



Public Health Division  
Health Promotion and Chronic Disease Prevention  
Tobacco Prevention and Education Program

## Form B Potential Outside Enclosed Area Remediation Plan

Oregon Indoor Clean Air Act  
(ORS 433.835-875 and 433.990(5))

Date:	Time:	County:	Investigator name and phone:
Workplace or public place name:			Person in charge (PIC) name and title:
Address:			Phone:
Headquarters or corporate office name, if applicable:		Contact name:	
Address: <input type="checkbox"/> N/A <input type="checkbox"/> Unknown			Phone:
		<b>Remediation plan (if area is enclosed): check all that apply</b>	
<b>Potential Outside Enclosed Area – OHA Determination:</b>		<b>Enclosed Area:</b>	
<b>Yes</b>	<b>No</b>		
<input type="checkbox"/>	<input type="checkbox"/>	The area is enclosed.	<input type="checkbox"/> Do not smoke, vaporize/aerosolize or allow smoking or vaporizing/aerosolizing by anyone at any time inside.
<p><b>If yes</b>, Oregon Health Authority has determined that the area is enclosed. The following are prohibited in the enclosed area:</p> <ul style="list-style-type: none"> <li>• Smoking, vaporizing/aerosolizing by anyone at any time</li> <li>• Ash receptacles and cigar or cigarette butts</li> </ul> <p>Prohibited within 10 ft. of any entrance, exit, accessibility ramp, window that opens or air-intake vent:</p> <ul style="list-style-type: none"> <li>• Smoking, vaporizing/aerosolizing by anyone at any time</li> <li>• Ash receptacles and cigar or cigarette butts</li> <li>• Tables, outdoor seating or dining areas not clearly marked as “nonsmoking and nonvaping”</li> </ul> <p>In addition, signs at each exit and entrance must be posted stating “no smoking or vaping within 10 feet.”</p>		<input type="checkbox"/>	Remove ash receptacles from inside.
		<input type="checkbox"/>	Remove cigar or cigarette butts from inside.
		<input type="checkbox"/>	Do not smoke, vaporize/aerosolize within 10 ft. of any entrance, exit, accessibility ramp, window that opens or air-intake vent.
		<input type="checkbox"/>	Remove ash receptacles within 10 ft. of any entrance, exit, accessibility ramp, window that opens or air-intake vent.
		<input type="checkbox"/>	Remove cigar or cigarette butts within 10 ft. of any entrance, exit, accessibility ramp, window that opens or air-intake vent.
		<input type="checkbox"/>	Post signs at each exit and entrance that state “no smoking or vaping within 10 feet.”
		<input type="checkbox"/>	Post signs on tables, outdoor seating, or dining areas that include the words “no smoking or vaping.”
<b>If no</b> , the Oregon Health Authority has determined that the area is not enclosed. Please note that this determination is only for current conditions as documented and any changes to the environment could result in a different review outcome. Statute and rules pertaining to the Oregon Indoor Clean Air Act are subject to change each year. Business owners are encouraged to consult with legal counsel regarding the status of ICAA statute and rules.		<input type="checkbox"/>	Other:
<b>Compliance With Site Visit and Remediation Plan Development:</b>			
<b>Yes</b>	<b>No</b>		
<input type="checkbox"/>	<input type="checkbox"/>	Failure of an employer or PIC to cooperate in developing a remediation plan. <i>(Please describe in Notes Section.)</i>	
<b>Site Visit Results/ Violation Summary:</b>		<b>Notes (inc. where signs are absent or insufficient):</b>	
<input type="checkbox"/>	Not currently an enclosed area	<input type="checkbox"/> Photos required: all observed violations	
<b>If enforced as an enclosed area:</b>			
<input type="checkbox"/>	No violations		
<input type="checkbox"/>	Violations observed: <i>Remediation Plan must be completed within 15 days. Due Date:</i> _____		
<input type="checkbox"/>	Violations observed; failure of PIC to develop Remediation Plan – <i>forward to OHA</i>		
<input type="checkbox"/>	Site Visit denied - <i>forward to OHA</i>		
<p>If applicable, a follow-up visit will be conducted within 30 days of the Remediation Plan due date. Any violations observed during or after the follow-up visit may result in civil penalties of up to \$500 per violation per day (OAR 333-015-0085).</p>			
<b>Signatures:</b>			
(print)		(print)	
(sign)		(sign)	
Investigator	Date	Person in Charge	Date

