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Good Afternoon,

I come before this committee on behalf of one of Nova Scotia's premier festivals, the Cedar Lebanese Festival, to discuss repercussions on cultural celebrations, such as Cedar Festival, from including "water pipe" under the new regulations proposed in Bill 60. The water pipe, also known as "hooka" or "argelieh" is an important part of Lebanese, and the broader Middle Eastern and Oriental Culture.

In Lebanon, "Argelieh", is a major part of our social culture. The busy streets of Beirut are lined with Cafés where a group of people can share a meal, hot or cold drink, an argelieh, and pass away the time socializing.

Argelieh accounts for as much as \$282 million, or 7.1% of the Lebanese Tourism Industry. In 2012, Lebanon passed legislation restricting Tobacco only. The law has been mainly ignored by authorities; however it bans tobacco smoking indoors only, defining indoors as any space with two walls and a roof. (As-Safir, 2012). Patios with the Argelieh is still a major part of the culture and can be found across Lebanon.

In our Lebanese-Canadian Community, Cigarettes smoking has become and continues to be socially taboo, and I have found no connection between smoking herbal water pipe and myself or other community members smoking cigarettes. Cigarette smokers are becoming rare in our community. Cigarettes are seen as an addiction, Argelieh is a social event. I have never smoked Argelieh alone, and it is a rare occurrence for someone to smoke alone. It is only used in broader social settings.

Realizing the harsh and addictive properties of tobacco and nicotine, most Lebanese-Canadians have switched to herbal alternatives that maintain the culture, while preventing the damaging addiction to tobacco and nicotine. This has allowed the tradition to continue to be carried on, without the harsh and addictive properties of tobacco.

We have worked to recreate the atmosphere and tradition of the Lebanese Café with the use of water pipe at Cedar Festival. As a non-profit, volunteer driven entity, we have invested money and countless volunteer hours to develop a format for our festival that highlights the cultures and traditions of our Lebanese heritage, which features use of the water pipe, with herbal only products, as one of the contributing factors.

Bill 60 proposes several changes that will adversely affect a number cultural businesses, as well as our non-profit showcase of Lebanese-Canadian Culture. When taking the applicable portions of the legislation into account, the picture is clear; the authors of this legislation propose to strictly prohibit this cultural tradition.

I have submitted an exhibit with the applicable parts of the new legislation as page 3.

I am here before the law amendments committee today, in the hope that you may add an amendment to this legislation which will allow a special permit to be acquired for cultural purposes. My exhibit also proposes acceptable amendments which will defer to regulation the specifics on how and who could receive an exception, but is clear that it would only apply to not for profit cultural events using a non-tobacco product. Broader exemptions already exist in the current legislation for Aboriginal Nova Scotians.

If you turn to the lower half of page three, you'll find our proposed amendments.

Once again, we ask this committee to do exactly what its purpose is; make an amendment to this law to allow an exception for not-for-profit cultural festivals using a non-tobacco product, outdoors only.

We thank the committee for their time and attention.

Kindest Regards,

Michael Kabalen
Vice Chair
9th Annual Cedar Lebanese Festival

Submitted by Michael Kabalen on behalf of Cedar Lebanese Festival

Consolidated Portions of the Smoke Free Act (Including Bill 60)

NEW - 2 (h) "smoke" means to smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or other substance that is intended to be smoked or inhaled;

NEW - 2 (j) "water pipe" means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through water before it is inhaled.

Existing but applies to Cedar Festival - 5(3) No person shall smoke in the outdoor area of a restaurant or a place licensed to serve alcoholic beverages if that area is used for the serving or consumption of food or beverages.

Existing (3A) No manager of an... outdoor area referred to in subsection (3) shall permit any person to smoke in that place, on those grounds or in that area.

Proposed Amendments:

Section 3 sub (2) – removing the period at the end of the section and adding “nor does it affect established cultural traditions of not-for-profit Middle Eastern or Oriental Festivals, gatherings, etc. using a non-tobacco product who acquire a permit as prescribed by regulation.”

OR

Section 5 sub (3) – removing the period at the end of the section and adding “except for established cultural traditions of not-for-profit Middle Eastern or Oriental Festivals, gatherings etc. using a non-tobacco product who acquire a permit as prescribed by regulation.”

Which would also require changing sub (3A) – removing the period at the end of the section and adding “except for established cultural traditions of not-for-profit Middle Eastern or Oriental Festivals, gatherings etc. using a non-tobacco product who acquire a permit as prescribed by regulation.”

