

Senate Bill 419

Sponsored by Senator GORDLY

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**.

Extends prohibition on smoking in public places and places of employment to include all restaurants, bars and taverns.

A BILL FOR AN ACT

1
2 Relating to smoking; amending ORS 433.835 and 433.850.

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

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

5 433.835. As used in ORS 433.835 to 433.875:

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

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

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

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

20 **SECTION 2.** ORS 433.850 is amended to read:

21 433.850. (1) Except as provided in subsection (2) of this section, an employer shall provide a
22 place of employment that is free of tobacco smoke for all employees.

23 (2) The following areas are not subject to the smoking restrictions in subsection (1) of this sec-
24 tion:

25 (a) Retail businesses primarily engaged in the sale of tobacco or tobacco products.

26 *[(b) Restaurants posted as off-limits to minors or areas of restaurants posted as off-limits to minors
27 under rules adopted by the Oregon Liquor Control Commission.]*

28 *[(c) Bars or taverns posted as off-limits to minors under rules adopted by the Oregon Liquor Con-
29 trol Commission.]*

30 *[(d)]* (b) Rooms or halls being used by a charitable, fraternal or religious organization to conduct
31 bingo games under a license issued pursuant to ORS 464.270.

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.

- 1 [(e)] (c) Bowling centers.
 - 2 [(f)] (d) Rooms designated by the owner or person in charge of a hotel or motel as rooms in
 - 3 which smoking is permitted.
 - 4 [(g)] (e) Employee lounges designated by an employer for smoking if:
 - 5 (A) The lounge is not accessible to minors;
 - 6 (B) The air in the lounge is exhausted directly to the outside by an exhaust fan and not recir-
 - 7 culated to other parts of the building;
 - 8 (C) The lounge is in compliance with ventilation standards established by rule by the Depart-
 - 9 ment of Human Services;
 - 10 (D) The lounge is located in a nonwork area where no employee is required to enter as part of
 - 11 the employee's work responsibilities. For purposes of this paragraph, "work responsibilities" does
 - 12 not include custodial or maintenance work carried out in a lounge when it is unoccupied; and
 - 13 (E) There are sufficient nonsmoking lounges to accommodate nonsmokers.
 - 14 (3) An employer, except in those places described in subsection (2) of this section, shall post
 - 15 appropriate signs.
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