

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler
Nays:	0
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	3/16

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**WHAT THE MEASURE DOES:** Allows a performer in a scripted stage, motion picture or television production to use a lighted smoking instrument that does not contain tobacco in a public place or place of employment under specified circumstances. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- History behind the measure's development
- Effectiveness of smoking instrument options beyond an herbal cigarette, i.e. talcum powder cigarettes and electronic cigarettes
- Whether the amendment would accommodate the quality standards of a theatrical production
- What is contained in herbal cigarettes used by production companies
- No fiscal impact to the Oregon Health Authority's Public Health Division, which administers the state's Indoor Clean Air Act

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that the lighted smoking instrument may not contain tobacco.

**BACKGROUND:** ORS 433.840, which establishes the policy behind Oregon's Indoor Clean Air Act (ICAA), states that "...because exposure to secondhand smoke is known to cause cancer and other chronic diseases such as heart disease, asthma and bronchitis, it is necessary to reduce exposure to tobacco smoke by prohibiting smoking in all public places and places of employment." To accommodate the statute, stage and screen production companies use non-tobacco cigarettes in scenes that require a performer to smoke, and numerous companies have also informed patrons of its usage for purposes of complying with the ICAA. However, a 2009 interpretation by the Multnomah County Health Department specified that the usage of any type of smoking instrument is not in compliance with the law.

House Bill 3457-A adds smoking by a performer while in character during a stage, movie, or television production to the list of exemptions under the ICAA. The exemption is allowed if the production is produced by an organization whose primary purpose is producing scripted productions, smoking is an integral part of the production, and the lighted smoking instrument does not contain tobacco.

Current exemptions for the ICAA are smoking in a smoke shop, in a cigar bar that generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006; and in a hotel or motel room where smoking is permitted, and spaces designated for traditional ceremonies in accordance with the federal American Indian Religious Freedom Act (noncommercial tobacco products for ceremonial purposes only).

3/22/2011 11:34:00 AM

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