

From the Desk of
Senator Ted Ferrioli

SB 1559-5
(LC 5)
2/2/16 (MBM/ps)

Requested by Senator KRUSE

**PROPOSED AMENDMENTS TO
SENATE BILL 1559**

1 On page 1 of the printed bill, line 3, delete “and 431A.183” and insert “,
2 431A.183, 433.835, 433.845 and 433.850”.

3 On page 6, after line 23, insert:
4

5 **“OREGON INDOOR CLEAN AIR ACT**

6
7 **“SECTION 17. ORS 433.835 is amended to read:**

8 “433.835. As used in ORS 433.835 to 433.875:

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

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

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

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

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

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

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

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

20 “(h) Has a ventilation system that exhausts smoke from the business and
21 is designed and terminated in accordance with the state building code stan-

1 dards for the occupancy classification in use; and

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

4 “(2) ‘Inhalant’ means nicotine, a cannabinoid or any other substance that:

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

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

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

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

14 “(3) ‘Inhalant delivery system’ has the meaning given that term in
15 **ORS 431A.175.**

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.

1 **SECTION 18.** ORS 433.845 is amended to read:

2 “433.845. (1) A person may not smoke, aerosolize or vaporize an inhalant
3 or carry a lighted smoking instrument in a public place or place of employ-
4 ment except as provided in ORS 433.850 **and section 20 of this 2016 Act.**

5 “(2) A person may not smoke, aerosolize or vaporize an inhalant or carry
6 a lighted smoking instrument within 10 feet of the following parts of public
7 places or places of employment:

8 “(a) Entrances;

9 “(b) Exits;

10 “(c) Windows that open; and

11 “(d) Ventilation intakes that serve an enclosed area.

12 “(3) A person may not smoke, aerosolize or vaporize an inhalant or carry
13 a lighted smoking instrument in a room during the time that jurors are re-
14 quired to use the room.

15 **SECTION 19. Series Placement.** Section 20 of this 2016 Act is added
16 to and made a part of ORS 433.835 to 433.875.

17 **SECTION 20. Inhalant Delivery System Shop Exemption.** A busi-
18 ness that engages in the sale, for off-premises consumption or use, of
19 inhalant delivery systems may allow a person to aerosolize or vaporize
20 an inhalant on the premises of the business if:

21 “(1) The business is located at a premises for which a license has
22 been issued under section 5 of this 2016 Act;

23 “(2) The business allows the aerosolizing or vaporizing of inhalants
24 only for the purpose of sampling inhalants;

25 “(3) The business does not allow the aerosolizing or vaporizing of
26 inhalants that contain nicotine or a cannabinoid;

27 “(4) The business prohibits persons under 18 years of age from en-
28 tering the premises; and

29 “(5) The business has a maximum seating capacity of 10 persons.

30 **SECTION 20a.** Notwithstanding section 20 (1) of this 2016 Act, be-

1 fore January 1, 2017, a business that engages in the sale, for off-
2 premises consumption or use, of inhalant delivery systems is not
3 required to be located at a premises for which a license has been issued
4 under section 5 of this 2016 Act as a condition of allowing a person to
5 aerosolize or vaporize an inhalant on the premises of the business.

6 **“SECTION 21.** ORS 433.850 is amended to read:

7 “433.850. (1) An employer:

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

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

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

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

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

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

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

23 “(e) A performer may smoke or carry a lighted smoking instrument that
24 does not contain tobacco or marijuana, and may aerosolize or vaporize a
25 substance that does not contain nicotine or a cannabinoid, while performing
26 in a scripted stage, motion picture or television production if:

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

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

1 “(f) The medical use of marijuana is permitted in the place of employment
2 of a licensee of a professional licensing board as described in ORS 475B.485.

3 **“(g) The use of an inhalant delivery system is permitted:**

4 **“(A) On the premises of a manufacturer of inhalant delivery sys-**
5 **tems by an employee of the manufacturer for the purpose of testing**
6 **inhalant delivery systems; or**

7 **“(B) At a business that engages in the sale, for off-premises con-**
8 **sumption or use, of inhalant delivery systems, by an employee of the**
9 **business for the purpose of sampling inhalants.**

10 “(3) An employer, except in those places described in subsection [(2)]
11 **(2)(a) to (f) and (g)(A)** of this section, shall post signs that provide notice
12 of the provisions of ORS 433.835 to 433.875.”.

13 In line 27, delete “17” and insert “22”.

14 On page 7, line 8, delete “18” and insert “23”.

15 In line 12, delete “19” and insert “24”.

16 In line 19, delete “20” and insert “25”.

17 In line 22, delete “21” and insert “26”.

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