Lebanese Love of Smoking Collides with a Public Ban

Author: As-Safir (Lebanon)

Posted September 4, 2012

September is here, and with it comes a law that is shaking Lebanon more than the electoral, domestic-violence or civil-marriage draft laws ever did.

September has arrived and the Lebanese people have forgotten about politics and kidnappings. Many have expressed their anger and dissatisfaction by sharply attacking the law prohibiting the smoking of tobacco in public places. This law will come into effect in cafes and restaurants starting today (Sept 3).

Pressing social and political issues were put aside, including the kidnapping of citizens, burning of tires, power blackouts, unbelievably high school fees and a rise in fuel prices. All of these issues were ignored last week when a number of Lebanese citizens began to brainstorm, which resulted in a unified denouncement of Law No. 174, unifying the state over a public issue for the first time.

Starting today, the owner or manager of any enclosed public place where the smoking ban is violated — whether intentionally or by negligence — will be fined between two and six times the minimum monthly wage of 675,000 Lebanese pounds (\$450). Moreover, anyone who violates the ban on tobacco advertising or removes health warnings from tobacco products will be fined between 20 and 60 times the minimum monthly wage.

Starting more than a week ago, radio stations, TV channels and social media sites ran campaigns promoting the law, as well as other campaigns opposing it and describing it as "racial and barbaric." Verbal objections to the law turned into a confrontation between civil-society organizations that support the law and owners of cafes and restaurants who oppose it. The owners say that the law will negatively affect their businesses, and these claims are backed up by a study that reveals "scary" economic numbers.

Today is a test day. Today, owners of cafes and restaurants are scared of vacant tables and worried about the customers who only come in to enjoy a hookah, pulling restless bubbles through the water.

Today, civil-society organizations will be on the lookout for violators, armed with a law that was passed exactly a year ago. This law — based on the principle of public interest — was considered a victory for civil-society groups.

The judicial police, which includes internal security forces, the public-health ministry's inspectors, the directorate of customer protection, the ministry of economy and the tourism police, is responsible for enforcing the smoking ban. Lebanese Interior Minister Marwan Charbel announced on Friday that the judicial police's work has begun. This comes amid doubts about the judicial police's ability to accomplish its mission in a just and comprehensive manner, especially given reductions in its staff.

The judicial police will be scrutinized by all. Restaurant owners may avoid them, fear them or underestimate their role. The relevant ministries will request strict application of the law and civil-society organizations will seek to support the judicial police by deploying more than 70 civilians who will work as informants. They will write reports on their experiences in cafes, restaurants and enclosed areas.

The advantage of this day and the days that will follow is supposed to be cleaner air for the Lebanese people, with the hope that this law will not be subject to the well-known Lebanese rule: "A law is adopted in Lebanon only to be violated."

This law provides the Lebanese people with yet another issue to divide the public between supporters and opponents, each taking an extreme position.

Through their reactions to this law, smokers have exhibited the highest degree of disregard for public interest and have disparaged the state's ability to accomplish even a simple task — such as passing a law banning smoking — and the state's attempts to save a society that seems to enjoy anarchism.

Smokers do not hesitate to insult officials for failing in other issues, yet they ignore laws that could benefit citizens, women and human rights in general. Paradoxically, many of those who condemn this law did not care about a law that "legitimized," to some extent, domestic violence. This forces us to question the principles of a person who can see his mother or sister beaten and abused, but cannot stand the idea of being prohibited from smoking in public places or in a coffee shop.

It has reached the point that smokers dare to consider this law a form of discrimination against them, ignoring the fact that smoking is not an important issue, has no positive aspects and is not worth being supported.

Hookah is a part of Lebanese identity

The general secretary for the syndicate of owners of restaurants, cafes, night clubs and bakeries, Toni Rami, is not convinced by the law's supporters. He is armed with a study providing figures that threaten the sector and indicate big job losses. The study was conducted by a company with longstanding links to tobacco companies and provides worrying figures regarding the sector's size, profitability and job opportunities. According to the syndicate, restaurants, cafes, bars and night clubs currently bring in revenues of \$735 million.

The law in its current form, he says, will likely reduce revenues by \$282 million, which represents 7.1% of the GDP in the tourism sector, and will be a major setback to the Lebanese economy as a whole. It will also reduce tourism spending by \$46 million, which could lead to the loss of 2,600 full-time jobs. The law will cut down the revenues of restaurants, cafes, bars and nightclubs by 25%, though cafes will be the ones most affected by the law.

