

REPORT

Council

MEETING DATE: January 31, 2022

FROM: Municipal Enforcement Services Department

DATE: January 18, 2022

SUBJECT: Halton Region Waterpipe Smoking By-law

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That the report from the Municipal Enforcement Services department, dated January 18, 2022, titled "*Halton Region Waterpipe Smoking By-law*" be received.
2. That Council for the Town of Oakville consent to the passage and implementation of the Halton Region Waterpipe Smoking By-law attached as Appendix A as presented in Regional Report, MO-05-21 attached as Appendix B.
3. That the updated Halton Region Waterpipe Smoking By-law be enforced by Halton Region Public Health, as was the case with the Regional Smoking and Vaping in Public Places By-law 40-20.
4. That a copy of this Resolution be sent to Halton Region, City of Burlington, Town of Milton and the Town of Halton Hills.

KEY FACTS:

The following are key points for consideration with respect to this report:

- On October 20, 2021 Halton Region Council approved staff report MO-05-21- Halton Region Waterpipe Smoking By-law
- Pursuant to section 11 of the *Municipal Act, 2001*, municipalities have the authority to enact by-laws respecting the health, safety and well-being of individuals with its jurisdiction. Section 115 of the *Municipal Act, 2001*, further permits municipalities to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces.

- Pursuant to Section 115 of the *Municipal Act, 2001*, a triple majority is required for a regional by-law passed under this section to come into force

BACKGROUND:

In the Halton Region Waterpipe Smoking by-law staff report MO-05-21, Public Health staff noted that similar to cigarette smoking and vaping, waterpipe smoking is linked to multiple harmful health outcomes and it negatively affects indoor and outdoor air quality.

On October 20, 2021 Halton Region passed the Regional Waterpipe Smoking By-law 41-21 to prohibit waterpipe smoking wherever smoking tobacco or cannabis, or vaping is already prohibited under the *Smoke-Free Ontario Act, 2017* (SFAOA) and the Regional Smoking By-law 40-20.

COMMENT/OPTIONS:

The *Municipal Act, 2001* grants municipalities the authority to enact by-laws respecting the health, safety and well-being of individuals within its jurisdiction. Section 115 of the Act permits municipalities to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces.

Pursuant to Section 115 of the *Municipal Act, 2001*, a triple majority is required for a Regional by-law passed under this section to come into force. This means that a majority of all votes on Regional Council must be cast in its favour and that a majority of the local Councils (at least three out of the four) representing a majority of the Region's electors must pass resolutions consenting to the by-law.

Based on information from Public Health Ontario and Halton Public Health, staff recognize that adverse health impacts including chronic obstructive pulmonary disease, chronic, bronchitis, lung cancer, heart disease, dental disease and negative pregnancy outcomes may be suffered as a result of waterpipe smoking (also know as hookah, narghile or shisha).

Municipal Enforcement staff reviewed the Regional by-law 41-21 (Halton Region Waterpipe Smoking By-law) and recommend that Council provide consent to the by-law with enforcement to be provided by Halton Public Health.

CONSIDERATIONS:

(A) PUBLIC

In July and August 2021, all current Halton Region waterpipe establishment owners were invited to virtual meetings with Public Health where staff

presented the proposed by-law with an opportunity for discussion. The proposed by-law was not favorably received by owners at that time.

(B) FINANCIAL

There is no financial impact as a result of this report. However, if enforcement were to be conducted by town staff, additional staffing would be required to maintain current service level standards.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Enforcement is to be provided by the Halton Region Public Health. There is no impact as a result of this report

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Be accountable in everything we do
- Be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

Similar to cigarette smoking and vaping, waterpipe smoking is linked to multiple harmful health outcomes and it negatively affects indoor and outdoor air quality. However, there is no significant impact on climate change as a result of this report.

APPENDICES:

Appendix A – By-law 41-21 A by-law to regulate waterpipe smoking in the Regional Municipality of Halton

Appendix B – Halton Region Report MO-05-21 – Halton Region Waterpipe Smoking By-law

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