

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
18 April 2016 / 18 avril 2016**

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**Submitted by
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2016-OPH-HPDP-0003

SUBJECT: LET'S CLEAR THE AIR 2.0: 2016 ACTION PLAN

OBJET: PURIFIONS L'AIR 2.0: PLAN D'ACTION 2016

REPORT RECOMMENDATIONS

That the Board of Health for the City of Ottawa Health Unit:

- 1. Approve Ottawa Public Health's Let's Clear the Air 2.0: 2016 Action Plan, as detailed in this report;**
- 2. Approve that the Chair of the Board of Health write a letter to the Ontario Minister of Health and Long-Term Care recommending that:**

- a. The regulatory changes proposed in Ontario's March 10, 2016 Consultation Paper titled "Strengthening Ontario's Smoking and Vaping Laws" be put in force, as outlined in this report; and
 - b. *The Smoke-Free Ontario Act* be further amended to include the smoking of all combustible products such that all non-tobacco substances, including shisha (water-pipe) product, be prohibited in public places and workplaces; and
 - c. *The Electronic Cigarettes Act* be further strengthened by prohibiting the sale of flavoured e-cigarettes and e-liquid and by restricting promotional activities advertising e-cigarettes and tobacco products, as outlined in this report.
3. Approve that the Chair of the Board of Health write a letter to the federal Minister of Health recommending that:
- a. The proposed recommendations in the House of Commons' Standing Committee on Health's report "Vaping: Towards a Regulatory Framework for E-Cigarettes" be implemented, as outlined in this report; and
 - b. *The Tobacco Act* be amended to explicitly mention shisha (water-pipe) tobacco product such that regulations around health warnings, labelling, packaging and flavours applies to shisha (water-pipe) tobacco product and apply these regulations to herbal shisha (water-pipe) product as well.
4. Direct Ottawa Public Health staff to continue to monitor the progress of *Bill 178, Smoke-Free Ontario Amendment Act, 2016*, including any proposed regulations that prohibit the smoking of non-tobacco substances and products and, should legislative changes not be enacted or in the event that these do not address all the concerns raised by the Board of Health and Ottawa City Council, that staff report back by Q1 2017, on options for enacting a municipal by-law to address this gap in smoke-free regulations.

RECOMMANDATIONS DU RAPPORT

- 1. Approuver le plan d'action 2016 : *Purifions l'air 2.0* de Santé publique Ottawa, tel qu'il est décrit dans le présent rapport;

2. Approuver que le président du Conseil de santé écrive une lettre au ministre de la Santé et des Soins de longue durée de l'Ontario recommandant que :
 - a. les modifications réglementaires proposées dans le document de consultation du 10 mars 2016 du gouvernement de l'Ontario intitulé *Renforcer les lois de l'Ontario sur le tabagisme et le vapotage* entrent en vigueur, comme l'expose le présent rapport;
 - b. la *Loi favorisant un Ontario sans fumée* soit modifiée pour que l'usage de tous les produits combustibles, comme les substances sans tabac et les produits pour chichas (pipes à eau), soit interdit dans les espaces publics et les lieux de travail;
 - c. la *Loi de 2015 sur les cigarettes électroniques* soit renforcée de sorte qu'elle interdise la vente de cigarettes électroniques et de liquide à vapoter aromatisés et qu'elle restreigne les activités promotionnelles autour de la cigarette électronique et des produits du tabac, tel que l'énonce le présent rapport.
3. Approuver que le président du Conseil de santé écrive une lettre à la ministre fédérale de la Santé recommandant que :
 - a. les recommandations proposées dans le rapport du Comité permanent de la santé de la Chambre des communes intitulé : *Vapotage : vers l'établissement d'un cadre réglementaire sur les cigarettes électroniques*, soient mises en œuvre, tel qu'il est décrit dans le présent rapport;
 - b. la *Loi sur le tabac* soit modifiée de manière à inclure explicitement des exigences relatives aux produits du tabac pour chichas (pipes à eau) aux dispositions sur les mises en garde, les emballages et les saveurs, et que ces dispositions s'appliquent également aux produits à base d'herbe.
4. Demander au personnel de Santé publique Ottawa de continuer à surveiller l'avancement du projet de loi 178, la *Loi de 2016 modifiant la Loi favorisant un Ontario sans fumée*, y compris de tous les règlements proposés interdisant l'usage de substances et de produits combustibles autres que le tabac, et, dans le cas où les modifications législatives ne sont pas adoptées, ou qu'elles ne donnent pas suite à toutes les préoccupations soulevées par le Conseil de

santé et le Conseil municipal d'Ottawa, de présenter un rapport d'ici le premier trimestre de 2017 sur la possibilité d'adopter un règlement municipal pour combler les lacunes relevées dans les règlements sans fumée.

