

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	3 - 2 - 0
Yeas:	Prozanski, Walker, Burdick
Nays:	Beyer, Kruse
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	2/16, 3/16

WHAT THE MEASURE DOES: Expands definitions of “enclosed area,” “place of employment,” and public place” for purposes of smoking restrictions. Revises finding of people of Oregon relating to secondhand smoke. Prohibits smoking within 25 feet of certain public places. Narrows exceptions to requirement that employer provide smoke-free workplace. Diverts funds collected from noncompliance fines from General Fund to Tobacco Use Reduction Account. Enhances fine against employer for failing to provide smoke-free workplace. Repeals existing ORS 433.863 and 433.865.

ISSUES DISCUSSED:

- Health and financial effects of secondhand smoke
- Effect on certain businesses or charitable organizations
- Impact of existing ordinances in Corvallis and Eugene

EFFECT OF COMMITTEE AMENDMENT: Replaces prohibition on smoking within 25 feet of certain public places with 10 feet requirement. Modifies ORS 441.815 relating to hospitals; prohibits smoking in hospital or within 10 feet of doorway, open window or ventilation intake of hospital and provides fines up to \$500 per day per person or \$2,000 in any 30-day period. Creates exception for “smoke-shop;” defines term; clarifies that smoke-shop may sell alcohol in lounge area between 3 p.m. and 8 p.m.

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. SB 571 expands this prohibition in at least the following ways. First, it 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). Second, SB 571 prohibits smoking within 25 feet of the entrance, exit, open window, or ventilation intake of any public place or place of employment.

Third, SB 571 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.

Fourth, SB 571 diverts civil fines collected by the Oregon Department of Human Services (DHS) for noncompliance from the General Fund to the Tobacco Use Reduction Account. Fifth, SB 571 enhances the potential penalty against a non-compliant employer from a maximum of \$50/day to \$500/day and a maximum of \$1,000 in a 30-day period to \$2,000 in a 30-day period. Sixth, SB 571 repeals ORS 433.863, which limits a local government’s ability to prohibit smoking, and ORS 433.865, which allows DHS to waive the smoking prohibitions in certain circumstances.

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