at what was in my lunch bag. Now, I'm so pleased that I was disappointed at the time, because the reason I was disappointed was that I didn't have all the sweet and unhealthy things in my lunch bag; I had healthy things.

I remember, as I grew older, that I didn't always understand how to determine what was healthy and what was not. To me, what I learned about health, or certainly remember learning when I was young, was that what was most important was that you consume each of the four food groups in any given day. As it turns out, that's not specific enough. That's not enough knowledge to make the informed decisions we need to make. That's why I think this bill is important, because what this does through the menu labelling component is it ensures that people are going to be armed with the information, or some of the information—a lot of the information that they need to make healthier choices.

That's really what we're doing. We're not telling them what to eat or what not to eat, but we're giving them the information they need to make an informed choice. I think that's fundamentally important. It's fundamentally important for the health of the next generation. Posting calories on menus and menu boards in restaurants, particularly larger ones where there are multiple locations, would cover a significant amount of the food we consume and certainly even a larger percentage of the food that's unhealthy that we consume. Making sure the information about that gets posted is important. I think that will impact the health of people of all ages for years to come but particularly young people, and they'll be armed with even better information and be even healthier than I was.

**The Acting Speaker (Mr. Ted Arnott):** We have time for one last question or comment.

Seeing none, I'll return to the member for London West for her reply.

**Ms. Peggy Sattler:** Thank you very much, Speaker. I want to recognize the members for Ottawa South, Niagara Falls and Etobicoke Centre, who offered their comments on my remarks.

I am glad and appreciative of the comments from the member from Ottawa South, who acknowledges how crucial it is to include a ban on menthol, and we will hold the government to that commitment. We would have liked to see it included from the beginning, but we will certainly be watching to see it moving forward.

The member from Ottawa South says that the government is not there yet on sodium labelling. I'm not too sure what it will take to get the government there. When you had your own appointed panel, the Healthy Kids Panel, as part of the Healthy Kids Strategy, recommending sodium labelling, when you had over 40 presentations to the committee endorsing sodium labelling and when you had all of the organizations and experts that were mentioned by my colleague for Nickel Belt endorsing and urging the government to move forward on sodium labelling, you really have to wonder what more the government needs.

Nevertheless, I think that the member from Niagara Falls had some great points about the need to engage children at school if we're really serious about taking effective action to address rates of childhood obesity and encourage healthy eating.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Steve Clark:** It's a pleasure for me to provide a few comments this evening on Bill 45, the Making Healthier Choices Act. We've had speaker after speaker talk about the three pillars of the bill, which require fast food restaurants to display calorie counts for menu items; the prohibition of the sale of flavoured tobacco products, including menthol cigarettes; and also the new restrictions that the government is going to place on electronic cigarettes. Many speakers have talked about the banning of the sale to anyone under 19, but there are also restrictions on the display and promotion of e-cigarettes.

I want to say, off the top, after reviewing Hansard and looking at some of the committee hearings, I do have some trouble with the premise that passing this piece of legislation is going to suddenly see Ontarians make healthier choices. The government can't legislate good health or healthier choices. We've got to create, as a Legislature and as legislators, more education. We've got to create that base in our school system to be able to teach people about smoking and about the perils of sodium, to use a page from my New Democratic friends. I think we have to have an education-first premise when we look at providing healthier choices for our community. We have to give people knowledge at an early age. I think we have to do a number of things, not just deal with some of the issues that the government is talking about today.

**2140**

The member for Nickel Belt, at one point in her speech today, talked about how people don't look at calorie intake on a menu. She asked her colleagues to put their hands up if they had ever done that. I was one of two people who put their hands up, because it's something that you have to learn—there was a third one; the Attorney General has put her hand up.

I had to do it because I have a child who has a peanut allergy, so reading labels—looking at the ingredients on labels, looking at the calorie intake and looking at the sodium intake—just became natural for our family because we did that. But that was something that we had to do, and it became a way of life.

What's not in this bill, Speaker, is that we also have to promote the fact that we need our society to become more active. We need to teach our young people in schools to lead active lifestyles. We need to be able to combat obesity and really deal with that because of the increasing strain we have on our health care system.

We just have to make sure that we deal with this bill, and I know there are going to be many speakers tonight.

This bill only received five days in committee. It was a process that I think you see over and over again with this government. You've got legislation brought through, but yet there are examples where this government really shows their inability to manage our economy; there are many issues that come forward every day during question period. When we deal with the bills, we've seen this government continually shut down debate and shut down voices to be heard across the province. People expect us, when they elect us—all 107 MPPs have the duty, when a bill like Bill 45 is brought forward, to bring the views of our constituents forward.

There's also a process, Speaker, as you well know, that deals with committee. I can remember coming here for the throne speech—I've said this many times when we're dealing with debate—the fact that the Premier wanted to do things differently, the fact that she wanted to choose partnership over partisanship. Yet debate after debate—Bill 45 is again something where they get into committee and vote down amendment after amendment, good amendments that are put forward by the opposition parties. Again, that's why we're back here. That's why you hear the level of frustration from New Democrats when they stand up and express concerns about sodium and the displaying of sodium levels. That's why you hear members like my friend the member for Lanark–Frontenac–Lennox and Addington express concerns about constituents and e-cigarettes. That's something that I feel we need to get to the root of to change. We can't continue to choke off debate in this Legislature.

I want to go back to my caucus colleague the member for Lanark–Frontenac–Lennox and Addington because he talked about a concern he had during committee about the process for this bill. He noted how so much of this legislation is a bit of an unknown because it's going to be determined with the regulations. It's a process members of this House aren't going to have a role in. We don't have a role, as members of the opposition, in dealing with the regulations.

So what happens, when the government takes the time to listen to more witnesses in the province, is, I think it makes a better bill. When a government decides to have a full debate in the Legislature and take opposition ideas and suggestions, I think it makes a better bill. When you don't do that, Speaker, I think you have some unintended

consequences, and I'm going to talk about that a little later.

I'd urge the government members to go back, as some of my colleagues have said tonight, and look at the committee transcripts. Go back and look at some of the suggestions that were put forward, some of the testimony that was presented at committee, some of the evidence that was presented. If they do, I think they'll see that some of the members in my caucus did an excellent job raising some significant red flags about where those unintended consequences lurk in the bill.

Again, my caucus colleague who spoke earlier tonight, Mr. Hillier from Lanark–Frontenac–Lennox and Addington, really brought forth some compelling evidence about one of the components of Bill 45 which was his concern—and I think it concerns me, as well—about the electronic cigarettes.

It's interesting that one of the most compelling reasons we've heard about the need for the restrictions this bill puts on e-cigarettes is that it's seen as a gateway. I think the member for Ottawa South even used the word “gateway” in his last two-minute hit. The theory goes that they normalize smoking for youth, who then graduate from vaping to smoking tobacco.

Everyone—and I think that also includes the vaping industry—supports restrictions to prevent devices from being in the hands of our kids. But as I mentioned at second reading debate on Bill 45, I heard first-hand about the need to also get tough on marketing tobacco-related products to young people. For those who were in the House during second reading, I talked about a meeting I had in my constituency office earlier this year, where I met students from Gananoque Secondary School: Jeremy Somerville, Carly Hart, Rayna Hachez and Jonathan Lancaster. They wanted to meet with me because they came to the Freeze the Industry summit last fall, and they talked a lot about initiatives to reduce tobacco use among their peers. I have to tell you, I was very impressed with those student advocates and how they related what they learned about those marketing initiatives to their own experience at GSS. The bottom line: The marketing works.

I obviously don't, for instance, want to see e-cigarettes being marketed in stores where youth shop. I think that's a given. But I think we need to draw the distinction between the type of marketing—and allowing adult-only vape shop owners to display and demonstrate the effective use of a product. I don't think you can equate the two.

In terms of the gateway theory, I think the member for Lanark–Frontenac–Lennox and Addington asked a key question on this point at committee. He asked a vape shop owner how many non-smokers wander in off the street because they want to start vaping. The response from the deputant was, “The general consensus of every customer coming in the store is, ‘I'm a smoker and I don't want to smoke anymore.’”

I think it's an important health matter, so we need to focus on absolutes here. We need to ask ourselves what

we know, not speculate on what we think is true. We know that customers buying these devices in vape shops are smokers who are trying to quit a habit that could kill them. We also know that the industry supports the government initiative to prevent e-cigarettes from being marketed to youth. Most importantly, we have evidence from studies that vaping does help some people quit smoking. In fact, many people feel it's one of the most effective devices that's available. The committee also heard testimony to the fact from Dr. John Britton of the UK Centre for Tobacco and Alcohol Studies. Here's his quote from the committee about what his research has found regarding the effectiveness of e-cigarettes:

"In smokers, the evidence in the UK is that about 20% of smokers now use electronic cigarettes on occasion and about 700,000 or 7% of all of our smokers have quit using electronic cigarettes exclusively, and that's more than we achieved by other tobacco control measures as a single initiative—a very quick initiative." I repeat: It's the most effective tobacco control measure that these people have found.

Later, Dr. Britton added this word of caution to the committee: "What we don't want—and what I would counsel against; that's why I contacted you—is regulation that makes it hard for smokers to make the sensible choice to switch to electronic cigarettes." I don't think I want to see that either.

I took the time earlier to go to an e-vape shop in my riding. I talked about it at second reading. For many MPPs, we got hundreds of emails, maybe even a thousand emails. When I went to Kemptville and spent time with Don LeBreton—I want to thank him for being so patient with me. I spent a lot of time in his store. I talked to a lot of his customers. He was a former smoker who ended his addiction because of vaping. He tried just about everything. After 46 years of lighting up, the e-cigarette was his ticket to quit. I guess you could say, if you want to use that word, that for Don, vaping was his gateway to quit. That's his experience. He's a non-smoker; it's his new life, and he feels very passionate about it. I spent, as I said, a lot of time. He has been very proud that he has been able to have a whole bunch of people join the ranks of ex-smokers. It was fortunate for me to see some of these people who were pack-a-day or more smokers. They felt they had a new lease on life because of that product.

**2150**

So there is a worry that I have that we're going to find unintended consequences from Bill 45; that this cessation option needs to be available to more smokers, not fewer smokers. It's ironic that a bill entitled the Making Healthier Choices Act might actually make it more difficult for people to make this choice, for them to end this deadly habit.

I want to commend my caucus colleagues for their work at committee to raise the issues and bring forward some reasonable and practical amendments. I think adopting them would have improved Bill 45 and removed those unintended consequences. I know specific-

ally they spoke about schedule 3 of the bill, that there were some specific requests regarding that by a number of members tonight.

I want to move, in the time I have, to another smoking-related aspect of this legislation—it has been mentioned many times tonight—which is the ban on flavoured tobacco, including menthol products. There was an interesting column in yesterday's Sunday Sun regarding this government's dismal record on contraband tobacco. Certainly, that's important reading in the context of tonight's debate on Bill 45. That's because another unintended consequence when this legislation is implemented is that more people are going to be turning to the illegal cigarette market. The most damning statistic in the Sun's article was the fact that globally the illegal tobacco market accounts for one in every 10 cigarettes smoked. In Ontario, the figure is astounding; it's one in three. So we have another example of how the government has made Ontario a leader in a field where being number one doesn't make you a winner. If I hadn't been familiar with the issue because of my job, I'd have thought, when I read the Sun story, that it was a misprint. Unfortunately, I know full well in my riding and in many ridings across Ontario that that's the case.

Seeing it in the context of that global figure really brought home to me just how poorly this government is performing when it comes to butting out the illegal tobacco trade. It's not surprising that when you combine a lack of enforcement with the fact that you can buy a bag of 200 smokes for about eight bucks, people are going to go that route. The author indicated that Bill 45's ban on menthol cigarettes is just going to add fuel to that fire and it's going to drive more money in the underground economy. I think anybody who has ever smoked knows that smoking is an addiction. Many will tell you the nicotine habit is far away the hardest one to break. So somebody who is addicted to menthol cigarettes isn't going to stop smoking on the day that this product disappears from the shelves, not when there's an underground economy that is ready, willing and—you know what?—thanks to the lack of enforcement more than able to fill the void. That's a big concern.

If you go back to the author of that Sun story, they predict that the menthol ban will drive more than 300 million cigarettes a year in the illegal market. Remember, these products are sold in bags, without health warnings, and they're sold to people regardless of how old they are.