EXECUTIVE SUMMARY

Assumptions and Analysis

In 2012, the Ottawa Board of Health approved the "[Let's Clear the Air: A Renewed Strategy for a Smoke-Free Ottawa](#)". This strategy was designed to protect children and non-smokers from second-hand smoke (SHS) while reducing smoking rates by adopting three focus areas: cessation, protection and prevention. Since the program's implementation, Ottawa's smoking rates have decreased from 15% to 9% and smoke-free outdoor spaces have been expanded to include parks, city properties, beaches, two of the City's outdoor markets as well as restaurant and bar patios.

While the Let's Clear the Air Strategy and smoke-free related regulations largely focus on tobacco, there is growing concern about the harmful effects from non-tobacco substances, such as shisha (water-pipe) product, electronic cigarettes (e-cigarettes) and cannabis that produce smoke and/or vapour in public places and workplaces.

To address this gap in smoke-free regulations at the local level, on November 25, 2015, City Council approved a motion requesting that the Board of Health direct staff to review and consult with relevant stakeholders on the potential to expand by-laws to regulate the smoking of non-tobacco combustible substances and the use of e-cigarettes in public spaces and workplaces; to report back to the Board of Health with recommendations for Standing Committee and Council in time for implementation by Fall 2016; and to work with the City's By-Law & Regulatory Services (BLRS) and Legal Services departments 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.

In December 2015, the Board approved the "[Let's Clear the Air 2.0: Consultation Plan](#)," which outlined OPH's plan to engage Ottawa residents, businesses and other interested parties to solicit their input on the potential for regulating non-tobacco combustible substances and e-cigarettes in Ottawa workplaces and public places. This consultation process took place from January 7 to January 24, 2016, reaching over 1,300 people via an online survey and an additional 400 residents through a randomized telephone survey. The results showed support for a ban on smoking of non-tobacco combustible

substances that create second-hand smoke and second-hand vapours in workplaces and public spaces.

At the same time that OPH completed its public consultation, the Ontario government announced, in March 2016, plans to further strengthen smoking and vaping laws by proposing six additional changes to the regulations made under the *Smoke-Free Ontario Act (SFOA)* and the *Electronic Cigarette Act (ECA)*. The Ministry of Health and Long-Term Care is currently seeking feedback and comments on these proposed amendments, with submissions being accepted until April 24, 2016.

This report responds to the directions received from Ottawa City Council and the Ottawa Board of Health in November and December 2015, through an Action Plan for 2016.

This proposed Action Plan aims to protect people from SHS exposure, to prevent youth initiation and to de-normalize the smoking behaviors among youth and young adults through three main focus areas:

- Community Action: Contributing to the provincial government's consultation on its proposed ECA and SFOA amendments, and advocating to the federal government to address current gaps including stronger regulations for e-cigarettes and shisha (water-pipe) product.
- Prevention: Implementing tailored awareness activities for youth to increase knowledge of the health risks associated with water-pipe use, cannabis and e-cigarettes and promoting the ECA requirements to retailers.
- Protection: OPH and BLRS enforce municipal and provincial smoke-free legislation and the new ECA sales to minors provision by conducting youth access inspections of e-cigarette vendors.

In the event that provincial and federal legislative changes are not enacted or that there continues to be gaps in the legislation following their enactment, this report recommends that OPH staff be directed to bring forward a report to address such gaps through municipal regulation.

Financial Implications

There are no financial implications associated with this report.

Public Consultation / Input

As indicated above, public consultation was conducted from January 7 to January 24, 2016, with over 1,300 people participating via an online survey and an additional 400 residents participating through a randomized telephone survey.

SOMMAIRE

Hypothèses et analyse

En 2012, le Conseil de santé d'Ottawa a approuvé [*Purifions l'air : une stratégie renouvelée pour un Ottawa sans fumée*](#). Cette stratégie vise à protéger les enfants et les non-fumeurs de la fumée secondaire tout en réduisant le taux de tabagisme par l'adoption de trois priorités : l'abandon, la protection et la prévention. Depuis la mise en œuvre de la stratégie, le taux de tabagisme à Ottawa a été ramené de 15 % à 9 %, et la définition d'espaces extérieurs sans fumée a été élargie en vue d'inclure les parcs, les propriétés municipales, les plages, deux des marchés extérieurs de la ville, de même que les terrasses des restaurants et des bars.

