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| DAS DEPARTMENT OF ADMINISTRATIVE SERVICES STATEWIDE POLICY | NUMBER | SUPERSEDES |
| | 107-011-323 | Policy #125-6-323 (2000) |
| | EFFECTIVE DATE | PAGE NUMBER |
| | June 10, 2025 | Pages 1 of 3 |
| | LAST REVIEWED DATE | |
| | June 10, 2025 | |
| DIVISION Enterprise Asset Management | REFERENCE/AUTHORITY ORS 276.004, 433.835-433.990 | |
| POLICY OWNER Facilities | Public Health Division: OAR 333-015 – Oregon Indoor Clean Air Act | |
| SUBJECT Smoking, aerosolizing or vaporizing of inhalants at state-owned and leased facilities | APPROVED SIGNATURE  | Berri Leslie, DAS Director |

PURPOSE

To promote a healthy working environment for employees and customers by limiting exposure to secondhand smoke or inhalants.

APPLICABILITY

All tenant agencies, employees and public individuals occupying or visiting facilities owned or leased by DAS and other state agencies.

FORMS/EXHIBITS/INSTRUCTIONS

[Oregon Clean Air Act Signs and Quit Line Materials](#)

DEFINITIONS

Facility: Any land, building, parking lot or parking structure owned or leased by a state agency.

Inhalant: Nicotine, a cannabinoid or any other substance that:

- (1) Is in a form that allows the nicotine, cannabinoid or substance to be delivered into a person's respiratory system;
- (2) Is inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person's respiratory system; and
- (3) Is not approved by or emitted by a device approved by the United States Food and Drug Administration for a therapeutic purpose.

Inhalant delivery system:

- (1) A device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or
- (2) A component of a device described in this subsection or a substance in any form sold for the purpose of being vaporized or aerosolized by a device described in this subsection, whether the component or substance is sold separately or is not sold separately.
- (3) An inhalant delivery system does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose if the product is marketed and sold solely for the approved purpose; and tobacco products.

Public place: An enclosed area open to the public.

Place of employment: An enclosed area under the control of a public or private employer, including work areas, employee lounges, vehicles that are operated during an employer's business and that are not operated exclusively by one employee, restrooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.

Private residence: A residence or part of a residence that is not operated as a place of business where clients or customers use the premises. A residence that is considered a place of employment or public place is subject to ORS 433.835 through 433.875 during its hours of operation. Only that part of a residence used as a place of business is subject to ORS 433.835 through 433.875.

Smoking instrument: Any cigar, cigarette, pipe or other instrument used to smoke tobacco, cannabis or any other inhalant.

Tobacco products:

- (1) Bidis, cigars, cheroots, stogies, perique's, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco and other forms of tobacco, prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or otherwise or for both chewing and smoking;
- (2) Cigarettes as defined in ORS 323.010(1); or
- (3) A device that:
 - a) Can be used to deliver tobacco products to a person using the device; and
 - b) Has not been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.

EXCLUSIONS AND SPECIAL SITUATIONS

Where use of tobacco, cannabis or any other inhalant by individuals or employees is allowed by other statutes or rules. For example, at locations by Oregon State Parks, smoking or tobacco is permitted within campsites, within personal vehicles and campers and at 27 day use areas.

Private sector leased facilities occupied by state agencies are not subject to the requirements of this policy but must comply with the Oregon Indoor Clean Air Act [OAR 333.015](#).

State-owned buildings that are supplied by state employees as private residences are excluded from this policy. However, agencies may adopt this policy or more stringent policies prohibiting use of tobacco, cannabis or any other inhalant in residences they provide to employees.

It is not a violation of this policy for a Native American to use tobacco on state property as part of a traditional Native American spiritual or cultural ceremony. Approval from Department of Administrative Services Enterprise Asset Management or the owning agency must be requested and received prior to the ceremony.

GENERAL INFORMATION

State law and Oregon Administrative Rule restricts use of tobacco products, cannabinoids, and any other substances that can be smoked or inhaled in and around public places and places of employment. Property owners and businesses may adopt more stringent policies than those in OAR 333-015 and designate the entire premises as smokefree.

- (1) State employees and other individuals may not use tobacco products, cannabinoids, or inhalants of any kind at state-owned or leased facilities, places of employment and public places.
- (2) Agencies must prominently post signs of restrictions at each entrance and exit of facilities, places of employment and public places.
- (3) Signs must state that smoking, aerosolizing or vaporizing of inhalants is prohibited within the entire premises of the facility.