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Re: Indoor Clean Air Act (ICAA) and SB 307

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Introduction

We are aware of concerns that SB 307 (which would allow for cannabis lounges and temporary events where cannabis may be consumed socially, subject to licensing by local government and the OLCC) would limit the scope of the Oregon Indoor Clean Air Act (ICAA) and thereby conflict with Oregon's proud history of progressive action on behalf of the environment and public health. We understand these concerns, and wish to clarify the extremely limited overlap between SB 307 and the ICAA.

What does the ICAA do?

"The people of Oregon find that because the smoking of tobacco creates a health hazard to those present in confined places, it is necessary to reduce exposure to tobacco smoke by requiring nonsmoking areas in certain places." - Original text of ICAA, as enacted in 1981.

ICAA was enacted in 1981 and has been substantially amended several times, most recently in 2015 and before that in 2009. The 2009 version banned "smoking" in all public areas and workplaces, and like the original statute quoted above, it applied specifically to tobacco and smoke. It did not mention vaporizers, e-cigarettes, or any other "inhalant" device. Nor did it mention cannabis.

"No person shall smoke, aerosolize or vaporize an inhalant... except in those areas that are not required to be smoke, aerosol or vapor free..." - Current ICAA rules, as amended in 2015.

In 2015, the ban was extended to include vaporizers, e-cigarettes, etc. ("aerosolize or vaporize") all substances, including cannabis in any form.

How would SB 307 change the ICAA?

The short answer is: it wouldn't. Any action that is currently prohibited under the ICAA would remain so under SB 307. Smoking cessation, and clean air in general, would remain clear priorities of Oregon law. The longer answer is that SB 307 would create a new limited exception to the ICAA, not unlike the current exceptions for smoke shops and cigar bars. The proposed "exception" is incredibly narrow. SB 307 seeks to establish a narrowly defined "area" where one specific substance (cannabis) may be consumed by responsible adults, in the company of other responsible adults who have also voluntarily entered the designated area. All other provisions of the ICAA would remain in effect.

	2009 amendments to ICAA	2015 amendments to ICAA	SB 307 (proposed, 2017)
Tobacco use ("smoking")	Prohibited in public indoor areas and within 10 feet of entrances/doorways. Exceptions: <ul style="list-style-type: none"> ● Cigar bars ● Smoke shops 	Prohibited in public indoor areas and within 10 feet of entrances/doorways. Exceptions: <ul style="list-style-type: none"> ● Cigar bars ● Smoke shops 	Prohibited in public indoor areas and within 10 feet of entrances/doorways. Exceptions: <ul style="list-style-type: none"> ● Cigar bars ● Smoke shops
Tobacco use ("aerosolize or vaporize")		Prohibited. Exceptions: none.	Prohibited. Exceptions: none.
Cannabis use ("smoking")		Prohibited. Exceptions: none.	Prohibited. Exceptions: <ul style="list-style-type: none"> ● Licensed temporary events ● Licensed cannabis lounges
Cannabis use ("aerosolize or vaporize")		Prohibited. Exceptions: none.	Prohibited Exceptions: <ul style="list-style-type: none"> ● Licensed temporary events ● Licensed cannabis lounges