Si la stratégie *Purifions l'air* et les règlements sans fumée concernent surtout le tabac, les effets négatifs des substances sans tabac, comme les substances employées dans les chichas (pipes à eau), les cigarettes électroniques et le cannabis, qui produisent de la fumée ou des vapeurs dans les espaces publics et les lieux de travail, sont de plus en plus préoccupants.

Pour combler cette lacune dans les règlements sans fumée à l'échelle locale, le Conseil municipal a approuvé, le 25 novembre 2015, une motion demandant au Conseil de santé de confier au personnel le mandat de consulter les intervenants concernés en vue d'évaluer la possibilité d'élargir les règlements sans fumée de façon à réglementer l'usage de substances combustibles autres que le tabac et de la cigarette électronique dans les espaces publics et les lieux de travail, puis de présenter au Conseil de santé un rapport assorti de recommandations à l'intention du comité permanent et du Conseil, à temps pour la mise en œuvre à l'automne 2016. Le personnel devait également travailler de concert avec la Direction des services des règlements municipaux et la Direction des services juridiques pour examiner les mises à jour possibles aux règlements sans fumée et formuler des recommandations à cet égard, à la lumière du processus susmentionné et en tenant compte des conditions de faisabilité et d'application.

En décembre 2015, le Conseil a approuvé le [plan de consultation de *Purifions l'air 2.0*](#), qui précise comment Santé publique Ottawa (SPO) prévoyait encourager les résidents, les entreprises et les autres parties intéressées d'Ottawa à donner leurs commentaires sur la possibilité de réglementer les substances combustibles autres que le tabac et la cigarette électronique dans les espaces publics et les lieux de travail. Le processus de consultation, qui a eu lieu du 7 au 24 janvier 2016, a permis de recueillir les commentaires de plus de 1 300 personnes à partir d'un sondage en ligne et de 400 autres résidents grâce à un sondage téléphonique aléatoire. Les réponses obtenues ont révélé que les gens sont favorables à l'interdiction de l'usage de substances sans tabac qui génèrent de la fumée ou des vapeurs secondaires dans les espaces publics et les lieux de travail.

Au moment où SPO terminait sa consultation publique, le gouvernement de l'Ontario annonçait, en mars 2016, des plans visant à renforcer les règlements sur le tabagisme et le vapotage, et proposait six modifications aux règlements pris en application de la *Loi favorisant un Ontario sans fumée* et de la *Loi de 2015 sur les cigarettes électroniques*. Le ministère de la Santé et des Soins de longue durée est actuellement en période de consultation sur les modifications proposées, et ce, jusqu'au 24 avril 2016.

Le présent rapport donne suite aux directives du Conseil municipal d'Ottawa et du Conseil de santé d'Ottawa, reçues en novembre et en décembre 2015, avec un plan d'action pour 2016.

Le plan d'action en question vise à protéger les gens de l'exposition à la fumée secondaire, à prévenir l'initiation des jeunes et à promouvoir la non-utilisation du tabac chez les jeunes et les jeunes adultes; il mise sur trois priorités :

- L'action communautaire : Participer à la consultation du gouvernement provincial sur les modifications proposées à la *Loi de 2015 sur les cigarettes électroniques* et à la *Loi favorisant un Ontario sans fumée*, et intervenir auprès du gouvernement fédéral afin qu'il comble les lacunes actuelles, notamment dans la réglementation sur l'usage de la cigarette électronique et des chichas (pipes à eau).
- La prévention : Mettre en œuvre des activités de sensibilisation adaptées aux jeunes afin de mieux leur faire connaître les risques associés à l'usage de la chicha, du cannabis et de la cigarette électronique, et de promouvoir les exigences de la *Loi de 2015 sur les cigarettes électroniques* auprès des détaillants.

- La protection : Faire en sorte que SPO et la Direction des services des règlements municipaux fassent respecter les règlements sans fumée municipaux et provinciaux et la nouvelle disposition de la *Loi de 2015 sur les cigarettes électroniques* sur la vente à des mineurs en effectuant des inspections des détaillants de cigarettes électroniques.

Dans le cas où les modifications législatives provinciales et fédérales ne sont pas adoptées, ou si des lacunes sont encore constatées après leur adoption, le présent rapport recommande de demander au personnel de SPO de présenter un rapport sur la façon de combler les lacunes par l'adoption d'un règlement municipal.

