



Hamilton

# HAMILTON WATERPIPE BY-LAW

September 8, 2023

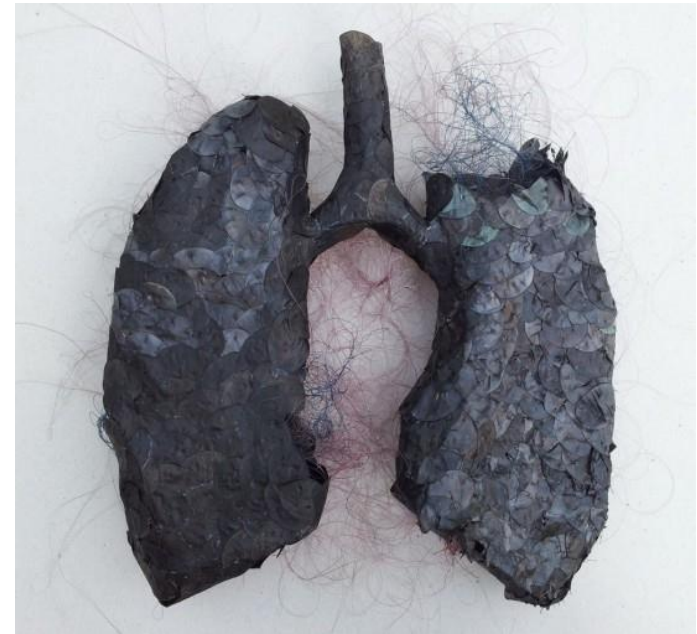
# Waterpipes



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# Protect Health and Safety

- Tobacco and/or herbal shisha contain harmful toxins and chemicals.
- Toxicants in herbal smoke equal or exceed those found in tobacco smoke.
- Waterpipe smoking is linked to the same diseases as cigarette smoking.
- Hazardous occupational exposures in waterpipe establishments cited.
- Risk of contracting viruses and respiratory infections from sharing hoses.



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# Prevent Youth from Becoming Addicted

- **Use by youth, leading to future addiction**
- **Studies link hookah tobacco smoking to subsequent cigarette smoking**
- **72% of waterpipe establishment patrons were between ages 18 and 24 years [Peel]**
- **Waterpipe use was highest among those aged 17 to 24 years [Niagara]**



# Close a Regulatory Gap

## ***Smoke-Free Ontario Act, 2017***

- Prohibits tobacco and cannabis smoking, and the use of vapour products in prescribed places such as enclosed public places & workplaces, outdoor recreation spaces, etc.
- Includes prohibition on smoking of waterpipes that contain tobacco in prescribed locations
- Non-tobacco/herbal waterpipe smoking is permitted

## **Hamilton's Prohibiting Smoking Within Parks and Recreation Properties By-law #11-080**

- Prohibits smoking of tobacco, cannabis, non-tobacco products (including shisha) on outdoor municipal recreation property

## **Enforcement challenges**

Provincial mandate for shisha samples at waterpipe establishments 5

# Reduce Time and Cost

- Nine waterpipe establishments
- Sampling and testing time and cost
- Court time and cost



## Alignment & Consistency

By-laws to prohibit or regulate the use of (tobacco and non-tobacco/herbal) waterpipe smoking within indoor and/or outdoor settings exist in:

- Other larger communities in Ontario - Barrie, Durham Region, Halton Region, Niagara Region, Ottawa, Peel Region, and Toronto and others.
- Five provinces in Canada: Quebec, Alberta, Nova Scotia, New Brunswick and Prince Edward Island.
- Many jurisdictions in Canada, the United States, and the Middle East.



## Hamilton waterpipe establishment owners survey (2023)

- Distributed to all known establishments (n=10) via direct mail, phone calls including voicemail messages, and in-person delivery
- Two establishments completed the survey.

## Niagara Region survey (2022)

- Revenue from waterpipe sales ranged from three to 15%
- Two of the five establishments did not expect a prohibition to have a significant impact on their business.





## Proposed By-law

The proposed by-law, if enacted, will prohibit the use of waterpipes in and on:

- Enclosed public places;
- Enclosed workplaces;
- Outdoor patios; and,
- City-owned outdoor sports and recreation areas.

The recommended approach is intended to align the by-law with those in comparator/neighbouring municipalities in Ontario and to be compatible with provincial legislation.



Authority under section 10(2)  
of the *Municipal Act, 2001*

By-laws prohibiting waterpipe smoking in enclosed public places and workplaces have been challenged in court in Toronto, Peel Region, Durham Region, and Vancouver, but were upheld.

# Financial & Staffing

## Financial

No additional funding is required. Funding for by-law education and enforcement will come from the existing budget.

## Staffing

Existing program staff will conduct enforcement and education for the proposed by-law.



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QUESTIONS?