We brought forward an amendment to the committee to remove menthols from the list of banned products. However, I think the reality on the ban, regardless of whether an amendment passed or it didn't pass, is it's not going to be a ban. The underground market is going to fill the void. This government has put no resources to deal with the void, and I really believe you can't have this bill move forward without some significant dollars put on the table for enforcement to try to deal with contraband tobacco. You have to do it. At the end of the day, I don't think the number of menthol smokers is going to change much. I think we have to put those dollars—

you're still going to see smoke shacks. You're still going to be selling baggies of smokes out of the back of cars and in the vans all across the province. Our health care system is still going to deal with those consequences. Our provincial treasury won't see—the finance minister is here; he's not going to see that provincial revenue in his coffers when the market goes underground.

On this section of the bill, I also hope that when we hear from the associate minister—and I'm glad she's spent so much time in the chamber tonight. I want to commend her for doing that. I think she needs to let people know of the time-frame limitation. There's a lot of people that have requested that. I've had lots of calls at my constituency office from business owners about when the bill passes—whether there are some who are going to have a health inspector swooping in on them. I think the government owes them a straight answer.

It was good to see that there was some clarification given to the restaurant industry on the caloric posting section of the bill at committee. As we all know, and I think the minister mentioned earlier, the January 1, 2017, date rather than proclamation by the Lieutenant Governor—that wasn't the case with the schedule of the bill that dealt with menthol, and I know that she made some comments earlier. I think people deserve a specific date so that they know and they can plan to do that. So that would be helpful if the associate minister could give us a clear indication on how that will work.

I mentioned earlier an initiative in my riding with my local RNAO, and I know there are some new members of the House here tonight for our wonderful midnight sitting. I'm very proud that during my break week I spent time with nurses to talk about a new RNAO initiative with my local health unit. I was very pleased to see that they were chosen. We'll be working with RNAO on some best practices that I do think mirror Bill 45. I do think that there is an opportunity for them to look at making healthier choices for our young people. Smoking cessation was a part of it.

I want to wrap up my time by saying that I hope I've been able to talk about how our caucus, through committee, has been very reasonable with some of their amendments. I want to congratulate all of them. I know we're getting into the last couple of weeks of the session, but I just want to congratulate my Ontario PC caucus. They've performed exceptionally in committee. They've provided reasonable amendments. They've tried to put evidence before ideology, and I happen to think that if their amendments would have passed, we would have had some better pieces of legislation. I think we would have better pieces of legislation if we hadn't had so many time allocation motions from the government House leader. I think we would have had better legislation if we would have been able to travel some bills around the province so that we could hear from all corners of Ontario.

I've got other comments I'm going to make in my final two minutes, but I think we could have done better with this bill; I really do.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. John Vanthof:** It's always an honour to be able to speak in this Legislature and provide some comments to the member from Leeds–Grenville on Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015, and on and on. First of all, I'd like to thank and acknowledge the member from Nickel Belt for all her work on the basis of this bill.

I would also like to commend the member from Leeds–Grenville on—I didn't agree with all his points, but he provided a very reasoned argument, and I always appreciate that. It's a good way to debate in this House. Perhaps the member from Nickel Belt's next focus is going to have to be illegal cigarettes. Maybe that, as with other focuses that she has done in the past, will move this government to actually take some steps, because illegal cigarettes are a huge issue. They're an incredibly huge issue.

**2200**

I disagree that we should change Bill 45 or lessen Bill 45 to combat illegal cigarettes. Bill 45 is one part of the toolbox, and fighting the illegal cigarette trade is another. It's interesting that the price of illegal cigarettes seems to be fairly uniform across the province. He mentioned eight bucks a bag, and that's about what they are in my neighbourhood. That's kind of interesting. But it is a huge issue, because when you're trying to help people make better choices, it's a combination of regulation, education and actually focusing on the issues that are most pressing at hand, which this bill does to a point.

The member from Nickel Belt mentioned sodium. It should look a lot closer at sodium, and I think, as a Legislature, we should make a much bigger emphasis on the illegal cigarette trade.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Yasir Naqvi:** First of all, for those who are watching this debate at home, I just want to note the time: It is 10 p.m. on Monday evening. The reason I note the time is because I want our constituents to know that we are working hard on their behalf to get Bill 45 passed as quickly as possible to make sure that we have a healthy society for all our citizens, especially our children.

Speaker, this bill has been debated now for roughly 15 hours, combining both second and third reading debates. Over 75 members of this Legislature have spoken to this bill. By and large, the debate I'm hearing is that members are supportive. They're supportive to ensure that we have calorie counts on our menus so that we can make conscious decisions. They're supportive to make sure that we end flavoured tobacco and regulate e-cigarettes. I agree. I think we need to pass this bill as quickly as we can in order to do so.

I don't know about other members, but during constituency week, I had the opportunity to meet with both the members of the Canadian Cancer Society and the Heart and Stroke Foundation from my community of Ottawa Centre. In both instances, they urged me—and I

know they have been tweeting all of you—that we pass this bill before June 4.

So here I am at 10 p.m. on Monday evening, and I say to them: We hear you. We, on the government side, want to pass this bill as quickly as possible. We urge the opposition members to stop filibustering this bill, to let this bill pass so that we can make sure that we have a healthier society. I urge all members to support me in that.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Norm Miller:** I'm pleased to have the opportunity to comment on the speech from the member from Leeds–Grenville. I want to commend the member from Leeds–Grenville on his thoughtful, thoughtful comments.

I think, as he pointed out, this bill is really a small step towards healthier living, but there are lots of other important parts that have not been addressed. He talked about the fact that you can't legislate good health, that we should be focusing more on education first, and of course, healthier living—getting our youth in particular into more exercise with the hope that that will combat obesity and get them into doing activities that keep them exercising their entire lives.

He also pointed out that the opposition brought forward many different amendments at committee, and the government didn't listen to any of them. I'm sure there must have been some reasonable amendments amongst the 31 or so amendments that were put forward, but none of them were approved by the government. That's indicative of the way the government is operating, and it's unfortunate because the bill could have been improved.

He did talk about the fact that there may be unintended consequences, and in particular with contraband tobacco, and the fact that the ban on menthol is just going to create a whole new market for contraband tobacco. That will be the menthol market, as the people who have smoked menthol cigarettes for years and years and years are now just going to be buying these \$8 bags of cigarettes but there won't be, as the Minister of Finance said, any taxes paid on it. So I think a very important point that the government has talked about but so far has not addressed is the whole contraband tobacco market that's somewhere between one in three or as much as 50% of the cigarettes sold in Ontario.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**M<sup>me</sup> France Gélinas:** I too want to talk a little bit about contraband tobacco. It is a huge issue. There is Atikameksheng Anishnawbek in my riding that is a 15-minute drive from downtown Sudbury. Sudbury, it is known, still has a smoking rate of 28%. Twenty-eight per cent of the people in Sudbury, Nickel Belt, smoke, compared to the rest of the province, which sits at 18%. The First Nation is on my way home. I drive right in front of it every time I drive home. The number of people who turn in there—it is a small First Nation; I think they have 200 houses on the First Nation and they have at least, I would say, 20 smoke shacks, and they sell cigarettes to all of the 28% of the smokers who make up the people who live in Sudbury. I'm sure some buy it at

the corner store, but a lot of tobacco gets sold out of that First Nation as well as many other means of contraband tobacco.

There are some best practices out there that exist that help us get a handle on contraband tobacco. I don't understand why Ontario is so, so passive toward this. If we just look to Quebec, they have started to basically tackle contraband tobacco and have had some significant success. Some of those successes could have easily been just copied here in Ontario but were not. I don't understand this disconnect, and it needs to be addressed.

**The Acting Speaker (Mr. Ted Arnott):** That concludes our questions and comments. I return to the member for Leeds–Grenville.

**Mr. Steve Clark:** Thanks, Speaker. I want to thank the members from Timiskaming–Cochrane, Parry Sound–Muskoka, Nickel Belt and also the government House leader. It's interesting that the government House leader talks about legislation. I see his EA, Jackie Choquette, here. It looks like she's probably drafting a closure motion on this bill as we speak. I'm not sure; we'll find that out soon.

I want to raise a point again that I raised at second reading as a reminder to the Minister of Health and Long-Term Care. I spoke about a meeting at second reading that I had with Wendy Preskow and the National Initiative for Eating Disorders. We talked about the potentially devastating impact on a person with an eating disorder of walking into a restaurant and being bombarded with calorie counts on full display. Wendy's group represents about 600,000 Canadian men and women afflicted with an eating disorder, and they're genuinely concerned about the effects of this measure on the people they represent. As I mentioned, they don't want to block this from being implemented, but they do hope to raise attention to the fact that there could be consequences for people. That's what I spoke about earlier, the unintended consequences.

And you know what that means, Speaker? It means that we need to get serious about a strategy in this province and in this country for those who have an eating disorder. We need to get them into treatment.

I wanted to put on the record the fact that, again, I've written to the minister on this matter. I raise it again today. I raised it at second reading. I'm eager to work with Minister Hoskins and Wendy and the National Initiative for Eating Disorders to try to do something about it. So I raise that again as my two minutes, and I hope we can do something.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mrs. Lisa Gretzky:** It's always a pleasure to rise and speak on behalf of my constituents of Windsor West. This is my second time speaking to this bill. I had a chance to speak to this bill in March at second reading, and today I'm glad to have a chance to revisit some of the concerns I raised.

**2210**

Speaker, I ask for your indulgence because I had some notes, but as the conversations have happened around the

room I've scratched things out and put new things in. So it may take me time to shuffle through papers and find things.

I wanted to start off with the comments from the Minister of Community Safety and Correctional Services. He stood up and he stated the time. It's now 10 minutes after he stated the time. He mentioned that they're working hard, and I would point out that there are those of us on this side of the room that are still here as well. So clearly we're working hard on this side. But immediately after saying that they're working hard, he then said basically that they've had enough; they want to quit and go home. I don't know if they want to go to bed or watch TV; I don't know what. But we're interested, on this side, in sharing the concerns of our constituents.

I would also like to point out that the member from Niagara brought up an interesting point during his two minutes earlier. He talked about his favourite meal being mac and cheese with hot dogs, and how he has now learned that's not the healthiest option; there's a lot of sodium in it. I'd like to point out that if the government goes ahead with their plan to sell off hydro, many people are only going to be able to afford to eat mac and cheese. I don't think we really want to see that happen, so they need to consider that.

I'd also like to take the opportunity to speak about our record when it comes to anything health-related. We've put health promotion on the political agenda here in Ontario. Long before the Liberals were interested in health promotion, New Democrats were working to protect the health of Ontarians by banning flavoured cigarillos, introducing mandatory calorie and sodium labelling, banning youth tanning beds, and prohibiting new flavoured-tobacco products and smokeless tobacco products.

*Interjections.*

**Mrs. Lisa Gretzky:** It's okay, Speaker. I can talk louder than them.

**The Acting Speaker (Mr. Ted Arnott):** I appreciate that, but I have to be able to hear you. I'll ask the government members please to be quiet and allow the member for Windsor West to make her comments such that I can hear her. She has the floor.

**Mrs. Lisa Gretzky:** Thank you, Speaker. I appreciate that you're interested in hearing what I have to say, even if they're not on the other side.

Our health critic, France Gélinas, has introduced at least 11 private member's bills dedicated to menu labelling and prohibiting the sale of new tobacco and smokeless tobacco products. If you'll indulge me, I'll go through the list of bills that she has introduced.

Bill 156, the Healthy Decisions for Healthy Eating Act, 2009, which was introduced on March 10, 2009: The idea of that bill was to require food service premises with total gross annual revenues of greater than \$5 million to disclose nutritional information for the foods and drinks served and to limit the amount of trans fat in these restaurants' food and drink. Unfortunately, that bill died on the order paper after being referred to committee.

Bill 90, the Healthy Decisions for Healthy Eating Act, 2010, which was introduced on June 2, 2010: The idea of that bill was to require food service premises with five or more locations and gross annual revenue over \$5 million to display the number of calories contained in the food and drink items they sell. Unfortunately, that bill died on the order paper as well.

Bill 176, the Smoke-Free Ontario Amendment Act, 2011, which was introduced on April 4, 2011: That bill was to prohibit the sale and distribution of new tobacco products and smokeless tobacco products. You probably won't get this, Speaker; you probably wouldn't be able to guess, but that one died on the order paper as well.

Bill 66, the Smoke-Free Ontario Amendment Act (Prohibiting Flavoured Tobacco, New Tobacco Products and Smokeless Tobacco), 2012, introduced on April 17, 2012: That was to prohibit the sale and distribution of new tobacco products and smokeless tobacco products. That bill also died on the order paper.

