

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage and Be Referred to the Committee on Elections, Ethics and Rules
Vote:	6 - 0 - 1
Yeas:	Cowan, Gelser, Gilliam, Kotek, Maurer, Tomei
Nays:	0
Exc.:	Olson
Prepared By:	Andy Smith, Administrator
Meeting Dates:	4/27

WHAT THE MEASURE DOES: Expands prohibition against smoking in public places and places of employment. Prohibits smoking within 10 feet of entrances, exits, windows and ventilation intakes of public places and places of employment. Specifies exceptions, including up to 25 percent of a hotel's sleeping rooms and for religious ceremonies. Imposes civil fines for violations.

ISSUES DISCUSSED:

- Referral to Committee on Elections, Ethics and Rules

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Subject to a number of exceptions, Oregon presently restricts the ability to smoke in public places and places of employment. Each of these terms is defined by reference to an "enclosed area" with certain characteristics. House Bill 2571 expands this prohibition in a number of ways. The measure makes three key definitional changes: (1) "enclosed areas" can be three-sided rather than needing to be enclosed on all sides and can involve "permanent or temporary walls" as opposed to "solid" walls; (2) "place of employment" also includes work vehicles, meeting rooms, elevators, stairways and certain health care facilities; and (3) "public place" now includes "any enclosed area open to the public" (there used to be several exceptions).

House Bill 2571 prohibits smoking within 10 feet of the entrance, exit, open window, or ventilation intake of any public place or place of employment. The measure eliminates many existing exceptions to the rule that an employer must provide a smoke-free workplace; under existing law, these exceptions include, but are not limited to, certain tobacco stores, bars, restaurants, bingo halls, bowling alleys and lounges. All existing exceptions are eliminated and replaced by two different exceptions: (1) up to 25 percent of hotel rooms may be designated as smoking rooms; and (2) smoking of noncommercial tobacco products for ceremonial purposes under the federal American Indian Religious Freedom Act.

House Bill 2571 diverts civil fines collected by the Department of Human Services (DHS) for noncompliance from the General Fund to the Tobacco Use Reduction Account. The measure enhances the potential penalty against a non-compliant employer from a maximum of \$50/day to \$500/day, and from a maximum of \$1,000 in a 30-day period to \$2,000 in a 30-day period. House Bill 2571 repeals ORS 433.863, which limits a local government's ability to prohibit smoking, and ORS 433.865, thereby allowing DHS to waive the smoking prohibitions in certain circumstances.

5/14/2007 10:23:00 AM

This summary has not been adopted or officially endorsed by action of the committee.