

A-Engrossed
Senate Bill 235

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Human Services and Early Childhood)

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.

[Provides that person may not make retail sale of tobacco product or inhalant delivery system at or from premises located in this state unless person sells tobacco product or inhalant delivery system at or from premises for which license has been issued. Establishes within Department of Revenue licensing program. Becomes operative January 1, 2018.]

[Directs department to enter into agreements with Oregon Health Authority and local public health authorities for purpose of disciplining licensees or applicants for licenses that violate laws, ordinances or rules governing retail sale of tobacco products and inhalant delivery systems, and for purpose of collecting and transferring moneys to fund enforcement of those laws, ordinances and rules. Becomes operative January 1, 2018.]

[Directs Oregon Health Authority to adopt fees necessary to administer and enforce laws and rules governing retail sale of tobacco products and inhalant delivery systems for purposes related to public health and safety.]

[Directs local public health authorities to establish, administer and enforce program for regulating retail sale of tobacco products and inhalant delivery systems. Directs Oregon Health Authority to oversee and coordinate establishment, administration and enforcement of programs.]

Defines "enclosed area" for purposes of Oregon Indoor Clean Act.

[Takes effect 91st day following adjournment sine die.]

A BILL FOR AN ACT

1
2 Relating to public health; amending ORS 433.835.

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;

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 and

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

4 **(2) “Enclosed area” means the entirety of the space between a floor and a ceiling that is**
5 **enclosed on three or more sides by permanent or temporary walls or windows, exclusive of**
6 **doors or passageways, that extend from the floor to the ceiling.**

7 [(2)] (3) “Inhalant” means nicotine, a cannabinoid or any other substance that:

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

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

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

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

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

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

22 [(4)] (5) “Public place” means an enclosed area open to the public.

23 [(5)] (6) “Smoke shop” means a business that is certified with the Oregon Health Authority as
24 a smoke shop pursuant to the rules adopted under ORS 433.847.

25 [(6)] (7) “Smoking instrument” means any cigar, cigarette, pipe or other instrument used to
26 smoke tobacco, marijuana or any other inhalant.

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