Bill 86, the Healthy Decisions for Healthy Eating Act, 2012: It was introduced on May 8, 2012. That was to require chain restaurants to display the number of calories in each item, make nutritional brochures available and indicate clearly which items have high and very high sodium content. That bill also died on the order paper.

Bill 126, the Health Statute Law Amendment Act (Healthy Decisions Made Easy), 2012: That was introduced on October 2, 2012, and that was to prohibit the sale and distribution of new tobacco products and smokeless tobacco products. That died on the order paper as well.

Bill 59, the Healthy Decisions for Healthy Eating Act, 2013, which was introduced on April 29, 2013: That was to require chain restaurants to display the number of calories in each item, make nutritional brochures available and indicate clearly which items have a high or very high sodium content. That bill also died on the order paper.

Bill 130, the Smoke-Free Ontario Amendment Act (Prohibiting Flavoured Tobacco, New Tobacco Products and Smokeless Tobacco), 2013, was introduced on November 18, 2013. That was to prohibit the sale and distribution of new tobacco products and smokeless tobacco products. You guessed it, Speaker. That one died on the order paper, as well.

Bill 149, the Health Statute Law Amendment Act (Healthy Decisions Made Easy), 2014, was introduced on December 5, 2013, to prohibit the sale and distribution of new tobacco products and smokeless tobacco products. That died on the order paper after being referred to committee.

Bill 38, the Smoke-Free Ontario Amendment Act, 2014, was introduced on November 18, 2014. That was to prohibit the sale of promotional items with tobacco products and to prohibit the sale of flavoured tobacco products, subject to a power to prescribe exemptions. That one is currently awaiting second reading.

Bill 47, the Healthy Decisions for Healthy Eating Act, 2014, was introduced on November 25, 2014. That's to

require chain food premises with 20 or more Ontario locations to display the number of calories and any other information required by regulation. That bill is currently awaiting second reading.

Speaker, if nothing else, I think this shows the dedication of our health critic, the member from Nickel Belt, to ensuring that those in our communities across the province are able to make healthy decisions, to have the opportunity to see what's in their food, to be able to understand the downfalls of smoking, of tobacco products, so that those in our community can make informed decisions when it comes to their own health.

While we're glad that the government is finally listening to New Democrats and putting health promotion on the agenda in Ontario, the bill still falls short in several key areas. At committee, New Democrats gave the government the opportunity to address these concerns, but apparently they've stopped listening to us. In fact, the member from Nickel Belt moved 17 amendments in committee, and the Liberals voted against 16 of those amendments, such as immediately banning menthol tobacco products and mandating sodium labelling on menus—which only makes sense, considering the bill mandates calorie labelling.

Speaker, I'd like to point out that in previous debate, the member from Scarborough Southwest, from the government side, during his time to speak to it, said that not only should there be menu labelling for sugar but it should also contain sodium. During the same debate, the member from Mississauga–Streetsville, also from the government side, stood up and said that there should be sodium labelling but, unfortunately, just not now; maybe some time later. There's support from the other side for sodium labelling, but I'm not sure why now isn't a good time to be labelling sodium.

I know the people in my riding would like to be able to walk into a restaurant and make informed decisions. As the member from Nickel Belt shared during her hour lead, sometimes it's very surprising: You think you're making a healthy choice, and then you find out that what you've chosen actually has two, three or four times more sodium than you're supposed to have in a single day.

Many of our amendments focus on sodium labelling. This bill should also include provisions that mandate sodium labelling on menus. Calorie labelling alone does not give the consumer enough information, as the research on the dangers of diets includes high levels of sodium. The Dietitians of Canada indicate that the average Canadian takes in 3,400 milligrams of sodium a day. That's surprising to me, and I'm sure that I probably fit into the average category as well. Again, that's because when I walk into a restaurant, it's not labelled. As the member from Nickel Belt had brought up, when you order a salad, you think you're probably making the healthiest decision on the menu, only to find out that it possibly could be the worst—maybe even worse than ordering a hamburger.

Health Canada defines high sodium as 360 milligrams. As mentioned several times during this debate, fast-food chains serve products that contain over 1,500 milligrams

of sodium. That's alarming, Speaker, especially when you think, when you go in, that you're picking something that is low in sodium—better for your health—only to find out that it's often two or three times more than that. Organizations like the Ontario Medical Association support sodium labelling legislation.

**2220**

I note that I had members from Heart and Stroke in my office, and they were applauding our efforts to get sodium labelling put on menus. They think it's a very important thing. You know, it's a great teaching tool. If we talk about education, it's a great teaching tool for adults to be able to take their children in and teach the children how to understand what is on the menu, and how to make healthy decisions. I'm not sure why there's so much resistance to adding sodium labelling to menus.

OMA supports sodium labelling due to the extremely high sodium levels in restaurant foods, which can lead to high blood pressure, a leading cause of illness and premature death. Speaker, that goes back to what I said from Heart and Stroke, where they said they believe it is very important to add sodium labelling to menus.

The Toronto Board of Health has already urged the provincial government to require the posting of sodium in addition to calorie information, and to apply this new menu labelling requirement to food service chains with 10 or more locations in Canada.

Sodium labelling on menus is a way to allow consumers to make informed choices about what they're eating. This is important, and the research supports this. We also need to make sure that Ontarians have healthy options to choose from. Knowing how much sodium you may be ingesting does little if you are unable to choose a healthy alternative. Think about this in the context of cafeterias in schools or on-site restaurants at workplaces. We need to encourage the availability of low-sodium options for Ontarians.

Of course, some of the best food options are the fruits and vegetables grown in my riding and the surrounding areas of Windsor and Essex county. I'm counting down the days until I can go to the market on the weekend and pick up some delicious cucumbers or peppers, talk to the person who grew the food and have some time to prepare a meal for my family.

The farmers' markets in my riding and across Windsor and Essex county are just starting to open up, and I can tell you that it's very important to the people in Windsor and Essex to be able to go to the local market, support the local growers, be able to talk to them and find out just where their fruits and vegetables were grown, and to obtain information about making healthy choices.

With so many great markets to choose from, we're spoiled in southwestern Ontario. The last time I brought up the markets in my riding—there were many of them; they stretch out not only in my riding but out into Essex county as well—

*Interjections.*

**Mrs. Lisa Gretzky:** You guys might want to listen to this. It's about local markets. You might want to stop heckling me and actually listen.



Speaker, the last time I brought up the local markets, it started a bit of a battle here. I talked about the local markets in Windsor and Essex county, and then the next speaker on the government side got up and started talking about the wonderful markets in their ridings, and then members from the PC caucus got up and started talking about markets in their ridings. We had, I guess we could say, a healthy competition going on, talking about who had the better markets in their areas.

I'd like to boast a little bit about my particular riding and out into Windsor and Essex county. We have the Downtown Windsor Farmers' Market. That's not just those who grow fruits and vegetables locally, but we also have local bakeries that are able to tell you what they put into the breads and desserts they've made so that you know they're gluten-free or you know they're made with whole wheat or you know how much sugar they put in it. So even the local people who bake are able to give you an opportunity to know what's in your product before you're purchasing it from them.

We also have the Ford City farmers' market, Windsor Market Square, City Market Windsor, Riverside Farmers Market, Midtown Farmers' Market and, of course, moving out toward Leamington, there's the Leamington Farmers' Market, along with markets in Lakeshore and Amherstburg.

Speaker, again to boast, one of the best things about the summertime in Windsor and Essex county, aside from the festivals we have along the riverfront, not only in my riding but in the riding of Windsor–Tecumseh, my colleague's riding, is to be able to take the family for a drive on a weekend out into the county, out into the riding of my colleague from Essex, and to stop at all the little local farmers' markets and talk to those who have grown vegetables. You know often what is sitting out at the farmer's stand was fresh-picked that day. Often they'll share stories about—these are farms that have been in the family for years, and they're able to share some of the wonderful stories about their family farming.

Speaker, it's often difficult to operate farmers' markets, and they face a growing number of challenges. I think it's important to encourage their operation and long-term viability. Sourcing your food from farmers' markets is a sure way to achieve a low-sodium diet. Although the pressure of daily life, the convenience and, to be honest, the taste—for some—have more and more Ontarians eating their meals in restaurants, I think shopping at farmers markets is a great way to inspire one's love for cooking, even if it's only when you have time to do so.

Much of my time today was focused on the need to include sodium labelling on menus, and I hope I made a strong case for its inclusion in this bill. When I'm talking about farmers' markets, though—just let me find it in my notes—something that's important when we're talking about making healthy choices is people actually having access to healthy foods. By that I mean not only knowing what it is they're eating and what's in it, but being able to afford it. Eating healthy food is expensive for Ontario

families and it is not always available. It is often more convenient and more affordable for families to eat fast food or high-calorie processed foods, which are readily available in the corner store and vending machines.

According to Toronto's Board of Health, the cost of nutritious food increased 5.4% between 2013 and 2014, as measured by the Nutritious Food Basket. I have some alarming numbers here, Speaker, about the increase in cost of healthy foods. This is based on cost in Toronto. We look at peppers: They've gone up 27%; broccoli, 25%; lentils, 24%; oranges, 24%; iceberg lettuce, 23%; sweet potatoes, 18%. Green peas, cabbage and potatoes: The cost has gone up 17%. Beef, fish and chicken have gone up anywhere between 13% and 15%. We need to make sure that healthy food is available and accessible financially for everyone. And in order to make it so they can afford it, we need to make sure that the cost of everyday living is affordable to families.

I've noticed I'm almost out of time, Speaker, but because I talked a lot about healthy foods and food labelling, I wanted to talk in here about e-cigarettes and flavoured tobacco. I know there has been a lot of talk from the PC caucus about electronic cigarettes. What I found interesting during debate—and I'd like to draw some attention to it—was actually the member from Beaches–East York, who stood up and said something: "I've never used an e-cigarette. I've never been exposed to someone who does use e-cigarettes, so this was a learning experience for me." I thank the member from Beaches–East York for that.

He stood up and talked about the flavoured e-cigarettes and that often they'll smell like—well, here it mentions they smell like chocolate martinis, or, he said, they often smell like baking bread. There's a concern around that, about kids being exposed to that and then going out and getting e-cigarettes and starting to engage in using them, and by doing that they then could segue into actually using cigarettes. So I think it's important to point out that there does need to be regulation. Certainly, as the member from Beaches–East York pointed out, we don't want kids being exposed to something like that and getting hooked on cigarettes and then, down the road as adults, having an issue with it. We all know the health costs associated with smoking—I lost my father to cancer—so we certainly don't want to promote smoking in children. I think it's very important that we make sure that children do not have access to something that could smell like apple pie or bread and entice them into using the products themselves.

That's it for my time, Speaker, and I thank you for your indulgence.

**2230**

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Steven Del Duca:** I welcome the opportunity, as I always do, to have a chance to lend my voice to the discussion and debate that's occurring here in the Legislature around Bill 45, the Making Healthier Choices Act.

Of course, this has been mentioned, I believe, by members on this side of the House over the course of the

debate, but it feels, certainly listening to individuals speak, including the member from Windsor West and others who've spoken from the official opposition caucus this evening, that the opposition parties are taking the opportunity to, I think, needlessly extend debate, especially since, broadly speaking, there is significant support in this Legislature—and why wouldn't there be for this bill, when you take into account all that's included in the legislation?

The bill has now been debated for 15 hours at second and third readings combined. Over 72 members of the Legislature have either spoken to this bill or participated in the debate during questions and comments. Of course, the government extended debate beyond the six-and-a-half-hour threshold so that more members would have the opportunity to speak to this bill.

For those who are watching at home, either watching live at this precise moment or, perhaps, those, Speaker, who have PVRed the debate to watch it at a future point—those individuals, Speaker, would probably wonder why the member from Niagara Falls doesn't include kale, for example, in his magical recipe for Kraft Macaroni and Cheese and, I believe it was, hot dogs. But I know that individuals watching would be thrilled to hear the delightful tour that the member from Windsor West just took us down with respect to all of the exceptionally wonderful farmers' markets that exist in her community and beyond.

As entertaining as it is for us on this side of the House and for all Ontarians who care passionately about finding creative ways to make this province and the people who live in this province healthier—as fascinating and as entertaining as it is for us to hear these comments that are put forward by members from both the PC and NDP caucuses, it's important for this bill to pass; it's important for it to become law.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Toby Barrett:** The member for Windsor West gave us quite a rundown on all the various pieces of legislation that have come forth and have ended up falling off the order paper. With Bill 45 we have kind of a culmination of so many pieces of legislation, and it looks like it is a bit of a dog's breakfast, mixing menu labelling with e-cigarettes and flavoured tobacco.

