

October 8th, 2018

Ms. Laura Pisko, Director
Health Protection Policy and Programs Branch
Ministry of Health and Long-Term Care
393 University Avenue, Suite 2100
Toronto, ON M&A 2S1

RE: Comments for the Smoke-Free Ontario Act, 2017 Regulations (#18-HLTC024)

Dear Ms. Pisko,

As the Medical Officer of Health for the City of Ottawa Health Unit, I am pleased to have this opportunity to provide comments and recommendations during the provincial consultation on the regulatory amendments to the Smoke-Free Ontario Act, (SFOA) 2017. As stated in previous consultation submissions on this subject, Ottawa Public Health (OPH) supports the Ontario Ministry of Health and Long Term Care in its commitment to strengthen tobacco and vaping laws including the smoking and vaping of both medical and recreational cannabis.

Outlined below are areas where it is our view that further restrictions will help protect Ontarians from exposure to all forms of second-hand smoke and vapour and to protect Ontario's young people from the marketing and promotion of vapour products in retail locations.

According to the proposed amendments to the SFOA 2017, the Act will:

Make the Smoke-Free Ontario Act, 2017 apply to the consumption of cannabis, both medical and recreational

As Medical Officer of Health for the City of Ottawa Health Unit, I support the inclusion of both medical and recreational cannabis to the SFOA. I also encourage the Government of Ontario to include herbal waterpipe (shisha) product as another prescribed substance to the SFOA due to the adverse health effects from second-hand smoke exposure. Waterpipe smoke, similar to tobacco and cannabis smoke, contains many of the same toxicants known to cause cancer, heart and lung disease.



Prohibit the smoking of cannabis in the same places where the smoking of tobacco and the use of electronic cigarettes are prohibited (e.g. enclosed workplaces, enclosed public places, and other specified places)

As recommended in previous consultations submitted to the Government of Ontario by this health unit, **I support a complete ban of cannabis consumption in public places as a necessary measure to protect public health and to ensure public safety.** Cannabis is a psychoactive drug that impairs a person's attention, judgement and response time in much the same way as alcohol. Further, cannabis smoke contains tar, fine particulate matter and many of the same harmful chemicals and cancer causing agents as tobacco smoke. This places individuals and others at risk for immediate harm or injuries. I am also concerned of the negative role modelling cannabis consumption can have on youth during the developmental stages. All U.S. jurisdictions that legalized cannabis have prohibited the public consumption of all cannabis products. To protect health, the Government of Ontario should ban the public consumption of all forms of cannabis in the same manner as it prohibits the public consumption of alcohol.

I am also recommending that the Government of Ontario prescribe additional public places to prohibit smoking and vaping, including:

- post-secondary campuses;
- outdoor construction sites;
- outdoor spectator events, festivals, fairs;
- outdoor fruit and vegetable markets; and
- within 9 metres of doorways of workplaces and public places.

By including these additional public places, the Government of Ontario will provide more protection to Ontarians from exposure to all forms of second-hand smoke and vapour and reduce the potential harms from the intoxicating effects of cannabis consumption in public places.

I also recommend that the province prohibit the smoking of all combustible substances, including tobacco and cannabis, inside multi-unit housing units and balconies and inside hotels, motels and inns. In Ontario, 33% of tenants living in multi-unit housing have encountered the smell of second-hand smoke in their home. Second-hand smoke can disperse through a building, traveling between adjacent units through cracks in walls and ceilings, windows, and heating and ventilation systems.

Promoting smoke-free homes can help encourage Ontario residents to use alternative forms of cannabis (i.e. edibles and vaping) and aligns with the Cannabis Use Low-Risk Guidelines.

According to the American Society of Heating, Refrigerating & Air-Conditioning Engineers, there is no ventilation or air cleaning system that can adequately control or significantly reduce the health risks of second-hand smoke in multi-unit housing. Individuals of low-income are particularly affected by the current housing system as they often have fewer housing options and are not always able to move when faced with second-hand smoke exposure. In addition, the health of employees such as maintenance staff is at risk due to involuntary second-hand smoke exposure in their workplace.

