

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
SENATE BILL 998**

1 On page 1 of the printed bill, line 2, after the “ORS” delete the rest of
2 the line and line 3 and insert “433.835; and prescribing an effective date.”.

3 Delete lines 5 through 26 and delete pages 2 through 6 and insert:
4

5 **“REGISTRATION**

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7 **“SECTION 1. Definitions. As used in sections 1 to 7 of this 2017 Act:**

8 **“(1) ‘Inhalant delivery system’ has the meaning given that term in**
9 **ORS 431A.175.**

10 **“(2) ‘Premises’ means the real property on which a business that**
11 **makes retail sales of tobacco products or inhalant delivery systems is**
12 **located.**

13 **“(3) ‘Tobacco products’ has the meaning given that term in ORS**
14 **431A.175.**

15 **“SECTION 2. Registration requirement. A person may not make a**
16 **retail sale of a tobacco product or an inhalant delivery system at or**
17 **from a premises located in this state unless the person sells the to-**
18 **bacco product or inhalant delivery system at or from a premises that**
19 **has been registered under section 4 of this 2017 Act.**

20 **“SECTION 3. Premises to which Act does not apply. Notwith-**
21 **standing section 2 of this 2017 Act, sections 1 to 7 of this 2017 Act do**

1 not apply to a person making a retail sale of an inhalant delivery
2 system at a medical marijuana dispensary registered under ORS
3 475B.450 or at a premises for which a license has been issued under
4 ORS 475B.110, unless the person makes a retail sale of a tobacco
5 product or an inhalant delivery system that contains nicotine.

6 **“SECTION 4. Registration.** (1) The Department of Revenue shall
7 register, and annually renew the registration of, a person that makes
8 retail sales of tobacco products or inhalant delivery systems at quali-
9 fied premises.

10 **“(2) To be qualified for registration under this section, a premises:**

11 **“(a) Must be a premises that is fixed and permanent; and**

12 **“(b) May not be located in an area that is zoned exclusively for**
13 **residential use.**

14 **“(3) The department shall adopt rules establishing procedures for**
15 **applying for registration and annually renewing a registration under**
16 **this section.**

17 **“(4) A person that makes retail sales of tobacco products or**
18 **inhalant delivery systems must pay a fee to the department at the**
19 **time of applying for registration under this section or renewing a**
20 **registration under this section. The department shall adopt the**
21 **amount of the fee by rule, provided that the fee does not exceed \$50.**
22 **The department shall deposit all fee moneys collected under this sec-**
23 **tion in the suspense account described in section 6 of this 2017 Act.**

24 **“(5) An application submitted under this section and information**
25 **related to applying for registration or renewing a registration under**
26 **this section is confidential and not subject to public disclosure under**
27 **ORS 192.410 to 192.505.**

28 **“(6) The department shall publish a list that includes the name of**
29 **each person registered under this section, the address of each premises**
30 **registered under this section and any other information that the de-**

1 department determines is relevant to the public with respect to the retail
2 sale of tobacco products and inhalant delivery systems.

3 **“SECTION 5. Proof of registration.** A person registered under sec-
4 tion 4 of this 2017 Act must post proof of registration under section 4
5 of this 2017 Act in a clear and conspicuous place at the registered
6 premises.

7 **“SECTION 6. Suspense account for administration of Act.** (1)
8 Amounts collected by the Department of Revenue under section 4 of
9 this 2017 Act shall be paid to the State Treasurer to be held in a sus-
10 pense account established under ORS 293.445.

11 **“(2) From moneys held in the suspense account, the department**
12 **may pay expenses related to the administration and enforcement of**
13 **sections 1 to 7 of this 2017 Act.**

14 **“(3) Amounts necessary to make payments as described in sub-**
15 **section (2) of this section are continuously appropriated to the de-**
16 **partment from the suspense account.**

17 **“SECTION 7. Rules.** The Department of Revenue may adopt rules
18 necessary for the effective administration of sections 1 to 7 of this 2017
19 Act.

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21 **“INDOOR CLEAN AIR ACT**

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

24 “433.835. As used in ORS 433.835 to 433.875:

25 “(1) ‘Cigar bar’ means a business that:

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

27 “(b) Has a humidor on the premises;

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

30 “(d) Has been issued and operates under a full on-premises sales license

1 issued under ORS 471.175;

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

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

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

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

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

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

15 “[2] (3) ‘Inhalant’ means nicotine, a cannabinoid or any other substance
16 that:

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

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

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

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

26 “[3](a) (4)(a) ‘Place of employment’ means an enclosed area under the
27 control of a public or private employer, including work areas, employee
28 lounges, vehicles that are operated in the course of an employer’s business
29 and that are not operated exclusively by one employee, rest rooms, confer-
30 ence rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and

1 stairways.

2 “(b) ‘Place of employment’ does not include a private residence unless it
3 is used as a child care facility as defined in ORS 329A.250 or a facility pro-
4 viding 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
7 Health Authority as a smoke shop pursuant to the rules adopted under ORS
8 433.847.

9 “[~~(6)~~] (7) ‘Smoking instrument’ means any cigar, cigarette, pipe or other
10 instrument used to smoke tobacco, marijuana or any other inhalant.

11

12

“MISCELLANEOUS

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14 **“SECTION 9. Operative date. (1) Sections 1 to 7 of this 2017 Act**
15 **become operative on January 1, 2018.**

16 **“(2) The Department of Revenue may take any action before the**
17 **operative date specified in subsection (1) of this section that is neces-**
18 **sary to enable the department to exercise, on and after the operative**
19 **date specified in subsection (1) of this section, all the duties, functions**
20 **and powers conferred on the department by sections 1 to 7 of this 2017**
21 **Act.**

22 **“SECTION 10. Section and unit captions. The section and unit cap-**
23 **tions used in this 2017 Act are provided only for the convenience of the**
24 **reader and do not become part of the statutory law of this state or**
25 **express any legislative intent in the enactment of this 2017 Act.**

26 **“SECTION 11. Effective date. This 2017 Act takes effect on the 91st**
27 **day after the date on which the 2017 regular session of the Seventy-**
28 **ninth Legislative Assembly adjourns sine die.”.**

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