

SB 571 Rules Committee Meeting – Minutes

Date: 11-29-07, 3:00-5:00pm
Portland State Office Building, Room 710
(Handout: Agenda)

In attendance: Jill Thompson, Karen Girard, Brian McMenamin, Dave Thomson, Mike Hanson, Toby Harris, Chuck Tauman, Debi Livengood. (see attached spreadsheet for committee roster)

Attending by conference call: Janet Jones, James Lynch, Danna Hastings, Dana Kaye, Elizabeth Takahashi.

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 housekeeping items

Jill began the meeting by reminding attendees that the purpose of the meeting is: to continue with drafting Administrative Rules for SB571.

Members were asked to sign in and update their contact information as needed. It has been determined that the best way for members to receive copies of minutes, the roster, and other information is by sending it both by regular United States mail *and* e-mail. Jill advised that the meeting was being recorded.

Jill reported on various issues brought up for action at previous meetings:

- She has set up a meeting with the fire marshal to review the issue of ventilation systems in cigar bars. She will report back to the committee.
- Various state agency representatives are going to get together to discuss smoking issues in residential treatment facilities, such as assisted and senior living facilities, groups homes, and residential treatment facilities that are regularly inspected.

3. Review minutes from November 15 meeting

Members received minutes from the previous meeting by United States mail and there were no revisions proposed.

4. Review draft rules: Signs, cigar bars, smokeshops and enforcement

(Handout: Draft version of Implementation of the Oregon Clean Air Act..., Signs through Effective Date)

Major points of discussion included:

- “Signs”: whether there should be a single required sign, or whether businesses could make their own signs, or purchase no-smoking signs, as long as they meet certain criteria that will be set out in the Rules.

Recommendation: businesses should be able to choose their own signs, within certain criteria that will be set out in the Rules. Further discussion will be needed about what that criteria will be (i.e. the statute citation, the complaint line phone number).

- Whether employee posters should be required or recommended (as they currently are by the Board of Labor and Industries), and that the purpose of the poster is to provide information for employees.

Recommendation: posters should continue to be recommended.

- “Ashtrays”: ashtrays need to be removed from indoor areas; outdoor ashtrays need to be a minimum of 10 feet from doors (and those responsible for enforcement will need to verify that ashtrays meet the proper distance requirements), windows and ventilation systems. The term “ashtray” needs to be clearly defined in the definition section.
- “Cigar Bars”: there will need to be a certification process to qualify as a cigar bar. The certification will require inspection by the state fire marshal as to the ventilation system; they will need to provide proof of revenue from sale of cigars, a copy of their liquor license, a seating capacity chart, and a copy of their employee file with signed statements of understanding of the danger of exposure to secondhand smoke.

Questions: should they be certified annually, or as a one-time process? What is the revocation process? Is there a square footage limit in addition to seating count? How will the proof of income be accomplished?

“Smoke Shops”: there will need to be a certification process to qualify as a smoke shop. A definition of tobacco products/smoking instruments needs to be consistent throughout the Rules.

Jill advocates that smoke shops have to sell a minimum of 75% of their gross sales every quarter, or they lose their certification for the next year. The certification process paperwork will be housed at DHS, and the only reason the counties would be involved with these businesses is if there is a complaint.

Questions: how will they provide proof of their sales? Will this be enforced on a quarterly basis, or annually?

5. Review agenda for next meeting

In the next meeting, the topic of discussion will be Enforcement.