



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: June 12, 2007
SUBJECT: Hookah Cafes

Over the past year, the Troy Police Department and Troy Community Coalition have received complaints about certain restaurants or cafes that are allowing under-aged persons to illegally smoke hookahs. A hookah is a traditional Arabic water pipe used to smoke flavored tobacco. Hookahs have traditionally been offered in Middle Eastern restaurants or coffee shops. Over the last few years, hookahs have become increasingly popular with youth, and are being offered at wide variety of restaurants, cafes and nightclubs across the country. Although sometimes marketed as a safe alternative to cigarette smoking, according to a 2005 World Health Organization study, hookahs have the same negative health affects typically associated with cigarettes – such as heart disease and cancer.

The City currently has ordinances that prohibit persons under the age of 18 years from purchasing or using tobacco (Chapter 98, section 12.01). In addition, Chapter 98, Section 12.2 prohibits a person from selling or furnishing tobacco to a person under the age of 18. For each hookah complaint received so far, the Troy Police Department has investigated for possible violations of these two ordinance provisions. Aggressive enforcement of Chapter 98, sections 12.01 and 12.02 will continue for all businesses and establishments that sell tobacco products operating in Troy. However, given the continued popularity of hookahs with young people in Troy, City Council may want to adopt an ordinance requiring hookah cafes or other type of smoking lounges to apply for and obtain a license from the City. By requiring a license, each prospective hookah or smoking lounge operator would be subject to an investigation and background check by City Staff, which would insure that only qualified persons operate these types of businesses.

If Council is interested in pursuing such an ordinance, we are prepared to bring back a draft ordinance for a future City Council agenda. Troy would be one of the first municipalities to adopt legislation specifically directed to hookahs or smoking lounges.

If you have any questions please let us know.