



City of North Bay Report to Council

Report No: CORP-2022-043

Date: March 3, 2022

Originator: Ron Melnyk

Business Unit:

Corporate Services

Department:

Legal Department

Subject: Report on Hookah Lounges

Closed Session: yes ☐ no ☒

Recommendation

That Council maintains the current City of North Bay Smoking By-law No. 2012-97 prohibiting hookah lounges as set out in Report to Council CORP 2022-43.

Background

On June 18th, 2019 Council passed an amending bylaw 2019-58 which prohibited the use of hookah and water pipes along with activated electronic cigarette device regardless of whether the device contains nicotine, tobacco, or medical or recreational cannabis.

On February 7th, 2022 a downtown property owner reached out to staff regarding the possibility and legality of operating a hookah lounge in an existing downtown storefront.

The Smoke Free Ontario Act, 2017, S.O. 2017 currently does allow for the use of hookah providing that there is no tobacco used.

Ontario Public Health has conducted a study and the report is attached. The report outlines the many health concerns related to the use of hookah that are present regardless if the water pipe smoke contains tobacco or not. Many of the health risks are the same as with smoking, however some health risks are elevated with the use of hookah. Common health risks associated to hookah are the spreading of infectious pathogens due to contamination and inadequate cleaning of communally used hookah parts, second hand smoke/reduced air quality in areas where staff work, and increased risks of cancers, cardiovascular effects, respiratory effects, perinatal and childhood outcomes, and oral health.

The North Bay Parry Sound District Health Unit and Medical Officer of Health Dr. Jim Chirico continue to be in support of maintaining the prohibition on hookah and hookah lounges in the North Bay. Their support letter is attached.

Financial/Legal Implications

There are no financial implications if the prohibition on hookah lounges is maintained. There are increased costs for the North Bay Parry Sound Health Unit Tobacco Enforcement department if the prohibition is lifted. When complaints are received by the Tobacco Inspectors, samples will need to be collected from the hookah and will have to be analyzed in a laboratory to confirm the presence of tobacco before prosecution can begin. This analysis can be costly. According to the report by Ontario Public Health, there are a number of serious personal health concerns relating to the use of hookah including cancers, second hand smoke, and the use of hookah by youth, which can have large “community” costs, but not necessarily direct costs to the Corporation of the City of North Bay.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

Work with community stakeholders to enhance safety and integration throughout the City

Options Analysis

Option 1: That Council maintains the current City of North Bay Smoking By-law No. 2012-97 prohibiting hookah lounges as set out in Report to Council CORP 2022-43. This is the recommended option.

Option 2: That Council authorize an amendment to the City of North Bay Smoking By-law No. 2012-97 that will allow hookah lounges. This is not recommended.

Recommended Option

That Council maintains the current City of North Bay Smoking By-law No. 2012-97 prohibiting hookah lounges as set out in Report to Council CORP 2022-43.

Respectfully submitted,

Name: Ron Melnyk

Title: By-Law Enforcement Coordinator

I concur with this report and recommendation

Name Peter E.G. Leckie, B.A. (Hons.), LL.B.

Title: City Solicitor

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Name David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Ron Melnyk

By-Law Enforcement Coordinator