

**A-Engrossed**  
**House Bill 3457**

Ordered by the House March 22  
Including House Amendments dated March 22

Sponsored by Representative SCHAUFLEER, Senator BATES; Representative BUCKLEY (at the request of The Cultural Advocacy Coalition)

**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.

Allows performer in scripted stage, motion picture or television production to smoke **or carry lighted smoking instrument that does not contain tobacco** in public place or place of employment in certain circumstances.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to the use of smoking instruments in scripted productions; amending ORS 433.850; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 433.850 is amended to read:

6 433.850. (1) An employer shall provide a place of employment that is free of tobacco smoke for  
7 all employees.

8 (2) Notwithstanding subsection (1) of this section:

9 (a) The owner or person in charge of a hotel or motel may designate up to 25 percent of the  
10 sleeping rooms of the hotel or motel as rooms in which smoking is permitted.

11 (b) Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces  
12 designated for traditional ceremonies in accordance with the American Indian Religious Freedom  
13 Act, 42 U.S.C. 1996.

14 (c) Smoking is permitted in a smoke shop.

15 (d) Smoking is permitted in a cigar bar that generated on-site retail sales of cigars of at least  
16 \$5,000 for the calendar year ending December 31, 2006.

17 (e) **A performer may smoke or carry a lighted smoking instrument that does not contain**  
18 **tobacco while performing in a scripted stage, motion picture or television production if:**

19 **(A) The production is produced by an organization whose primary purpose is producing**  
20 **scripted productions; and**

21 **(B) Smoking is an integral part of the production.**

22 (3) An employer, except in those places described in subsection (2) of this section, shall post  
23 signs that provide notice of the provisions of ORS 433.835 to 433.875.

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

**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.

