

Health Department

May 24, 2017

House Committee On Economic Development and Trade
900 Court St. NE – HR E
Salem, Oregon 97301

Re: SB 1044-A11, Alcohol sales at Oregon Indoor Clean Air Act certified smoke shops

Chair Lininger and members of the committee my name is Dr. Jae Douglas; I am the Environmental Health Services Director for Multnomah County Health Department. Thank you for the opportunity to provide testimony. Today, I am going to focus on our opposition to the -A11 amendment to Senate Bill 1044.

The -A11 amendment to SB 1044 removes the current prohibition under the Oregon Indoor Clean Air Act (ICAA) for certified smoke shops to allow on-site sales and consumption of food and alcoholic beverages through temporary Oregon Liquor Control Commission (OLCC) permits. We oppose allowing the sale and consumption of food and alcoholic beverages in smoke shops because it creates social settings for indoor tobacco use, and changes the norms around public smoking. Also of significant concern, it is not clear how this exemption would prevent alcohol being offered and sold at locations where minors are present.

The original intention of a smoke shop certification under ICAA was to allow indoor smoking to provide consumers the opportunity to sample products for the purpose of making retail purchase decisions. House Bill 2726 was passed in 2011 to tighten up the rules related to exempt businesses, and change the “definition of smoke shop for purpose of Oregon Indoor Clean Air Act by ... allowing smoking for sampling only¹.” The Oregon Indoor Clean Air Act was never intended to create a social gathering place for indoor smoking while drinking and/or eating food.

Per the Oregon Indoor Clean Air Act, certified smoke shops are restricted to youth 18 and older. We are concerned that this amendment does not make it clear how youth 18 to 20 will be prohibited from accessing alcohol when it is offered at these businesses. Multnomah County enforces the Indoor Clean Air Act within our jurisdiction through an intergovernmental agreement with the Oregon Health Authority, yet OLCC would be approving permits to allow on site consumption of alcohol at certified smoke shops. We are concerned about the lack of clarity about which agency would be providing oversight to make sure staff are not allowing youth to purchase or consume alcohol. We are also

¹ <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureAnalysisDocument/15733>

very concerned about how enforcement activities across tobacco and alcohol will be coordinated between the responsible agencies.

As a local public health authority, we are responsible for protecting the health of our entire county. We strongly oppose this amendment because it weakens the true intent of what this law was established to do, which is to protect workers and the public from the known dangers of secondhand smoke and denormalize smoking indoors.

For these reasons, we urge that the -A11 amendment is not adopted. Thank you for the opportunity to be here today. I am happy to answer any questions you may have at this time.

Sincerely,

Jae Douglas, MSW, PhD
Environmental Health Services Director
Multnomah County Health Department