

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 1598**

1 On page 1 of the printed bill, line 2, after “ORS” insert “433.835,
2 433.850.”.

3 On page 4, after line 7, insert:
4

5 **“OREGON INDOOR CLEAN AIR ACT**

6
7 **“SECTION 8. ORS 433.835 is amended to read:**

8 **“433.835. As used in ORS 433.835 to 433.875:**

9 **“(1) ‘Cannabis cafe’ means a members-only facility that allows the**
10 **medical consumption of cannabis, or the personal consumption of**
11 **cannabis, in a controlled area of the facility that is out of public view.**

12 **“[(1)] (2) ‘Cigar bar’ means a business that:**

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

14 **“(b) Has a humidor on the premises;**

15 **“(c) Allows the smoking of cigars on the premises but prohibits the**
16 **smoking, aerosolizing or vaporizing of other inhalants on the premises;**

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

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

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

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

2 “(h) Has a ventilation system that exhausts smoke from the business and
3 is designed and terminated in accordance with the state building code stan-
4 dards for the occupancy classification in use; and

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

7 “[2] (3) ‘Inhalant’ means nicotine, a cannabinoid or any other substance
8 that:

9 “(a) Is in a form that allows the nicotine, cannabinoid or substance to
10 be delivered into a person’s respiratory system;

11 “(b) Is inhaled for the purpose of delivering the nicotine, cannabinoid or
12 other substance into a person’s respiratory system; and

13 “(c)(A) Is not approved by, or emitted by a device approved by, the United
14 States Food and Drug Administration for a therapeutic purpose; or

15 “(B) If approved by, or emitted by a device approved by, the United States
16 Food and Drug Administration for a therapeutic purpose, is not marketed
17 and sold solely for that purpose.

18 “(4) **‘Medical consumption of cannabis’ means the administration**
19 **of cannabis, or use of paraphernalia used to administer cannabis, to**
20 **mitigate the symptoms or effects of a debilitating medical condition**
21 **as described in ORS 475B.400 to 475B.525.**

22 “(5) **‘Personal consumption of cannabis’ means the smoking,**
23 **aerosolizing or vaporizing of cannabis by an individual who:**

24 “(a) **Is 21 years of age or older; and**

25 “(b) **Does not hold a valid registry identification card issued under**
26 **ORS 475B.415.**

27 “[3](a) (6)(a) ‘Place of employment’ means an enclosed area under the
28 control of a public or private employer, including work areas, employee
29 lounges, vehicles that are operated in the course of an employer’s business
30 and that are not operated exclusively by one employee, rest rooms, confer-

1 ence rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and
2 stairways.

3 “(b) ‘Place of employment’ does not include a private residence unless it
4 is used as a child care facility as defined in ORS 329A.250 or a facility pro-
5 viding adult day care as defined in ORS 410.490.

6 “[4] (7) ‘Public place’ means an enclosed area open to the public.

7 “[5] (8) ‘Smoke shop’ means a business that is certified with the Oregon
8 Health Authority as a smoke shop pursuant to the rules adopted under ORS
9 433.847.

10 “[6] (9) ‘Smoking instrument’ means any cigar, cigarette, pipe or other
11 instrument used to smoke tobacco, [*marijuana*] **cannabis** or any other
12 inhalant.

13 **“SECTION 9.** ORS 433.850 is amended to read:

14 “433.850. (1) An employer:

15 “(a) Shall provide for employees a place of employment that is free of all
16 smoke, aerosols and vapors containing inhalants; and

17 “(b) May not allow employees to smoke, aerosolize or vaporize inhalants
18 at the place of employment.

19 “(2) Notwithstanding subsection (1) of this section:

20 “(a) The owner or person in charge of a hotel or motel may designate up
21 to 25 percent of the sleeping rooms of the hotel or motel as rooms in which
22 the smoking, aerosolizing or vaporizing of inhalants is permitted.

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

26 **“(c) The medical consumption of cannabis is permitted in the place**
27 **of employment of a licensee of a professional licensing board as de-**
28 **scribed in ORS 475B.485.**

29 “[c] (d) The smoking of tobacco products is permitted in a smoke shop.

30 “[d] (e) The smoking of cigars is permitted in a cigar bar that generated

1 on-site retail sales of cigars of at least \$5,000 for the calendar year ending
2 December 31, 2006.

3 **“(f) The medical consumption of cannabis and the personal con-
4 sumption of cannabis are permitted in a cannabis cafe that:**

5 **“(A) Obtains the signature of each employee, vendor or agent of a
6 vendor who enters the controlled area of the facility on a document
7 that provides notice of the documented dangers, if any, of exposure
8 to secondhand smoke, aerosol or vapor;**

9 **“(B) Allows only a person who is 21 years of age or older or a person
10 who holds a valid registry identification card issued under ORS
11 475B.415 to enter into the controlled area of the facility;**

12 **“(C) Has a ventilation system that exhausts smoke, aerosol or vapor
13 from the cannabis cafe and that is designed and terminated in ac-
14 cordance with the state building code standards for the occupancy
15 classification in use; and**

16 **“(D) Posts notice, at each entrance to the controlled area of the
17 facility, of the limits on accessing the controlled area as required by
18 subparagraph (B) of this paragraph.**

19 **“[(e)] (g) A performer may smoke or carry a lighted smoking instrument
20 that does not contain tobacco or [marijuana] cannabis, and may aerosolize
21 or vaporize a substance that does not contain nicotine or a cannabinoid,
22 while performing in a scripted stage, motion picture or television production
23 if:**

24 **“(A) The production is produced by an organization whose primary pur-
25 pose is producing scripted productions; and**

26 **“(B) The act of smoking, aerosolizing or vaporizing is an integral part of
27 the production.**

28 **“[(f) *The medical use of marijuana is permitted in the place of employment*
29 *of a licensee of a professional licensing board as described in ORS 475B.485.*]**

30 **“(3) An employer, except in those places described in subsection (2) of this**

1 section, shall post signs that provide notice of the provisions of ORS 433.835
2 to 433.875.

3 **“SECTION 10. (1) The governing body of a city or county may adopt**
4 **ordinances, to be referred to the electors of the city or county as de-**
5 **scribed in subsection (2) of this section that prohibit or allow the es-**
6 **tablishment of cannabis cafes, as defined in ORS 433.835, in the area**
7 **subject to the jurisdiction of the city or unincorporated area subject**
8 **to the jurisdiction of the county.**

9 **“(2) If the governing body of a city or county adopts an ordinance**
10 **under this section, the governing body shall submit the measure of the**
11 **ordinance to the electors of the city or county for approval at the next**
12 **statewide general election.**

13 **“SECTION 11. (1) As used in this section, ‘qualifying city or**
14 **county’ means a county, or a city located in a county, in which not**
15 **less than 55 percent of votes cast in the county during the statewide**
16 **general election held on November 4, 2014, on chapter 1, Oregon Laws**
17 **2015, were in opposition to the measure.**

18 **“(2)(a) The governing body of a qualifying city or county may adopt**
19 **ordinances that prohibit the establishment of cannabis cafes, as de-**
20 **defined in ORS 433.835, in the area subject to the jurisdiction of the city**
21 **or in the unincorporated area subject to the jurisdiction of the county.**

22 **“(b) The governing body of a qualifying city or county may not**
23 **adopt an ordinance under this section later than 180 days after the**
24 **effective date of this 2016 Act.”.**

25 In line 11, delete “8” and insert “12”.

26 In line 17, delete “9” and insert “13”.

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