## Oregon Indoor Clean Air Act — Oregon Administrative Rules 333-015-0035, -0040, -0045 and -0085

### **333-015-0035: General Provision**

- (1) No person shall smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a public place except in those areas that are not required to be smoke, aerosol or vapor free under ORS 433.850(2) and OAR 333-015-0035(5) and (6).
- (2) Employers shall provide for employees a place of employment that is free of all smoke, aerosols and vapors containing inhalants; and may not allow employees to smoke, aerosolize or vaporize inhalants at the place of employment, except in those areas listed in ORS 433.850(2) and in OAR 333-015-0035(4) through (7). In providing a smoke, aerosol, or vapor free place of employment, an employer is responsible for taking steps to ensure that no person smokes, aerosolizes or vaporizes an inhalant within 10 feet of the following parts of a place of employment:
  - (a) Entrances;
  - (b) Exits;
  - (c) Windows that open;
  - (d) Ventilation intakes that serve an enclosed area; and
  - (e) Accessibility ramps.
- (3) No person shall smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument within 10 feet of the following parts of public places or places of employment:
  - (a) Entrances;
  - (b) Exits;
  - (c) Windows that open;
  - (d) Ventilation intakes that serve an enclosed area; and
  - (e) Accessibility ramps.
- (4) The owner or entity in charge of a hotel or motel may designate up to 25 percent of the sleeping rooms of the hotel or motel as rooms in which smoking, aerosolizing or vaporizing is permitted.
  - (a) If the owner or entity in charge of a hotel or motel chooses to designate up to 25 percent of sleeping rooms as smoking, aerosolizing or vaporizing permitted, all smoking, aerosolizing or vaporizing rooms on the same floor must be contiguous. The status of the rooms may not be changed, except to add more non-smoking, non-aerosolizing or non-vaporizing rooms.
  - (b) The owner or entity in charge of a hotel or motel shall provide written notice to patrons upon check-in as to the smoking, aerosolizing or vaporizing status of the sleeping rooms.
  - (c) The owner or entity in charge of a hotel or motel shall post signs at each entrance and exit in accordance with OAR 333-015-0040, with the exception of sleeping room entrances and exits. Signs shall notify all patrons that smoking, aerosolizing or vaporizing is limited to certain sleeping rooms.
  - (d) The owner or entity in charge of a hotel or motel shall provide written information to patrons upon check-in, describing how patrons may notify management of smoking, aerosolizing or vaporizing occurring in non-smoking, non-aerosolizing or non-vaporizing areas or rooms.
  - (e) Nothing in these rules shall prevent the owner or entity in charge of a hotel or motel from prohibiting smoking, aerosolizing or vaporizing on the entire premises.
- (5) Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.
- (6) The following areas are not required to be smoke-free:
  - (a) Smoke shops that are certified by the Authority under OAR 333-015-0068;
  - (b) Cigar bars if:
    - (A) The cigar bar generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006; and
    - (B) The cigar bar has provided the Public Health Division with proper documentation as required by OAR 333-015-0066.
  - (c) Up to 25 percent of the sleeping rooms of a hotel or motel, as designated by the owner or entity in charge. The hotel or motel must be in compliance with the rules set forth in OAR 333-015-0035(4).
- (7) The medical use of marijuana is permitted in the place of employment of a licensee of a professional licensing board as described in ORS 475.328.
- (8) Nothing in these rules shall prevent an employer in charge of a place of employment or an entity in charge of a public place from designating the entire place of employment or public place as smoke, aerosol or vapor free.

