

Toronto's Hookah By-law Development: Challenges & Considerations

Presentation to
Tobacco Forum, CPHA 2018

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November 2015 - Toronto City Council Prohibits Hookah Use at Licensed Businesses

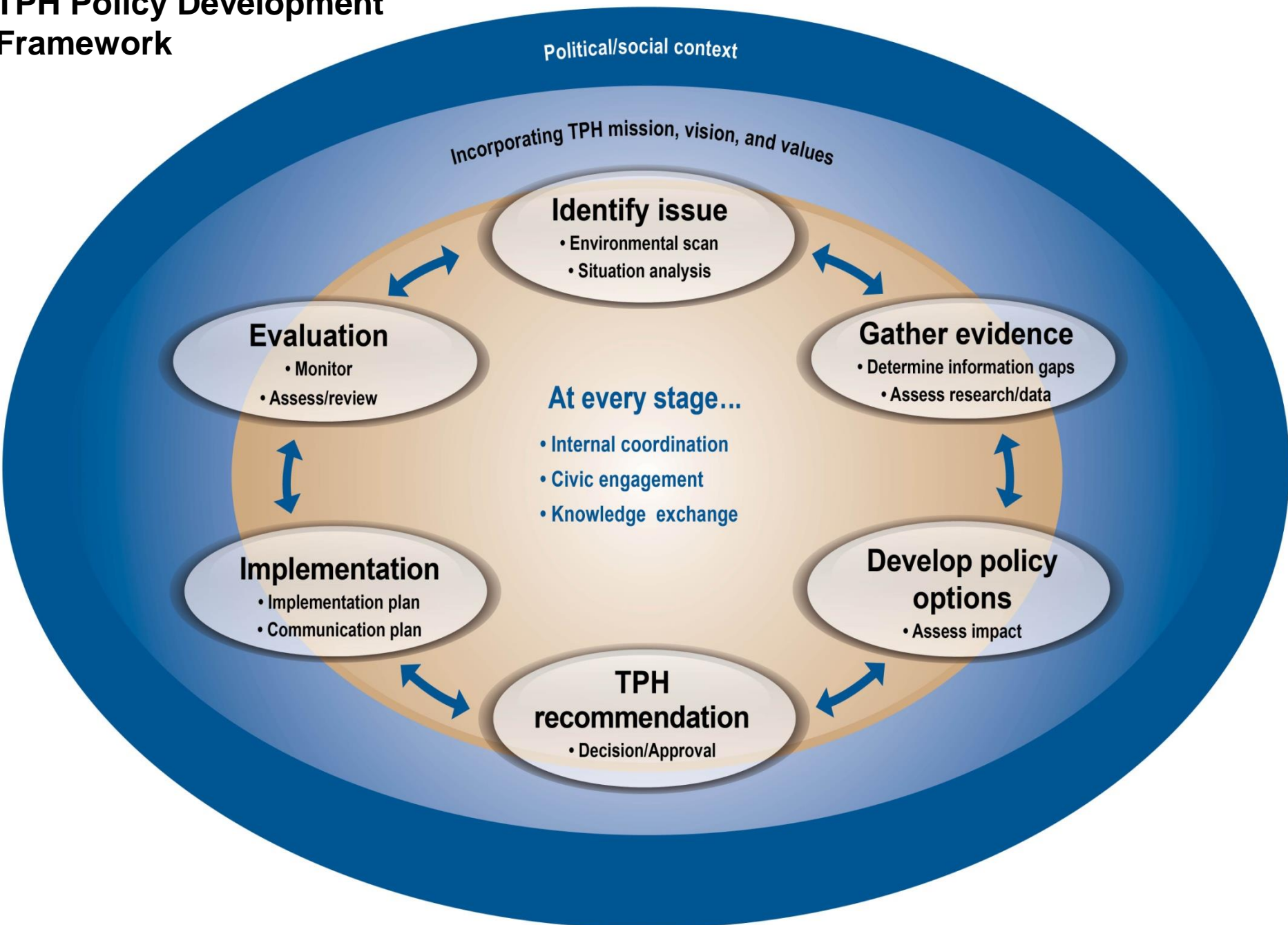
Amended Chapter 545, Licensing of Toronto's Municipal Code:

- Hookah use prohibited at any Toronto establishment that requires a City of Toronto business license (e.g. eating and entertainment establishments)
- Came into force April 1, 2016



Source: [City of Toronto](http://www.toronto.ca)

TPH Policy Development Framework



- Public health community in Ontario aware of emergence of this issue pre-2010
- City Council [motion](#) (2011) requests review of impacts of “*indoor smoking in public lounges and businesses of substances in water pipes...*”
- Reports to the Toronto Board of Health
 - October 2012 -Tobacco Control Plan - Issue of concern.
 - September 2013 - Youth advocates speak on waterpipe use. BOH requests MOH to explore the issue.



Source: TPH Healthy Environments

Smoke-Free Ontario Act

- Only regulated tobacco shisha
- Reports of tobacco shisha use
- Limited ability to identify tobacco shisha

Definitions of smoking

- SFOA and City of Toronto Act – refer to tobacco
- Toronto Municipal Code – refers to “lighted” material

THE ELEPHANT IN THE ROOM...



NO SMOKING

HOOKAH
SMOKING
ONLY!!

NO ELECTRONIC
CIGARETTES

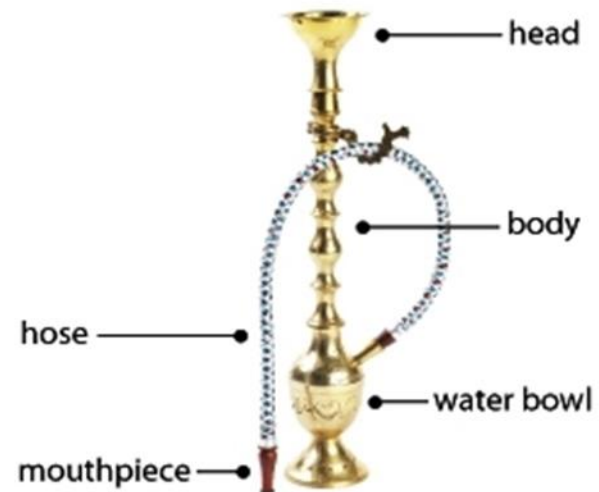
HOOKAH



Challenges:

