

Business Licence Conditions

Considerations for Business Licence Bylaw amendments directed towards shisha establishments include the following conditions.

1. *No minors permitted in designated smoking areas*
2. *Physically separated smoking area that prevents smoke from entering the remainder of the premises*
3. *No food or drink service within the smoking area*
4. *Mandatory signage identifying smoking areas*
5. *Working to eliminate any second hand impacts to employees*

A Bylaw amendment could incorporate the conditions listed above, however the amendment alone would not allow shisha smoking indoors in Edmonton. Also, regulatory considerations for HVAC permits, air quality testing by a third party and required cleaning of separated areas by staff will need to be considered by both the City and the Province.

Administration notes specific concerns with some of the proposed conditions below.

Physically separated smoking area that prevents smoke from entering the remainder of the premises.

- The rate at which smoke travels and the permeability of different building materials affects the physical separation condition. Equipment necessary to fully remove smoke and thus preventing escape into other areas of a business premise would be required. Requirements for an HVAC system are currently part of the Alberta Building Code. In addition, the Code does not specify the ventilation rate requirements that would result in safe indoor air quality for smoking areas or in a separate area where smoking is not occurring. This makes it extremely difficult to determine the HVAC system criteria that would be acceptable. Requirements would need to be reviewed with the Safety Codes Council, Natural Research Council Canada and Health Canada. It is important to note that current HVAC capacity requirements bear a significant cost to install and operate. During past compliance inspections, Administration observed operators not turning on the system. It is observed that the system significantly cools down the temperature of the establishment resulting in an uncomfortable environment.
- Consumption in segregated areas would require additional research to determine the structure and materials required to achieve this requirement. During previous engagements with the industry, this option

was rejected as unreasonable, costly, and would require significant renovations to existing businesses that cater to families, and food services. There may also be a need based on research to change processes/ requirements for permits, inspections, and/or other approvals to ensure smoke is being sealed within the segregated area.

No food or drink service within the smoking area/Working to eliminate any second hand impacts to employees

- The criteria to have service areas free from smoke does not necessarily make the area free from second hand or third hand smoke. The area may not be free from particle or chemical contaminants (present in the air) created through the process of smoking or vaping. Third hand smoke results when the toxins within the emissions are absorbed into the materials of furniture, clothing, carpets, hair, etc. and are re-entrained when these objects are touched or moved as when the space is cleaned by staff. Removing the smoke does not make this a safe, smoke free place.
- A segregated self-serve smoking area separate from the service area, highly resembles a ‘smoking room’. Challenges to this separate space include considerable safety concerns that present themselves if we allow the public to enter a business and place their own products into a waterpipe or other smoking device. Currently, all forms of smoking product sales are sold by the business owner and privately consumed by the customer. There is a level of regulation that exists to ensure the products being consumed are safe and the contents within them are accurate. A stand alone no service smoking area would impose on other patrons within the area a risk of consuming second hand smoke from potentially unregulated or illegal products that make their way into the business. Employees would be responsible to monitor and enforce use of products not sold at the establishment which could lead to unforeseen liability and unintended public interest and safety concerns.
- The health and safety of employees who clean the space would be an issue.