

House Bill 2350

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Business and Labor)

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**.

Provides that business primarily engaged in sale of tobacco products and smoking instruments on December 31, 2008, may qualify as "smoke shop" for purposes of Oregon Indoor Clean Air Act even if business is not stand-alone business.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the Oregon Indoor Clean Air Act; amending ORS 433.835; and declaring an emergency.

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) "Cigar bar" means a business that:

(a) Has on-site sales of cigars as defined in ORS 323.500;

(b) Has a humidor on the premises;

(c) Allows the smoking of cigars on the premises but prohibits the smoking of all other tobacco products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as defined by the Oregon Health Authority by rule;

(d) Has been issued and operates under a full on-premises sales license issued under ORS 471.175;

(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;

(f) Does not offer video lottery games as authorized under ORS 461.217;

(g) Has a maximum seating capacity of 40 persons;

(h) Has a ventilation system that is certified by the assistant to the State Fire Marshal described in ORS 476.060 for the jurisdiction in which the cigar bar is located as adequate to remove the cigar smoke in the cigar bar and vents the smoke from the cigar bar in a manner that prevents the smoke from entering any other establishment; and

(i) Requires all employees to read and sign a document that explains the dangers of exposure to secondhand smoke.

(2) "Enclosed area" means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

(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, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafe-

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 terias, hallways, meeting rooms, elevators and stairways. "Place of employment" does not include a
2 private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility
3 providing adult day care as defined in ORS 410.490.

4 (4) "Public place" means any enclosed area open to the public.

5 (5) "Smoke shop" means a business that:

6 (a) Is primarily engaged in the sale of tobacco products and smoking instruments, with at least
7 75 percent of the gross revenues of the business resulting from such sales;

8 (b) Prohibits persons under 18 years of age from entering the premises;

9 (c) Does not offer video lottery games as authorized under ORS 461.217, social gaming or betting
10 on the premises;

11 (d) Does not sell or offer on-premises consumption of alcoholic beverages; and

12 (e)(A) Is a stand-alone business with no other businesses or residential property attached to the
13 premises; **or**

14 **(B) Was primarily engaged in the sale of tobacco products and smoking instruments, with**
15 **at least 75 percent of the gross revenues of the business resulting from such sales, on De-**
16 **cember 31, 2008.**

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

18 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
20 **on its passage.**

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