Répercussions financières

Aucune répercussion financière n'est associée au présent rapport.

Consultation publique et commentaires

Comme il a été mentionné plus haut, la consultation publique s'est déroulée du 7 au 24 janvier 2016. Plus de 1300 personnes y ont participé par le biais d'un sondage en ligne, et 400 autres résidents, dans le cadre d'un sondage téléphonique aléatoire.

BACKGROUND

In 2012, the Ottawa Board of Health approved "[Let's Clear the Air: A Renewed Strategy for a Smoke-Free Ottawa.](#)" This strategy was designed to protect children and non-smokers from second-hand smoke (SHS) while reducing smoking rates by adopting three focus areas:

1. CESSATION – an increase in programming to help people who want to quit smoking;
2. PROTECTION – updating and enforcing Ottawa's Smoke-Free by-laws and Regulations to protect people from SHS in outdoor spaces; and
3. PREVENTION – preventing youth and young adults from smoking initiation through public awareness and community engagement strategy to increase awareness of the dangers of tobacco use and create more voluntary smoke-free places.

Since the implementation of the Let's Clear the Air Strategy, the smoking rate in Ottawa has decreased and the smoke-free outdoor spaces in Ottawa expanded to include approximately 1,200 parks; 1,100 city properties; four beaches; two Markets (ByWard

and Parkdale) and 600 restaurant and bar patios. In addition, Ottawa's smoking rate decreased to 9% after a decade of remaining stable at 15%¹. The overwhelming majority (81%) of Ottawa students reported they have never smoked in their lifetime². In 2014, just over half of Ottawa residents who smoked indicated they were thinking about quitting and nearly two thirds reduced the amount they smoke because of the smoke free regulations enacted in 2012³. Further, Ottawa residents have indicated strong support (80%) for the expanded smoke-free outdoor regulations⁴.

In 2014, the Board approved a progress report titled: "[An Update on Let's Clear the Air: A Renewed Strategy for Smoke-Free Ottawa](#)." The report highlighted a number of achievements, including OPH's involvement with the development of [My Quit](#), a free of charge Ottawa-area program designed to support anyone interested in quitting smoking or cutting back their tobacco use. The 2014 report also included updates on OPH services to vulnerable populations, including trade workers, young adults and individuals from low socio-economic backgrounds with high smoking rates, and its work with community partners and stakeholders.

OPH continues to work to eliminate gaps in areas such as smoking at entranceways/exits, multi-unit housing and construction sites. OPH will also continue to support the adoption of regulations and policies that increase smoke-free places. This includes work with hospitals, post-secondary institutions, landlords, and workplaces to reduce exposure to SHS. Active partnerships with organizations such as Ottawa Community Housing, Ottawa Council on Smoking and Health and area universities, colleges and hospitals will further reduce the exposure to SHS, encourage people to quit smoking, and help them to successfully stop smoking.

While the Let's Clear the Air Strategy and smoke-free related regulations largely focus on tobacco, there is growing concern about the harmful effects from non-tobacco substances, such as shisha (water-pipe) product, electronic cigarettes (e-cigarettes) and cannabis, which produce smoke and/or vapour in public places and workplaces. The use of these substances in enclosed public places and on patios undermines the progress made by the Let's Clear the Air Strategy to protect people from SHS exposure and impedes efforts to prevent youth initiation and to de-normalize smoking behaviors among youth and young adults.

As a first step to address this gap in legislation, in November 2014 the Ontario government introduced the *Electronic Cigarette Act (ECA)*, 2015. This legislation included prohibitions on the sale and supply of e-cigarettes to anyone under the age of 19 and the use of e-cigarettes in certain places where the smoking of tobacco is

prohibited. On January 1, 2016, OPH implemented the sales and supply provision of the ECA. However, the Ontario government delayed the proclamation of the use provisions for further deliberation.

CITY COUNCIL AND BOARD OF HEALTH DIRECTION

To address gaps in smoke-free regulations at the local level, on November 25, 2015, City Council approved the motion below, requesting that the Board of Health direct staff to review and consult with relevant stakeholders on the potential to expand by-laws to regulate the smoking of non-tobacco combustible substances and the use of e-cigarettes in public places and workplaces; to 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; and to work with the City's By-Law & Regulatory Services (BLRS) and Legal Services departments 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.

CITY COUNCIL MOTION NO. 22/3

Moved by Councillor S. Qadri

Seconded by 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.

