

## SB 571 Rules Committee Meeting – Minutes

Date: 12-20-07, 3:00-5:00pm  
Portland State Office Building, Room 710  
(Handout: Agenda)

In attendance (please see attached roster for committee member affiliations, where applicable):

Committee members: Mike Hanson, Toby Harris, Chuck Tauman, Charles Ellis, Dana Kaye and Stephanie Young-Peterson.

Staff: Jill Thompson, Debi Livengood and Eric Schindele.

Attending by conference call: Jane Stevenson, Elizabeth Takahashi, Danna Hastings, Jennifer Kue, Janet Jones and James Lynch.

### 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 Amendment to the Oregon Indoor Clean Air Act.

3. Review minutes from previous meeting. No additions or corrections.

4. Review Fiscal Impact Statement outline.

(Handout: General Outline of SB 571: Fiscal Impact Statement)

Jill introduced Eric Schindele, TPEP Economist, and explained that the committee is required to file a Fiscal Impact Statement at the same time the Rules are filed for public comment.

Eric explained the purpose of a fiscal impact statement: to provide notice that there might be fiscal impact from implementation of the new the Rule. He presented an outline (see attached) of proposed items to address in the fiscal impact statement.

Questions that came up and were discussed: Committee members asked that the statement also include information on the positive economic impact to health care (as in a reduction in health care cost related the secondhand smoke exposure and reduced smoking); reduced healthcare insurance that may be offered to some employees/ employers; reduced cleaning and ventilation costs, higher return on property and reduced risk of fire. Eric and Jill said they would consider these recommendations.

5. Review/Discussion of draft Rules  
(handout: draft of proposed Rules)

Jill reviewed and discussion was held regarding revisions that have been made to the draft Rules as a result of committee input:

- “Cigar Bar” definitions: entrances & exits need to be clarified. May need to include a definition of entrance/exit in the definition section.
- “Enclosed area”: additional clarification has been added to include a definition of “temporary walls”; what additional clarification, if any, needs to be included in this definition?
- Educational/informational pieces are important to give businesses some guidance to assist business owners in understanding the intent of the law around the construction/putting up outdoor smoking shelters.
- “Place of Employment” now includes work vehicles.
- “Public place” now includes bowling centers and bingo halls.
- Service lines and accessibility ramps and the 10 ft restriction.
- Businesses will be able to post greater distances than 10 feet if they choose; they will need to provide their own enforcement.
- If a local ordinance requires a greater distance than 10 feet, that local ordinance will take precedence.
- “Vehicles”-2 options were offered, and the committee discussed both options; Several committee members stated a preference for second option presented on page 7 of the draft under review. Further clarification was discussed; mobile food units were discussed and should be addressed; Jill will work on that issue and come back to the committee with it at a later meeting;
- A definition of ashtrays” needs to be addressed.

6. Updates on other outstanding questions/issues:

- Jill has meetings scheduled with the Seniors and People with Disabilities and will meet further with the State Fire Marshall.
- Jill believes we can complete our work in 2 meetings, so the committee agreed to cancel the January 3 meeting and meet on January 17 & 31, 2008. Over the next 2 meetings (January 17 and 31) we will review the latest version of the Rules and the Fiscal Impact Statement, which will then be sent to the Secretary of State, who will post them on “The Bulletin” (a public website) which will open up the Rules for public comment for approximately 60 days. The Rules will be further reviewed, then hearings will be held in April or May and a final version of the Rules will be published.

Meeting adjourned.