



Ottawa Council on  
Smoking or Health

Conseil d'Ottawa sur le  
tabagisme ou la santé

# Expanding the City of Ottawa's Smoke-Free Indoor and Outdoor Bylaws to Prohibit Waterpipe Smoking and to Regulate the Smoking of Non-Tobacco Combustible Substances

Presented to the City of Ottawa's  
Community and Protective Services Committee  
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Presentation by Carmela Graziani, Carol McDonald,  
Janice Forsythe, and Suzanne Friedlaender

[www.smokefreeottawa.com](http://www.smokefreeottawa.com)

## OCSH Supports the Proposed Waterpipe Bylaw

- The OCSH thanks Ottawa City Council for **adopting the motion on November 25, 2015 to prohibit waterpipe smoking and to regulate non-tobacco combustible substances by fall 2016**.
- The OCSH thanks the Ottawa Board of Health for recommending on June 20, 2016 that the Community and Protective Services Committee support a waterpipe bylaw for:
  - **Enclosed public places**
  - **Enclosed workplaces**
  - **Outdoor patios and encroachments**
  - **the Parkdale Market and the ByWard Market.**

## OCSH Supports the Proposed Waterpipe Bylaw

- The OCSH strongly recommends that the Community and Protective Services Committee support the following revised timelines for the waterpipe bylaw:
  - In effect on December 1, 2016.
  - Enforcement begins on January 1, 2017.
- **No warning phase needed**, similar to the implementation and enforcement of the 2001 smoke-free indoor bylaws for public places and workplaces.

## No Scientific Reasons for Delaying the Waterpipe Bylaw

- OCSH first advocated for a bylaw **five years ago** based on the scientific data about the health dangers of second-hand smoke.
- Smoke-free bylaws:
  - Protect hospitality staff and the public.
  - Reduce public modeling behaviour by adults.
  - Help smokers to quit or cut down.
  - Reduce smoking rates among youth:
    - **12% of Ontario youth smoke waterpipes.**<sup>[1]</sup>
  - Reduce health care costs.

### Reference:

<sup>[1]</sup> Ontario Tobacco Research Unit. Smoke-Free Ontario Strategy Monitoring Report. Youth Prevention, page 29. 2015. [http://otru.org/wp-content/uploads/2016/02/OTRU\\_2015\\_SMR\\_Prevention.pdf](http://otru.org/wp-content/uploads/2016/02/OTRU_2015_SMR_Prevention.pdf)

# No Legal Reasons for Delaying the Waterpipe Bylaw

- At least **43 jurisdictions**<sup>[2]</sup> in Canada prohibit the use of waterpipes, including:
  - Dozens of Canadian municipalities.<sup>[3]</sup>
  - Four Canadian provinces: New Brunswick, Nova Scotia, Prince Edward Island, and Quebec.<sup>[4]</sup>
- In April 2015, the **B.C. Supreme Court upheld Vancouver’s waterpipe bylaw**, which was adopted nine years ago.
- At least **80 jurisdictions in Canada prohibit the use of “other weeds and substances”** inside or outside public places or workplaces, or both.<sup>[5]</sup>

## **References:**

[2] Non-Smokers’ Rights Association. Smoke-Free Laws Database. Accessed August 12, 2016.

<http://database.nonsmokersrights.ca/>

[3] Non-Smokers’ Rights Association. Waterpipe Legislation. March 31, 2016.

[http://database.nonsmokersrights.ca/wp-content/uploads/2014/09/Waterpipe\\_Mar-31\\_16.pdf](http://database.nonsmokersrights.ca/wp-content/uploads/2014/09/Waterpipe_Mar-31_16.pdf)

[4] Ibid.

[5] Non-Smokers’ Rights Association. Smoke-Free Laws Database. Accessed August 12, 2016.

<http://database.nonsmokersrights.ca/>

## No Cultural Reasons for Delaying the Waterpipe Bylaw

- International jurisdictions have adopted waterpipe laws: Argentina, Costa Rica, Vietnam, Israel, India, Namibia.<sup>[6]</sup>
- Middle Eastern countries have adopted waterpipe laws: Saudi Arabia, United Arab Emirates, Lebanon, Jordan, Turkey.<sup>[7]</sup>
- The Canadian Arab Institute and the Arabic Cultural Club of Ontario supported Peel Region's waterpipe bylaw.<sup>[8]</sup>

### **References:**

<sup>[6]</sup> Jawad M, El Kadi L, Mugharbil S, Nakkash R. (2014) *Waterpipe tobacco smoking legislation and policy enactment: a global analysis*. Published in *Tob Control*.

<http://tobaccocontrol.bmj.com/cgi/pmidlookup?view=long&pmid=25550418>

<sup>[7]</sup> Smoking and Health Action Foundation. Waterpipe Smoking: Public health protection over traditional cultural practices. April 2015. [https://www.nsra-adnf.ca/cms/file/files/Waterpipe-public health over traditional cultural practices April 2015 FINAL.pdf](https://www.nsra-adnf.ca/cms/file/files/Waterpipe-public%20health%20over%20traditional%20cultural%20practices%20April%202015%20FINAL.pdf)

<sup>[8]</sup> Roger Belgrave, "Region bans waterpipe or hookah smoking in public places", *Brampton Guardian*, April 28, 2016  
<http://www.bramptonguardian.com/news-story/6519649-region-bans-waterpipe-or-hookah-smoking-in-public-places/>