I describe it that way because I really wonder when we're going to be debating legislation with respect to what I consider the elephant in the room, which is illegal tobacco. I represent an area—and there are areas just north of me—that is dominated by illegal crime that has moved in on the illegal tobacco trade. I'm not aware of tractor-trailers of e-cigarettes coming through the border or travelling at night, or cube vans with—we're probably going to see cube vans full of menthol cigarettes if that is restricted in the province of Ontario.

The nature of this market—and it makes up a third to perhaps half the tobacco smoked in Ontario: Low-income people and young people smoke contraband cigarettes. The market is not there for e-cigarettes; it's not there for

menthol. These people make an awful lot of money. It contributes to an increase in the consumption of tobacco because of the price, and with such a highly taxed product as tobacco, it's obviously price-sensitive.

We've seen 12 years of Ontario government tax increases. That has no effect at all on people who pay zero taxes by smoking illegal tobacco.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Wayne Gates:** I think it's my second time speaking on this bill, but I just want to say to the members on that side who have kind of made a joke about Kraft Dinner: There are a lot of families in the province of Ontario who actually live on Kraft Dinner, so I just want to make sure you understand that. I just wanted to say that.

I want to say to the people who are probably at home sitting by their TVs watching this rather than watching the Chicago Blackhawks play in the playoff game that we all come here for a reason, and the reason is trying to make it better for our communities from one end of the province of Ontario—from Niagara Falls, up north; doesn't matter where you are.

I want to say to our health critic, because I think this is important because there are other people who have done it—let's take a look at what she did because she cared about health. That's why she's the health critic. Think about this: Bill 156 was turned down, but she didn't give up; Bill 90, Bill 176, Bill 66, Bill 86, Bill 126, Bill 59, Bill 130, Bill 149, Bill 38, Bill 47—

**Hon. Steven Del Duca:** Bill Mauro.

**Mr. Wayne Gates:** You know, for whatever reason the transportation minister likes to make fun and light of stuff, but I'm actually being serious here.

What I'm trying to say is that people who are at home watching this program tonight want their people to come and try to make things better for them, but it's not easy to do. It's not easy to get a bill passed in this House. It's not easy to get your colleagues to support a bill. It doesn't matter whether you're a Liberal, a Conservative or an NDP; it's not easy to do.

I just want to say to our health critic that, because she hasn't given up, this bill is going to get passed. I think there's no doubt about that. I want to say to her that, because she didn't give up, that's going to happen.

*Interjections.*

**The Acting Speaker (Mr. Ted Arnott):** Before I ask for more questions and comments, I would ask the House to come to order. We're going to be here for another approximately 90 minutes.

*Interjections.*

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Granville Anderson:** It's a great pleasure for me to speak to this bill. I believe it is my second time speaking to this bill. I have listened to the opposition and to the arguments surrounding e-cigarettes, and it's my understanding that the banning of e-cigarettes only applies to those under the age of 19. So I am not sure

why the opposition would be opposed to that and would want us to encourage our young people to smoke before age 19.

I personally support this bill. The opposition parties have needlessly extended debate on Bill 45, and over 73 members of the Legislature have either spoken to this bill or participated in this debate during questions and comments. We have extended debate beyond the 6.5-hour threshold so more members could have an opportunity to speak to the bill.

Listening to the debate, it's clear that the majority of members support this bill. It has been seven years since the member from Nickel Belt has introduced this bill, so I am not sure why we are not getting down to business and passing this bill. It's time to end debate on this bill. Continuing debate tonight signals that there is no true desire to have further meaningful debate on this bill, and the opposition's goal is only to delay the passage of this bill. They have claimed that this bill is so important to them, so I am not quite sure why they would want to delay the passage of such an important bill.

This bill is important to me and it's important to the members on this side of the House because all of us have had experiences that this bill addresses. Let's pass this bill without further delay.

**The Acting Speaker (Mr. Ted Arnott):** That concludes our questions and comments. The member for Windsor West can now reply.

**Mrs. Lisa Gretzky:** I certainly appreciate the comments from everybody in the chamber. But, you know, I think it's shameful that when the member from Niagara got up and talked about Kraft Dinner and how many can't afford anything but Kraft Dinner, that the government's side bursts out laughing and yells out, "Come on." Maybe they might be out of touch with what's going on in Ontario, because I can tell you that in my riding, there are many people who struggle to make ends meet, and Kraft Dinner—they're lucky to be able to afford to eat mac and cheese every night; they often go without meals. So I think it's shameful that the government side thinks it's funny that there are people in this province who are struggling.

**Hon. Steven Del Duca:** Keep playing games.

2240

**Mrs. Lisa Gretzky:** It's not playing games. You seem to think it's funny that there are those with—

*Interjections.*

**The Acting Speaker (Mr. Ted Arnott):** I'm going to give her more time to finish her remarks, but I would ask the government side to please come to order and allow her to respond to the comments.

The member for Windsor West.

**Mrs. Lisa Gretzky:** Thank you, Speaker.

The member from Durham stood up and talked about those of us on this side who wish to speak and share stories about our ridings and concerns—for instance, the amendments that came from our side, from our constituents, that were shot down—that somehow that's us needlessly dragging out debate. I think that in itself is in-

sulting to the people who have elected us to be here. I felt it was very important to stand up and share the concerns of my constituents, and those were concerns around the 17 items that we brought forward as amendments; they shot down 16 of them.

While the government side said they're working really hard, for them to then stand up and say, "We're working really hard but we've had enough for tonight. We don't want to hear from you anymore," is a pretty sad case.

I appreciate you giving me extra time, Speaker.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Tim Hudak:** Thank you—

*Interjections.*

**Mr. Tim Hudak:** I know.

I'm pleased to rise on Bill 45. As I was thinking about this bill, I was reminded of the show *Mad Men*. Hopefully there are some *Mad Men* fans. Deb and I loved watching that show on Sunday nights; I'm sad it's off the air. One of those classic shows, too, that actually wrote its own ending. *Mad Men*, of course, capturing the era from about—

**Hon. Yasir Naqvi:** I haven't watched it yet.

**Mr. Tim Hudak:** Then you'd better leave the Legislature and not read Hansard. I'm going to give you a spoiler. You've got your chance now.

**Hon. Yasir Naqvi:** I'm out, I'm out.

**Mr. Tim Hudak:** What did it cover? The period 1963 or so to, I think, about 1975, which in many ways wasn't that long ago; certainly in the lifetimes of many of us here. I was born in that span myself.

But when you watch the show and some of those scenes that a lot of us remember actually living through, it seems like a long, long time ago in reality, the way social norms have changed, one of which is smoking. You probably remember in *Mad Men* almost every character smokes at some point on the show, and one of the ironies—and I'm glad that the House leader left the Legislature—was that Betty Draper, Don Draper's wife, dies of lung cancer.

There was a scene early on in *Mad Men* where she's smoking a cigarette and her doctor is examining her, and the doctor is smoking during the medical examination. It kind of makes you laugh now, but that was the reality not too many years ago. So I think as a whole, in Canada and in North America, we've made tremendous progress in fighting back against smoking. You don't see that scene anymore—far from it. It tells you how far we've come.

The main point in my remarks today on Bill 45: I'm going to focus almost exclusively on contraband. If I have some time, I'll get to the caloric labelling. Here's the point I want to make: You don't see that today any more, but we've stalled. Despite all that progress within my lifetime, these numbers of decades, we've stalled. Right around 2006 to 2008, the overall rate of smoking in the province of Ontario has been stubbornly stuck at 18% of the population, roughly one in five—

**Mr. Toby Barrett:** No improvement.

**Mr. Tim Hudak:** No improvement. It's about 2.1 million residents since 2008.

Every year, like clockwork, the government brings forward legislation, usually in a budget bill, to fight contraband tobacco or to encourage healthier habits when it comes to smoking but, respectfully, it hasn't worked. We've been stalled since 2008. No doubt there are a lot of feel-good measures like those in Bill 45 today, but as for their effectiveness? Judge for yourselves: flat-lined since 2008.

I'll use my time on Bill 45 today to talk about some bigger and bolder ideas that I won't have a chance to implement directly—maybe as part of a future government, I may. But that's still three years down the road.

I want to encourage my colleagues, in all sincerity, to take this on, to think bigger, to think bolder about actually fighting smoking.

Contraband tobacco is about 33% of smoking activity in the province today, and in some areas higher, up to 50%.

I'd love to see an Ontario that's number one when it comes to job creation. I'd like to see an Ontario that's number one when it comes to family income. I'd like to see a number one in terms of the quality of health care or the availability of life-saving pharmaceutical products. I don't want to see an Ontario that's number one in contraband tobacco use. We're number one. In fact, many will argue that we are the worst of any advanced economy in the Western world.

Conversely, BC is about 17.2%; Saskatchewan, 10.8%; Manitoba, 14.7%. Ontario is number one, the worst. Despite all the legislation, despite all the paper you're bringing forward, you've not shown the backbone to actually take this on, and I'm going to encourage you to do so.

Do you know where else we've stalled badly? For young people taking up smoking, young men, young women, ages 15 to 19, we made some progress—in 2000 with 25%, down to 15% in 2006—and then it stalled. The proportion of daily smokers between grades 10 and 12 actually jumped slightly in the 2008-09 school year from the year before and then flatlined. That prevalence varies by province, from PEI to BC, but, again, who has the worst incidence of young people smoking in Canada? It's the province of Ontario.

Why is it that Ontario has the highest level of young smokers of anywhere in Canada? Because it's cheap and because your drug dealer doesn't ask you for ID. I know that's strong language, but isn't that really the case? If you walk out of your high school parking lot and go a few steps down the street and buy it off the guy selling it out of the trunk of his car—isn't he really just a drug dealer?

If you feel so strongly about fighting against tobacco, why don't you recognize those illegal dealers for what they are? They're drug dealers. They're taking advantage of our youth and getting them hooked on a deadly product.

The University of Toronto found that 43% of cigarettes consumed by teenage smokers in Ontario were contraband, up from 25% in a 2006-07 Canadian youth smoking survey.

The Centre for Addiction and Mental Health—I think we all have a lot of regard for their work and the quality of studies they do—flagged the easy accessibility of contraband tobacco as a major reason for Ontario's stubbornly high teen smoking rate.

The sales of contraband tobacco contribute significantly—and hold our youth smoking rates way too high, way too long, because drug dealers don't check your ID. They take your cash, give the illegal cigarettes to you and ask to meet your friends.

It's not harmless, either. This is not a harmless activity. The contraband trade actually opens up trade routes for not only tobacco, drugs, human smuggling, firearms and weapons, but it is controlled by some of the most notorious gangs we have in North America. If you treat it like a slap on the wrist, the wrist gets better and they come back for more. But if you treat it like the true criminal activity it is, then and only then will you actually make a dent and lower those smoking rates among youth and the population as a whole. The drug dealers, the illegal cigarette dealers, those who smuggle, those who manufacture, have nothing to worry about. It's low-risk and high-reward. That's why they're all getting into the business.

These good-natured initiatives are nice to talk about, but they're not effective, so I ask my colleagues across the floor, with all due respect, to think big, be bold and actually make a big difference.

Step one: Speaker, if it's working next door, let's try it here. The province of Quebec passed Bill 59 in 2009 to crack down on the illegal cigarette trade in the province of Quebec. It brought contraband levels down from 40% in 2008 to 15% today—a greater than 50% improvement in the illegal trade.

**2250**

**Mr. Toby Barrett:** Where's Ontario?

**Mr. Tim Hudak:** Worst. We're the worst. We're at the top of the list. Quebec now has improved dramatically, because they cracked down and they took it seriously and did something about it. They gave police greater authority to investigate, to seize and restrict cigarette-manufacturing equipment and vehicles. Local police have been given the authority to investigate contraband tobacco offences and are provided with the financial resources to actually do so.

In municipalities, municipal police forces are allowed to keep proceeds from the fines. They've got some skin in the game. They take it seriously. They get rewarded for their efforts in helping to cease smoking and keeping the proceeds—more than half, Speaker. Let me reinforce that point.

Last spring, there was a massive bust in Montreal that had 28 arrests and seizures of 40,000 kilograms of tobacco diverted from farms all across North America. Sadly, farms in the Tillsonburg area were part of that. They seized a car. So if you're selling illegal tobacco out of the trunk of your car—you're smuggling it off-reserve and selling it to the general population—and you take away the car, I've got to think that's going to make a difference. Seize the vehicle.

