

Requested by Senator STEINER HAYWARD

**PROPOSED AMENDMENTS TO  
B-ENGROSSED SENATE BILL 235**

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

3 Delete lines 5 through 17 and delete pages 2 through 10 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  
10 smoking, aerosolizing or vaporizing of other inhalants on the premises;

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

13 “(e) Prohibits persons under 21 years of age from entering the premises  
14 and posts notice of the 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  
18 is designed and terminated in accordance with the state building code stan-  
19 dards for the occupancy classification in use; and

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

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

5       “[(2)] (3) ‘Inhalant’ means nicotine, a cannabinoid or any other substance  
6 that:

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

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

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

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

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

22       “(b) ‘Place of employment’ does not include a private residence unless it  
23 is used as a child care facility as defined in ORS 329A.250 or a facility pro-  
24 viding adult day care as defined in ORS 410.490.

25       “[(4)] (5) ‘Public place’ means an enclosed area open to the public.

26       “[(5)] (6) ‘Smoke shop’ means a business that is certified with the Oregon  
27 Health Authority as a smoke shop pursuant to the rules adopted under ORS  
28 433.847.

29       “[(6)] (7) ‘Smoking instrument’ means any cigar, cigarette, pipe or other  
30 instrument used to smoke tobacco, marijuana or any other inhalant.”.

