

SB 235 B -B10 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Linda Ames, Budget Analyst

Meeting Dates: 7/1

WHAT THE MEASURE DOES:

Amends the Oregon Indoor Clean Air Act (ORS 433.835) by allowing use of tobacco products in an enclosed area that is outdoors.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-B10 Replaces the B Engrossed bill.

BACKGROUND:

Oregon's Indoor Clean Air Act (ICAA) protects residents in Oregon from the health risks of secondhand smoke. The ICAA, also known as the Smokefree Workplace Law, prohibits smoking in the workplace and within 10 feet of all entrances, exits, windows, accessibility ramps and air-intake vents. The State of Oregon is responsible for enforcement of the law. If a business is found not in compliance with the law, they can incur fines up to \$500 per day for each violation (maximum of \$2,000 per month). In 2016, Oregon expanded the ICAA to include the use of inhalant delivery systems, which are devices that can be used to deliver nicotine in the form of vapor or aerosol. Individuals may not use cigarettes, e-cigarettes or other inhalant delivery systems in any indoor public spaces in Oregon, or in cars with minors under the age of 18.

The ICAA also prohibits smoking in outdoor workplaces and outdoor public spaces. Smoking areas must not be enclosed. According to the ICAA, an enclosed area includes all space between a floor and ceiling that is enclosed on three or more sides by permanent or temporary walls or windows that extend from the floor to ceiling (e.g. smoking patio or shelter). So any outdoor smoking shelter with three walls could be determined to be an enclosed space, even if there are substantial holes, gaps, or windows in the walls. Senate Bill 235-A codifies the definition of an enclosed area and exempts such areas from the Indoor Clean Air Act.