Ontario, on the other hand—there have been promises, but not much action. In 2012, the Ministry of Finance took responsibility for licensing tobacco growers to control the production and distribution of raw leaf tobacco to make sure the supply of tobacco stays legal. So it sounds promising. I remember the debate at the time.

Then the Ministry of Finance got cold feet. They stalled. They announced a temporary grace period that continues to this day. The result: We see farmers across our province who are under-representing their yields and selling overages to the black market for up to a 400% markup.

I'm worried, too, that if you simply ban menthol cigarettes in the legal economy, that product is going to gravitate to the illegal economy. Before we make more changes on the legal side, shut down the illegal market. If you can buy a product from the store safely and cheaply across the street that they don't have on your side of the street, you're going to cross the street and do that. Too many smokers do.

I think, before we bring in more of these measures, that's going to—do you know who benefits, who would really support this legislation? The Korean and Russian gangs, the Hells Angels, lawbreakers: They like that because they're going to get more business.

**Mr. Toby Barrett:** Follow the money.

**Mr. Tim Hudak:** My colleague from Haldimand-Norfolk says, "Follow the money."

Before you do this, crack down on illegal trade. I talked about one of those ways already.

Step two: If it's a criminal act, treat it that way: serious punishments for the crime. If it's a drug-dealer system, treat it like a drug-dealer system. Right now in communities across this province large and small, it leads to threats to public health, corruption of legitimate businesses and corruption of farmers. It funds organized crime in extremely dangerous ways. The RCMP estimates that 175 criminal gangs use it to fund other illegal activities, including guns, drugs and human smuggling.

There are over 300 smoke shacks that illegally sell contraband in the province of Ontario. Police report a minimum of 50 illegal cigarette factories. So they're breaking the law. If they're selling this dangerous toxic substance to our kids, why don't you shut them down? You wouldn't tolerate a meth lab in your neighbourhood selling drugs to kids. You wouldn't tolerate a marijuana grow-op in your neighbourhood. So why do you look the other way when it comes to illegal smoke shacks in the province?

If you bulldoze the meth labs, bulldoze the illegal smoke shacks, shut them down and put them out of business, lock up the illegal factories—those that have permits are given very special permission around a significantly controlled and dangerous substance in our province. If they abuse that privilege, shut them down. Take it seriously. Act. If you want to make a difference, you strangle the supply.

Number three: Build a grand bargain with First Nations in our province. In the Constitution and in treaty

rights, First Nations have special circumstances—and the minister is here listening tonight, which I appreciate—when it comes to tobacco. This is long-standing. It's a special right and a special privilege. I just can't believe that that young man living on-reserve is going to have a greater economic opportunity in life when neighbours are involved in the black market cigarette trade, when they see the presence of Hells Angels on-reserve buying the product and moving it forward. Who's going to invest in this kind of community with illegal manufacturing operations and gangs hanging around? Who's going to give that young woman a good job on-reserve and invest in a legitimate business when this crime goes un-addressed? You're condemning another generation of First Nations young people in these particular communities to a life of poverty and lack of opportunities on-reserve because you won't shut down the crime.

How do you do that? A grand bargain with the First Nations. Give them a share of the revenue. One of the ideas we had in our plan was to share with host municipalities and First Nations the mining tax for new mines in the province of Ontario. Give them a bit of skin in the game and reward those communities that are near those deposits.

If they're selling tobacco, you want to encourage them to be legal, within the agreements. Share the revenues. Have those revenues dedicated to local infrastructure projects—a rec centre, education, whatever are the priorities in that host First Nation. But why don't you give them a share of the revenue? Then you incent good behaviour as opposed to rewarding bad behaviour. Make that grand bargain with the chiefs. Similarly, arm First Nations police with the ability to crack down on these operations and share in the proceeds of stopping this crime.

I think my that colleague from Haldimand-Norfolk would know better, but the amount of tobacco that is given to the aboriginal population under the quota system just isn't fitting with reality. If you reallocated tobacco sold on Ontario reserves per person for legal use, status First Nations smokers would need to consume between 32 and 70 cigarettes a day. Do you think that's actually happening? If it was, do you want to encourage that? I say to my friend the minister that I think part of that grand bargain is looking at that quota system and lowering the number of cigarettes that are in the system. But give them a share of the tax revenue. Help them participate in that structure. Ensure that the revenues go into improving infrastructure to create better economic opportunity on First Nations.

Step four: Interrupt the supply chain. You've got to act as if you're actually fighting drugs in the system, not simply combatting an irritating vice. Control the sale of certain materials necessary in tobacco manufacture: cigarette papers, cellulose acetate tow. Make sure that manufacturers only sell enough to supply the legal market, not the illegal one. Some 80% of acetate tow is used on cigarettes, and there is no viable alternative now. So, control the pieces that go into supply of the system,

require suppliers to submit regular reports about their shipments, have the Ministry of Finance investigate working environments—enforce these provisions. If this is a controlled substance that you're actually serious about eventually eliminating in the province, strangle the supply chain. Narrow it down.

You know the other arguments; my colleagues have made them well: We lose up to \$1 billion in foregone revenue as a result of this; we reward criminal activity and punish law-abiding citizens.

I was moved by comments in Today Commercial News, a local Chinese newspaper. Mr. Cheung a convenience store operator in Unionville-Markham expressed the impact of Bill 45 on his business. He said, "When my customers buy cigarettes from my store, they also buy snacks and drinks. In my estimation, this ban will make me lose more than 10% of business. At the same time, I also think the law is very unfair to discriminate against one group of smokers."

If smoking is legal but restricted, wouldn't you rather give the business to Mr. Cheung instead of criminal gangs like Hells Angels?

**Interjection:** I think so.

**Mr. Tim Hudak:** I think so, too. Why don't you?

So go big, go bold, treat it like the drug that it is and not just a nuisance. Make a grand bargain with First Nations leadership, provide incentives the right way and reward it. Give police greater authority. Lock up the criminals and bulldoze under the cigarette equivalent of meth labs. They haven't tried it yet. They've been stalled for eight years. I always felt if your trying isn't working, you've got to try something different.

**2300**

It has been done elsewhere. These are tactics we use to attack illicit drugs. If you truly want to get smoking levels lower than where they're stalled in the province of Ontario, if you truly want to bring in more revenue to the provincial coffers to put towards helping people suffering from cancer fight back, to helping disabled children overcome their challenges and have an incredibly fulfilling life, with a billion dollars, you can go a long way. If you want to reward hard-working entrepreneurs, small business people like Mr. Cheung in Markham—Unionville, I don't think you've got a choice.

I know it's too late to put it in this bill today, but in the next bill going forward—the Minister of Finance is here, the Minister of Aboriginal Affairs—I think it makes a lot of sense. It would be groundbreaking. It would make a hell of a difference.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**M<sup>me</sup> France Gélinas:** It was a pleasure listening to the last speaker. When he first started, he certainly took me back. I can remember, in 1983, working in a hospital. I was on the spinal cord injury unit, and a lot of the young people who had broken their neck or back were smokers.

I remember lighting up cigarettes on my shift in the hospital to give to clients in bed who were paralyzed and could not smoke on their own. I remember our occupa-

tional therapy department putting all sorts of different apparatuses together so that the people with fresh spinal cord injuries could continue to smoke in their hospital beds. In every room, you would go in to see a patient in bed, and all around the beds there were burn marks on the floor because patients would drop their cigarettes and then couldn't get out of bed, and the thing would just burn there, right on the ground. I see some nurses on the other side who I'm sure have experienced the same thing.

You wouldn't even dream of that right now. You wouldn't dream of a health care worker lighting up a cigarette for a client in bed. Things have changed. Things have to continue to change so we get to a point where we can continue to decrease this one in five Ontarians who still smoke—and in my riding, it's more like one in four Ontarians who still smoke.

The steps that we are taking with Bill 45 are not the end all of it all. They are tiny steps towards health promotion that can be done right here, right now, but a whole lot more needs to be done. Some ideas that he brought forward are certainly ideas that are worth looking at.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Charles Sousa:** I appreciate the comments made by the member from Niagara West—Glanbrook—very thought-provoking. I appreciate the member from Nickel Belt as well and, for that matter, all those who are fortunate tonight to be doing this night sitting.

Mr. Speaker, for those few watching at home, though, let's make no mistake: The opposition parties are needlessly extending debate on Bill 45 by continuing to put up speakers. The bill has now been debated for 16 hours at second and third readings combined. Over 75 members of the Legislature have either spoken to this bill or participated in the debate during questions and comments. The government has extended debate beyond the six-and-a-half-hour threshold so more members would have an opportunity to speak to this, but listening to the debate, it's clear that the majority of the members are, in fact, in support of the bill.

Mr. Speaker and fellow colleagues, it is time that the bill passes. It's time that the bill passes third reading and be proclaimed into law as soon as possible. Continuing debate further signals that there's no true desire to have a meaningful discussion on this bill. The opposition's only goal seems to be to delay.

I'm calling on the opposition party to stop stalling and help us move forward on this important piece of legislation so that we can continue to debate other important bills, such as Bill 9, Ending Coal for Cleaner Air Act, or Bill 31, Making Ontario's Roads Safer Act, or Bill 37, Invasive Species Act; Bill 40, Agriculture Insurance Act; Bill 49, Ontario Immigration Act; Bill 52, Protection of Public Participation Act; Bill 66, Great Lakes Protection Act; Bill 73, Smart Growth for Our Communities Act; Bill 80, marine mammals act; and Bill 100, Supporting Ontario's Trails Act.

Let's get to work on other things that are so important for this Legislature.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Toby Barrett:** I actually wish to comment on the presentation by the member from Niagara West–Glanbrook. He has indicated what I consider a big gap in the discussion. The discussion, as we know, has been going on for many, many bills, and a number of years.

He made reference to the elephant in the room. This piece of legislation does not address a major contributor primarily to young people smoking, and that is the very low price of tobacco. Why would a kid buy a carton of cigarettes and pay 80 bucks when he can pay 8? They make an economic decision, and as a result consumption increases. We know that there's no way the legal trade—and most of the discussion here discusses the legal trade—can compete with the illegal trade. When you're dealing with a very high-taxed product, those who pay zero taxes are not influenced at all, obviously, by the high tax process that we've seen over the last 12 years.

The member for Niagara West–Glanbrook made reference to Quebec. This is kind of embarrassing for those of us in the province of Ontario. They've reduced contraband tobacco. They did it through legislation. They were able to bring in legislation that actually reduced the rate of contraband tobacco by half. By doing that—and it may seem counterintuitive—they have increased their tobacco tax revenue. If that's what the Minister of Finance is concerned about, that's something to take a look at.

**The Acting Speaker (Mr. Ted Arnott):** We have time for one more question or comment.

**Ms. Peggy Sattler:** I am pleased to rise on behalf of the people I represent in London West to respond to the comments from the member from Niagara West–Glanbrook.

I want to say the member from Niagara West–Glanbrook has certainly done a lot of work on this issue. He presented a very well-thought-out strategy that could begin to address the problems around contraband tobacco. I certainly agree that some of the ideas that he presented are worth taking a look at.

One of the phrases that he used in his presentation was about the need to—I think he said “starve the supply.” That is worthwhile, but what we also need to do is ensure that there are no new smokers being recruited by the appeal of flavoured tobacco. The measure that is proposed in Bill 45, the ban on flavoured tobacco, is critically important to prevent young people from starting to smoke, from getting hooked on the habit so they don't get into a situation where they might be willing to seek out Hells Angels or whoever because of their nicotine addiction and their need to continue smoking.

Yes, we do need to look at issues around contraband tobacco, but equally important, we need to move forward expeditiously on the measures that are included in Bill 45 to prevent new generations of young people from picking up the habit of smoking and all of the related health consequences that that involves.

2310

**The Acting Speaker (Mr. Ted Arnott):** That's it for questions and comments. I return to the member for Niagara West–Glanbrook for his reply.

**Mr. Tim Hudak:** I appreciate the comments from my colleagues here this evening. I just want to focus on one piece of what I talked about—and I do appreciate that some ministers particularly commented on aspects of the speech that they liked.

Look, we wouldn't tolerate a meth lab in a nice neighbourhood in Mississauga South. We wouldn't tolerate a marijuana grow-op in an upper-middle-class neighbourhood in Ottawa. So why do we look the other way when it comes to illegal cigarette manufacturers and retail operations on-reserve? Why the double standard? Why is it okay to look the other way at criminal activity that impacts First Nations' communities when you'd shut it down in non-First Nations' communities?

