

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 2 - 0

Yeas: Cowan, Gelser, Kotek, Maurer, Tomei

Nays: Gilliam, Olson

Exc.: 0

Prepared By: Andy Smith, Administrator

Meeting Dates: 5/30

WHAT THE MEASURE DOES: Narrows exceptions to requirement that employers provide smoke-free workplace. Expands definitions of “enclosed area,” “place of employment,” and “public place” for purposes of smoking restrictions. Prohibits smoking within 10 feet of entrances, exits, opening windows and ventilation intakes of public places and places of employment. 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. Allows exceptions for up to 25 percent of hotel rooms, smoke shops and cigar bars. Prohibits smoke shops from selling or offering alcoholic beverages on premises. Specifies effective date as January 1, 2009.

ISSUES DISCUSSED:

- Health and financial effects of second hand smoke
- Impacts on bars, charitable organizations, and Portland Meadows race course
- Accuracy of revenue impact forecasts
- Smoke shops
- Workplace health risks for musicians

EFFECT OF COMMITTEE AMENDMENT: Removes exception for race courses. Prohibits smoke shops from selling or offering alcoholic beverages on premises. Removes potential conflict with Senate Bill 84.

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 571C expands this prohibition on smoking.

SB 571C 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. SB 571C would eliminate all existing exceptions and replace them with four different exceptions: (1) Up to 25 percent of hotel rooms may be designated as smoking rooms; (2) Smoking of noncommercial tobacco products for ceremonial purposes under the federal American Indian Religious Freedom Act; (3) Smoke shops, which could not serve alcohol; and (4) Cigar bars with a maximum capacity of 40 persons.