CARRIED

In December 2015, the Board approved the "[Let's Clear the Air 2.0: Consultation Plan](#)," which outlined OPH's plan to engage Ottawa residents, businesses and other interested parties to solicit their input on the potential of regulating non-tobacco combustible substances and e-cigarettes in Ottawa workplaces and public places.

In addition to fulfilling the City Council and Board's direction, OPH conducted environmental scans of provincial, national and international jurisdictions where regulations on non-tobacco substances and e-cigarettes have been enacted (Supporting Document 1) and literature reviews to evaluate current evidence

(Supporting Document 2) and identified possible legal and operational implications of expanding smoke-free regulations.

LET'S CLEAR THE AIR 2.0 CONSULTATION RESULTS

The public consultation phase took place from January 7 to January 24, 2016, reaching over 1,300 people, including residents and business owners, via an online survey. An overview of Let's Clear the Air 2.0 Consultation Results are outlined in Document 3. In addition, 400 Ottawa residents participated in a randomized telephone survey. Results indicated that Ottawa residents who participated in the randomized survey and those who participated via the online survey support a ban on smoking of non-tobacco combustible substances that create SHS or second-hand vapours in workplaces and public places. These results were echoed by the majority of business owners, community health groups and social service organizations who indicated support for the regulation of non-tobacco combustible substances and e-cigarettes that create SHS and second-hand vapour in public places and workplaces. These groups also encouraged implementing educational campaigns to increase awareness of health effects of non-tobacco combustible substances and to de-normalize smoking behaviours and recommended that medical marijuana not be exempted in any regulations.

RECENTLY RELEASED PROVINCIAL CONSULTATION PAPER

At the same time that OPH completed its public consultation, in March 2016 the Ontario government announced plans to further strengthen the smoking and vaping laws by proposing six changes to the regulations made under the SFOA and the ECA. The Ministry of Health and Long-Term Care is currently seeking feedback and comments on these proposed amendments, with the submission deadline being April 24, 2016.

DISCUSSION

OPH has developed an Action Plan for 2016 in order to better protect people from SHS exposure, to prevent youth initiation and to de-normalize the smoking behaviors among youth and young adults. OPH has reviewed Bill 178, *the Smoke-Free Ontario Amendment Act, 2016* and the Ontario government's public consultation paper on proposed changes to regulations made under the SFOA and ECA. OPH has also examined other opportunities to strengthen provincial and federal smoke-free related regulations with an aim to protect all Ontarians from the harms of SHS and strengthen the Province's approach in respect of regulating electronic cigarettes.

At the local level, OPH is seeking to increase awareness of the harmful health effects of non-tobacco combustible substances. OPH will monitor developments at the Legislative Assembly of Ontario with respect to the recently tabled amendments to the *SFOA* and proposed changes to the regulations under the *ECA* and *SFOA*. In the event that there continues to be gaps in the legislation, this report recommends that OPH staff bring forward a report by Q1 2017 with options to address such gaps through municipal regulation.

Recommendation 1:

LET'S CLEAR THE AIR 2.0: 2016 ACTION PLAN

The Let's Clear the Air 2.0: 2016 Action Plan includes three main areas:

- **Community Action:** Contributing to the provincial government's consultation on its proposed *ECA* and *SFOA* amendments; monitoring Bill 178, *the Smoke-Free Ontario Amendment Act, 2016*, and advocating to the federal government to address current gaps including stronger regulations for e-cigarettes and shisha (water-pipe) product.
- **Prevention:** Implementing tailored awareness activities for youth to increase knowledge of the harmful health risks associated with water-pipe use, cannabis and e-cigarettes. In addition, OPH will promote the *ECA* requirements to retailers.
- **Protection:** OPH and BLRS enforce municipal and provincial smoke-free legislation as well as enforce the new *ECA* sales to minors provision by conducting youth access inspections of e-cigarette vendors.

COMMUNITY ACTION:

Strengthening Ontario's Smoke-Free Legislation and Regulations

In March 2016, the Ontario government proposed six changes to the regulations made under the *SFOA* (1) and *ECA* (2 to 6). They include:

1. Expanding "no smoking rules" to apply to medical marijuana;
2. Prohibiting the use of e-cigarettes - including the use of vaporizers to consume medical marijuana and testing in vape stores - in all enclosed public places, enclosed workplaces, and other specified outdoor areas;

3. Permitting parents, guardians and caregivers to supply e-cigarettes to minors for medical marijuana purposes;
4. Expanding the definition of "e-cigarette" to include "e-substance";
5. Expanding the list of places where e-cigarettes are prohibited for sale;
6. Establishing rules for the display and promotion of e-cigarettes at places where they are sold.

