



November 30, 2017

Clerk of the Committee  
Standing Committee on Justice Policy  
Legislative Assembly of Ontario  
Email: [comm-justicepolicy@ola.org](mailto:comm-justicepolicy@ola.org)

**Re: Bill 174, An Act to enact the Cannabis Act, 2017,  
the Ontario Cannabis Retail Corporation Act, 2017 and the Smoke-Free Ontario Act, 2017**

I am writing on behalf of the members of the Ottawa Council on Smoking or Health (OCSH) regarding Bill 174.

The OCSH is 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.

**Recommendations re: Schedule 3, Smoke-Free Ontario Act, 2017**

- The OCSH urges the Ontario government to prohibit the use of all tobacco products, all water pipe products, all electronic cigarette products and all cannabis products (including medical marijuana), in all **indoor and outdoor public places and workplaces**, including:
  - All restaurant and bar patios (with no exemptions);
  - Parks, playgrounds, sports fields, beaches, docks and trails;
  - Festivals, fairs and other outdoor spectator events including related seating;
  - All rooms in hotels, motels, inns, and bed and breakfasts;
  - Construction sites (34% of construction industry workers smoke<sup>1</sup>);
  - Community centres;
  - Hospitals and hospices;
  - Retirement homes;
  - Long-term care homes; and
  - Pedestrian malls and town squares (e.g. Sparks Street Mall in Ottawa).

The OCSH does not support *Subsection 13 (2) Exemptions for Hotels, motels, inns* because workers in the hospitality industry deserve the same level of protection from second-hand smoke as all other workers in the province.

- **Prohibit vaping and cannabis lounges** and areas in all indoor and outdoor public places and workplaces, just as municipal bylaws and provincial legislation prohibit designated smoking areas for tobacco products.
- Prohibit the use of all tobacco products, all water pipe products, all electronic cigarettes products, and all cannabis products (including medical marijuana) **inside all multi-unit housing**, including:
  - Duplexes and triplexes;
  - Rooming houses;
  - Rental apartment buildings;
  - Condominium buildings (apartment and townhouses);
  - Retirement homes;
  - Long-term care homes; and
  - Student residences, both on and off-campus, including former hotels that are being converted into student housing, and new apartment buildings designated solely for college and university students.
- Prohibit the use of all tobacco products, all water pipe products, all electronic cigarettes products, and all cannabis products (including medical marijuana) on **outdoor property of all multi-unit housing**, including:
  - Balconies
  - Patios
  - Rooftops
  - Courtyards
  - Walkways
  - Within a buffer zone of 9 metres of all entrances, operable windows and air intakes.

It is not enough to prohibit the use of these products inside the common areas of multi-unit dwellings. Exposure to second-hand tobacco and cannabis smoke that enters apartment units from other units is the number one complaint that the OCSH has consistently received for the past ten years. The OCSH urges the Ontario government to act now to protect the hundreds of thousands of Ontario residents living in multi-unit housing who currently have no legal protection from second-hand smoke and who do not have the financial means to find alternative housing. Children, seniors, and individuals with acute and chronic health conditions are already significantly impacted by second-hand smoke.

On March 22, 2017, CTV Ottawa interviewed the OCSH regarding a complaint from an individual who was severely affected by second-hand cannabis smoke in her apartment.<sup>2</sup> CTV Ottawa broadcast the story on the 6 p.m. newscast and published the story on its website. The next day, CTV News published the story on its national website.<sup>3</sup> This story reflects the nightmare that hundreds of thousands of Ontario residents who live in multi-unit housing currently suffer.<sup>4</sup> The OCSH is very concerned that this public health crisis will exponentially grow once the use and sale of cannabis is legalized.

Furthermore, some communities in Ontario are experiencing unprecedented numbers of fires in multi-unit housing caused by “incendiary materials.”<sup>5,6,7</sup> Permitting cannabis smoking in multi-unit housing may increase the risk of additional fires, extensive property damage, severe injuries, and loss of life.

Since 90% of Ontario residents support smoke-free multi-unit housing,<sup>8</sup> it is incumbent upon the Ontario government to legally protect the hundreds of thousands of Ontario residents living in multi-unit housing. **Shared air is shared air, regardless of whether it is in a public place, a workplace, or multi-unit housing.** As Ontario’s population increases, as communities grow, and as the population ages, more and more individuals will be living in multi-unit housing. In the City of Ottawa, for example, city planners have recommended that Ottawa City Council amend the zoning bylaw to permit the construction of increasingly taller buildings to encourage intensification near Light Rail Transit stations.<sup>9,10</sup>

### **Additional Recommendations:**

The OCSH urges the Ontario government to:

- Define any products that contain any elements of tobacco as a tobacco product and not as a vaping product. This includes heat-not-burn products.
- Prohibit the use of all herbal products, including waterpipes and herbal cigarettes, as well as all heat-not-burn products in all indoor and outdoor public places and workplaces and all indoor and outdoor multi-unit housing areas.
- Create a public education campaign about the health risks associated with cannabis use and the risks associated with exposure to second-hand cannabis smoke, including the fact that it contains 33 of the same carcinogens<sup>11</sup> in second-hand tobacco smoke, as well as hydrogen cyanide and ammonia.<sup>12</sup>