### **333-015-0040: Signs**

- (1) An employer or entity in charge, except in those places described in OAR 333-015-0035(5) and (6), shall post signs prohibiting smoking, aerosolizing or vaporizing of inhalants. Nothing in these rules shall prevent an employer from increasing the amount of property where smoking, aerosolizing or vaporizing of inhalants is prohibited beyond the 10-foot requirement or from designating the entire premises as smoke, aerosol or vapor free. Signs may be used without specifically including the words "within 10 feet" if the signs specify a restriction greater than 10 feet or designate the entire premises as smoke, aerosol or vapor free. Signs shall be posted prominently at each entrance and exit to the place of employment or public place.
- (2) In addition to requirements under this rule, an owner or entity in charge of a hotel or motel shall comply with signage requirements as described in OAR 333-015-0035(4).
- (3) An owner or entity in charge of tables or outdoor seating or dining areas within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of a public place or place of employment, or any portion of an accessibility ramp shall clearly mark the tables or outdoor seating or dining areas as non-smoking, non-vaporizing and non-aerosolizing.
- (4) In a cigar bar where smoking is allowed under OAR 333-015-0035(6), the employer or entity in charge shall post signs at each entrance and exit clearly stating that:
  - (a) Smoking is allowed on all or part of the premises;
  - (b) Smoking, aerosolizing or vaporizing of inhalants that are not cigars is prohibited; and
  - (c) Anyone under the age of 21 is prohibited from entering the premises.
- (5) In a smoke shop certified under OAR 333-015-0068(5)(a) and (b), where smoking is allowed under OAR 333-015-0035(6), the employer or entity in charge shall post signs at each entrance and exit clearly stating that:
  - (a) Smoking is allowed on all or part of the premises;
  - (b) Anyone under the age of 21 is prohibited from entering the premises;
  - (c) It is unlawful to sell tobacco products or inhalant delivery systems to anyone under the age of 21;
  - (d) Cigarette smoking is prohibited on the premises, in smoke shops where cigarette smoking is not allowed under OAR 333-015-0068(7)(e);
  - (e) Smoking, aerosolizing or vaporizing of inhalants that are not tobacco products is prohibited; and
  - (f) On premises consumption of alcohol is prohibited.
- (6) In a smoke shop certified under OAR 333-015-0068(5)(c), where smoking is allowed under OAR 333-015-0035(6), the employer or entity in charge shall post signs at each entrance and exit clearly stating that:
  - (a) Smoking is allowed on all or part of the premises;
  - (b) Anyone under the age of 18 is prohibited from entering the premises;
  - (c) It is unlawful to sell tobacco products or inhalant delivery systems to anyone under the age of 21;
  - (d) Cigarette smoking is prohibited on the premises, in smoke shops where cigarette smoking is not allowed under OAR 333-015-0068(7)(e);
  - (e) Smoking, aerosolizing or vaporizing of inhalants that are not tobacco products is prohibited; and
  - (f) On premises consumption of alcohol is prohibited.
- (7) All signs used to describe whether smoking is prohibited or allowed in a place of employment or public place shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured in any way.

### **333-015-0045: Ashtrays**

- (1) Ashtrays and any receptacles to be used for smoking, aerosolizing or vaporizing or depositing cigarette or inhalant delivery system debris are prohibited within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of a public place or place of employment, and any portion of an accessibility ramp.
- (2) Except for those areas described in OAR 333-015-0035(6), ashtrays and any receptacles to be used for smoking or depositing cigarette or inhalant delivery system debris are prohibited inside public places and places of employment.

### **333-015-0085: Penalties**

The Authority may impose a civil penalty of up to \$500 per day for each violation according to the following schedule:

- (1) \$500 for violations of OAR 333-015-0078(1)(a) (c), (e), (f), (g), (i) and (n).
- (2) \$300 for the first violation of OAR 333-015-0078(1)(b), (d), (h), (j), (k), (l), (m) and (o).
- (3) \$500 for the second violation of OAR 333-015-0078(1)(a), (c), (e), (f), (g), (i) and (n).
- (4) \$400 for the second violation of OAR 333-015-0078(1)(b), (d), (h), (j), (k), (l), (m) and (o).
- (5) \$500 for the third and any subsequent violations of OAR 333-015-0078(1)(a) through (o).

This document contains excerpts of the Oregon Indoor Clean Air Act (ICAA) Administrative Rules. To view the ICAA statutes and rules in their entirety, go to <http://www.healthoregon.org/morefreshair>. To request this document in another format, call: 971-673-0984.