The Ontario government is currently seeking comments on the above regulatory amendments. OPH supports the Ontario government taking these further steps to protect people from SHS and to regulate the use, sale, display and promotion of electronic cigarettes and is also recommending further action, as outlined below.

PREVENTION - COMMUNITY AWARENESS

The community awareness component of the Let's Clear the Air 2.0: 2016 Action Plan will include two-parts. First, OPH will support existing ECA provisions, which includes educational visits and disseminating information kits to e-cigarette vendors to ensure they are aware of the ECA provisions with respect to sales to minors and their responsibilities to post the mandatory signage.

Secondly, OPH is working to implement education and awareness activities tailored to youth and those who work with this age group to prevent youth initiation and de-normalize the smoking behaviour among this demographic. These activities are focused towards youth and young adults due to their usage of non-tobacco combustible substances and the misconceptions surrounding the safety of these products. Research has shown an increase of those who have ever used a water-pipe tripled from 3% in 2006 to 10% in 2012 among those aged 18 and up ⁵ in Ontario. This trend is concerning as there is a misperception among 18 to 24 year olds that smoking tobacco water-pipe is safer than smoking cigarettes and that SHS from a water-pipe is less harmful than cigarette SHS⁶. Approximately one in five Ottawa residents expressed that herbal shisha was less harmful than tobacco shisha⁷. In addition, 24% of Ottawa students in grades 7 to 12 reported using cannabis at least once in the past 12 months⁸. Early and regular cannabis use by adolescents can have negative effects on cognition and behaviour, and can lead to future addiction and mental health concerns⁹.

In March 2016, OPH implemented a campaign targeted to young adults to increase awareness of the health effects of water-pipe smoking, asking "What's a few toxins between friends?" The campaign informs young adults that all hookah smoke contains

cancer-causing chemicals and toxins, including carbon monoxide, heavy metals and tar. OPH is also engaging priority populations and community groups in the development of activities to target specific multi-cultural groups about the health effects of using water-pipes.

In addition, OPH will continue to promote the findings from the Canadian Centre on Substance Abuse (CCSA) report, [*The Effects of Cannabis Use During Adolescence*](#), to youth serving organizations, addiction treatment agencies, community groups, schools and school boards. OPH will also promote the CYCLES program to youth serving organizations and groups in the community. This program supports youth intermediaries to initiate conversations with youth about the factors that influence a person's decision to use cannabis. Given that early identification and early intervention are key to preventing long term negative health implications, OPH will also share information with physicians about adolescent and cannabis use.

PROTECTION

OPH will continue to monitor legislative and regulatory changes, both at the Federal and Provincial level, with a focus on the legislative amendments to the *ECA*, the *SFOA*, and the *Tobacco Act*. OPH will also continue to work with BRLS to ensure the current *ECA* provisions are enforced in Ottawa with respect to the prohibition of the sale and supply of e-cigarettes to anyone under the age of 19.

OPH will continue to work with BRLS to ensure existing municipal and provincial smoke-free legislation is enforced in all enclosed public places and workplaces, including all outdoor municipal properties, all transit property including buses, hospital grounds, post-secondary sport fields, the By-ward and Parkdale Markets, and outdoor restaurant and bar patios.

Finally, OPH and By-law and Regulatory Services will continue to conduct mandatory annual youth access and display / promotion inspections for tobacco vendors and also annual secondary school inspections.

RECOMMENDATION 2A

OPH supports the provincial government's proposals in respect of the regulations under the *ECA and the SFOA*, as outlined in the Consultation Paper titled "Strengthening Ontario's Smoking and Vaping Laws" and is recommending that the Board write a letter to the Minister of Health and Long-Term Care to this effect.

OPH supports the proposal to prohibit the use of e-cigarettes – including the use of vaporizers to consume any substance including medical marihuana in the same places where smoking is prohibited under the *SFOA*. The use of these substances in enclosed public spaces and on patios undermines the progress to de-normalize smoking behaviors among youth and young adults.

With respect to the proposal to permit parents, guardians and caregivers to supply e-cigarettes to minors for medical marijuana purposes, it is important to balance the medical benefits of cannabis against the health risks of use by adolescents. This should be examined within the therapeutic relationship between the youth, the parents and the physician, as well as the method of administering the medication.

