

# Senate Bill 783

Sponsored by Senator TELFER; Representatives CONGER, SHEEHAN, WHISNANT

## 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, qualifies as smoke shop for purposes of Oregon Indoor Clean Air Act.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Indoor Clean Air Act; amending ORS 433.835; and declaring an emergency.

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) "Cigar bar" means a business that:

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

8 (b) Has a humidor on the premises;

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

12 (d) Has been issued and operates under a full on-premises sales license issued under ORS  
13 471.175;

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

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

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

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

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

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

27 (3) "Place of employment" means every enclosed area under the control of a public or private  
28 employer that employees frequent during the course of employment, including but not limited to  
29 work areas, employee lounges, vehicles that are operated in the course of an employer's business  
30 that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafe-  
31 terias, hallways, meeting rooms, elevators and stairways. "Place of employment" does not include a

**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 private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility  
2 providing adult day care as defined in ORS 410.490.

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

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

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

7 [(b)] (B) Prohibits persons under 18 years of age from entering the premises;

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

10 [(d)] (D) Does not sell or offer on-premises consumption of alcoholic beverages; and

11 [(e)] (E) Is a stand-alone business with no other businesses or residential property attached to  
12 the premises; **or**

13 **(b) Was primarily engaged in the sale of tobacco products and smoking instruments, with**  
14 **more than 50 percent of the gross revenues of the business resulting from such sales, on**  
15 **December 31, 2008.**

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

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

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