Chair Rachel Prusak
Vice-Chair Cedric Hayden
Vice Chair Andrea Salinas
Members of the House Committee on Health Care

Oregon Restaurant and Lodging Association respectfully requests that you oppose HB 4101. The 10-foot standard was specifically proposed to try and give communities and businesses a management tool when if comes to employees and patrons who are smoking outdoors.

Since the 10-foot standard was put in statute, businesses were confident any financial commitments they made to invest in structures would not be wasted. Moving the standard to 25 feet would prevent utilization of the capital costs of those structures.

Major problems can occur after 10:00 at night in neighborhoods with hospitality establishments. As hours get later in the evening, the opportunity for more conflicts exist in these neighborhoods. If the boundary is moved from 10 feet to 25 feet, this prevents urban area businesses from controlling the space to manage these patrons.

OLCC laws are established to try and deal with ways OLCC establishments co-exist with neighbors and surrounding businesses. Many bars and restaurants will enter "good neighbor" agreements with neighborhood groups. If there is an issue with individuals going into the neighborhoods to smoke, many of these businesses will not be able to offer a solution or alternative with 25 feet locked into statute.

Most of the current businesses have found a solution to try and mitigate problems in mixed use neighborhoods (zones) but expanding the boundary to 25 feet creates issues by pushing evening smokers off the business-controlled property and into the neighborhoods and surrounding properties. A 25-foot rule will remove many businesses from any solution on their property.

Washington State passed a smoking ban in bars on the ballot. Oregon passed a compromises bar ban with one of the key differences being the 10-foot standard to try and find solutions in these mixed-use neighborhoods.

Please oppose HB 4101 as long as it applies to hospitality businesses where neighbors may need a creative solution.