

# House Bill 2016

Sponsored by Representative BARNHART; Representatives BUCKLEY, COWAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits smoking within 75 feet of air intake to public place or place of employment.

### A BILL FOR AN ACT

Relating to smoking; amending ORS 433.835 and 433.845.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 433.835 is amended to read:

433.835. As used in ORS 433.835 to 433.875:

(1) **"Air intake" means a doorway, a window that opens, an air vent or any other opening that allows air to enter a public place or place of employment.**

[(1)] (2) "Enclosed area" means all space between a floor and a ceiling that is enclosed on all sides by solid walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling.

[(2)] (3) "Place of employment" means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, rest rooms, conference rooms, classrooms, cafeterias and hallways. "Place of employment" does not include a private residence unless it is used as a child care facility as defined in ORS 657A.250, a facility providing adult day care as defined in ORS 410.490 or a health care facility as defined in ORS 442.015.

[(3)] (4) "Public place" means any enclosed indoor area open to and frequented by the public, except those public places subject to ORS 441.815, including but not limited to restaurants, as defined in ORS 624.010, retail stores, banks, commercial establishments, educational facilities, nursing homes, auditoriums, arenas, meeting rooms and grocery stores.

[(4)] (5) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment.

**SECTION 2.** ORS 433.845 is amended to read:

433.845. *[No person shall]* **A person may not** smoke or carry any lighted smoking instrument in a public place **or within 75 feet of an air intake to a public place or a place of employment** except in areas designated as smoking areas pursuant to ORS 433.850. Smoking is prohibited in a room during the time that jurors are required to use the room.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.