



May 24, 2017

TO: The Honorable Ann Lininger, Chair
House Committee on Economic Development and Trade

FROM: Karen Girard, Manager
Health Promotion and Chronic Disease Prevention
Public Health Division
Oregon Health Authority

SUBJECT: SB 1044 -A11, Alcohol Consumption in Certified Smoke Shops

Chair Lininger and members of the committee, my name is Karen Girard and I am the Health Promotion and Chronic Disease Prevention Section Manager for the Oregon Health Authority. I am here today to provide information related to the -A11 amendment, concerning the allowance of on-premises consumption of alcoholic beverages at smoke shops certified by the Oregon Health Authority.

Oregon's Indoor Clean Air Act (ICAA) protects nearly every Oregon employee and resident from the health risks of secondhand smoke by prohibiting smoking in most public places and workplaces, including bars and restaurants. There are a few exceptions written into the law that continue to expose Oregonians to secondhand smoke. These exemptions include certified cigar bars and certified smoke shops. At present, there are 10 certified cigar bars and 23 certified smoke shops in Oregon.

Under current law, cigar bars are the only places where people are allowed to smoke (only cigars) for the purposes of smoking. Cigar bars were grandfathered in when the ICAA passed in 2007. In smoke shops, people are only allowed to smoke tobacco products for the sole purpose of making retail purchase decisions.

The -A11 amendment would amend the ICAA to allow for the consumption of alcoholic beverages at smoke shops certified by the Oregon Health Authority. Currently, the Oregon Health Authority has certified 23 smoke shops, as defined by ORS 433.847. Half of these certified smoke shops (11 out of 23) are hookah lounges. Hookah users in Oregon are primarily youth and young adults who are

attracted to the flavored tobacco products sold at hookah lounges.¹ While only 1.5 percent of adults over age 25 smoke hookahs, 4 percent of eighth graders use hookahs, 7.5 percent of eleventh graders use hookahs, and 12.6 percent of people aged 18-25 use hookahs. Allowing the sale and consumption of alcohol in hookah lounges would introduce alcohol consumption in places frequented by 18, 19, and 20 year olds.

According to statute, one of the requirements for becoming a certified smoke shop is that the business “allows smoking of tobacco product samples only for the purpose of making retail purchase decisions.” Thus, smoke shops allow the customer to sample tobacco to determine what tobacco product they would like to purchase, which is unrelated to the consumption of alcohol.

Currently, it is only legal to smoke cigars and consume alcohol on the same premises in 10 cigar bars, which were grandfathered in when the ICAA passed in 2007. Allowing consumption of alcoholic beverages in smoke shops expands the places where people can smoke tobacco and drink alcohol in the same commercial establishment. The ICAA explicitly prohibited smoking in bars, with the sole exemption being the existing cigar bars, and erodes social norms that have been changed by Indoor Clean Air legislation all over the country.

Exposure to secondhand smoke continues to affect Oregonians. In 2015, an estimated 544,000 Oregonians reported that they are exposed to secondhand smoke indoors. In Oregon, more than three quarters of a million people use tobacco, including more than half a million who smoke cigarettes.

Administering and enforcing Oregon’s Indoor Clean Air Act contributes to the Public Health Division’s mission of promoting health and preventing the leading causes of death, disease and injury.

Thank you for the opportunity to testify today. I am happy to answer any questions you might have.

¹ Oregon Health Authority. Public Health Division. Oregon Health Promotion and Chronic Disease Prevention section. Oregon Healthy Teens 2015; Behavioral Risk Factor Surveillance System 2015. Unpublished data.