



PROHIBITING HOOKAH (WATERPIPE) USE IN LICENSED ESTABLISHMENTS

PRESENTATION TO THE LICENSING AND STANDARDS COMMITTEE

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Mr. Chairman and Members of the Committee,

On behalf of the partners of the Ontario Campaign for Action on Tobacco – the Canadian Cancer Society, Ontario Division, the Heart and Stroke Foundation, Ontario, the Non-Smokers' Rights Association, and the Ontario Medical Association – thank you for the opportunity to comment on the proposal before you to prohibit hookah (waterpipe) use in licensed establishments in the City of Toronto.

Evidence of the dangers of waterpipe smoking – whether with or without tobacco – has been accumulating for several years. The excellent staff report by Toronto Public Health about this issue, which forms the basis of the report before you, clearly demonstrates that this evidence has now reached a point where urgent action is required.

Key conclusions from the research are as follows:

- Any type of shisha combustion, whether herbal or non-herbal, creates serious health risks for users and for those exposed to second-hand emissions;
- Despite some claims that only herbal product is offered in many Toronto establishments, research has identified airborne nicotine in such establishments;
- Hookah use is linked to subsequent cigarette smoking in adolescents;
- Many young people believe hookah smoking is less harmful than cigarette smoking;
- Visible hookah use strengthens the apparent normalcy and acceptability of smoking;
- And finally, use of flavoured shisha is widespread.

Some Canadian jurisdictions have already prohibited the use of waterpipes. Provincially, Quebec, Alberta and Nova Scotia have prohibited waterpipe use where smoking is prohibited, several Ontario municipalities have banned waterpipe use, and some BC municipalities like Vancouver, West Vancouver and Surrey, have banned non-tobacco hookah use in restaurants, cafes, bars and on outdoor patios.

The examples of action taken in other jurisdictions, together with research results, lead to the conclusion that the City should take immediate action. Nevertheless, some may suggest that the Ontario government should be legislating in this area. Recent developments make this very unlikely, as follows.

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Canadian Cancer Society
Ontario Division
Heart and Stroke
Foundation of Ontario
Non-Smokers'
Rights Association
Ontario Medical Association

Supporting Agencies
Association of Local
Public Health Agencies
Cancer Care Ontario
Ontario Association of
Children's Aid Societies
Ontario Association of
Naturopathic Doctors
Ontario Federation of Home
and School Associations
Ontario Physical and Health
Education Association
Ontario Public Health
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Physicians for a
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As you are no doubt aware, Bill 45, the Making Healthier Choices Act, which enacts various amendments to the Smoke-Free Ontario Act (SFOA), received Royal Assent in the provincial Legislature recently.

Bill 45 will allow enforcement personnel to take samples of material being smoked in waterpipes, in order to test for the presence of tobacco. This approach, however, while better than what we have had, does little to prevent the broad range of impacts from all types of shisha, on individuals in dozens of Toronto establishments.

At the Committee hearings on Bill 45, we urged the government to include a prohibition in hookah smoking in public places in Ontario. This amendment was ruled out of order because the Smoke-Free Ontario Act – which Bill 45 amends – can only regulate “tobacco” and “tobacco products”. Testing for the presence of tobacco in waterpipes is as far as the government can go with its present legislation.

Some may also say that smoking waterpipes is a cultural practice. This argument should be set aside for two main reasons:

- In the decision about a recent legal challenge to the Vancouver bylaw on this issue, the judge specifically rejected this claim because, he said, offering waterpipe smoking for profit in public places where anyone can attend, has nothing to do with a cultural practice. The judge also said that anyone who wishes to smoke a waterpipe for cultural reasons, is not prevented from doing so by the Vancouver bylaw: they simply cannot do so in places where such smoking will harm others.
- Further on the cultural practice issue, more and more jurisdictions outside North America have already banned or severely restricted waterpipe use, or are considering doing so. A partial list of restrictions in the Near and Middle East includes Jordan, Syria, Lebanon, Dubai, Saudi Arabia and Turkey. Were waterpipe smoking an established cultural practice, such restrictions would be unthinkable – yet they are happening today.

The Ontario Campaign strongly endorses the prohibition of waterpipes in licensed Toronto establishments. We look forward to a day when the existing epidemic of disease and death caused by tobacco industry products, is not made worse by the continued smoking of waterpipes in Toronto establishments.

Thank you.