Permit the display and promotion of vapour products in stores, as long as the display or promotion complies with Division 2 of Part IV of the Tobacco and Vaping Products Act (Canada)

I strongly recommend the Government of Ontario to prohibit the display and promotion of all vaping products in all retail locations to prevent youth initiation.

Vaping products are currently being marketed to young people. For instance, vaping products are packaged and decorated in a way that is attractive to youth and also available in a variety of youth friendly flavours such as “Banana Cream”, “S’Mores”, and “Sour Skittles”. These products are also prominently displayed in convenience stores. In Ottawa, almost half of the students in grades 9-12 believe that regular vaping presents only slight or no health risks. Finally, while no vapour product has been licensed by Health Canada to treat nicotine dependence, the vaping products are often promoted as cessation aids.

Vaping products produce a vapour that can contain many chemicals with known toxicity and using vapour products with e-liquid nicotine could result in nicotine addiction. Children and youth are vulnerable to the negative effects of e-liquid nicotine. Nicotine can alter youth brain development and can affect memory and concentration. It may also predispose youth to addiction to nicotine. E-liquid flavours play a role in the initiation of e-cigarette use. There is also evidence that e-cigarette use can increase the risk of smoking cigarettes among youth and young adults.

Although it is against the law to sell or supply vapour products to youth, vaping prevalence rates among youth are high. E-cigarettes are the third most common used drugs for Ontario students, and surpass combustible tobacco products. In Ottawa, 23%

of high school students in grades 9-12 have used an electronic cigarette at least once compared to 14% that tried tobacco at least once.

While federal legislation contains some advertising restrictions - such as banning lifestyle advertising and advertising that could be appealing to young people - the federal restrictions do not prohibit displays in convenience stores. The marketing of vapour products should align with the same display and promotion restrictions that are placed on tobacco products in retail locations.

Exempt the display and promotion rules for tobacco manufacturers and its entities

I recommend that the rules for the display and promotion of tobacco products and tobacco product accessories be applied to tobacco manufacturers and all entities that are associated with a manufacturer, similar to the display and promotion rules that apply to all tobacco vendors in Ontario. It is my view that this exemption is unnecessary, especially since tobacconists are already exempted under the regulation. By allowing tobacco manufacturers and its entities to promote and display these products, it undermines the public health objective behind the display and promotion ban, which is to support tobacco users in their attempts to quit and prevent people from starting to use tobacco products.

Exempt the use of an electronic cigarette in a specialty vape store for the purposes of sampling a vapour product, if certain conditions are met

I recommend that the use of an electronic cigarette in a specialty vape store for the purposes of sampling a vapour product be strictly prohibited. By applying a general regulation to all vapour product vendors, regardless if it is a specialty vape store, it will reduce enforcement complexities; it ensures that employees, customers and Tobacco Enforcement Officers frequenting these establishments are protected from second-hand vapour; and it creates an even playing field with tobacconists who are not allowed to have their customers sample their products.

In Ottawa, the number of specialty vape shops has been rapidly increasing over the past several years. To date, there are 40 known specialty vape shops in Ottawa. Some specialty vape shops are currently operating as vapour lounges. These lounges offer a bar-style environment with a wide range of e-substances are consumed within the establishment. Prohibiting the sampling of vapour products in these shops will also restrict these establishments from operating as “lounges” and ensure protection from second-hand vapour.

Thank you again for this opportunity to provide comments and recommendations to the proposed amendments to the SFOA 2017 regulations. Should you have any questions or wish to discuss the recommendations, please contact me at vera.etches@ottawa.ca or by telephone at 613-580-6744 ext. 23675.

Sincerely,

Vera Etches, MD, MHScm CCFP, FRCPC
Medical Officer of Health
Ottawa Public Health