



January 16, 2017

Mayor Jim Watson
City of Ottawa
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Ottawa City Councillor Shad Qadri (Ward 6–Stittsville)
Chair, Ottawa Board of Health
110 Laurier Avenue West
Ottawa, ON K1P 2J1

**Re: Prohibiting the Use of Marijuana, Electronic Cigarettes and Heat-Not-Burn Tobacco Products
Inside and Outside Public Places and Workplaces in the City of Ottawa**

Dear Mayor Watson and Chair Qadri:

I am writing on behalf of the Ottawa Council on Smoking or Health (OCSH) as a follow-up to the release of *The Final Report of the Task Force on Cannabis Legalization and Regulation*.¹ The OCSH is concerned that the public and workers in the City of Ottawa will be at risk once the federal government legalizes the use of cannabis.

The OCSH is also concerned that the provincial government postponed the ban on the use of electronic cigarettes, marijuana and medical marijuana inside and outside public places and workplaces. This law was to have come into effect on January 1, 2016 under the *Electronic Cigarettes Act, 2015*.² The City of Ottawa prohibits the use of electronic cigarettes on municipal property, including on OC Transpo buses and properties, in municipal parks, at ByWard Market and Parkdale Market stands, and on outdoor municipal property.^{3,4,5,6} However, the City of Ottawa has not passed a bylaw prohibiting the use of electronic cigarettes inside all public places and workplaces, where the health effects could be more severe.

The OCSH urges the Ottawa Board of Health to adopt recommendations on February 13, 2017 to:

1. Prohibit the use of marijuana, medical marijuana, electronic cigarettes, and heat-not-burn tobacco products inside and outside public places and workplaces where tobacco smoking is prohibited.
2. Prohibit marijuana and vaping lounges/areas, just as local and provincial smoke-free laws prohibit designated smoking areas.
3. Expand the current definition of “smoking” in the City of Ottawa’s smoke-free indoor and outdoor bylaws to:

“prohibit the use of any weeds or other herbal products or substances that can be lit, smoked, burned, heated, combusted, or vapourized; and that create any smoke, vapour, gases, particles, or other substances that can be inhaled, including electronic cigarettes, herbal cigarettes, marijuana, medical marijuana, and heat-not-burn tobacco products.”^{7,8}

4. Deal with the exploding number of **unlicenced electronic cigarettes shops and illegal medical marijuana shops** operating in our community—many close to schools. The City of Ottawa should require electronic cigarette vendors to obtain a **licence similar to the tobacco vendor licence**. Once the federal government legalizes marijuana, the City of Ottawa should also require marijuana shops to obtain a licence. (This would have the added benefit of being a source of income for the City of Ottawa.)
5. Write to the province to encourage it to amend the *Municipal Act, 2001* to give municipalities the power to enact a licencing bylaw to limit the location and number of marijuana and electronic cigarette vendors near schools, beaches, playgrounds, sports fields, community centres, and sport or leisure facilities or other locations as designated from time to time by the municipality.
6. Follow the example set by the City of Toronto and create a 9 metre smoke-free and vape-free zone around the entranceways to all buildings to which the public has access. The OCSH continues to receive complaints about second-hand smoke at public entranceways, especially along the Sparks Street Mall.
7. Write to the Province of Ontario in support of the proposed amendments to the *Residential Tenancies Act, 2006* that would allow landlords to evict tenants who violate a no-smoking clause in rental agreements.⁹

8. Develop a public education campaign in support of 100% smoke-free multi-unit housing. The OCSH continues to receive complaints from the public about second-hand tobacco and marijuana smoke in multi-unit housing.
9. Allow individuals living in multi-unit housing to lodge complaints about second-hand smoke with the City of Ottawa, similar to the noise complaint bylaw.

Representatives of the OCSH would be pleased to meet with members of the Ottawa Board of Health to discuss:

- strengthening the smoke-free indoor and outdoor bylaws now in light of the federal government's plans to legalize the use of marijuana;
- what the City of Ottawa can do given the provincial government's failure to strengthen the *Smoke-Free Ontario Act* and to bring all regulations under the *Electronic Cigarettes Act* into force; and
- the tobacco industry's plans to bring heat-not-burn products onto the market.

The legalization of marijuana poses a potential threat to the effectiveness of our precedent-setting smoke-free indoor bylaws, which were passed in 2001. The OCSH urges the City of Ottawa to adopt and enforce new smoke-free laws **before** the legalization of marijuana comes into force.

Stronger smoke-free indoor and outdoor bylaws will safeguard our current smoke-free bylaws, protect residents and workers, help to prevent youth addiction, and reduce the burden on our health care system.

Respectfully submitted,

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/CBG

cc: Ottawa Board of Health
Ottawa City Council
Dr. Isra Levy, Medical Officer of Health, City of Ottawa

REFERENCES

¹ Government of Canada. The Final Report of the Task Force on Cannabis Legalization and Regulation. November 123, 2016.

http://healthycanadians.gc.ca/task-force-marijuana-groupe-etude/framework-cadre/index-eng.php?utm_source=news.gc&utm_medium=report_link_en&utm_campaign=mj_task_force_16

² *Electronic Cigarettes Act, 2015, S.O. 2015*. Accessed December 22, 2016.

<https://www.ontario.ca/laws/statute/15e07>

³ City of Ottawa. Use of e-cigarettes and ‘vaping’ not permitted on City properties. March 13, 2015.

<http://ottawa.ca/en/news/use-e-cigarettes-and-vaping-not-permitted-City-properties>

⁴ Bylaw No. 2012-86, A bylaw of the City of Ottawa to amend Bylaw No. 2004-276 to prohibit smoking in city parks and facilities. http://documents.ottawa.ca/sites/documents.ottawa.ca/files/2004_276_en.pdf

⁵ Bylaw 2007-268, A bylaw of the City of Ottawa respecting public transit (Transit Bylaw)

⁶ Bylaw No. 2012-47, A bylaw of the City of Ottawa to amend Bylaw No. 2008-449 to create smoke-free market stands in the ByWard Market

<http://database.nonsmokersrights.ca/bylaw/bylaw-no-2012-47-a-bylaw-of-the-city-of-ottawa-to-amend-bylaw-no-2008-449-to-create-smoke-free-market-stands-in-the-byward-market/>

⁷ Chaiton M, Schwartz R. OTRU Update. Heat-Not-Burn Tobacco Products: Claims and Science. The Ontario Tobacco Research Unit. November 2016. http://otru.org/wp-content/uploads/2016/11/update_nov2016.pdf

⁸ Caputi TL. Heat-not-burn tobacco products are about to reach their boiling point. *Tobacco Control*. September 6, 2016.

<http://tobaccocontrol.bmj.com/content/early/2016/09/06/tobaccocontrol-2016-053264.extract>

⁹ Ontario Ministry of Municipal Affairs and Housing. Long-Term Affordable Housing Strategy Update - Proposals to Encourage Small Landlords to Provide Rental Housing. <http://www.mah.gov.on.ca/Page14837.aspx>