



October 6, 2018

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Dear Ms. Pisko:

Re: Bill 36, Cannabis Statute Law Amendment Act, 2018

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 supports:

- Making the *Smoke-Free Ontario Act, 2017* apply to the consumption of both recreational and medical cannabis.
- Prohibiting cannabis smoking in the same places where tobacco smoking and the use of electronic cigarettes are prohibited (e.g., enclosed workplaces, enclosed public places, and other specified places).
- Prohibiting any method of cannabis consumption (e.g., smoking, vaping, ingestion) in a vehicle or boat that is being driven or is under a person's care or control.

The OCSH is very concerned about the significant gaps in the *Smoke-Free Ontario Act, 2017* and *Bill 36, Cannabis Statute Law Amendment Act, 2018* that put the health of Ontario residents and workers at risk. Therefore, the OCSH also recommends the following:

1. Prohibiting the Promotion of Vaping Products:

- Prohibit the display and promotion of all vapour products in all convenience stores and all other retail locations.
- Apply the rules for the display and promotion of tobacco products and tobacco product accessories to all vapour products, including vapour products manufactured or sold for use with or without tobacco, and packaged with or without a tobacco component.
- Prohibit the sampling of vapour products in specialty vape stores, just as it is illegal to sample tobacco products in all convenience stores and all other retail locations, including tobacconists.¹

2. Vehicles or Boats:

- Prohibit the **smoking and vaping of all weeds and substances** (including tobacco, cannabis and others) in all vehicles and boats.
- No exemptions for cannabis consumption (e.g., smoking, vaping, ingestion) in a vehicle or boat that is being driven or is under a person's care or control, even if that person is not directly consuming cannabis.

3. Hotels, Motels, and Inns:

- **Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all hotels, motels and inns. These public places and workplaces deserve the same level of protection as other public places and workplaces in Ontario, such as government offices and restaurants.** While the province has protected the public and workers in other workplaces for the past 12 years under the *Smoke-Free Ontario Act, 2017* the public and hospitality workers continue to be exposed to both second-hand and third-hand smoke. Heather Crowe advocated for 100% smoke-free laws to protect **all hospitality workers**. Why is the province of Ontario creating two classes of workers: those who are protected by second-hand smoke and second-hand vapour and those who are not?

4. Multi-Unit Housing:

- **Exposure to second-hand tobacco and cannabis smoke in multi-unit housing is the number one complaint that the OCSH has received for the past 10 years.** The OCSH continually receives complaints from families with young, asthmatic children and from seniors with acute and chronic health conditions, including heart disease, asthma, COPD, and cancer. There is **no ventilation system** that can adequately

remove the toxins from second-hand smoke inside public places, workplaces, apartments, and condominiums. **There is no safe level of exposure to second-hand smoke,**² no matter what the source.³

- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all indoor areas, including all individual units and all common areas, including elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies, and exercise areas.
- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized or combusted in all common outdoor areas of a condominium or apartment building, including balconies and yards.
- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized or combusted within nine meters of any entranceway, exit, operable window, and fresh air intake of all multi-unit housing.

a. **Samples of Complaints Sent to the OCSH by Ottawa Residents Who Are Affected by Second-Hand Smoke in Multi-Unit Housing:**

- *“Chain-smokers moved in next door and down the hall. I cannot describe the effect it has on my physical and mental well-being. I breathe in toxins that irritate my eyes, lungs, nose and throat. My hallway is often filled with smoke. At times it’s so bad that I’ve had to stay at a friend’s house. The Smoke-Free Ontario Act prohibits smoking in hallways of apartment buildings, but smoke often infiltrates my hallway from the smokers’ units. Why is it okay to smoke on one side of the door, but not on the other? My building manager says that she can’t do anything about the smoke. But if anyone makes noise in our building after 11 pm, they can be fined or evicted! How is it that, in 2018, knowing the serious health effects of second-hand smoke, I live in a world of smoke, both in my apartment and on downtown sidewalks?”*

From J.E., April 16, 2018

- *“We have been suffering through a constant and intense onslaught of marijuana smoke and smell from this downstairs apartment. We have reached our breaking point. The smoke and smell produced by the marijuana use has been a significant source of emotional, psychological, and physical distress for me and my family, causing us undue hardship for the last 10 months. My daughter has been up all night with headaches. Family arguments have broken out on how to deal with the situation. I had to be hospitalized because the smoke so severely exacerbated my asthma. I have been going to counselling for the emotional impact this is having on me and my family. We have addressed the issues with our landlord, and despite his promise for help, he has done nothing to truly help us. I have reached out to law enforcement and by-law several times. They have told me there is nothing they can do. Most Canadians*

are protected from second hand smoke in public places and work spaces, so then why not in their own homes? Is there anyone, or anything that can help us?"

From A.J., April 3, 2018

- *"I have been awakened by a strong smell of smoke and was sick to my stomach. I cannot work many more years. Where do I go to escape this smoke and bad odor both from cigarette and marijuana odors?"*

From G.W., January 24, 2018

- *"I live in a townhouse where the owners beside me both smoke cigarettes as well as marijuana. I have no control over being able to live in a healthy smoke-free environment."*

From K.L., January 23, 2018

b. What Do These Complaints Have in Common?

