

Requested by Representative OLSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3345**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest  
2 of the line and insert “creating new provisions; amending ORS 433,835,  
3 433.845 and 433.850; and prescribing an effective date.”.

4 On page 2, after line 3, insert:

5 “(4) ‘Inhalant delivery system’ has the meaning given that term in ORS  
6 431A.175.”.

7 In line 4, delete “(4)(a)” and insert “(5)(a)”.

8 In line 10, delete “(5)” and insert “(6)”.

9 In line 16, delete “(6)” and insert “(7)”.

10 In line 18, delete “(7)” and insert “(8)”.

11 After line 30, insert:

12 **“SECTION 3.** ORS 433.850 is amended to read:

13 “433.850. (1) An employer:

14 “(a) Shall provide for employees a place of employment that is free of all  
15 smoke, aerosols and vapors containing inhalants; and

16 “(b) May not allow employees to smoke, aerosolize or vaporize inhalants  
17 at the place of employment.

18 “(2) Notwithstanding subsection (1) of this section:

19 “(a) The owner or person in charge of a hotel or motel may designate up  
20 to 25 percent of the sleeping rooms of the hotel or motel as rooms in which  
21 the smoking, aerosolizing or vaporizing of inhalants is permitted.

1 “(b) Smoking of noncommercial tobacco products for ceremonial purposes  
2 is permitted in spaces designated for traditional ceremonies in accordance  
3 with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

4 “(c) The smoking of tobacco products is permitted in a smoke shop.

5 “(d) The smoking of cigars is permitted in a cigar bar that generated on-  
6 site retail sales of cigars of at least \$5,000 for the calendar year ending De-  
7 cember 31, 2006.

8 “(e) **The use of inhalant delivery systems to aerosolize or vaporize**  
9 **inhalants is permitted:**

10 “(A) **On the premises of a manufacturer of inhalant delivery sys-**  
11 **tems by an employee of the manufacturer for the purpose of testing**  
12 **inhalant delivery systems;**

13 “(B) **On the premises of a business that engages in the sale, for**  
14 **off-premises consumption or use, of inhalant delivery systems, by an**  
15 **employee of the business for the purpose of sampling inhalants; or**

16 “(C) **On the premises of a business as described in section 5 of this**  
17 **2017 Act.**

18 “[e] (f) A performer may smoke or carry a lighted smoking instrument  
19 that does not contain tobacco or marijuana, and may aerosolize or vaporize  
20 a substance that does not contain nicotine or a cannabinoid, while perform-  
21 ing in a scripted stage, motion picture or television production if:

22 “(A) The production is produced by an organization whose primary pur-  
23 pose is producing scripted productions; and

24 “(B) The act of smoking, aerosolizing or vaporizing is an integral part of  
25 the production.

26 “[f] (g) The medical use of marijuana is permitted in the place of em-  
27 ployment of a licensee of a professional licensing board as described in ORS  
28 475B.485.

29 “(3) An employer, except in those places described in subsection [(2)]  
30 **(2)(a), (b), (c), (d), (e)(A), (f) and (g)** of this section, shall post signs that

1 provide notice of the provisions of ORS 433.835 to 433.875.

2 **“SECTION 4. Section 5 of this 2017 Act is added to and made a part**  
3 **of ORS 433.835 to 433.875.**

4 **“SECTION 5. A business that engages in the sale, for off-premises**  
5 **consumption or use, of inhalant delivery systems may allow a person**  
6 **to aerosolize or vaporize an inhalant on the premises of the business**  
7 **if:**

8 **“(1) The business allows the aerosolizing or vaporizing of inhalants**  
9 **only for the purpose of sampling inhalants;**

10 **“(2) The business does not allow the aerosolizing or vaporizing of**  
11 **inhalants that contain nicotine or a cannabinoid;**

12 **“(3) The business prohibits persons under 18 years of age from en-**  
13 **tering the premises;**

14 **“(4) The business has a maximum seating capacity of 10 persons;**  
15 **and**

16 **“(5) The business is not located in a commercial building where two**  
17 **or more businesses or other establishments are accessible through an**  
18 **interior common area of the building.**

19 **“SECTION 6. This 2017 Act takes effect on the 91st day after the**  
20 **date on which the 2017 regular session of the Seventy-ninth Legislative**  
21 **Assembly adjourns sine die.”.**

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