

SENATE AMENDMENTS TO SENATE BILL 235

By COMMITTEE ON HEALTH CARE

April 26

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and line
2 3 and insert “amending ORS 433.835.”.

3 Delete lines 5 through 22 and delete pages 2 through 8 and insert:

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, aerosolizing or
10 vaporizing of other inhalants on the premises;

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

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

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

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

17 “(h) Has a ventilation system that exhausts smoke from the business and is designed and ter-
18 minated in accordance with the state building code standards for the occupancy classification in use;
19 and

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

22 “(2) **‘Enclosed area’ means the entirety of the space between a floor and a ceiling that**
23 **is enclosed on three or more sides by permanent or temporary walls or windows, exclusive**
24 **of doors or passageways, that extend from the floor to the ceiling.**

25 “[2] (3) ‘Inhalant’ means nicotine, a cannabinoid or any other substance that:

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

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

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

32 “(B) If approved by, or emitted by a device approved by, the United States Food and Drug Ad-
33 ministration for a therapeutic purpose, is not marketed and sold solely for that purpose.

34 “[3](a) (4)(a) ‘Place of employment’ means an enclosed area under the control of a public or
35 private employer, including work areas, employee lounges, vehicles that are operated in the course

1 of an employer's business and that are not operated exclusively by one employee, rest rooms, con-
2 ference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.

3 "(b) 'Place of employment' does not include a private residence unless it is used as a child care
4 facility as defined in ORS 329A.250 or a facility providing adult day care as defined in ORS 410.490.

5 "[4] (5) 'Public place' means an enclosed area open to the public.

6 "[5] (6) 'Smoke shop' means a business that is certified with the Oregon Health Authority as
7 a smoke shop pursuant to the rules adopted under ORS 433.847.

8 "[6] (7) 'Smoking instrument' means any cigar, cigarette, pipe or other instrument used to
9 smoke tobacco, marijuana or any other inhalant."

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