

STAKEHOLDER ENGAGEMENT AND RECOMMENDATIONS REGARDING INDOOR SHISHA CONSUMPTION

RECOMMENDATION

That the June 19, 2023, Urban Planning and Economy report UPE01602, be received for information.

Requested Council Action	Information only		
ConnectEdmonton's Guiding Principle	ConnectEdmonton Strategic Goals		
CONNECTED This unifies our work to achieve our strategic goals.	Healthy City		
City Plan Values	ACCESS		
City Plan Big City Move(s)	Inclusive and Compassionate	Relationship to Council's Strategic Priorities	Community Safety and Well-Being
Corporate Business Plan	Serving Edmontonians		
Council Policy, Program or Project Relationships	<ul style="list-style-type: none"> Bylaw 14614 - Public Places Bylaw Bylaw 20002 - Business Licence Bylaw 		
Related Council Discussions	<ul style="list-style-type: none"> CR_6146 Shisha Lounges - Crime and Disorder Issues, Community and Public Services Committee, July 4, 2018 CR_6235 - Bylaw 18571 - Amendment to Public Places Bylaw 14614 Shisha and Waterpipe Smoking, Community and Public Services Committee, October 3, 2018 CR_7332 - Bylaw 18891 - Amendment to the Public Places Bylaw 14614 Shisha and Waterpipe Smoking, Community and Public Services Committee, June 26, 2019 UFCS00344 Shisha Lounge Establishments - Business Licence Class Options, Community and Public Services Committee, April 28, 2021 Motion Pending - Bylaw Amendment for Indoor Shisha Consumption, City Council, November 14, 2022 		

Stakeholder Engagement and Recommendations Regarding Indoor Shisha Consumption

Previous Council/Committee Action

At the November 14, 2022, City Council meeting, the following motion was passed:

That Administration engage with stakeholders, including Alberta Health Services, and provide a report with recommendations on potential bylaw amendments for indoor shisha consumption.

Executive Summary

- City Council approved amendments to the Bylaw 14614 - Public Places, in June 2019 to align the definitions of indoor smoking of cannabis, tobacco and shisha. This action effectively led to prohibition of all indoor smoking including shisha consumption in public places. These amendments also had the impact of supporting the health of employees and the public.
- This report provides an overview of focused stakeholder engagement and an analysis of potential risk mitigation measures with respect to allowing indoor shisha consumption.
- Through research and stakeholder engagement:
 - Alberta Health Services (AHS) has reaffirmed that there is no safe level of secondhand smoke exposure and no effective way to completely eliminate secondhand smoke in non-smoking areas of an establishment.
 - Ventilation and isolation engineering information supplied by stakeholders has reaffirmed that there are no solutions to fully eliminate the risk of exposure to secondhand or thirdhand smoke.
 - Stakeholder feedback has reaffirmed that there are differing opinions on the cultural relevance of smoking shisha - with some communities continuing to emphasize its social significance, and others maintaining that the practice is outdated.
- Administration's position is that indoor shisha consumption in public places poses serious unmitigated health risks and does not recommend advancing bylaw amendments to enable indoor shisha consumption in public places.
- Should there be further direction from Council to proceed with bylaw amendments, changes to both the Bylaw 14614 and Bylaw 20002 - Business Licence would be required and include further research and public engagement.

REPORT

Background

In July 2018, Committee directed Administration to bring forward amendments to the Public Places Bylaw to prohibit the indoor consumption of shisha (July 4, 2018, Community and Public Services Committee report CR_6146, Edmonton Police Commission: Shisha Lounges - Crime and Disorder Issues). These amendments aligned the definitions of smoke or smoking to include

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cannabis, tobacco product or tobacco-like product or electronic cigarette. Administration engaged with affected stakeholders to determine an appropriate operative date. This action led to the prohibition of all indoor smoking in public places, including shisha consumption, effective July 1, 2020.