Think about this, too: How does that help out aspiring First Nations youth who want to get ahead, when the incentives are warped? When law-abiding chiefs want to make sure they better their communities and they see money that could go towards a local health project or a recreation project being funnelled to the pockets of the Hells Angels, how does it help First Nations move forward?

I know this is a significant restructuring of the way it works. A lot of revenue comes in from tobacco. I'd much rather see it go into our provincial coffers to support health care or education or helping those with disabilities, and part of that being shared with First Nations for good projects on-reserve rather than into the pockets of criminals.

Look, you already share revenue from gaming with First Nations. That began under the NDP government with Casino Rama. It continues today under your government. I hope that you'll follow through on something we've championed, which is sharing resource revenues, starting with mines, with host First Nations. Why not, too, when it comes to tobacco tax?

I believe in incentives; it's the way I think. I'd much rather see policy, when it comes to fighting contraband, that rewards good behaviour and punishes bad. Put the criminals behind bars, shut down the illegal operators and forge a grand bargain with First Nations leadership that's going to help invest in their communities and support law-abiding citizens.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. John Vanthof:** It's always an honour to be able to stand in this House and hopefully represent the views of the good people of Timiskaming–Cochrane, even at this late hour. Just for the record, I believe, except for a few comments in questions and comments, this is my first opportunity to speak at length to this bill.

Again, this bill is a bit of a grab bag of bills largely based on bills put forward in this Legislature by the member from Nickel Belt.

**Hon. Dipika Damerla:** So why don't you just pass it?

**Mr. John Vanthof:** I think members who want to speak to this bill deserve the chance and I think all members could add something. The member we just heard speaking, from Niagara West—Glanbrook—I think those were comments that were definitely worth hearing and I think that's one of the reasons that we need to debate this bill.

With this bill there are three main parts, and I'd like to start with the explanatory notes of the first part before I put my views forward. This is annexe 1: Loi de 2015 pour des choix santé dans les menus.

« Les propriétaires et les exploitants de lieux de restauration réglementés sont tenus d'afficher le nombre de calories de chaque aliment normalisé qui y est vendu ainsi que tout autre renseignement qu'exigent les règlements.

« Le terme "lieux de restauration réglementés" désigne les lieux de restauration qui vendent des repas pour consommation immédiate et qui font partie d'une chaîne de 20 lieux de restauration ou plus en Ontario ou qui sont assujettis à la présente loi par l'effet des règlements.

« Des pouvoirs d'inspection et des peines sont prévus.

« Le lieutenant-gouverneur en conseil se voit accorder des pouvoirs réglementaires, notamment pour prévoir des exemptions. »

Basically, that's forcing restaurant chains to post calories. That's a good thing. You know what? That's a good thing.

What has come up several times in this debate is that there should be other things posted, and one of them is sodium. The member from Nickel Belt had a little quiz on how much sodium was in each product in many restaurant chains, and I'm sure many of the members here were surprised. I almost felt like giving up salad—not that I'm a big salad consumer. Then it was explained to me that it was the salad dressing, not the leafy stuff. But it was eye-opening.

One of the members on the government side said, "We're thinking about it, and it needs some more time." I'm not sure if it needs more time, because the restaurant chains are very well aware of the issue and some of them, particularly, are quite quick to use food claims to their benefit. You will see some restaurant chains advertising hormone-free beef, much to the chagrin of many Canadian cattle farmers. So a chain like that shouldn't have any issue with advertising how much sodium is in their products. They could use it as a marketing tool. But the government seems very reluctant to force that.

I was watching the faces of many of the members as the member from Nickel Belt was telling us, many for the first time—certainly me for the first time—about how much sodium was in each product. We were shocked. People would also be shocked if those numbers were on the menu boards. That's why they're not there. But they should be.

I appreciate one of the comments from the member from Leeds—Grenville. He said, "You cannot regulate health." But you certainly can make people aware. By

listing calories on your menu board, you're making people aware; by listing sodium on a menu board, you are making people aware. There is no reason that we can fathom why the government wouldn't add that, based on the numbers that the member from Nickel Belt gave us—and those numbers are available but, obviously, not readily available.

Another member—I can't remember which member—said, "We should have a health check, a star." Even if you were below a sodium level so that you got a low sodium rating, it wouldn't be that big a stretch. It would be a great start. It could easily be put into a bill like this, because if a restaurant chain can advertise hormone-free beef, they certainly shouldn't have a problem saying "low sodium."

**M<sup>me</sup> France Gélinas:** Where does the hormone-free beef come from?

**Mr. John Vanthof:** Most of it does not come from Canada because it's hard to prove that in Canada. Actually, if you look, there are a lot more natural hormones in the beef than ever is added. But it's a marketing ploy.

There's no reason why you couldn't put sodium as—while you're doing it, there's no reason why you couldn't do it as well as possible. It takes a long time for these bills to go forward, and the government is now saying that people are wasting their time. I don't believe that in standing here I'm wasting my time for the people of Timiskaming—Cochrane; neither was the member from Leeds—Grenville or the member from Nickel Belt. We are adding to this debate because these debates don't happen a lot. When we're doing it, we should put on the record what should be done.

The second part of this bill, Bill 45, is the Smoke-Free Ontario Act. Again, I'm going to read the second explanatory note. This is annexe 2: Loi favorisant un Ontario sans fumée.

« Diverses modifications sont apportées à la Loi favorisant un Ontario sans fumée, dont les suivantes :

« 1. La vente d'articles promotionnels joints à des produits du tabac est interdite.

« 2. La vente de produits du tabac aromatisés est interdite, sous réserve du nouveau pouvoir de prescrire des exemptions.

« 3. La liste des endroits dans lesquels un inspecteur est expressément habilité à pénétrer est élargie.

« 4. Des modifications sont apportées aux dispositions relatives aux pénalités et aux interdictions.

« 5. Le pouvoir de prescrire des endroits pour l'application de la loi est modifié afin de prévoir des exemptions. »

This is, again, based on a bill from the member from Nickel Belt. It's basically banning flavoured tobacco. That's basically what it's doing.

## 2320

There has been a vigorous debate here about whether menthol should be included right away, shouldn't be included, and also a good debate about whether doing this by itself is enough. It has been a good debate, and I think we would all agree this is a good start. It has been a



long time coming. Menthol could have been put in right away but, again, the government is going to have to seriously look at contraband tobacco.

My daughter was a waitress in a restaurant that had a corner store, and they sold tobacco there. My daughter was caught and fined by the tobacco police. There was a line of 20 people. She didn't ask the one person if he was of age, and that was the end—and more power to them. They go through all this hassle, and a few miles down the road, anybody can go in and buy at will, and there are no guards on the—you know, our tobacco has to be hidden. I'm not against that, but you have to go the rest of the way because, again, regulations—I talked a lot about this this afternoon. Regulations are good, but you have to look at the whole package, because if you just look at half the package—and this is a good part of the package, but we're going to have to go steps further and not just for the health aspect, but for the tax aspect, for the criminality aspect. You can't go halfway on this one. We all recognize that. Is that a reason to not put this through? Of course not. But this forms the base of doing the next step. I fully agree with the comments from—I keep forgetting what your riding is.

**Mr. Tim Hudak:** Hudak.

**Mr. John Vanthof:** Mr. Hudak.

**Mr. Tim Hudak:** I give him permission, Speaker.

*Interjections.*

**Mr. John Vanthof:** But we need to take this step by step, and we need to take that to the next step because it's the same across the province. We are taking corner stores that are selling a legal product and we're putting them through hoops, which I agree with, but right next door we are just driving by and acting like it doesn't exist. That is a huge problem, and that is a problem that is well worth talking about at 11:30 at night because it's a huge problem across the province. I am certainly happy and proud that I've actually had the opportunity to talk about that.

The third issue—I'll just find my explanatory notes again. I'll spare the people; I'm just going to do this in English.

*Interjections.*

**Mr. John Vanthof:** OK. Je vais faire la troisième en français. La troisième annexe, c'est la Loi de 2015 sur les cigarettes électroniques.

« La vente et l'utilisation de cigarettes électroniques sont assujetties à des restrictions. »

*Interjection.*

**Mr. John Vanthof:** If you're not careful, I'll do it in Dutch.

« Par exemple :

« 1. La vente et la fourniture de cigarettes électroniques aux personnes de moins de 19 ans sont interdites.

« 2. L'étalage et la promotion de cigarettes électroniques sont assujettis à des restrictions.

« 3. La vente de cigarettes électroniques dans certains endroits et lieux est interdite.

« 4. Des dispositions sont prises pour réglementer, d'une part, l'emballage des cigarettes électroniques et,

d'autre part, la vente des cigarettes électroniques aromatisées.

« 5. L'utilisation de cigarettes électroniques est interdite dans les lieux de travail clos, les lieux publics clos et certains autres endroits ou lieux.

« Le projet de loi prévoit des pouvoirs d'inspection et de réglementation, ainsi que des infractions. »

I think we've had a really good discussion about electronic cigarettes here. A lot of issues have been brought forward about how people are using electronic cigarettes to try and stop them from smoking. That's a good thing. The issue, I think, from our point of view is that if we allow electronic cigarettes to be used in places where regular cigarettes are prohibited, once again the marketing of electronic cigarettes will go far beyond people who were trying to stop smoking. That's the issue, right? No one is trying to prohibit people who use it as a tool to stop smoking. That's not the issue here.

The government, which we support, is not trying to prohibit the sale of electronic cigarettes. It's regulating the sale of electronic cigarettes, and that is a whole different issue. It's almost the same, to a lesser degree—if you look at the cigarette issue with illegal cigarettes, illegal cigarettes, because of a lack of willpower from the government, are regulated differently—or unregulated—than legal cigarettes. The same risk would happen with e-cigarettes if they continued to be not regulated, because a lot of the vapour cartridges—I'm sure some of them are safe, but many of them aren't tested, so we don't really know. And if these are used as a way to introduce people to smoking, that's the concern.

Again, it's a very good debate here this evening, I think a worthwhile debate, because both sides have put their case forward. That's the idea of having a Parliament. I get quite distressed sometimes when people say, "We've debated this enough." We make laws in this place—at least, we're supposed to. I've sat here all night—I've sat here all day, actually—but I don't find that tonight, and perhaps the members on the government side would disagree with me, was a waste of any of our time. I don't find that tonight was a waste of any of our time. I'm sure the government side would disagree. We heard good remarks from the members from this side. We heard good questions and comments from some of the government members.

**2330**

*Interjection.*

**Mr. John Vanthof:** I'm not going to be too complimentary. I'm fairly even-handed, but I don't want to be too complimentary.

This is a good bill. It could be a better bill. It has been a long time coming. But it is, as all laws are, a law that's going to impact people, and some of the side impacts are going to make some people's lives harder. That's something that has to be recognized.

One other thing: I really like the part that only chains have to list their calories and their sodium. I've got to put a plug in for the chip stands in Sturgeon Falls, which

have the best poutine, certainly in my riding—and I hope they don't put the calories.

One other plug I'm going to put in is for Webers hamburgers on—is that on 11 or is that on 400 still?

**Interjection:** It's 11.

**Mr. John Vanthof:** On 11—because they use Thornloe cheese. Thornloe cheese is made in my riding from 100% Canadian milk. Like a lot of other cheese in Ontario, it's made in Ontario with Ontario milk, and that's great.

I'd like to end on a very serious note. There are a lot of people in my riding and across the province who don't have the luxury of being able to afford burgers at Webers or poutine at Sturgeon Falls chip stands. There are people in my riding who subsist on mac and cheese. I like mac and cheese too. But they don't have a choice. I think that's something we all have to take very seriously.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. Grant Crack:** It's an honour and a pleasure for me to get up and speak here this evening and make reference to the comments made by my good friend, mon ami de Timiskaming—Cochrane. Il a fait un très, très bon travail ce soir. I want to just confirm what he said. He said that it was not a waste of time to be here tonight. I completely agree with him.

As a matter of fact, Speaker, I'm glad we're here, because what it does is it shows the difference between the Liberal government and the members of the opposition. We spent two and a half years trying to put good pieces of legislation forward, with very little success, so tonight we're here making sure that we can put a number of measures that this government has put forward and the Minister of Finance had talked about—I think there are nine of them there, one of them being Bill 31. The entire House supports Bill 31. In Bill 31, we talk about ORVs, off-road vehicles. We talk about trying to get off-road vehicles more leeway in utilizing roads. What they're doing is they're delaying again, like they did for two and a half years. The people of Ontario will judge. There will be a day of reckoning again in the future. They went from 36 members down to 28. They went from 21 to 20.