- Create a public education campaign about the health risks associated with the use of electronic cigarette products and the risks associated with exposure to second-hand vapour.
- Require retail establishments to post warning signage about the risks of exposure to second-hand tobacco and cannabis smoke and to second-hand electronic cigarette vapour. This would be similar to *Sandy's Law (Liquor Licence Amendment, 2004)*, which warns pregnant women that consuming alcohol while pregnant is the cause of Fetal Alcohol Spectrum Disorder.
- Urge the federal government to extend the prohibition on tobacco smoking in all federally regulated indoor public places and workplaces to include a prohibition on the use of all tobacco products, all water pipe products, all electronic cigarette products, all cannabis products (including medical marijuana), and novel products being developed by the tobacco industry (e.g. heat-not-burn products) to **all federally regulated outdoor public places and workplaces**. The OCSH continues to receive complaints from the public about exposure to second-hand smoke at local events held on outdoor federal government property (e.g. National Capital Commission property).
- **Update the Municipal Act, 2001 to require all municipalities to regulate the distance of cannabis and electronic cigarette vendors** from schools, colleges, universities, beaches, playgrounds, sports fields, community centres, sport or leisure facilities, and other locations as designated from time to time by the municipality. Also, new regulations should **limit the number of cannabis and electronic cigarette vendors within geographic areas** of a municipality.

The adoption of the *Smoke-Free Ontario Act, 2017* is an opportunity to address the number one cause of disease, disability and death in our province. We urge the Ontario government to close all existing gaps in the current *Smoke-Free Ontario Act* without delay and to enact the strongest possible legislation to protect all residents, all workers, and especially the most vulnerable members of our community from exposure to second-hand smoke and second-hand vapour from all tobacco, electronic cigarette, water pipe, cannabis, and novel products.

Thank you for considering our recommendations.

Sincerely,

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## REFERENCES

<sup>1</sup> Conference Board of Canada. Smoking Cessation and the Workplace: Briefing 3—Benefits of Workplace Programs. October 29, 2013.

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<sup>2</sup> Joanne Schnurr. CTV Ottawa. 'It makes you gag,' woman says of second-hand pot smoke in her building March 22, 2017.

<http://ottawa.ctvnews.ca/mobile/it-makes-you-gag-woman-says-of-second-hand-pot-smoke-in-her-building-1.3336477>

<sup>3</sup> CTVnews.ca Staff. 'Haze of smoke': Ottawa tenant frustrated by second-hand marijuana smoke. March 23, 2017.

<http://www.ctvnews.ca/health/haze-of-smoke-ottawa-tenant-frustrated-by-second-hand-marijuana-smoke-1.3337275>

<sup>4</sup> Ontario Tobacco Research Unit. Smoke-Free Ontario Strategy Monitoring Report: Protection. Chapter 5-17. [http://otru.org/wp-content/uploads/2016/02/OTRU\\_2015\\_SMR\\_Protection.pdf](http://otru.org/wp-content/uploads/2016/02/OTRU_2015_SMR_Protection.pdf)

<sup>5</sup> David Shum, Global News. Careless smoking leads to spike in balcony fires in 2017: Toronto Fire Services. June 7, 2017.

<http://globalnews.ca/news/3508630/careless-smoking-leads-to-spike-in-balcony-fires-in-2017-toronto-fire-services/>

<sup>6</sup> The Ottawa Citizen. Ottawa firefighters quickly put out two-alarm blaze downtown. March 18, 2017.  
<http://ottawacitizen.com/news/local-news/ottawa-firefighters-quickly-put-out-two-alarm-blaze-downtown>

<sup>7</sup> Tom Spears. The Ottawa Sun. Pop goes the balcony, but cigarette fire's put out quickly. March 8, 2017.  
<http://www.ottawasun.com/2017/03/08/pop-goes-the-balcony-but-cigarette-fires-put-out-quickly>

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<sup>8</sup> Ontario Tobacco Research Unit. Smoke-Free Ontario Strategy Monitoring Report: Protection. Chapter 5-17. (CAMH Monitor data; data not shown.)

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<sup>9</sup> CBC News. City planners back 24-storey tower on Richmond Road. Developer wants to up height of tower at site of Kristy's restaurant from 19 to 24 storeys. July 5, 2017.

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<sup>10</sup> CBC News. Council approves 22-storey tower for former Trailhead site. Existing zoning allows for just 6 storeys. April 12, 2017.

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<sup>11</sup> Tomar RS, Beaumont J, Hsieh, J. Evidence on the Carcinogenicity of Marijuana Smoke. California Environmental Protection Agency. August 2009.

<https://oehha.ca.gov/media/downloads/proposition-65/chemicals/finalmjsmokehid.pdf>

<sup>12</sup> Laura Fraser, Alexandra Sienkiewicz, CBC. April 20, 2017. Health, legal implications of weed still murky this 420. Effects of second-hand marijuana smoke still unclear, CAMH senior scientist says.

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