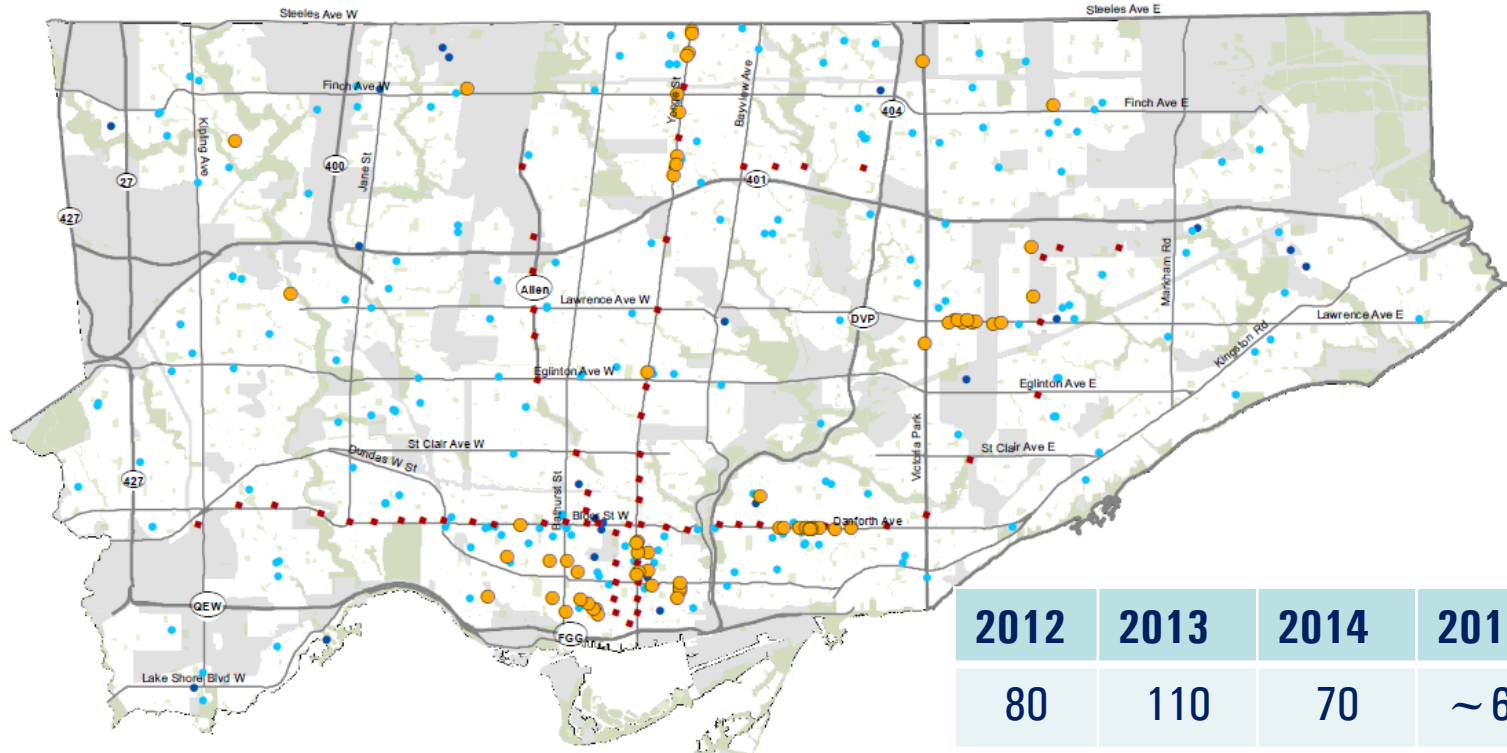
- Large number of businesses allowed hookah smoking
- Cultural practice
- Non-tobacco (“herbal”) hookah use seen as risk-free

A typical hookah

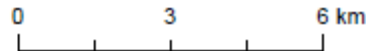
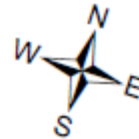


Source - Non-Smokers Rights Association

Toronto Commercial Waterpipe Smoking Locations, 2014



- Waterpipe Smoking Locations
- TTC Subway/LRT Stops
- Secondary School
- College/University
- Major Streets
- Highways
- Public Parks
- Non Residential Areas



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Source: Toronto Public Health.
Prepared by: Healthy Public Policy, TPH.

Data as of March, 2014.
Projection: Transverse Mercator NAD 1983 UTM Zone 17N

Health Risks and Smoking Normalization

- Poses health risks to users and those exposed to smoke, including employees
- Use normalizes smoking in public places
- 10% of Ontario students (grades 7-12) in 2013 used a hookah in the past year.

Boak, A., Hamilton, H.A., Adlaf, E.M., & Mann, R.E. (2013). [Drug use among Ontario students, 1977-2013: Detailed OSDUHS findings](#). Toronto, ON: CAMH

- 38% of Ontario students (grades 9-12) believe hookah use is less harmful than smoking cigarettes.

Minaker, L.M., Shuh, A., Burkhalter, R.J. & Manske, S. (2015). [Cancer Causes Control. 26\(6\): 831–838.](#)



Source: <http://www.hype1.com/toronto/events/7715/TIME-Nightclub/Time-Saturdays--Free-Shisha.html> 9

Ontario Tobacco Research Unit (OTRU) study at 12 indoor and 5 outdoor hookah cafes in Toronto found:

- High levels of CO and PM_{2.5} (fine air pollutant particles)
- Air pollution at levels that are considered hazardous to human health
- Outdoor hookah cafes showed less harmful levels than indoors, but air quality levels were still poor
- High levels of air nicotine found in most locations suggest that tobacco shisha is smoked in contravention of the SFOA



Source: TPH Healthy Environments

Zhang B, Haji, F., Kaufman P., Muir S. and Ferrence R. (2013). 'Enter at your own risk': a multimethod study of air quality and biological measures in Canadian waterpipe cafes .