In early 2021, the indoor consumption of shisha and hookah was revisited at Community and Public Services Committee (January 20, 2021, Community and Public Services Committee motions pending report, Shisha Lounge Establishments - Business Licence Class Options), with stakeholders from the Edmonton Hookah Cultural Society (EHCS) speaking to the impact the ban had on their communities. A motion was passed at this meeting, directing Administration to provide a report with business licence options, which would effectively enable the indoor consumption of shisha in public places.

In April 2021, Administration presented business licensing options to Committee that would allow for indoor shisha smoking (April 28, 2021, Community and Public Services Committee report UFCSD00344, Shisha Lounge Establishments - Business Licence Class Options). Administration also identified that any changes to enable indoor consumption would also require amendments to Bylaw 14614 - Public Places, which prohibited the practice. At the meeting, EHCS presented engineering drawings for proposed smoking rooms and health and ventilation experts provided information on the air quality and health concerns related to waterpipe smoking. A motion was made to allow indoor shisha smoking, but it was not passed by Committee.

On October 25 and 28, 2022, this topic was again revisited at Community and Public Services Committee through a motion pending (Bylaw Amendment for Indoor Shisha Consumption (J. Wright)). Stakeholders from EHCS and other health and advocacy groups shared their perspectives - and Nanda & Company, the firm representing EHCS, requested that Administration complete a Gender Based Analysis Plus (GBA+) in addition to a review of potential risk mitigation measures that could support the consumption of shisha in businesses. In November 2022, City Council directed Administration to engage with stakeholders, including AHS, and provide a report with recommendations on potential bylaw amendments for indoor shisha consumption.

Jurisdictional Scan

Administration completed a jurisdictional scan of rules pertaining to smoking in public places of several municipalities across Canada. The scan identified that there is no set precedent across Canada, with each jurisdiction defining what can and cannot be smoked indoors, and with different mitigation measures set in place (Attachment 1).

Review of Proposed Mitigation Solutions

The City's Safety Codes team reviewed and analyzed a Shisha Lounge Ventilation and Isolation engineering report provided by stakeholders interested in allowing indoor shisha consumption. The engineering report provides several ventilation approaches to mitigate smoke spread to non-smoking areas, however, none of the proposed solutions indicate the risk would be fully eliminated.

The findings from Administration's review of the engineering report along with other relevant data are included in Attachment 2, and highlight that:

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- According to Health Canada and the United States. Centers for Disease Control, there is no safe level of exposure to secondhand smoke.
- The City of Edmonton is not a cognizant authority as defined in The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 62: Ventilation for Acceptable Indoor Air Quality. This means that the City has neither expertise or jurisdiction to determine an acceptable concentration level of smoke within an indoor space, and this should be left to the health authorities. The ASHRAE Standard is the adopted standard within the National Building Code (Alberta Edition).

Conclusion

Based on review of the proposed mitigation solutions, jurisdictional scan and public health feedback, Administration recommends that Bylaw 14614 and Bylaw 20002 should not be amended with respect to indoor shisha consumption. This is based on the public health risks of indoor smoking, both to patrons and workers, and a lack of available options to eliminate the risk.

Considerations

- The current ban aligns effectively with the ConnectEdmonton strategic goal of a Healthy City. Edmonton has taken proactive measures to help improve public health and if indoor consumption of tobacco-like products were to be permitted by the City, it would impact the health of Edmontonians and has the potential to undermine the public's trust in Edmonton's commitment to Healthy City and public health.
- There are over 4,000 deaths annually in Alberta from smoking (Attachment 3). Tobacco, tobacco-like, and non-tobacco products all contribute to this number.
- Ventilation and physical separation do not eliminate secondhand or thirdhand smoke.
- Alberta Health Services (AHS) and Action on Smoking and Health's (ASH) shared the position that there is no safe level of secondhand or thirdhand smoke and that even in ventilated spaces, indoor smoking creates significant health risks.
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The current ban ensures consistency and equality to all businesses and their patrons that may wish to pursue indoor smoking in Edmonton. Amending Bylaw 14614 and Bylaw 20002 to permit indoor shisha consumption would create inequity for businesses that want to allow indoor consumption of tobacco (e.g. cigar lounges) and could introduce opportunities for these businesses to pursue legalization of other forms of consumption.

