



February 26, 2018

Health Protection Policy and Programs Branch
Ministry of Health and Long-Term Care
393 University Avenue, Suite 2100
Toronto, ON M7A 2S1
Email: smokefreeontario2017@ontario.ca

Dear Sir or Madam:

Re: Recommendations on the Proposed Regulations under the *Smoke-Free Ontario Act, 2017* for Tobacco, Vapour Products, and Medical Cannabis

We are writing on behalf of the members of the Ottawa Council on Smoking or Health (OCSH), a volunteer organization that was established in 1978. Our goals are to: create a social environment where non-smoking is the norm; to assist in establishing smoke-free environments; to prevent youth from starting to smoke; to encourage smokers to quit; and to advocate for better smoking cessation resources.

The OCSH submits the following recommendations to the Ontario government's public consultation on the:

- Sale, supply, use, display, and promotion of tobacco and vapour products, including electronic cigarettes, electronic cigarette accessories, and heat-not-burn devices; and
- Smoking and vaping of medical cannabis.

Recommendations re: Places of Use

- The OCSH wholeheartedly supports prohibiting the smoking of tobacco, the use of electronic cigarettes (including electronic cigarettes containing medical cannabis), and the smoking of medical cannabis in all of the public places and workplaces listed in the government proposal.
- However, the OCSH also recommends:
 - Prohibiting all forms of smoking and vaping inside all post-secondary institutions and within nine metres of any entranceway, exit, operable window, and fresh air intake.

- Inside individual units and common areas of all multi-unit dwellings, and within nine metres of any entranceway, exit, operable window and fresh air intake, including balconies, parking lots, and common outdoor property.
- Prohibiting all forms of smoking and vaping within nine metres of any entranceway, exit, operable window, and fresh air intake of all public buildings and workplaces.
- Making the outdoor grounds of all Ontario government office buildings 100% smoke-free and 100% vape-free.

Recommendations re: Exemptions for Places of Use

- The OCSH strongly recommends prohibiting the smoking of tobacco, and the smoking and vaping of medical cannabis inside all of the following places, and within nine meters of any entranceway, exit, operable window, and fresh air intake of these places:
 - Controlled rooms in residential care facilities (e.g., long-term care homes, certain retirement homes, publicly funded supportive housing);
 - Designated psychiatric facilities;
 - Designated veterans' facilities;
 - Guest rooms in hotels, motels and inns; and
 - Residential hospices.

All of the above places should be 100% smoke-free and 100% vape-free.

- The OCSH categorically does not support controlled rooms for tobacco smoking or medical cannabis smoking or vaping in:
 - Homes for special care licensed under the Homes for Special Care Act;
 - Psychiatric facilities formerly designated under the now repealed Mental Hospitals Act; and
 - Specific veterans' facilities.

All of the above facilities should be 100% smoke-free and 100% vape-free as they provide care to vulnerable individuals who require protection from hazardous second-hand smoke and second-hand vapour. The OCSH is also concerned about workers who may be exposed to second-hand and third-hand tobacco and cannabis smoke and vapours.

- The OCSH recommends prohibiting the use of all smoking and vapour products by an actor in all stage productions, as these are public places and workplaces. Actors, stage production workers and members of the audience should have the same level of protection from second-hand smoke and second-hand vapour as workers and members of the public are granted in other workplaces and public places. Actors, stage production workers, and members of the audience may have health conditions (e.g., asthma, COPD,

heart disease, cancer) that will be exacerbated by exposure to second-hand smoke and second-hand vapour.

- The OCSH strongly recommends prohibiting inhaling or exhaling from a vapour product during a customer demonstration.

Recommendations re: Places of Sale

- The OCSH agrees with prohibiting the sale of tobacco and vapour products in all of the proposed places of sale.
- In addition, to create a level playing field, the OCSH recommends that such sales be prohibited in **all** grocery stores, not just those that contain pharmacies. There are enough other retail outlets where these products can be purchased that we do not need them in grocery stores where parents often take their children.
- These sales should also be prohibited in **all** Ontario government office buildings, not just “certain” ones.