Mr. Speaker, we are putting forward good pieces of legislation. I can tell you that this is a good piece of legislation. I was the chair of the committee that oversaw that. We heard all kinds of debate and very, very few amendments to this bill. They want to talk about it, they want to talk about it, they want to talk about it—they want to delay it. But we have almost a dozen pieces of legislation that we are going to put forward before the end of this session, because it's in the best interests of all Ontarians. I'm proud to be on this side of the House.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. Bill Walker:** It's always a pleasure to bring comment to my colleague from Timiskaming—Cochrane. I think he started, early in his talk, asking a question: Is doing this, by itself, enough? And I would suggest to

you, no. As I said earlier in my comments, there are certain aspects of this bill that we support. The Healthy Menu Choices Act, the Smoke-Free Ontario Act—generally, those breeze right through here. The third part, the third schedule, the Electronic Cigarettes Act, is where we have a concern.

I'm not certain whether he touched on it, but in tonight's discussion what we talked about was the reality of punishing legal vendors of legal cigarettes that actually are licensed and okay in Ontario. We're actually going after them and hurting them. The convenience store owners haven't been talked about a lot here tonight, but they have been somewhat. At the end of the day they're doing the right things, and we're actually punishing them, and they're going to be challenged. We're going to lose taxes. That money could be going to things like health care, schools and special needs, yet we're actually rewarding illegal, contraband smoke shacks.

Not one word in this legislation addresses contraband. Again, it's been talked about almost ad nauseam here tonight, but there's nothing in this legislation—nothing in 12 years of this government—to even address that issue, Mr. Speaker. We want to ensure that youth are not smoking. Everyone in this House agrees with that. There's the biggest gateway; that was a term that was used in committee for three and a half days. The gateway to youth smoking is contraband—and not one word in this act to even talk about that.

We talk about making youth smoking illegal. I believe the ability to buy, possess or sell cigarettes by underage youth should be legislated so that it is illegal, similar to alcohol. It works. It's a deterrent. Again, nothing in this legislation. We certainly asked for that. We put it out in front. We had 39 different amendments for this bill. Not one of them was even really discussed. None of them were accepted. Sadly, they again say, "We know. You listen," and they move on.

We hope this legislation will help Ontarians, but it certainly is a far cry from what the best legislation could be.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Peter Tabuns:** It's a pleasure to comment on the remarks made by my colleague from Timiskaming—Cochrane. Generally speaking, Speaker, after 10 o'clock at night I find that the quality of legislative debate in all kinds of Legislatures begins to decline and degrade. But in fact, the member from Timiskaming—Cochrane was coherent in both languages, quite to my amazement. He spoke well about the need to actually provide people with information. He's quite right. If you say that your beef is hormone-free, which I have to say as an urban dweller is a good thing, you don't taste that. But salt is awfully yummy. Giving people the information they should have when they make a decision about what they're going to order makes tons of sense. I think he nailed it really well.

There are people who are talking about the health benefits of the food that they're selling, the meals that they're preparing and putting on the table. Clearly, they

should be advertising the fact that they're low sodium, low salt, good for your heart, good for your health.

I want also to say that he's quite correct in his comments about schedule 3 of the bill. This is a matter of regulating e-cigarettes; it's not a question of banning them.

Speaker, my time is running short, but I want to speak to comments made earlier by the member from Windsor West. She talked about the difficulty people are having getting food these days. I have to say, on a non-rhetorical basis, that in the last year, as I've talked to seniors in the seniors' buildings in my riding, for the first time I've heard people say, "We need price controls on food." That says to me that a lot of people are very hard pressed. I've been in political life for a few decades now. It's the first time I've heard a call for price control on food. This is a significant and real matter.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Dipika Damerla:** I rise once again to speak to this bill. I want to take a few minutes to speak about contraband. I have to say I'd like to congratulate the member from Niagara Falls for a very—he's not paying attention right now, but—

**Mr. Wayne Gates:** Hold it, hold it.

**Mr. Steve Clark:** Niagara West—Glanbrook.

**Hon. Dipika Damerla:** Niagara West, yes. I think he made some very thoughtful comments on the contraband issue.

I just wanted to say that I actually happen to agree with a lot of what he said, but it's not an either/or. Bill 45 moves forward not as an either/or. Because we are doing Bill 45 doesn't mean that we are not going to focus on contraband, or that focusing on contraband would somehow preclude the need to move forward with Bill 45. I think each has a place.

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I want to take a few seconds—well, I just have about a minute—to speak to what this government is doing on the contraband file. As many of you know, the Minister of Finance is here. On January 1 of this year, the Ministry of Finance took over the oversight of loose-leaf tobacco, of growing tobacco. That was a big move because it's about controlling tobacco leaf at the source. The budget very, very clearly lays out a number of action plans, including empowering the OPP to investigate the connection between organized crime and contraband. We are also looking at designating the Ministry of Finance's enforcement officers as peace officers so that they have more powers. We are looking at giving our enforcement officers the ability to, for instance, stop a vehicle that they suspect of carrying contraband or loose-leaf tobacco to inspect it. So there are a number of things that we're working on and, very important, working with the First Nations. The member from Niagara West talked about that, and absolutely, we need to work with the First Nations, and we look forward to doing that. It's an important issue, and this government recognizes that.

**The Acting Speaker (Mr. Ted Arnott):** That's all the time we have for questions and comments for this round.

I return to the member for Timiskaming—Cochrane for his response.

**Mr. John Vanthof:** I would like to thank the member from Glengarry—Prescott—Russell, the member from Bruce—Grey—Owen Sound, my colleague from Toronto—Danforth and the Associate Minister of Health for their comments.

First I would like to respond to the member from Glengarry—Prescott—Russell. He mentioned Bill 31 and specifically off-road vehicles. Actually, when you read Bill 31, it doesn't do what rural Ontario has been asking for all these years, because when Bill 31 is passed, side-by-sides will still not be able to go on the sides of secondary highways and on rural roads. You know what? You missed the mark.

We'd be happy to help you change the regulation. If you're going to really boast about how great the law is and you're going to mention specifically off-road vehicles, then you had better make sure that the regulation is correct, because that one isn't.

**Hon. Charles Sousa:** Let's debate it, then. Let's put this one to bed.

**Mr. John Vanthof:** I'd be happy to. I'm sure, between the member from Parry Sound—Muskoka, who put forward a similar bill, and myself, we'd be happy to help you with the regulations.

I'd like to close with the comments from the member from Toronto—Danforth. In the four years that I've been MPP, the increase in people that we have coming into our office who don't know where to turn, particularly seniors on fixed incomes who have, in my area, the hydro bill eating up huge parts for heating their houses, and they don't know where to turn—it is a huge, huge issue, something that we have to pay more attention to.

**The Acting Speaker (Mr. Ted Arnott):** Further debate.

**Mr. Robert Bailey:** I do have some prepared remarks, but I did want to add to a couple of comments that were made. If the minister was willing to work on these contraband cigarettes, that's something that I'd be willing to work on with my caucus to help you get it through the House. Let's do something about that, as the member from Niagara West—Glanbrook said. It's a scandal that this is going on in this province.

The member from Glengarry—Prescott—Russell said that he's proud of all these bills and that we're going to get 12 more passed. Well, get ready to be here until midnight every night, because we're not going to just let you get them. Charles—I mean, the Minister of Finance—I hope you're able to be here every night, because we'll be here as well. We're going to make sure, if you want to get those bills, that anyone who wants to speak is going to get to speak.

**Interjection:** That's democracy.

**Mr. Robert Bailey:** That's democracy. And also, from the member from Niagara West—Glanbrook, it's a long road that doesn't have a curve in it, so don't get too smug. Don't get too arrogant because the people have seen through you guys by now.

Anyway, thank you, Speaker. I'm pleased to rise this evening to add my comments to the third reading debate on Bill 45, the Making Healthier Choices—

*Interjection.*

**Mr. Robert Bailey:** Yeah, all right. I might do that.

What he did say, too, the minister—a number of members have spoken about getting bills to the House. Well, I know a member that got a number of bills through this House in a minority situation, so it's not just government that can pass bills. Members, if you work together—and it's not just the government that has all the great ideas.

I see the Minister of Agriculture here. I want to thank him for working with me on that bill of mine under the Local Food Act, where we got a 25% tax credit to farmers for donating surplus food. So a number of those seniors that are in that situation—as a number of members have spoken about tonight—can access fresh food and fresh vegetables. Those were all ideas that didn't just come from government. They worked their way through committee, and we were able to adopt those.

We also had Ontario One Call act, which is making the infrastructure safer in this province. It's making contracting safer for people; that's the labour side of it. It also protects infrastructure and makes homeowners safer.

**Mr. Bill Walker:** That's because you listen, Bob.

**Mr. Robert Bailey:** I listen; that's right. The member from Sarnia-Lambton did listen, and I thank the House for helping me pass that as well.

I do want to get back to the Smoke-Free Ontario Act. It's a combination of previous pieces of legislation. I'd like to deal with the healthy menu. I don't always subscribe to that, as you can tell. I'm going to leave this stuff alone.

Anyway, like I said, I quit smoking over 35 years ago. It was in 1980, and it was one of the best things I've ever done. I would encourage everyone to do it. If these smoking cessation objects—the vaporizers—work for people, I say let's let people still have access to those.

I've talked to people in nursing homes and long-term-care facilities. One lady's husband said, "My wife's beside herself because she thinks she's not going to be able to use this smoking device any more"—the vaporizer. She has given up cigarettes because she's in a long-term-care facility, and he said, "I don't know how I'm going to be able to live with her," when he goes to visit her. Maybe he won't go as often. I don't know. It might have something to do with that.

**Hon. Jeff Leal:** Maybe he'll take her some chocolates.

**Mr. Robert Bailey:** He'll have to take her some chocolates, the minister said.

In March 2010, the President of the United States signed legislation into law that required restaurants and similar retail food establishments with 20 or more locations to list their calorie content, and that's something this bill apparently does as well. Five years later, regulations have only just recently been set by the Food and Drug Administration in the United States. It seems it will be some time before they have the calorie count.

While I certainly believe that labelling menus with calorie counts so that consumers are better informed in the choices they make—I believe there is also a balance that must be struck so that not all of the burden of educating the consumer is on the business community. Consumers must also take some of the responsibility so they know what they're putting in their bodies.

Today, nutritional content for almost every fast food item in the marketplace is available online and is accessible through everyone's smartphone and various apps. The Associate Minister of Health cited her own example of googling a medium iced cappuccino at Tim Hortons and discovering it has up to 400 calories.

I do wonder if having that one statistic alone, calories, is enough for individuals to make those sound nutritional choices. At best, displaying calories can only serve as a nudge to consumers in their decision-making. Consumers in Ontario will still be purchasing beverages and meals at many restaurants and eateries that fall outside this government's legislation.

To get back to my own riding of Sarnia-Lambton in the town of Petrolia, the Hard Oil town, where I happen to live—I would recommend everyone in this chamber make a point of visiting that sometime over the summer or into the fall. There are five locations of the Coffee Lodge, which the Sarnia Observer wrote an article about.

"In a business where large chains dominate, the Coffee Lodge has found its niche and grown to become a Sarnia-Lambton phenomenon." Some of you in this House may know the owner of the Coffee Lodge, Leo Stathakis. He is the past president of the Sarnia Lambton Chamber of Commerce and has participated many times in the Sarnia-Lambton Days that we have at Queen's Park. The most recent one—

**Hon. Jeff Leal:** That was great, Sarnia-Lambton Day.

**Mr. Robert Bailey:** That's right. The most recent one was on March 11; the Minister of Agriculture was there that day.

I also attended Peterborough Day, which was also a success.

*Interjection.*

**Mr. Robert Bailey:** Glad to reciprocate.

Mr. Stathakis and the success of the Coffee Lodge are indicative of the many hundreds and thousands of entrepreneurs and restaurateurs around the province who have found success in the food service industry because of the quality of the food and product in this province—the food and the service by their employees.

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Restaurants like this don't operate with huge, multi-million-dollar front offices like a Tim Hortons or their parent company now, Burger King, would have at their disposal. Additional administrative requirements like requiring calorie counts could serve as a barrier to innovation and growth for small business if these requirements continue to be extended into the marketplace.

I hope the government will continue to consider that balance that is required to support both small business in

Ontario and help Ontario consumers make more informed nutritional choices.

The PC caucus proposed a number of amendments to schedule 1 of Bill 45 with the intent to make sure that the menu act does not become overly burdensome while still achieving the intention of the bill.