Rami says that "there are close to 6,000 touristic establishments in Lebanon, 5,000 of which are licensed as restaurants." He calls for "allowing 1,000 Lebanese restaurants to serve hookah. It is a slight amendment to the law, and would allow citizens to choose the type of restaurants they prefer."

Rami explains: "We are not against the law. The law should be applied gradually over several years, after spreading awareness among citizens and finding alternative products for cigarettes and hookah, as well as alternative investments. Today, how is it possible to ban hookah, which is part of Lebanon's heritage, everyday life, identity and beauty? Is it not sad?"

Rami reiterated "the union's demand to amend the law in a way that would facilitate its broad application, while taking into account the special situation in Lebanon."

No Intention to amend the law

Atef Majdalani, head of the parliamentary health committee, says that "there is no intention to amend the law. We cannot amend a law we have not yet applied, and whose supposed negative effects have yet to be seen."

But will police be able to enforce this law? Majdalani says that "this law is primarily concerned with the Lebanese citizen, and thus it is his or her responsibility help apply the law. We are relying on the awareness of citizens who care about their fellow citizens and are looking out for the interest of society." He pointed out that "the

economic losses that people have been talking about are offset by the death of 3,500 persons annually in Lebanon due to diseases caused by smoking, as well as the annual health bill for smoking-related diseases, which is approximately \$300 million."

Rania Baroud, vice president of the Free Life Without Smoking Association, said that "the harsh criticism of this law voiced by business owners was very much expected, as was the case in many countries. But in the end, everyone should adhere to the law. We cannot stand idly by as we watch cafes and restaurants turn into centers for collective suicide."

Baroud explains that "the owners of restaurants and cafes were given a full year to change their business strategy out of respect for the 62% of the population who are non-smokers. But they thought that the law would not be implemented and dealt with it lightly. Today, they have to face this reality." Baroud says that "the study conducted at the request of the Syndicate of Owners of Restaurants, Cafes, Night Clubs and Bakeries in Lebanon is inaccurate, and is refuted by several studies conducted by the World Health Organization, the American University of Beirut, Harvard University and the Ministry of Health, which assert that restaurants regain and attract different types of customers after a short a period of time. The American University of Beirut will present tomorrow [August 4] a scientific study in response to the one provided by the syndicate."

According to Baroud, "we cannot legalize products based on financial return. If we follow this principle, we should be lenient with marijuana and other drugs since they generate huge profits." She adds, "The state has a duty to protect its citizens, as well as the employees at cafes that offer hookah. These workers are obliged to prepare hookahs for customers on a daily basis, and are thus subjected to secondhand smoke. According to global figures, 200,000 workers in the tourism sector die each year as a result of secondhand smoke."

A ceiling and two walls

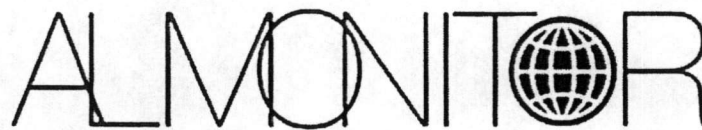
A number of restaurants and shopping malls in the Hamra and Achrafieh districts of Beirut have already had successful experiences in banning smoking. Today, other restaurants and cafes are expected to conform to the ban, which is the third and final phase of Law No. 174. This phase includes "banning smoking or the lighting of any tobacco product inside any closed area that has a touristic or entertainment nature (restaurants, cafes, hotels, nightclubs)." Hotels are permitted to allocate 20% of their

rooms to smokers. It also prohibits the packaging or marking of any tobacco product with misleading terms (mild, light, super light). Also, a health warning should cover up to 40% of the area on both sides of each cigarette pack.

A closed area is defined as an area covered by a ceiling and bordered by more than two walls, regardless of the type of material used in the construction of the ceiling or walls and whether the building is permanent or temporary.

September 4, 2011 was supposed to be the date for implementing the first phase of the law, which included a ban on smoking in certain closed public places, such as the Presidential Palace, the Council of Ministers, and the Parliament, as well as private companies, workplaces, hospitals and sports stadiums. The second phase was to be implemented last March, and included "banning the placement of advertisements that promote smoking in streets, over buildings and in shop windows; prohibiting the use of such images at any cultural, sports, political, commercial or social event; prohibiting cigarette advertisements or promotions across all advertising media; and preventing the manufacturing, import, promotion, selling and display of any goods that suggest tobacco products."

Read More: <http://www.al-monitor.com/pulse/culture/2012/09/lebanon-smoking-ban.html>



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