

House Bill 2621

Sponsored by Representatives SCHOUTEN, HELM; Representatives DEXTER, PRUSAK, SALINAS, Senator DEMBROW (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

For purposes of Oregon Indoor Clean Air Act, expands definition of "public place" to include common areas of commercial residential buildings and residential buildings with two or more rental units.

Increases distance from certain parts of public places and places of employment in which person may not smoke, aerosolize or vaporize from 10 feet to 25 feet.

A BILL FOR AN ACT

1
2 Relating to clean air; amending ORS 433.835 and 433.845.

3 **Be It Enacted by the People of the State of Oregon:**

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 termi-
18 nated 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) "Dwelling unit" means the part of a structure that is used as a home, residence or**
23 **sleeping place by an individual who maintains a household, or by two or more individuals who**
24 **maintain a common household.**

25 [(2)] **(3)** "Enclosed area" means the entirety of the space between a floor and a ceiling that is
26 enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors
27 or passageways, that extend from the floor to the ceiling.

28 [(3)] **(4)** "Inhalant" means nicotine, a cannabinoid or any other substance that:

29 (a) Is in a form that allows the nicotine, cannabinoid or substance to be delivered into a person's

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 respiratory system;

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

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

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

8 [(4)(a)] (5)(a) “Place of employment” means an enclosed area under the control of a public or
9 private employer, including work areas, employee lounges, vehicles that are operated in the course
10 of an employer’s business and that are not operated exclusively by one employee, rest rooms, con-
11 ference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.

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

14 [(5)] (6) “Public place” means:

15 (a) An enclosed area open to the public[.];

16 (b) **The common areas of a commercial building with dwelling units that are occupied by**
17 **tenants or available to rent; or**

18 (c) **The common areas of a residential building with two or more dwelling units that are**
19 **occupied by tenants or available to rent.**

20 [(6)] (7) “Smoke shop” means a business that is certified with the Oregon Health Authority as
21 a smoke shop pursuant to the rules adopted under ORS 433.847.

22 [(7)] (8) “Smoking instrument” means any cigar, cigarette, pipe or other instrument used to
23 smoke tobacco, cannabis or any other inhalant.

24 **SECTION 2.** ORS 433.845 is amended to read:

25 433.845. (1) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted
26 smoking instrument in a public place or place of employment except as provided in ORS 433.850.

27 (2) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking in-
28 strument within [10] **25** feet of the following parts of public places or places of employment:

29 (a) Entrances;

30 (b) Exits;

31 (c) Windows that open; and

32 (d) Ventilation intakes that serve an enclosed area.

33 (3) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking in-
34 strument in a room during the time that jurors are required to use the room.

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