

***WATER PIPE / HOOKAH SMOKING:
DO SMOKEFREE AIR LAWS APPLY?***



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For downloadable information on smokefree casinos, go to www.njgasp.org and click on *Smokefree Gaming*.

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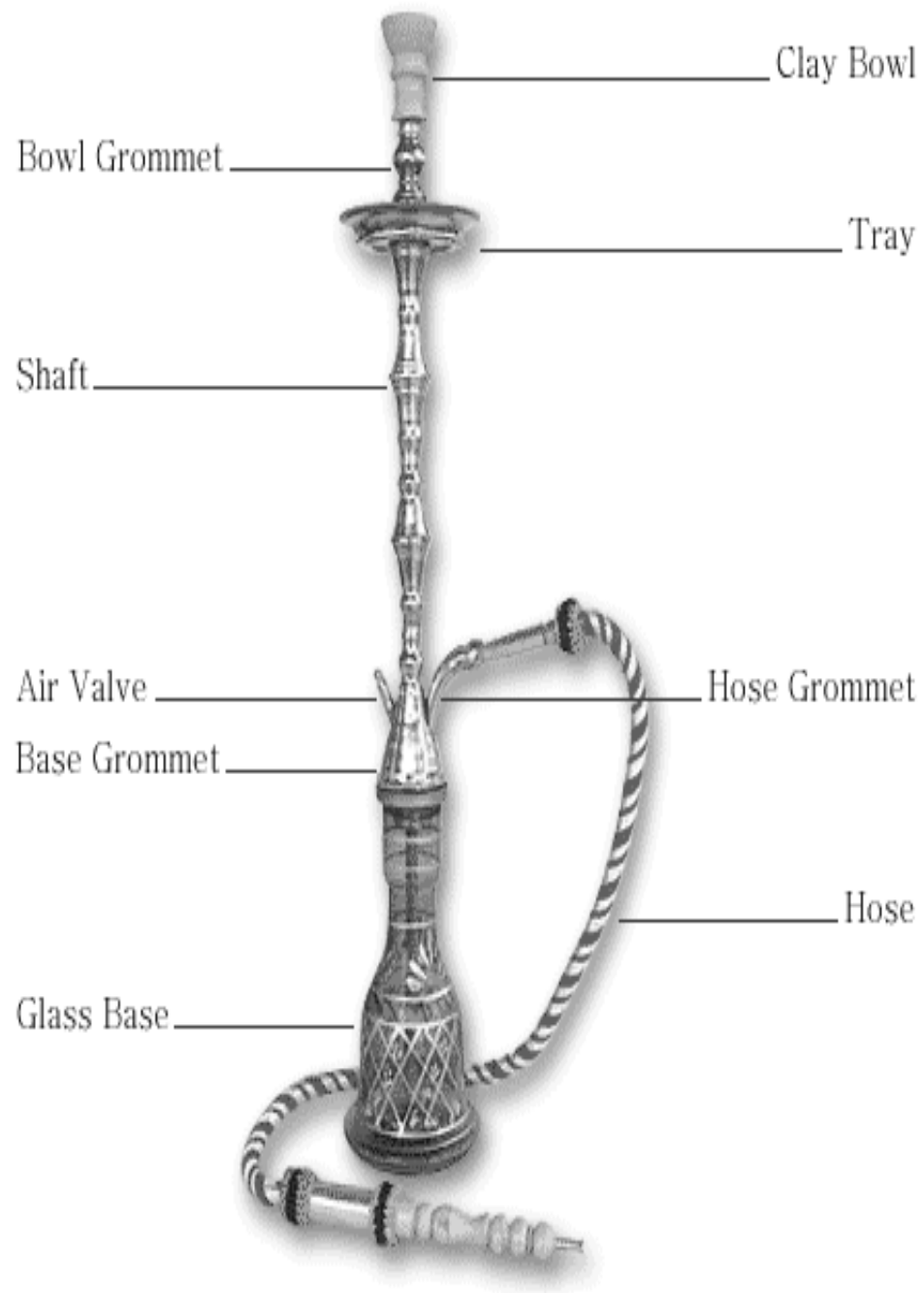
Background

- Thought to have originated at least 4 centuries ago in Africa or Asia.
- One account is invented by doctor from India: smoke filtering thru water would make it harmless. To date, this misperception that water cleans the smoke, is still strongly believed.
- Since 1990's, hookah smoking popular in U.S. and Europe.

Water pipes also known as:

- *Hookah* – India
- *Shisha or Goza* – Egypt, North Africa
- *Narghile* – Turkey, Syria, East Mediterranean

Waterpipe tobacco also called *maassel*.



Apparatus Description

- **Head**: at top, holds lit charcoal, perforated aluminum foil, and moist sweet-flavored tobacco. Head has holes in bottom, to let smoke pass thru into body of hookah.
- **Body/Shaft**: smoke drawn down from head, into water bowl.
- **Water bowl**: half filled with water.
- **Hose w/ mouthpiece**: attached to top of bowl, hose not submersed into the water.