Should Committee direct Administration, changes to both Bylaw 14614 and Bylaw 20002 would be required. These changes would require further research and engagement.

COMMUNITY INSIGHT

In February and March 2023, Administration conducted focused stakeholder engagement with Alberta Health Services, Action on Smoking and Health (ASH), a business owner who had recently submitted an inquiry to the City regarding shisha consumption and two community members who were directly impacted by the ban. Details of the focused stakeholder engagement are outlined in Attachment 4. Highlights of the feedback from the different stakeholders are

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summarized below. Should Administration be directed to make amendments to Bylaw 14614 and Bylaw 20002, further research and engagement would be required.

Public Health Feedback

Feedback from AHS and ASH was focused on the impacts of smoking and secondhand smoke. Full details on AHS' feedback can be found in Attachment 3. Major concerns raised included:

- Significant risks to those with underlying health conditions that can be aggravated by exposure to secondhand smoke.
- Risks associated with nicotine as well as the presence of other carcinogens in non-tobacco products such as herbal shisha.
- Vulnerability of youth, who are more likely to experiment with water pipes, seeing them as a novel experience and who are often not made aware of the adverse health effects.
- Controls such as ventilation and physical separation are not sufficient. Non-partaking members of the public may need to enter designated smoking rooms, whether for servicing, cleaning, inspections, enforcement or other purposes and there is no scenario that completely eliminates the smoke or secondhand smoke in these rooms.
- City Council has established equal parameters for all hospitality businesses by prohibiting all forms of smoking in public establishments. This equality will be undermined by exempting hookah bars, since these establishments will then have a competitive edge over other businesses that is based on the promotion of a public health hazard.

The risk of third-hand smoke exposure, which includes third-hand smoke and other toxic chemicals that can often remain on surfaces such as smartphones or in children's toys for years.

The response also cited support for maintaining the regulations within Bylaw 14614 as is, noting that it provides equity to business operations, workers, the public and reduces occupational hazards.

Social and Cultural Feedback

Administration conducted interviews with two community members who were directly impacted by the ban - one was a former shisha lounge owner and member of the Eritrean community and the other a young Muslim woman who previously visited shisha lounges. Administration also interviewed a new business owner who inquired with the City about shisha consumption in a new business. Feedback is varied with regards to the cultural and social significance of indoor shisha consumption. Some of the key insights shared by them include:

- There is cultural significance for people of African and South Asian descent. Consuming shisha plays a large role in how these communities congregate and keep in touch with each other.
- Shisha cafes/lounges can provide a safe environment for those in the impacted communities, specifically women, who want to gather with friends in a more relaxed environment.
- In the religion of Islam, adherents do not consume alcohol. Smoking shisha is a different way to relieve stress.

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- In Attachment 3, AHS notes that the Islamic Family and Social Services Association, Muslim Link Edmonton and Hindu Society of Alberta had expressed concern to the City as a result of the November 2022 motion at City Council. They indicated that they do not support amending the ban and maintain their position that indoor shisha consumption is an outdated practice that does not reflect their cultures in the modern world.

GBA+

The City of Edmonton used a GBA+ process to identify potential inequities regarding indoor shisha consumption. Administration was able to connect with two impacted community members, a young Muslim woman who previously visited shisha lounges, and a former shisha lounge owner and member of the Eritrean community.

Additional GBA+ process may be required for future engagement, should Administration be directed to make amendments to Bylaw 14614 and Bylaw 20002.

ATTACHMENTS

1. Jurisdictional Scan Summary - Indoor Shisha Consumption
2. Review of Engineering Report
3. AHS Responses to Discussion on Indoor Consumption of Shisha
4. 2023 Indoor Shisha Engagement - What We Heard Report