Tobacco Control 0:1 –7

“Health Risks of Indoor Waterpipe Smoking”

Board of Health requested the MOH, in consultation with the City Solicitor and community stakeholders, to report to the Board of Health on measures, including prohibition, to address the health risks of indoor waterpipe smoking in Toronto commercial establishments...

A growing number of Canadian and American jurisdictions had addressed hookah use through various laws or bylaws.

- Ontario: Peterborough, Orillia, Bradford/West Gwillimbury and Barrie, [summer of 2016 → Peel Region; City of Ottawa]
- Canada: **City of Vancouver (successfully withstood a court challenge to BC Superior Court)**
- Quebec, (Alberta), [Nova Scotia, New Brunswick, PEI]
- United States: Illinois, New Mexico, Michigan, New Jersey and Maine, and the City of Chicago and New York City
- A growing number of international jurisdictions - > 60 countries

→ No standardized approach to addressing hookah use.

Policy Options – Prohibition is Recommended Approach

Most health protective option

- Best for addressing health risks of use and exposure to second-hand smoke
- Allows for denormalizing smoking, discouraging youth use

City Legal advised

- Prohibiting at licensed businesses would capture most hookah establishments



Source: TPH Healthy Environments

- Low awareness about the health risks of hookah smoking overall
- Visiting hookah establishments is a social and cultural pastime for some patrons
- Nearly half of patrons would still visit the businesses even if they did not offer hookah
- Mixed views on a possible prohibition – participating owners declare adverse impacts.

Know the Facts

The health effects of smoking hookah indoors

- Poor air quality from hookah smoke can lead to diseases of the heart and lungs.
- Indoor air quality testing at Toronto hookah establishments found that customers and workers were exposed to air pollution levels that are considered harmful to health, including high levels of carbon monoxide.
- Herbal (non-tobacco) hookah use is not a healthy alternative to tobacco.
- Herbal hookah smoke contains cancer-causing chemicals, carbon monoxide and tar.
- Shisha packages are often poorly labelled, making it difficult to tell what the product contains. Some packages may contain tobacco without the user knowing it.
- The health risks from smoking tobacco in a hookah are similar to those of smoking cigarettes, including heart and lung diseases, low birth weight and lung cancer.





**City Council votes 34 to 2 for a bylaw
(health trumps economics)**

NEWS TORONTO & GTA

Toronto Sun, April 10, 2016

Hookah cafe owners fight city over ban

Basis for the challenge:

- Lack of municipal authority
 - Conflict with OSHA
 - Enacted in “bad faith”
-
- October 2016 – Hookah bylaw upheld
 - June 2017 – Appeal of decision dismissed
 - July 1, 2017 – Enforcement began

- Community Consultation
- Strong health evidence of harm (esp. local data)
- Precedents in other jurisdictions
- (e.g. Court ruling in Vancouver)
- Local community champions
- (e.g. Youth Health Action Network)
- Public education strategy



- Phased approach to coincide with steps in political process
- Leading up to Bylaw implementation – April 1
- Social media posts on Facebook and Twitter



the **truth** about **smoking hookah**

- Hookah smoke contains 27 cancer causing chemicals, toxic metals and tar

Sharing a mouthpiece puts you at risk of catching herpes, hepatitis and TB

Two hours in a hookah cafe is the same as smoking 10 cigarettes

Toronto PublicHealth @TOPublicHealth · 23 Jun 2015
 Hookah tobacco smoke contains greater levels of carbon monoxide than cigarettes & can cause carbon monoxide poisoning ow.ly/OGvf9

Toronto PublicHealth @TOPublicHealth · 19 Jun 2015
 Sharing hookah hose & mouthpiece increases the user's risk of contracting communicable diseases. Learn more: ow.ly/OwZqP



2012	2013	2014	2015	2016	2017	2018
80	110	70	~ 60	~ 40	~ 40	?

- About 1/3 of businesses no longer offering hookah
- Other businesses:
 - Some continue to offer hookah but are compliant (i.e. transitioned to private social clubs)
 - Some are non-compliant → Tickets, summonses, prohibition order, Licensing Tribunal
- Combining education + enforcement + time is slowly shifting practices.

City Council decision and background reports:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.HL4.1>

Acknowledgements:

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