- Residents are experiencing severe and life-threatening physical, emotional, and mental health effects from exposure to second-hand tobacco and cannabis smoke.
- Individuals and families lack the financial resources to move.
- Landlords and property managers have failed to protect residents.
- To date, the province of Ontario has failed to legally protect all tenants and condominium owners from exposure to second-hand smoke and second-hand vapour. **Millions of Ontario residents are affected by second-hand smoke in multi-unit housing every day.⁴ Unless the province of Ontario takes immediate protective action, this public health crisis will worsen after the federal government legalizes cannabis on October 17, 2018.**

5. Schools and Post-Secondary Institutions:

- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all indoor spaces, including residences.
- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all outdoor spaces.
- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted within nine meters of any entranceway, exit, operable window, and fresh air intake.
- The campuses of all schools and post-secondary institutions should be 100% smoke-free, just as hospital campuses became 100% smoke-free as of January 1, 2018.⁵

6. Indoor and Outdoor Stage Productions:

- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted by an actor in all indoor and outdoor 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.

7. Home Health-Care Workers:

- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized in all health care settings, including:
 - Controlled rooms in residential care facilities (e.g., long-term care homes, retirement homes);
 - Publicly-funded supportive housing such as Aging-in-Place housing for at-risk populations;
 - Designated psychiatric facilities;
 - Designated veterans' facilities; and
 - Residential hospices.

Health care professionals require protection at all times from second-hand smoke and second-hand vapour as they deliver care in all health-care settings—including in patients' homes. Nicotine replacement products and synthetic cannabinoids are available for use in such circumstances and protect both patients and health care professionals.

8. Outdoor Public Places and Workplaces:

- Prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all outdoor public places and workplaces, including:
 - Restaurant and bar patios;
 - Parks and playgrounds;
 - Beaches;
 - Provincial parks;
 - Sports fields and seating areas;
 - Festivals, fairs and events;
 - Public transit property;
 - Work vehicles;
 - Construction sites;
 - Food markets;
 - Pedestrian malls (e.g., the Sparks Street Mall in the City of Ottawa is already adversely affected by second-hand smoke);
 - Sidewalks;

- Within nine meters of any entranceway, exit, operable window, and fresh air intakes of all public buildings, workplaces, and private buildings.

9. Other Tobacco Products, Water pipes, Herbal Products, and Emerging Products:

- Follow the lead of the City of Ottawa and **prohibit the smoking of water pipes in all indoor and outdoor public places and workplaces.**⁶ According to one scientific study, “... *smoking a hookah is much like breathing the smoke from a smouldering coal fire.*”⁷
- Prohibit water pipe smoking in all indoor and outdoor spaces in multi-unit housing.
- Prohibit the use of **IQOS (heat-not-burn products)**⁸ and **JUUL**^{9,10} in all indoor and outdoor public places, workplaces and multi-unit housing. These products have recently become available in Canada.

10. Federally-Regulated Indoor and Outdoor Public Places and Workplaces:

- The OCSH urges the province of Ontario to work with the federal government to prohibit the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted 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 2013.¹¹ 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.¹²

Vulnerable Individuals in our Community are at Risk of Exposure to Second-Hand Smoke and Second-Hand Vapour:

- 10% of all residents in the Champlain region had asthma in 2012.¹³
- COPD is the leading cause of hospitalization in the Champlain region.¹⁴
- COPD is one of the top three reasons for hospital readmissions within 30 days within the Champlain region.¹⁵

Health Risks of Cannabis:

- Cannabis smoke contains **33 of the same carcinogens** that are in tobacco smoke.¹⁶

- “The inhalation of smoke is harmful to lung health as the combustion of materials releases toxins and carcinogens. These are released regardless of the source—whether it is burning wood, tobacco or marijuana.”¹⁷
- “The confirmation of the presence, in both mainstream and sidestream smoke of marijuana cigarettes, of known carcinogens and other chemicals implicated in respiratory diseases is important information for public health and communication of the risk related to exposure to such materials.”¹⁸
- Health Canada warns that many of the harmful chemicals found in tobacco smoke are also found in marijuana smoke,¹⁹ some of which are at even higher concentrations.²⁰
- A recent survey of City of Ottawa residents found that “86% of those who had not use cannabis in the past 12 months said they would be unlikely to consume following legalization.”²¹ Therefore, the province of Ontario should take all necessary measures to help prevent non-users from smoking or vaping cannabis products.

Conclusion:

Smoking is a leading cause of disease and death in Canada.²² The legalization of cannabis as of October 17, 2018 will lead to increased exposure to second-hand smoke and second-hand vapours among the public, workers, and individuals and families living in multi-unit housing. The proliferation of electronic cigarette use among youth will fuel nicotine addiction and increase tobacco dependence.^{23,24} **There are many gaps in the *Smoke-Free Ontario Act, 2017* and *Bill 36, Cannabis Statute Law Amendment Act, 2018* which must be closed to protect the public from becoming addicted to emerging products and to protect workers, the public, and individuals who live in multi-unit housing from exposure to toxic second-hand smoke and second-hand vapour.**

The OCSH urges the province of Ontario to **create the highest level of protection by prohibiting the use of all weeds and substances that can be smoked, burned, heated, lit, vapourized, or combusted in all indoor and outdoor public places, workplaces, schools, post-secondary institutions, health care settings, and multi-unit housing.**

Such a move would help to:

- Protect youth from the predatory tactics of the tobacco and vaping industries and prevent youth from becoming addicted to vaping and heat-not-burn products, as well as tobacco products.
- Reduce morbidity and mortality rates.
- Reduce the burden on our health care system.

Thank you for considering our recommendations.

Sincerely,

Carol McDonald, President
Carmela Graziani, Secretary
Janice Forsythe, Volunteer
Ottawa Council on Smoking or Health
Email: info@smokefreeottawa.com
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cc: Mayor Jim Watson, City of Ottawa
Dr. Vera Etches, Medical Officer of Health, City of Ottawa

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