How a Water Pipe Works

- When breathe in thru mouthpiece, suction formed and vacuum draws outside air into the top of the head, then over lit charcoal and through tobacco, creating smoke.
- Smoke goes thru the body, causing the water to bubble in the bowl.
- The water cools the smoke, and the smoke rises from the water, and through the hose, into mouthpiece, and inhaled by smoker.
- Smoker then exhales, releasing secondhand smoke into air.

Public Health Hazard: Infectious Disease

U.S. Centers for Disease Control, 2007:

"Over recent years, there has been a resurgence of use around the world, most notably among youth.... ***Sharing a hookah may increase the risk of transmission of tuberculosis, viruses such as herpes or hepatitis, and other illnesses.***"

U.S. Centers for Disease Control: Fact sheet on hookahs, updated April 2007.

http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs.htm

Public Health Hazard: Infectious Disease

- “...Sheesha pipes are ***an ideal tool for users to catch the [H1N1] virus since they are often passed from person to person.***” The warning was recently added to the Bahrain Health Ministry's swine flu awareness campaign.

<http://www.tradearabia.com/news/newsdetails.asp?Sn=HEAL&artid=167292>

Public Health Hazard: Infectious Disease

“The World Health Organization regional office in Cairo estimates that **17 percent of TB cases in the eastern Mediterranean are attributable to the smoking of water pipes.**”

March 24, 2008 newsclip from IRIN, the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs.

<http://www.irinnews.org/report.aspx?ReportID=77426>

Public Health Hazard: Infectious Disease

- “...water pipe smoking (WPS) and the sharing of the pipe with someone with pulmonary TB led to a **great risk of TB transmission...**”
- “You still have **water in the container where the bacteria resides...**”

<http://www.irinnews.org/report.aspx?ReportID=77426>

Infectious Disease concerns

- Guarantee that complete waterpipe is sterilized? Use Autoclave?
- Even with Disposable hoses, is rest of waterpipe apparatus sterilized?

Public Health Hazards

WHO's 2005 Advisory Note:

- Waterpipe smoke contains numerous toxicants known to **cause lung cancer, heart disease and other diseases**, adverse effects on pregnancy.
- **Same secondhand smoke disease risks caused by cigarette smoking.**

Public Health Hazards

- In one waterpipe smoking session, **waterpipe smoker may inhale up to equivalent of 100 cigarettes:**
 - Waterpipe session lasts 20-80 minutes, 50-200 puffs with each puff inhaling vs.
 - Cigarette smoker takes 8-12 puffs over 5-7 minutes.

Public Health Hazards

August 2009 study by Tobacco Control Collaborating Centre (UK):

- one session of smoking shisha resulted in **carbon monoxide levels at least four to five times higher than** the amount produced by **one cigarette**.
- High levels of carbon monoxide can lead to **brain damage and unconsciousness**.

Shisha smokers had 40-70 ppm of CO in their breath, affecting 8-12% of their blood:

CARBON MONOXIDE LEVELS, PARTS PER MILLION:

- Normal level: 3 ppm
- Light smoker: 10-20 ppm
- Heavy smoker 30-40 ppm
- **Faulty boiler/fire levels: Upwards of 100 ppm**
- Severe symptoms: 100 ppm
- Lethal levels: More than 300 ppm

<http://news.bbc.co.uk/2/hi/health/8214097.stm>

http://www.pmaresearch.co.uk/Tobacco_Control_Collaborating_Centre.html

Public Health Hazards

- Contains addictive **nicotine**, from tobacco.
- Some waterpipe herbal maassel does not contain nicotine, but still **produces tar and carbon monoxide**, when heated in waterpipe.

Source: Center for Substance Abuse Research,
University of Maryland, June 9, 2008.

<http://sdfs.ucps.k12.nc.us/sdfs/documents/HealthRisksofHookahSmoking.pdf>

Public Health Hazards

- "Using a water pipe to smoke tobacco **poses a serious potential health risk to smokers and others exposed to the smoke emitted....** [T]he **sweet smell and taste** of the smoke may explain why some people, particularly **young people** who would not otherwise use tobacco, **begin to use waterpipes.**"

http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf

Appeal to Youth, College-age

- Fruit/candy flavorings mask tobacco flavor.
- Water cools smoke, creating false impression that smoke is safe.
- Some may not contain tobacco, so false impression that is safe to use.
- **Trend: hookah lounges/cafes opening in college towns** (unless prohibited smokefree air law).

2007 American Legacy Foundation survey

- Surveyed 18-24 year olds:
 - **40%** of participants said that they had **smoked from a hookah**.
 - **42% said** that hookah smoking is **less dangerous** than cigarette smoking.
 - **32% said** that smoking from a hookah is **less addictive** than smoking cigarettes.

Virginia college student survey

- Recent study conducted with 744 students at Virginia Commonwealth University:
 - **43% of those surveyed smoked tobacco using a hookah in the past year.**
 - **20%** of them had smoked tobacco from a hookah **in the past few months.**

<http://media.www.thebrownandwhite.com/media/storage/paper1233/news/2009/03/24/News/Survey.Shows.Hookah.Use.Increasing.At.Local.Colleges-3679235.shtml>

2008 Survey of 647 Students at University of Pittsburgh

- More students had smoked tobacco from a hookah (water pipe), than had smoked cigarettes.
- 40.5% reported smoking a hookah, and 88% said they smoke a hookah again.
- Among students surveyed who never had smoked a hookah, 20 percent said they intended to do so.
- "Over half of the sample (52.1%) perceived that tobacco smoking from a waterpipe was less addictive than cigarette smoking."