## No Economic Reasons for Delaying the Waterpipe Bylaw

- The success of the City of Ottawa's 2001 smoke-free indoor bylaws and 2012 smoke-free outdoor bylaw prove that smoke-free bylaws have not had a negative impact on the hospitality industry.
- 2001: **KPMG report commissioned by the City of Ottawa** showed no negative economic impact on the hospitality industry.<sup>[9]</sup>
- 2003: **Ontario Tobacco Research Unit report** showed no negative economic impact from the City of Ottawa's smoke-free bylaws.<sup>[10]</sup>

### **References:**

<sup>[9]</sup> KPMG. Economic Analysis of the No-Smoking By-Law on the Hospitality Industry in Ottawa. December 2001. [http://www.ocat.org/pdf/ottawa/KPMG\\_report\\_Dec2001.pdf](http://www.ocat.org/pdf/ottawa/KPMG_report_Dec2001.pdf)

<sup>[10]</sup> Ontario Tobacco Research Unit. The Economic Impact of a Smoke-Free Bylaw on Restaurant and Bar Sales in Ottawa, Canada. June 2003. [http://otru.org/wp-content/uploads/2012/06/update\\_june2003.pdf](http://otru.org/wp-content/uploads/2012/06/update_june2003.pdf)

## No Economic Reasons for Delaying the Waterpipe Bylaw

- Following the successful implementation of the City of Ottawa's smoke-free patios bylaw in 2012, the city is working with the hospitality industry to create more restaurant and bar patios.
- Under the **Temporary Outdoor Patio Encroachment**, the "City of Ottawa allows cafés, bars, and restaurants to put outdoor seating on the road allowance."<sup>[11]</sup>
- In 2016, the City of Ottawa created **streetside patios** by "temporarily re-purposing on-street parking from April 1-October 31...for cafés, bars, and restaurants that do not have existing patios." <sup>[12]</sup>

### **Reference:**

<sup>[11]</sup> City of Ottawa. Temporary Outdoor Patio Encroachment. Accessed August 4, 2016. <http://ottawa.ca/en/permits-business-licences-and-applications/temporary-outdoor-patio-encroachment>

<sup>[12]</sup> City of Ottawa. Streetside Spots. Accessed August 4, 2016. <http://ottawa.ca/en/city-hall/get-know-your-city/improving-your-neighbourhood/streetside-spots>

## Unlicensed Electronic Cigarette Shops and Illegal Medical Marijuana Shops in the City of Ottawa

- The City of Ottawa must also deal with the increasing number of unlicensed electronic cigarette/vape shops and illegal medical marijuana shops operating in our community—many close to schools.
- The OCSH recommends that the City of Ottawa:
  - Require electronic cigarette/vape shops to obtain a **licence similar to the Tobacco Vendor Licence**.
  - Ask the province to amend the *Municipal Act, 2001* to give municipalities the power to:
    - Enact a licencing bylaw for electronic cigarette/vape shops.
    - Prohibit granting such licences to businesses located within a certain distance from schools and post-secondary institutions in order to protect youth.

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## A New Definition of Smoking Due to Emerging Non-Combustible Products

- In May 2016, the University of California San Francisco hosted ***“The Triangulum: Tobacco, Marijuana, and E-Cigarettes”*** webinar about the latest scientific research on emerging tobacco and herbal products:

“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.” [13]

### **Reference:**

[13] University of California San Francisco. Tobacco Related Disease Research Program. The Triangulum: Tobacco, Marijuana, and E-Cigarettes. Live Webcast. May 26, 2016.

<http://www.trdrp.org/highlights-news-events/triangulum-webcast-may-26-2016.html>

# ASHRAE's New Definition of Smoking

- In 2016, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) updated its *Standard on Ventilation for Acceptable Indoor Air Quality*.
- The revised definition of tobacco smoke includes “**emissions from electronic smoking devices and the smoking of cannabis.**”<sup>[14]</sup>



## Reference:

<sup>[14]</sup> ANSI/ASHRAE Standard 62.1-2016. Ventilation for Acceptable Indoor Air Quality. 2016 Edition.  
<https://www.ashrae.org/resources--publications/bookstore/standards-62-1--62-2>

# The Definition of Smoking in Ottawa's Bylaws is Outdated

- The federal government will introduce legislation in spring 2017 to legalize marijuana, which will likely to come into effect in January 2018.
- The province of Ontario has delayed the January 1, 2016 prohibition on vaping in public places and workplaces.
- Therefore, the OCSH strongly recommends that the Community and Protective Services Committee expand the definition of “tobacco smoking” in Ottawa’s smoke-free indoor and outdoor bylaws to include:
  - any weeds, herbal cigarettes, 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.
- **The waterpipe bylaw and the new definitions of smoking in the indoor and outdoor bylaws should come into effect on December 1, 2016 and enforcement should begin on January 1, 2017.**

# The Definition of Smoking in Ottawa's Bylaws is Outdated

- The City of Ottawa needs:
  - A waterpipe bylaw.
  - An updated and consistent definition of “smoking” across all indoor and outdoor smoke-free bylaws.
  - A consistent **implementation date (December 1, 2016)** and **enforcement date (January 1, 2017)** for these changes.
  - Licences for electronic cigarette/vape shops.
  - In 16 months, marijuana smoking inside and outside public places and workplaces will be legal...it's just around the corner.  
What is the City of Ottawa's plan?
- Canada and Ontario need your leadership.
- Please, no more delays.
- Thank you.