

# Ottawa Council on Smoking or Health Position Statement on Strengthening the City of Ottawa's Smoke-Free Indoor and Outdoor Bylaws

## 100% Protection for the Public and Workers from Second-Hand Smoke and Second-Hand Vapours

- Second-hand smoke from tobacco and herbal water pipes<sup>1</sup> and second-hand vapour from electronic cigarettes<sup>2</sup> pose serious health risks to workers and the public.
- New international scientific evidence states that since nicotine can harm lung and brain development, people who have never smoked, youth, and pregnant women should not use electronic cigarettes.<sup>3,4,5</sup>
- There is not yet a body of scientific evidence proving that vaping helps people to quit smoking.<sup>6</sup>

## Recommended Amendments to Ottawa's Smoke-Free Bylaws

1. As per Ottawa City Council's directive: "regulate the smoking of non-combustible substances, including herbal water pipe use...to be implemented prior to Fall 2016."<sup>7</sup> Municipalities and provinces across Canada have already passed similar laws. It's time for the City of Ottawa to do the same!

*"Mayor Jim Watson said he would support expanding the smoking ban to water pipes and he encourages Ottawa's board of health to look into it."*<sup>8</sup>

2. Expand the definition of "tobacco smoking" in the smoke-free indoor and outdoor bylaws to include: any weeds, herbal products or substances that can be lit, smoked, burned, heated, combusted, or vapourized (e.g. electronic cigarettes, novel heated tobacco products<sup>9</sup>, marijuana<sup>10</sup>, medical marijuana<sup>11</sup>), and that creates any smoke, vapour, gases, particles, or other harmful substances that can be inhaled.



*"Smoking a hookah is much like breathing the smoke from a smouldering coal fire."*<sup>12</sup>

*"Water pipe smoke is toxic. It contains high levels of carbon monoxide, fine particulates, benzene, heavy metals and other contaminants."*<sup>13</sup>

3. Establish a buffer zone of 9 metres from patios and from doorways, windows, and air intakes of all public and municipal buildings.<sup>14</sup>
4. Prohibit the testing of electronic cigarettes and paraphernalia inside and outside retail spaces. Smokers did not have the legal right to experiment with tobacco products in retail spaces prior to purchase. Electronic cigarette retailers are taking advantage of this legal loophole and placing workers and the public—especially youth—at risk. If individuals who depend on life-saving medications such as asthma inhalers and epinephrine cannot test medical products or devices in retail spaces prior to purchase to ‘*find out which one they like best*’, then why should individuals who use vaping products have the legal right to ‘*try before they buy*’?
5. Require e-cigarette vendors to apply for a licence similar to the tobacco vendor licence.<sup>15</sup>
6. Ask the province to change the *Municipal Act* to give municipalities the power to enact a licencing bylaw to:
  - Limit the location and number of e-cigarette vendors near schools, beaches, playgrounds, sports fields, community centres, and sport or leisure facilities; and
  - Limit the distance between each e-cigarette vendor.
7. Prohibit the use of herbal cigarettes, electronic cigarettes, and all other non-tobacco substances by actors in all indoor and outdoor stage or theatrical productions.

***“Lung disease is a major cause of morbidity and mortality in Ottawa.”<sup>16</sup>***

## Examples of Canadian Smoke-Free Laws with “Other Weeds and Substances” Clauses

- “Smoke” or “Smoking” means to inhale, exhale, burn or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking implement designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.<sup>17</sup>
- “Smoke” or “Smoking” shall mean inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible substance.<sup>18</sup>

***“No amount of second-hand smoke is safe. Every year, more than 800 Canadians who don’t smoke die from second-hand smoke.”<sup>19</sup>***

- “Smoke or smoking” includes inhaling, exhaling, burning or carrying of a lighted cigar, cigarette, pipe or other lighted smoking equipment of tobacco or any other weed or plant.<sup>20</sup>
- “Smoke” or “smoking” means to inhale, exhale, burn or carry, a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance.<sup>21</sup>
- “Smoking” means the carrying of a lighted cigar, cigarette, e-cigarette, pipe or any other lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product.<sup>22</sup>
- “Nicotine delivery device” means any product which when smoked causes nicotine to permeate the environment without restriction, and includes electronic nicotine devices such as e-cigarettes.<sup>23</sup>

- “Smoke” or “Smoking” means to smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit cigarette, cigar, pipe, electronic cigarette or other device that burns or heats tobacco or any other weed, herb or other substance that is intended to be smoked or inhaled. “Electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled and includes all components used in conjunction with the device, including the e-liquid, cartridge and any other component that may be sold separately from the device itself.<sup>24</sup>
- “Electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled “Smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or another substance that is intended to be smoked or inhaled “Water pipe” means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through a liquid before it is inhaled. For the purposes of the Tobacco Access Act, “electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled and includes all components used in conjunction with the device, including the e-liquid, cartridge and any other component that may be sold separately from the device itself.<sup>25</sup>

***“At low exposure levels [of particulate matter], cardiovascular deaths are projected to account for most of the burden of disease, whereas at high levels of PM<sub>2.5</sub>, lung cancer becomes proportionately more important...Carcinogens found in tobacco smoke and in combustion-source air pollution are the likely agents responsible for the excess lung cancer risk. Fine particles transport many of the toxic and carcinogenic substances in smoke and may contribute to pulmonary and systemic inflammation.”<sup>26</sup>***

- “Smoke” or “Smoking” includes the use or carrying of any lighted or heated cigar, cigarette, pipe, Waterpipe, or any other equipment used to inhale, exhale, burn or heat any Smoking Product. “Smoking Product” means tobacco or a tobacco-like product whose primary purpose is to be burned or heated to produce vapours, gases, or smoke, which are inhaled, and shall include but is not limited to non-tobacco herbal shisha, and other plant material or oils intended for inhalation. “Waterpipe” means a device in which the vapours, gases, or smoke of a Smoking Product passes through liquid prior to being inhaled, and shall include but is not limited to a bong or hookah.<sup>27</sup>
- “Smoking” shall mean the lighting up and use of a cigarette, cigar, pipe, or smoking material of any kind that creates smoke that is taken orally, and includes the carrying of a lighted cigarette, cigar, pipe or other smoking material or equipment.<sup>28</sup>

## Ottawa Residents Demand 100% Smoke-Free Multi-Unit Housing

- We receive heart-breaking stories from individuals who live in private housing units and who are exposed to **tobacco and marijuana second-hand and third-hand smoke on a daily basis**. Mothers with asthmatic children, individuals with chronic diseases, and seniors who live on limited incomes regularly write to us. They are desperate as they have no other housing options.
- We urge the City of Ottawa to:
  - Create a **public education campaign** to support apartment dwellers affected by second-hand smoke, and to help owners and landlords to implement 100% smoke-free policies for existing and new buildings.
  - Ask the province to enforce the law prohibiting smoking in common areas of apartments/condos and to enact a law banning smoking in all social housing and private apartment/condo units.
  - Provide provincial leadership to help municipalities to build momentum on this neglected public health issue.<sup>29, 30,31,32</sup>

***“In 2014, 29% of Ontario adults living in multi-unit housing were exposed to second-hand smoke drifting between units at least once in the past month.”<sup>33</sup>***

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***“In 2014, nine out of ten adults (89%) in Ontario believed that smoking should not be allowed inside MUDs including apartment buildings, rooming houses, and retirement homes with shared ventilation.”<sup>34</sup>***

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