

SB 571 Rules Committee Meeting - Minutes

Date: 11-15-07 3:00-5:00pm
Portland State Office Building, Room 710
(Handout: Agenda)

In Attendance: (see attached list for attendees' affiliation) Mike Hanson, Charles Ellis, Jeffrey Fellows, Karen Girard, Toby Harris, Danna Hastings, James Lynch, Ron Prinslow, Chuck Tauman, Debi Livengood, Jill Thompson, Shannon O'Fallon.

Attending by conference call: Stephanie Young-Peterson, Wendy Watson, Jane Stevenson, Jennifer Kue, Janet Jones and Becky Callicrate

Guests: Grover Simmons, Independent Employer Association, Inc. (representing Elks Lodges) and Kylie Meiner, TPEP Community Program Coordinator.

Committee members not in attendance: Bill Perry, Diane Rosenbaum, Brian McMenamain,

1. Introductions

The meeting was brought to order by Jill Thompson, Policy Manager of the Tobacco Prevention and Education Program; members attending and on the phone introduced themselves and their affiliation.

2. Committee roles, responsibilities, timelines and resources

Meetings are open to the public, however, only members of the committee may participate. There will be opportunities for the public to have input throughout the rulemaking process. Meetings will be recorded, for record-keeping purposes only.

The purpose of this rulemaking process is to clarify aspects of Senate Bill 571 and provide regulations for implementing it.

The process is strictly bound by the content of the statutes.

The committee's role is to clarify the applicable statutes and help DHS develop systems for making sure the law is enforced to the best of its ability and to get the rules published and provide them to businesses and the public in a timely manner

This committee is an advisory committee only. The final rules will be written by DHS, taking into account the input of the committee, but consensus is not mandatory.

At the conclusion of the rulemaking process, a fiscal impact statement will be filed.

Available resources include the current Indoor Clean Air Act Rules and the personnel involved, including Shannon O'Fallon and the committee members, who come from diverse backgrounds and experience.

Timelines are yet to be determined, depending on how the committee chooses to function; the ultimate timeline is 1-1-09, when SB571 goes into effect.

Local Public Health Authorities will be given authority through Intergovernmental Agreements ("IGAs") with DHS to implement and enforce the law. The rules need to be written and implemented prior to establishment of the IGAs.

3. Overview of Oregon's Indoor Clean Air Act and Senate Bill 571

A brief overview of the Indoor Clean Air Act history was given: It was first enacted in the mid-1980's, amended in 2001, at which time the Tobacco Program became responsible for enforcement thereof. In the 2007 legislative session, the legislature adopted the new Indoor Clean Air Act that will go into effect January 1, 2009.

Sections 8, 10, 11, and 12 are conforming amendments which, the committee need not concern itself with.

Discussion was held re: Section 8 which has to do with licensed medical facilities, and Jill agreed to work with Ron Prinslow OPHD and Becky Calicrate, SPD and report back to the committee at the next meeting as to what they determine needs to be done.

4. Review draft rules: Definitions and General Provisions

(Handouts: Current Administrative Rules; SB571 Enrolled; Draft version of Implementation of the Oregon Clean Air Act..., Authority, Definition and General Provisions)

Major points of discussion included:

- "Cigar Bars": Section (4)(h) refers to the certification of required ventilation systems by the State Fire Marshall; Jill has made contact with the State Fire Marshall and will report back to the committee about what their plans are regarding required ventilation systems.

Under (4)(e) whether minors should/would be allowed at certain times of day, or whether they would never be allowed and other various scenarios, and how those places would be licensed and posted. The issue was tabled for further discussion at a later time.

Whether or not cigar bars can operate within a larger facility. At this time the committee feels that they can.

- Whether plans for “enclosed areas” will need to be approved by local public health authorities, or whether there will be guidelines for businesses to use in developing new outdoor areas, and how that could/would be regulated; the committee agreed that county health departments would not approve outdoor smoking areas, but rather the rules will provide specific guidance, with clarity. Jill will work on a draft of this section and bring it back to the committee.

The definition that Jill included in the draft was not consistent with the Bill. Jill will amend the draft prior to further discussion.

- A definition of maximum seating capacity was discussed. Other rules and statutes will be consulted to further develop this definition.

5. Review agenda for next meeting

Questions raised for further discussion:

- Do large sellers of tobacco products have a wholesale license to sell?
- Will the 10 foot setback rule include 10 feet from entire length of accessibility ramps?
- What can be constituted as an actual accessibility ramp?
- How will disabled smokers and their non-smoking companions be governed?
- Will tobacco shops be required to provide routine proof of sales?