Current research demonstrates that early and regular cannabis use by adolescents can have negative effects on cognition and behaviour and can lead to future addiction and mental health concerns¹⁰. Structural and functional changes in the brain have been found in people who started to use cannabis at a young age¹¹.

RECOMMENDATION 2B

Currently the *SFOA* only applies to tobacco and does not prohibit non-tobacco substances. At the time of writing this report, Bill 178, *Smoke-Free Ontario Amendment Act, 2016*, would amend the *SFOA* to prohibit smoking of prescribed products and substances in addition to tobacco. The March 10, 2016 consultation paper currently only proposes that medical marijuana be prescribed.

OPH supports the ministry in expanding the regulations under the *SFOA* to include medical marihuana. Emerging evidence shows that cannabis smoke contains tar and many of the same harmful fine particles, chemicals and carcinogens as tobacco smoke which are clearly linked with respiratory and cardiac diseases and a number of cancers in tobacco smokers¹². OPH is, however, recommending that the legislation be further strengthened to reduce exposure to SHS, to de-normalize smoking, to reduce youth initiation of smoking and to increase public safety.

OPH is therefore requesting that the Board ask the Ontario government to amend Bill 178 to prohibit the smoking of all non-tobacco combustible products, including shisha (water-pipe) product, to be prohibited in public places and workplaces. Prohibiting the smoking of all non-tobacco substances under the *SFOA* would protect health and reduce enforcement complexities. There is growing evidence of the harmful health effects of herbal shisha (water-pipe) use and on SHS exposure to workers and to the general public. All water-pipe smoke contains many of the same toxicants that are

known to cause cancer, heart and lung disease¹³. Studies have shown that the air quality in water-pipe cafés is unhealthy and potentially hazardous¹⁴.

RECOMMENDATION 2C

OPH is recommending that the Board request that the regulations under the ECA be further strengthened by prohibiting the selling of flavoured e-cigarettes and e-liquid that are designed to appeal to children and youth and restrict promotional activities advertising e-cigarettes. This will help prevent youth initiation and de-normalize the smoking behaviour among youth and young adults. Effective January 2016, the sale of all flavoured tobacco products (except menthol and clove cigarettes) is now prohibited under the SFOA. OPH recommends that this ban on flavoured tobacco product also be applied to flavoured e-cigarettes and e-liquid. Flavours appeal to youth and encourage experimentation.

According to the 2012/2013 Youth Smoking Survey, of the 81,200 grade 6-12 Ontario youth who reported smoking in the last 30 days, nearly 58,000 reported using some form of flavoured tobacco¹⁵. Researchers have identified more than 7,700 unique e-cigarette flavours, including kid-friendly options such as cotton candy, root beer float, and banana split¹⁶. A recent study has shown that the flavouring chemical called diacetyl has been found in some flavoured e-cigarettes. Diacetyl has been associated with a disease known as the “popcorn lung”, which causes bronchiolitis obliterans and other severe respiratory diseases¹⁷. Several studies have shown a positive relationship between e-cigarette use and the intention to smoke cigarettes among youth,¹⁸ including a recently published study that found that non-smoking youth who used e-cigarettes were about three times more likely to be smoking conventional cigarettes than youth who did not use e-cigarettes¹⁹.

RECOMMENDATIONS 3A and 3B: *Strengthening Regulations of E-Cigarettes in Canada*

OPH is also recommending strengthening federal smoke-free related legislation. Specifically, OPH recommends that the Board of Health write to the federal Minister of Health encouraging the implementation of the House of Commons’ Standing Committee on Health (HESA) report recommendations. In March 2015, HESA published a report titled [Vaping: Toward a Regulatory Framework for E-Cigarettes](#), which made recommendations to the federal government to establish a new legislative framework for regulating electronic cigarettes and that flavoured e-liquids, marketing aimed specifically at youth, and cross-marketing with tobacco products be prohibited.

To ensure public health and safety, OPH supports the implementation of a regulatory framework by the federal government. This framework should include a system to monitor how these products are manufactured, marketed and used, regardless of whether or not they contain nicotine. According to Health Canada, e-cigarettes containing nicotine have not received market authorization under the *Food and Drug Act* and cannot be sold in Canada²⁰. Despite this order, OPH estimates that some retail stores in Ottawa are selling illegal nicotine e-cigarettes. OPH is aware of proponents who promote e-cigarettes as a smoking cessation aid, however OPH recommends that those in search of nicotine replacement therapy consider products that have been evaluated for safety and efficacy, including the nicotine patch, lozenge, inhaler and gum.

