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City Council, Standing Committee and Commission Conseil, comités permanents et commission

☒ Motion

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Item / Article: **Revised Motion – Smoke Free By-laws**

Moved by / Motion de: **Councillor S. Qadri**

Seconded by / Appuyée par: **Councillor M. Fleury**

WHEREAS the City of Ottawa showed leadership in 2012 by amending the City of Ottawa's Smoke-free Public Places By-law and Workplace By-law to protect residents from the harms of exposure to second hand smoke in outdoor places; and by amending the Parks and Facilities By-law to prohibit the smoking of water-pipes and non-tobacco products on municipal property; and this consequently has been well accepted in the community; and

WHEREAS the *Smoke-Free Ontario Act*, and *Bill 45, Making Healthier Choices Act, 2015 amendments*, does not regulate smoking of non-tobacco combustible substances; and

WHEREAS smoking of non-tobacco combustible substances in public places creates enforcement complexities when determining compliance with Ottawa's smoke-free by-laws and the *Smoke-Free Ontario Act*; and

WHEREAS smoking of non-tobacco combustible substances such as the use of herbal products in water-pipes is gaining popularity among youth and young adults in Ottawa; and

WHEREAS there is growing evidence of the harmful health effects of water-pipe use including to workers and the general public related to second-hand smoke exposures; and

WHEREAS smoking of non-tobacco combustible substances in public spaces including outdoor patios undermines the progress made by Ottawa's smoke-free regulations and the *Smoke-Free Ontario Act* to protect people from second-hand

smoke; and

WHEREAS the *Smoke-Free Ontario Act* does not regulate activated electronic cigarettes that use a power source to heat substances; and

WHEREAS use of electronic cigarettes will be prohibited in certain places under the *Electronic Cigarettes Act, 2015* and Ontario Regulation 337/15, once proclaimed;

THEREFORE BE IT RESOLVED that City Council request that the Board of Health for the City of Ottawa Health Unit review and consult with relevant stakeholders on the potential to expand by-laws to regulate the use of electronic cigarettes and smoking of non-tobacco combustible substances in public places and work places and report back to the Board of Health with recommendations for the Community and Protective Services Committee and Council in time to be implemented prior to Fall 2016.

BE IT FURTHER RESOLVED that, subject to the Board of Health's approval of Council's request set out in the above recommendation, By-law and Regulatory Services and Legal Services work with Ottawa Public Health to review and recommend any required updates to the smoke-free by-laws based on the review listed above, including any operational and enforcement considerations.