

ICAA Smoke Shops Exemptions Summary - Updated February 2018  
Oregon Health Authority

| Constraints and mandates in ICAA       | Cigar Bar  | Smoke Shop A - New applications received after June 30, 2011  | Smoke Shop B - In 2008, met requirements noted below (in grandfather clause row)   | Smoke Shop C - Applied for certification prior to June 30, 2011 (and certified by Dec. 31, 2012)   |
|--|--|---|--|--|
| Age                                    | Prohibits persons under 21 years of age from entering the premises.  | Prohibits persons under 21 years of age from entering the premises.   | Prohibits persons under 21 years of age from entering the premises.  | Prohibits persons under 18 years of age from entering the premises.  |
| Food and beverages, including alcohol  | Yes; operates under a full on- premises sales license issued under ORS 471.175.                                    | Cannot sell or offer on-premises consumption of food or beverages (including alcohol). Sale of off-premises food or beverage (including alcohol) permitted. On-premises consumption of food or beverage permitted (excluding alcohol).  | Cannot sell or offer on-premises consumption of food or beverages (including alcohol). Sale of off-premises food or beverage (including alcohol) permitted. On-premises consumption of food or beverage permitted (excluding alcohol).   | Cannot sell or offer alcohol for on-premises consumption. Sale of food or beverage (excluding alcohol) for on-premises consumption permitted.  |
| Certification                          | Apply to OHA and receive certification before allowing cigar smoking on the premises.                              | Apply to OHA and receive certification before allowing smoking on the premises.   | Apply to OHA and receive certification before allowing smoking on the premises; renewal every five years.  | Receive certification before allowing smoking on premises (if not already certified); renewal every five years.  |
| Equipment                              | Has a humidor on premises.   | N/A   | N/A  | N/A  |
| Grandfather clause                     | Must have generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending Dec. 31, 2006. | N/A   | On Dec. 31, 2008, met requirements noted in this column related to sales, minimum age, video lottery, and on- premises consumption of food and beverage. Was stand-alone or had ventilation system (see below).  | Applied for smoke shop certification before June 30, 2011; met the requirements of ORS 433.835 (5), as in effect immediately before June 30, 2011; certified as a smoke shop by OHA on or before Dec. 31, 2012.  |
| Inform employees                       | Requires all employees to read and sign document explaining dangers of secondhand smoke exposure.                  | N/A   | N/A  | N/A  |
| Location                               | N/A  | Is a stand-alone business with no other businesses or residential property attached to the premises.  | Is a stand-alone business with no other businesses or residential property attached, or has a ventilation system meeting requirements.   | Is a stand-alone business with no other businesses or residential property attached to the premises.   |
| Certification transfer and portability | Not specified.   | Certificate holder must notify Authority of intent to transfer ownership and certification, new owner must submit affidavit declaring that business will continue to meet requirements for certification, and business's contact information must be updated with the Authority before certification may transfer to the new owner. No change of location permitted - must reapply for certification. | The owner of a certified smoke shop may transfer the certification with ownership of the smoke shop. A certified smoke shop may move to a new location that occupies no more than 3,500 square feet; or, if the original location occupied more than 3,500 square feet, the new location may occupy no more than 110 percent of the amount of the space occupied by the original location. | The owner of a certified smoke shop may transfer the certification with ownership of the smoke shop. A certified smoke shop may move to a new location that occupies no more than 3,500 square feet; or, if the original location occupied more than 3,500 square feet, the new location may occupy no more than 110 percent of the amount of space occupied by the original location. |

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| Sales                                       | Has on-site sales of cigars as defined in ORS 323.500.  | Is primarily engaged in the sale of tobacco products and smoking instruments intended for off-premises consumption or use, with at least 75 percent of gross revenues of the business resulting from such sales.  | Is primarily engaged in the sale of tobacco products and smoking instruments intended for off-premises consumption or use, with at least 75 percent of the gross revenues of the business resulting from such sales.  | Is primarily engaged in the sale of tobacco products and smoking instruments, with at least 75 percent of the gross revenues of the business resulting from such sales.  |
| Seating                                     | Has a maximum seating capacity of 40 persons.   | Has maximum seating capacity of four persons.   | N/A   | N/A  |
| Signage                                     | Post signs at each entrance and exit stating that smoking is allowed on all or part of the premises and persons under the age of 21 are prohibited from entering the premises.              | Post signs at each entrance and exit stating that smoking is allowed on all or part of the premises, persons under the age of 21 are prohibited from entering the premises and that sales of tobacco products and inhalant delivery systems to those under the age of 21 is prohibited. | Post signs at each entrance and exit clearly stating that smoking is allowed on all or part of the premises, anyone under the age of 21 is prohibited from entering the premises, that sales of tobacco products and inhalant delivery systems to those under the age of 21 is prohibited and, in smoke shops not authorized by OHA to permit cigarette smoking, cigarette smoking is prohibited on the premises. | Post signs at each entrance and exit stating that smoking is allowed on all or part of the premises, that persons under the age of 18 are prohibited from entering the premises, that sales of tobacco products and inhalant delivery systems to those under the age of 21 is prohibited and, in smoke shops not authorized by OHA to permit cigarette smoking, cigarette smoking is prohibited on the premises. |
| Ventilation                                 | Has a ventilation system that exhausts smoke from the business and is designed and terminated in accordance with the state building code standards for the occupancy classification in use. | N/A   | If not stand-alone, then has a ventilation system that exhausts smoke from the business and is designed and terminated in accordance with the state building code standards for the occupancy classification in use.  | N/A  |
| Video lottery games, social gaming, betting | Does not offer video lottery games as authorized under ORS 461.217.   | Does not offer video lottery games as authorized under ORS 461.217, social gaming or betting on premises.   | Does not offer video lottery games as authorized under ORS 461.217, social gaming or betting on premises.   | Does not offer video lottery games as authorized under ORS 461.217, social gaming or betting on premises.  |
| What can be smoked?                         | Cigars; prohibits all other tobacco products in any form.   | Not specified. Allows smoking only for the purpose of sampling tobacco products for making retail purchase decisions.   | Allows smoking of cigarettes only if at least 75 percent of the gross revenue of the business results from the sale of cigarettes (requirement comes into effect with first annual financial documentation submission).   | Allows smoking of cigarettes only if at least 75 percent of the gross revenues of the business results from the sale of cigarettes.  |
| Unannounced inspections                     | N/A   | To obtain smoke shop certification, a business must agree to allow the Authority to make unannounced inspections of the business to determine compliance with ORS 433.835 to 433.875.   | To obtain smoke shop certification, a business must agree to allow the Authority to make unannounced inspections of the business to determine compliance with ORS 433.835 to 433.875.   | To obtain smoke shop certification, a business must agree to allow the Authority to make unannounced inspections of the business to determine compliance with ORS 433.835 to 433.875.  |

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