



Ottawa Council on
Smoking or Health

Conseil d'Ottawa sur le
tabagisme ou la santé

June 13, 2016

Ottawa City Councillor Shad Qadri (Ward 6–Stittsville)
Chair, Ottawa Board of Health

Re: Strengthening the City of Ottawa's Smoke-Free Bylaws for Indoor and Outdoor Public Spaces

Dear Chair Qadri and Members of the Ottawa Board of Health:

I am writing on behalf of the Ottawa Council on Smoking or Health (OCSH) as a follow-up to the Ottawa Board of Health meeting held on April 18, 2016.

The OCSH urges the Ottawa Board of Health to adopt recommendations on June 20, 2016 to:

1. Amend the City of Ottawa's smoke-free indoor and outdoor bylaws to **prohibit waterpipe smoking in both indoor and outdoor public spaces and workplaces by Q4 2016.**
2. Amend the City of Ottawa's smoke-free indoor and outdoor bylaws to **prohibit all forms of smoking and vaping in both indoor and outdoor public spaces and workplaces by Q4 2016.**
3. Expand the definition of "smoking" in Ottawa's current bylaws to include: **any weeds, 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.**
4. **Deal with the exploding number of unlicensed vape shops operating in our community—many close to schools.** The City of Ottawa should require electronic cigarette and marijuana vendors to obtain a **licence similar to the tobacco vendor licence.**
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:
 - 4.1 Limit the location and number of electronic cigarette and marijuana 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; and
 - 4.2 Limit the distance between each electronic cigarette and marijuana vendor.
6. Write to the province of Ontario in support of the proposed amendments to the *Residential Tenancies Act, 2006* to evict tenants who smoke in non-smoking units.¹

The OCSH supports, in principle, the tobacco control recommendations approved by the Ottawa Board of Health on April 18, 2016. However, we are concerned that the Ontario government has not yet established timelines for regulatory amendments to the *Smoke-Free Ontario Act* and the *Electronic Cigarettes Act* to prohibit all forms of smoking, including waterpipes with or without nicotine, and vaping in both indoor and outdoor public spaces and workplaces. **This leaves a very wide gap that should be filled right away by revising the definition of the term “smoking” that is currently used in Ottawa’s smoke-free bylaws.**

Waiting for City of Ottawa staff to report back by Q1 2017 on options for strengthening the smoke-free bylaws will risk the health and safety of youth, the public, and workers. This would constitute a **five-year delay** since the Ottawa Board of Health was presented with scientific evidence proving that **waterpipe smoking and second-hand smoke from waterpipes are hazardous to human health**. Given that Ottawa City Council directed staff to prepare and enforce a waterpipe bylaw by Q4 2016, we find this lack of action and proposed further delay unacceptable.

The City of Ottawa must also prepare to deal with future unlicensed marijuana shops.^{2,3} The municipalities of Toronto^{4,5} and Vancouver⁶ have already raided and charged some marijuana businesses for operating without a business licence, and others for suspected illegal drug trafficking. The closer Canada gets to the legalization of marijuana the more complex this situation will become. **The City of Ottawa must anticipate what will be required to protect public health and put the appropriate bylaws and licencing requirements in place before cannabis becomes legal.**

The University of California San Francisco recently hosted “*The Triangulum: Tobacco, Marijuana, and E-Cigarettes*”, a webinar on the latest scientific research about emerging tobacco and herbal products, including “*hookah pens that deliver aerosolized flavored aldehydes, with or without nicotine; heat-not-burn products producing a new chemically laced vapor... butane hash oil that you can dab, synthetic marijuana, which you can smoke and liquid THC, which you can aerosolize*”.⁷ Clearly, the market is changing too rapidly to respond once new products are already entrenched. The Ottawa Board of Health and the City of Ottawa have a legal duty to anticipate market changes and to respond to these public health risks without delay.

Representatives of the OCSH will attend the Board of Health meeting on June 20, 2016 if there are any questions you would like to pose.

Respectfully submitted,

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/CBG

cc: Ottawa Mayor Jim Watson
Dr. Isra Levy, Medical Officer of Health, City of Ottawa

ATTACHMENTS:

Appendix A–Information Supporting the Position of the Ottawa Council on Smoking or Health

Appendix B–Canadian Municipalities that Prohibit Waterpipe Smoking in Public Places and Workplaces

Appendix A– Information Supporting the Position of the Ottawa Council on Smoking or Health

The OCSH prepared three documents in support of strengthening the smoke-free indoor and outdoor bylaws:

1. A deputation presented to the Ottawa Board of Health on April 18, 2016 outlining the public health risks of waterpipe smoking and electronic cigarette use:
<http://www.smokefreeottawa.com/whats-new/strengthening-ottawas-smoke-free-indoor-and-outdoor-bylaws-ocsh-deputation-to-the-ottawa-board-of-health>. The OCSH spoke in support of
 - 1.1 Prohibiting the use of waterpipes and electronic cigarettes inside and outside public places and workplaces; and
 - 1.2 Expanding the definition of smoking in Ottawa’s bylaws to include: *any weeds, 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.*
2. Our position statement on strengthening the smoke-free bylaws:
<http://www.smokefreeottawa.com/whats-new/ocsh-position-statement-on-strengthening-the-city-of-ottawas-smoke-free-indoor-and-outdoor-bylaws>.
3. A fact sheet about the health risks associated with electronic cigarette use, including the risks to children, youth, pregnant women, and the public: <http://www.smokefreeottawa.com/whats-new/ocsh-fact-sheet-in-support-of-stronger-smoke-free-bylaws-for-the-city-of-ottawa-prohibiting-vaping-indoor-and-outdoors>.

Appendix B—Canadian Municipalities that Prohibit Waterpipe Smoking in Public Places and Workplaces

- More than 40 municipalities in Canada address the use of waterpipes in their indoor and/or outdoor bylaws: <http://database.nonsmokersrights.ca/>.
- The region of Peel passed a waterpipe bylaw on April 28, 2016: http://www.peelregion.ca/council/council_minutes/2010s/2016/rcmin20160428.pdf.
- The following five regions/municipalities in Ontario have already enacted indoor waterpipe bylaws:
 - **Barrie:** <http://database.nonsmokersrights.ca/bylaw/by-law-2013-143-a-by-law-of-the-corporation-of-the-city-of-barrie-to-prohibit-the-use-of-waterpipes-in-enclosed-public-places-and-in-enclosed-workplaces-also-known-as-the-water-pipe-by-law-sic/>
 - **Bradford-West Gwillimbury:** <http://database.nonsmokersrights.ca/bylaw/by-law-2013-87-a-by-law-to-prohibit-the-use-of-waterpipes-in-enclosed-public-places-and-in-enclosed-workplaces-also-known-as-the-waterpipe-by-law/>
 - **Orillia:** <http://database.nonsmokersrights.ca/bylaw/chapter-953-smoking-regulation-public-places-and-workplaces-latest-amending-bylaw-was-bylaw-2013-85/>
 - **Peterborough:** <http://database.nonsmokersrights.ca/bylaw/by-law-number-12-169-being-a-by-law-to-prohibit-the-use-of-water-pipes-in-enclosed-public-places-and-in-certain-other-places-in-the-city-of-peterborough-also-known-as-the-water-pipe-by-law>
 - **Toronto:** http://database.nonsmokersrights.ca/bylaw/toronto_wiperpipe/.

REFERENCES

¹ Ontario Ministry of Municipal Affairs and Housing. Long-Term Affordable Housing Strategy Update - Proposals to Encourage Small Landlords to Provide Rental Housing. Last Modified: Thursday, April 28, 2016. <http://www.mah.gov.on.ca/Page14837.aspx>

² The National, CBC. Hazy rules means sprouting weed shops. A growing number of medical marijuana dispensaries have set up shop in neighbourhoods across Canada, and that's posing a dilemma for cities and law enforcement. April 23, 2016. <http://www.cbc.ca/player/play/672452163617>

³ Michael Friscolanti, Macleans. Why buying pot has never been easier. Inside Canada's completely out of control marijuana business. April 20, 2016. <http://www.macleans.ca/news/canada/canadas-completely-out-of-control-marijuana-business/>

⁴ Jonathan Rumley, CBC News. Toronto vows to crack down on medical marijuana dispensaries; Storefront shops 'not what the federal government envisioned,' city official says. May 02, 2016. <http://www.cbc.ca/news/canada/toronto/medical-marijuana-dispensaries-toronto-1.3562726>

⁵ Muriel Draaisma, Errol Nazareth, CBC News. Toronto police raid storefront pot shops suspected of trafficking. Posted: May 26, 2016. <http://www.cbc.ca/news/canada/toronto/toronto-marijuana-shops-warrants-1.3601413>

⁶ Lien Young, CBC News. 26 Vancouver pot shops slapped with tickets for operating illegally; Marijuana dispensaries each fined \$250 for operating without business licence. May 02, 2016. <http://www.cbc.ca/news/canada/british-columbia/26-vancouver-pot-shops-slapped-with-tickets-for-operating-illegally-1.3562587>

⁷ Tobacco Related Disease Research Program. University of California San Francisco. The Triangulum: Tobacco, Marijuana, and E-Cigarettes. Webcast Thursday, May 26, 2016. <http://www.trdrp.org/highlights-news-events/triangulum-webcast-may-26-2016.html>