In addition, OPH recommends that the federal Minister of Health amend the *Tobacco Act* to explicitly include shisha (water-pipe) products such that regulations around health warnings, labelling, packaging and flavours would apply to shisha product, including herbal shisha.

RECOMMENDATION 4:

At the time of writing this report, the tabled amendments to the *SFOA, Bill 178, Smoke-Free Ontario Amendment Act, 2016* has been carried at second reading and referred to the Standing Committee on General Government. April 24, 2016 is the deadline for submissions in respect of the public consultation paper for proposed changes to regulations made under the *SFOA* and *ECA*. OPH staff will monitor the progress to determine whether the legislation and regulations are strengthened and determine whether gaps are addressed, including the smoking of water-pipes. At the latter stages of the legislative process, staff expects to be positioned to propose any municipal by-laws that would address any outstanding issues, including the smoking of non-tobacco substances.

NEXT STEPS

OPH will work with other City departments, community partners and youth intermediaries to implement the Let's Clear the Air 2.0: 2016 Action Plan. OPH will also report to the Board, as needed, on progress of provincial and federal smoke-free related legislation.

RURAL IMPLICATIONS

There are no rural implications to this information report.

CONSULTATION

OPH consulted with over 1,700 people, including residents and business owners, as well as community health groups and social service organizations

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated to this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 – Overview of Environmental Scan

Document 2 – Summary of Literature Review

Document 3 – Overview of Let's Clear the Air 2.0 Consultation Results

DISPOSITION

Once approved by the Board, OPH to implement its Let's Clear the Air 2.0: 2016 Action Plan, as detailed in the report.

OPH will work with the City of Ottawa's By-Law and Regulatory Services department to enforce the prohibition of the sale and supply of e-cigarettes to anyone under the age of 19, as outlined under the current *Electronic Cigarettes Act* provisions.

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- ¹ Rapid Risk Factor Surveillance Survey, 2014
 - ² Ottawa Public Health. Ontario Student Drug Use and Health Survey, 2014.
 - ³ Ottawa Public Health. Smoke-Free By-law Survey, 2014
 - ⁴ Ottawa Public Health. Smoke-Free By-law Survey, 2014
 - ⁵ Canadian Tobacco Use Monitoring Survey (2006, 2011, 2012)
 - ⁶ Rapid Risk Factor Surveillance Survey, 2014
 - ⁷ Ibid.
 - ⁸ Ottawa Public Health. Ottawa Student Drug Use and Health Survey, 2014. Ottawa (ON): Ottawa Public Health, 2014
 - ⁹ McInnis, O., and Plecas, D., "Clearing the Smoke on Cannabis: Respiratory Effects of Cannabis Smoking- An Update", Canadian Centre on Substance Abuse, 2016
 - ¹⁰ Ibid.
 - ¹¹ Ibid.
 - ¹² Moir, D., et al. "A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions". Chemical Research in Toxicology, 2008
 - ¹³ Shihadeh A et al. Toxicant content, physical properties and biological activity of water-pipe tobacco smoke and its tobacco-free alternatives. Tobacco Control, 2015
 - ¹⁴ Kumar SR et al. A review of air quality, biological indicators and health effects of second-hand waterpipe smoke exposure. Tobacco Control, 2015
 - ¹⁵ Manske SR, Rynard VL, Minaker LM. Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2012/2013 Youth Smoking Survey. Waterloo: Propel Centre for Population Health Impact, 2014
 - ¹⁶ Zhu, S-H, et al., "Four Hundred and Sixty Brands of E-cigarettes and Counting: Implications for Product Regulation," Tobacco Control, 23(Suppl 3):iii3-iii9, 2014
 - ¹⁷ Allen, J., et al. Flavoring Chemicals in E-Cigarettes: Diacetyl, 2,3-Pentanedione, and Acetoin in a Sample of 51 Products, Including Fruit-, Candy- and Cocktail-Flavored E-Cigarettes. Environmental Health Perspectives, 2015
 - ¹⁸ RECIG Expert Panel: Study Conclusions and Policy Implications. Project News. Ontario Tobacco Research Unit, March 2016
 - ¹⁹ Willis, J., et al. Longitudinal study of e-cigarettes use and onset of cigarette smoking among high school students in Hawaii. Tobacco Control, 2016
 - ²⁰ Health Canada. Public Advisory on Electronic Cigarettes, March 2009.