

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 1
Yeas:	Atkinson, Burdick, Girod, Starr, Beyer
Nays:	0
Exc.:	Edwards
Prepared By:	Richard Berger, Administrator
Meeting Dates:	5/12

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 emergency, effective on passage.

ISSUES DISCUSSED:

- Definition of “scripted”
- Importance of smoking devices as props
- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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; 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).

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