<http://www.springerlink.com/content/0478718411012xk4/?p=797c71a7c4dc455985f76f3afd45256c&pi=1>

<http://www.jointogether.org/news/research/summaries/2008/hookahs-more-popular-than.html?print=t> 22

Case study: 2006 NJ Smokefree Air Act

- New Jersey Smokefree air Act (NJSFAA), took effect April 15, 2006. **“Smoking” definition includes “any matter that can be smoked”**, e.g. waterpipes.
- New Jersey Department of Health and Senior Services **adopted regulations in 2007** (NJRegs), to help implement the 2006 Act.
- **2007 regulations explicitly state that hookah smoking** is covered by 2006 Act.

NJSFAA: Cigar Bar exemption

NJSFAA definition of a “Cigar Bar” is not limited to cigars; can be any matter that can be smoked, like waterpipes.

➤ **Part 1 of Test: meet the exemption is date sensitive**

To operate a “cigar bar” with smoking in it, must have existed as of **December 31, 2004**. If operating before 12/31/04....

NJSFAA: Cigar Bar exemption

- **Part 2 of test: meet stringent revenue and construction requirements**
 - Application reviewed and approved/not by local health dept, thru initial registration process, and annual renewal registrations).
- **Part 3 of test: if existed as of 12/31/04, and meet requirements above, can't change location, expand in size.**

NJSFAA: Cigar Bar exemption

Result: Stringent requirements, so not that many indoor “cigar bars” (cigar, hookah, other smoking) qualify for the NJSFAA cigar bar exemption.

How about the NJSFAA’s ***“Tobacco Retail Establishment” exemption?.....***

NJSFAA: “Tobacco Retail Establishment” (TRE) exemption

To operate a TRE, NJSFAA requires:

- **At least 51%** of the tobacco retail establishment's business must be the sale of tobacco products (excluding cigarettes) and accessories (**application to be reviewed and approved/not by local health** dept thru initial registration, and annual renewal registrations).

NJSFAA: “Tobacco Retail Establishment” (TRE) exemption

To operate a TRE, NJSFAA also requires:

- **Sale of other products must be “merely incidental”** (NJ Regs define “merely incidental”)
- No date sensitive requirement.
- No ventilation or location requirements.

2007 NJ Regulations: “Tobacco Retail Establishment” (TRE) exemption

NJ Regulations also require that a TRE:

1. Be a ‘**Cash and Carry**’ business:
 - **Only allow smoking inside to sample** expensive product before purchasing (e.g. expensive cigars prior to large purchase).
 - **Intent is to use products off-premises.**

“Cash and Carry” Observation

- **Waterpipes are intended to be used inside** the premises, **not just sampled.**
- Evidence includes tables and chairs. Indicates that **‘cash and carry’ requirement NOT met.**
- Commonplace to purchase products prior to consuming off-premises: liquor store, supermarket, etc.

NJ Regs also require TRE to:

2. TRE can only sell products that are “merely incidental”:
 - The 2007 NJ regs define “food and beverage” sales as NOT INCIDENTAL
 - TRE cannot sell food, coffee, etc.

“Merely Incidental” Observation

- **Observation: If a hookah lounge sells coffee, desserts, or is in a room of a restaurant, that establishment is selling products that are more than “merely incidental”.**
- Cannot permit smoking indoors, under TRE definition of NJ smokefree air law.

Secondhand waterpipe smoke migrates

- NJSFAA, NJ Regs **not allow migration of secondhand smoke from outside,** into a public place or workplace.
- Outdoor waterpipe smoking, on sidewalk, deck, etc., is not permissible, if it migrates/wafts into indoor public places or workplaces.
- Includes migration into common areas of apartment buildings.

Bottom line in NJ

- Can't convert a room in a restaurant for hookah smoking.
- Can't open a new hookah lounge with smoking inside; can sell the waterpipe, tobacco, etc. but not to be wholly consumed in-store.
- Can't sell food or beverages in TRE.
- Can't move an approved hookah lounge that existed prior to 12/31/04, to another location, or expand it.

NJ state and local nuisance codes

General Nuisance codes **to protect general health and welfare of people, concerns with noxious fumes:**

- Outdoor secondhand smoke migrates/wafts inside a public place, workplace or **private place** or **creates outdoor nuisance.**
- Control spread of **infectious disease risks (TB, flu, etc).**

Resources on Waterpipe concerns:

- WHO, CDC
- California's Clean Air Project's paper, Hookah - In Your Community: Ideas for Action.
http://www.ccap.etr.org/base/documents/hookah_toolkitOpt.pdf
- Presentations at November 2009 APHA Conference, Philadelphia, PA.
- Presentations at June 2009 National Conference on Tobacco or Health, Phoenix, AZ
- Tobacco.org newsclips under "hookah" category

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