A quick reading of the bill, as reported to the House for third reading, shows that the government chose not to adopt the vast majority of those amendments. However, while I haven't reviewed the Hansard of all debate, I have no doubt that the vast majority of the debate dealt with those provisions of the legislation around the Smoke-Free Ontario Act and the Electronic Cigarettes Act.

To review, it would prohibit the sale of flavoured tobacco products while giving the minister the power to prescribe exemptions, along with a number of others. Further, schedule 3 of the Making Healthier Choices Act prohibits the sale and supply of electronic cigarettes to persons under 19 and places restrictions on the display and promotion. Also, it would allow for the regulating of packaging of electronic cigarettes and for regulating the sale of flavoured electronic cigarettes.

Since the introduction of Bill 45 on November 24, 2014, my constituency and Queen's Park offices have been inundated with emails from residents in Ontario who are not in support of Bill 45. There have been letters of support from many organizations like the Heart and Stroke Foundation and their director, Mark Holland, who wrote, "This legislative package will go a long way towards helping Ontarians live healthy lives free of heart disease and stroke."

But most of the emails sounded like the one from Lori Chevalier from Sarnia-Lambton, who wrote, "I am very concerned about what this bill will mean to me and so many others. As you probably know, I used to smoke and had done so for over four decades. I had tried quitting half a dozen times over the years and never made it to three months, regardless of what I did. Even nicotine replacement therapy patches and gum did not do the trick for me.

"This year I was determined to end my habit once and for all. The third week of January I started vaping using an e-cigarette with nicotine e-juice. This alone helped me cut down immensely the amount of cigarettes I was smoking per day. Within that first seven days I was down to only five cigarettes a day for the last couple of days I was smoking. Since January 24, I have been completely cigarette free! I am confident that I won't go back because the e-cigarette deals with the issues I had with quitting all those other times.

"When I look at Bill 45, schedule 3, my fear is that e-cigarettes and e-juice will become unavailable. Then what will happen to myself and so many others who prefer vaping versus smoking? I know, if that leaves me with nothing else to turn to other than those products I previously used before and failed with, chances are I will end up smoking again.

"Why are just e-cigarettes being targeted? If nicotine replacement is going to be attacked like this now, why

are all other forms of nicotine replacement therapies not being attacked as well?"

The letter goes on at great length—I won't read it all—but it's signed by Lori Chevalier; she's from my riding. She's quite concerned over this. She only represents just a few of the many constituents of mine who have written me on that point.

This afternoon, the member from Lanark-Frontenac-Lennox and Addington told his own personal story about his family and his own children as well, and their repeated attempts to kick a smoking addiction, and only recently finding some degree of success, apparently, with e-cigarettes. As the member stated, the issue of smoking affects thousands of families in Ontario; the behaviour is generational and it is cultural.

In my riding of Sarnia-Lambton, the most recent statistic show that residents label themselves as daily or occasional smokers at a rate 6% higher than the provincial average.

The presence of smoking-related conditions like osteoarthritis, asthma, COPD and heart disease all present at higher rates in Lambton county than across the province. Provincially, statistics tell us that smoking claims nearly 13,000 lives in Ontario annually, yet people young and old continue with this habit each and every day.

I believe that there need to be a variety of options available to those smokers in Ontario who are looking to change their habits. Strong action should be taken to keep cigarettes and flavoured tobacco products out of the hands of people under the age of 19. There will still be far too many temptations in social settings to smoke, but, as legislators, we can do what we can to make sure that these adolescents do not have easy access to cigarettes and that they are not attracted to smoking because of deceptive, candy-flavoured tobacco products.

With adults, the challenge becomes greater. The ban on flavoured cigarettes, like menthol, may prove to drive many consumers to enter the contraband market, diverting income and oversight from the regulated distributors and businesses to sellers operating outside the law. Many will have connections to criminal operations and ties to drug trafficking, illegal guns and even human trafficking, as the member from Niagara West-Glanbrook spoke about earlier.

*Interjection.*

**Mr. Robert Bailey:** It's getting late.

It is estimated, Mr. Speaker, that the black market in contraband tobacco costs Ontario and the federal government, as well as our provincial government, over \$1 billion every year in lost revenue. Think what that revenue would do, I say to the members of the House, for health care, for social improvements to programs we already have in place and many new ones. Governments like this are activists, and they've always got some new program that they want to start. Imagine what \$1 billion plus in revenue could do for that: \$1 billion would pay for 18,000 nurses, 24,000 long-term-care beds or provide home care to almost 72,000 patients. That's something I hear about in my office and I'm sure every member in

this House hears about every day. Let's think about what we could do with those dollars that we could generate. We could improve their health. We could drive a stake through the heart of organized crime.

Bill 45 was to combat tobacco use among youth. Contraband vendors are known to target youth, and yet Bill 45 does nothing to combat the contraband market in Ontario.

The member from Niagara West—Glanbrook came up with a number of good suggestions, and I think that the government should certainly seriously consider those, and we should look at—like I said, I know our party, and I'm sure the third party as well—if we could come up with something that would deal with this contraband tobacco use, I'm sure you would get speedy passage through the House, because it's something that we all know is a pox on all our houses, and we should do something about it, and I think we should work on that. Contraband vendors are known to target youth.

Finally, for users of e-cigarettes, while I would never encourage tobacco use—as I said, I quit myself 35 years ago—I do believe that for many, e-cigarettes have become a sort of salvation from the unbreakable grip of addiction. While the use of liquid tobacco and e-cigarettes may not be the end result that public agencies would like to see, I do believe that it is moving individuals in the right direction if they are moving away from the damaging effects of their previous smoking habit.

I will, at the end, be supporting Bill 45. However, I would hope—

*Interjections.*

**Mr. Robert Bailey:** I thought I'd leave that until the end.

However, I would hope this government would take time to empathize with the thousands of Ontario residents for whom e-cigarettes are the first step to breaking that

cycle and habit of smoking for good. Quitting smoking is one of the best decisions that people can make for their health. The Ontario PC caucus will always support them as they do so.

I see you looking at me, Mr. Speaker. Is my time coming to an end? Well, I'll just read a couple of other issues here.

How big is the issue of contraband tobacco?

“Canada, and Ontario in particular, have a contraband tobacco problem, one of the biggest in the world, and one that defies a neat solution. Nonetheless, something can, and must be done. Indeed, there are already positive signs. In a recent fiscal update, the Ontario government has signalled that it intends to get serious about contraband issues”—I'm not sure when this is dated.

“Tobacco, then, is not a third rail of provincial politics. If we reframe the issues and understand” that, we can do something about it.

“Illicit networks are necessarily difficult to study. However, estimates suggest that the Canadian contraband tobacco market is larger in proportion to its population than that of other Western countries. Estimates of the percentage of Canadian tobacco sold illegally range from 15% to 33%, with peaks as high as 50% in Ontario. Tax losses number in the billions of dollars. The general pattern suggests that contraband levels peaked around 2009, at a rate that almost rivalled the boom of the early 1990s. It seems the trend”—

*Interjections.*

**Mr. Robert Bailey:** Am I—okay, I will wrap that up, Mr. Speaker. It's been a pleasure to rise and speak to this bill, and I look forward to further debate.

*Third reading debate deemed adjourned.*

**The Acting Speaker (Mr. Ted Arnott):** It being Tuesday, this House stands adjourned until this morning at 9 a.m.

*The House adjourned at 2400.*

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Hoggarth, Ann (LIB)	Barrie	
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Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
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Martins, Cristina (LIB)	Davenport	
Martow, Gila (PC)	Thornhill	
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Vernile, Daiene (LIB)	Kitchener Centre / Kitchener-Centre	
Walker, Bill (PC)	Bruce–Grey–Owen Sound	
Wilson, Jim (PC)	Simcoe–Grey	Leader, Official Opposition / Chef de l'opposition officielle
Wong, Soo (LIB)	Scarborough–Agincourt	
<b>Wynne, Hon. / L'hon. Kathleen O. (LIB)</b>	Don Valley West / Don Valley-Ouest	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Première ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Yurek, Jeff (PC)	Elgin–Middlesex–London	
<b>Zimmer, Hon. / L'hon. David (LIB)</b>	Willowdale	Minister of Aboriginal Affairs / Ministre des Affaires autochtones

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

**Standing Committee on Estimates / Comité permanent des budgets des dépenses**

Chair / Président: Vacant  
Vice-Chair / Vice-présidente: Monique Taylor  
Bas Balkissoon, Chris Ballard  
Grant Crack, Cheri DiNovo  
Han Dong, Michael Harris  
Randy Hillier, Sophie Kiwala  
Monique Taylor  
Committee Clerk / Greffier: Katch Koch

**Standing Committee on Finance and Economic Affairs /  
Comité permanent des finances et des affaires économiques**

Chair / Présidente: Soo Wong  
Vice-Chair / Vice-président: Peter Z. Milczyn  
Laura Albanese, Yvan Baker  
Victor Fedeli, Catherine Fife  
Ann Hoggarth, Monte McNaughton  
Peter Z. Milczyn, Daiene Vernile  
Soo Wong  
Committee Clerk / Greffier: Katch Koch

**Standing Committee on General Government / Comité  
permanent des affaires gouvernementales**

Chair / Président: Grant Crack  
Vice-Chair / Vice-président: Joe Dickson  
Mike Colle, Grant Crack  
Joe Dickson, Lisa Gretzky  
Ann Hoggarth, Sophie Kiwala  
Eleanor McMahon, Lisa M. Thompson  
Jeff Yurek  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Government Agencies / Comité  
permanent des organismes gouvernementaux**

Chair / Président: John Fraser  
Vice-Chair / Vice-présidente: Cristina Martins  
Vic Dhillon, John Fraser  
Wayne Gates, Marie-France Lalonde  
Harinder Malhi, Cristina Martins  
Jim McDonell, Randy Pettapiece  
Lou Rinaldi  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Justice Policy / Comité permanent de  
la justice**

Chair / Président: Shafiq Qadri  
Vice-Chair / Vice-président: Lorenzo Berardinetti  
Lorenzo Berardinetti, Bob Delaney  
Jack MacLaren, Michael Mantha  
Cristina Martins, Indira Naidoo-Harris  
Arthur Potts, Shafiq Qadri  
Todd Smith  
Committee Clerk / Greffière: Tamara Pomanski

**Standing Committee on the Legislative Assembly / Comité  
permanent de l'Assemblée législative**

Chair / Président: Toby Barrett  
Vice-Chair / Vice-président: Garfield Dunlop  
Granville Anderson, Bas Balkissoon  
Chris Ballard, Toby Barrett  
Garfield Dunlop, Michael Mantha  
Eleanor McMahon, Laurie Scott  
Soo Wong  
Committee Clerk / Greffier: Trevor Day

**Standing Committee on Public Accounts / Comité permanent  
des comptes publics**

Chair / Président: Ernie Hardeman  
Vice-Chair / Vice-présidente: Lisa MacLeod  
Han Dong, John Fraser  
Ernie Hardeman, Percy Hatfield  
Lisa MacLeod, Harinder Malhi  
Julia Munro, Arthur Potts  
Lou Rinaldi  
Committee Clerk / Greffier: William Short

**Standing Committee on Regulations and Private Bills / Comité  
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Présidente: Indira Naidoo-Harris  
Vice-Chair / Vice-présidente: Kathryn McGarry  
Robert Bailey, Lorenzo Berardinetti  
Jennifer K. French, Monte Kwinter  
Amrit Mangat, Kathryn McGarry  
Indira Naidoo-Harris, Daiene Vernile  
Bill Walker  
Committee Clerk / Greffière: Valerie Quioc Lim

**Standing Committee on Social Policy / Comité permanent de  
la politique sociale**

Chair / Président: Peter Tabuns  
Vice-Chair / Vice-président: Jagmeet Singh  
Granville Anderson, Vic Dhillon  
Christine Elliott, Marie-France Lalonde  
Amrit Mangat, Gila Martow  
Kathryn McGarry, Jagmeet Singh  
Peter Tabuns  
Committee Clerk / Greffière: Valerie Quioc Lim

**Select Committee on Sexual Violence and Harassment /  
Comité spécial de la violence et du harcèlement à caractère  
sexuel**

Chair / Présidente: Daiene Vernile  
Vice-Chair / Vice-présidente: Laurie Scott  
Han Dong, Randy Hillier  
Marie-France Lalonde, Harinder Malhi  
Kathryn McGarry, Eleanor McMahon  
Taras Natyshak, Peggy Sattler  
Laurie Scott, Daiene Vernile  
Committee Clerk / Greffier: William Short



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