Recommendations re: Flavoured Tobacco

- The OCSH supports prohibiting the sale and distribution of **all flavoured tobacco products**, including all cigars, cigarillos and flavoured pipe or waterpipe tobacco (shisha), i.e., with no exemptions, no matter what the weight, type of wrapper, tipping paper, or flavouring agent.

Recommendations re: Flavoured Vapour Products

- The OCSH urges a **permanent and immediate prohibition** on the sale of **all flavoured vapour products**.

Recommendations re: Sale and Supply to Minors

- The OCSH strongly recommends increasing the legal age to purchase cigarettes from 19 years of age to **21 years of age**.
- The OCSH also strongly recommends requiring a **minimum age of 21 to purchase all vaping-related products**.

Recommendations re: Liquor Control Board of Ontario

- The OCSH strongly recommends **prohibiting youth under the age of 19** from obtaining all vaping products for medical cannabis purposes.

Recommendations re: Signs

- The OCSH supports the proposed signs for use in retail establishments for tobacco and vapour products.
- The OCSH supports requiring “no smoking” and “no vaping” signs in all public places and all workplaces.

Recommendations re: Display and Promotion

- The OCSH supports the proposed display and promotion regulations.
- However, the OCSH further recommends that the province of Ontario reduce the number of both tobacco retail outlets and restrict the number of specialty vape stores.
- The OCSH wholeheartedly agrees that the sale of vaping products should no longer be permitted in pharmacies.

Recommendations re: Signs and Information Documents

- The OCSH recommends that only individuals **over 21 years of age** should be able to view product informational documents.

Recommendations re: Home Health-Care Workers

- The OCSH recommends that all settings where health care is delivered should be 100% smoke-free and 100% vape-free. This includes prohibiting the smoking and vaping of medical cannabis. Nicotine replacement products and synthetic cannabinoids are available for use in such circumstances.

Recommendations re: Evidentiary Presumptions for Medical Cannabis

- The OCSH recommends a complete prohibition on smoking and vaping of medical cannabis in all indoor and outdoor public places, workplaces, and multi-unit dwellings.

Additional Recommendations

- The OCSH strongly recommends closing a significant gap in the *Smoke-Free Ontario Act, 2017* by following the lead of the City of Ottawa¹ and **prohibiting the smoking of waterpipes in all indoor and outdoor public places and workplaces.**
- The OCSH also supports **prohibiting waterpipe smoking in all indoor and outdoor spaces in multi-unit dwellings.**
- According to one scientific study:

“... smoking a hookah is much like breathing the smoke from a smouldering coal fire.”²

- The OCSH also urges the province of Ontario to work with the federal government to prohibit tobacco smoking, electronic cigarette vaping, and cannabis smoking and vaping in **all federally-regulated indoor and outdoor public places and workplaces.** For example, Ottawa Bluesfest, which holds an annual outdoor music concert on the grounds of the Canadian War Museum, adopted a smoke-free policy in 2013.³ Festival organizers wrote a letter to the OCSH, expressing their support for a smoke-free festival beginning in 2013. They erected City of Ottawa smoke-free signage on festival grounds. However, they told the OCSH that they cannot enforce the smoke-free policy because the event is held on federal land. The OCSH continues to receive complaints from the public about second-hand smoke at this event and other events on federal land, including Winterlude.⁴

Thank you for your leadership on this issue and for considering our recommendations.

Sincerely,

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Carmela Graziani, Secretary
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REFERENCES

¹ City of Ottawa. "Ottawa's water pipe (hookah) regulations are now in effect." News Release. December 1, 2016.

<https://ottawa.ca/en/news/ottawas-water-pipe-hookah-regulations-are-now-effect>

²² Sivilotti, M., Riyad, B. "Inhaling smoke causes smoke inhalation: put that in your hookah pipe!" *Canadian Journal of Emergency Medicine*. 2012;14(1):3-4.

<http://www.cjem-online.ca/v14/n1/p3>

³ Ottawa Bluesfest. House Policies. Accessed February 22, 2018.

<https://ottawabluesfest.zendesk.com/hc/en-us/articles/115005297748-House-Policies>

⁴ Government of Canada. Winterlude. Accessed February 24, 2018.

<https://www.canada.ca/en/canadian-heritage/campaigns/winterlude.html>