Public Health Division Health Promotion and Chronic Disease Prevention Tobacco Prevention and Education Program					Form 1B – Smoke Shop B Inspection Site Visit and Remediation Plan Oregon Indoor Clean Air Act (ORS 433.835-875 and 433.990(5))				
					estigator name				
Workplace or public place name					Person in Charge				
Address						Pho	one		
Corporate office name (if applicable)					Contact name				
Address					l	Pho	ne		
☐ Annual site visit ☐ Complaint response visit									
Observed violations: Indoors (yes=out of compliance; no=in compliance)					Remediation plan: Indoors				
Yes	No				SIGNS: POST SIGNS at each exit and entrance clearly stating that:				
						Smokin	g tobacco <u>IS</u> allowed on a	ll or part of the	
						premises. Persons under 21 <u>NOT</u> permitted on the premises.			
		Absent or insufficient signs (at each entrance and exit).		kit).		Cigarette smoking <u>is prohibited</u> on the premises (in smoke shops not authorized to allow cigarette smoking).			
						Smoking, aerosolizing or vaporizing of inhalants that are not tobacco products is prohibited. It is unlawful to sell tobacco products or inhalant delivery systems to anyone under the age of 21.			
		Smoking of inhalants that are not tobacco products or vaporizing of any kind.				Do not allow smoking of inhalants that are not tobacco products or vaporizing of any kind by anyone at any time.			
		Persons under 21 present on the premises.				Do not allow persons under the age of 21 on the premises at any time.			
		Video lottery games, social gaming, or betting on the premises.		Э		Do not allow video lottery games, social gaming, or betting on the premises at any time.			
		Selling or offering food or beverages for on-premises consumption.		s		Do not sell or offer food or beverages for on- premises consumption.			
		Cigarette smoking on premises (if not certified to permit cigarette smoking).				Do not allow cigarette smoking on the premises at any time (unless certified to permit cigarette smoking).			
					Do not allow on-premises consumption of alcohol.				
Observed violations: Outdoors: within 10 feet of any entrance, exit, accessibility ramp, windows that open or air-intake vent					Remediation plan: Outdoors				
		Any person smoking, vaporizing/aerosolizing or carryin lighted smoking instrument or inhalant delivery system.				Do not smoke, vaporize/aerosolize, allow anyone to smoke, vaporize/aerosolize, or carry a lighted smoking instrument or inhalant delivery system.			
		Cigar or cigarette bu	utts.				e cigar or cigarette butts.		
		Ash receptacles.					e ash receptacles. _I ns on tables, outdoor sea	ting or dining	
		Tables, outdoor seating or dining areas not clearly marked as "nonsmoking or nonvaping."					nat include the words "no s		
Compliance With Site Visit and Remediation Plan Development: Failure of an employer or PIC to cooperate in developing					Notes	(incl. whe	ere signs are absent or in	sufficient):	
	a remediation plan. (Please describe in Notes section) Failure of an employer or PIC to permit OHA or the Local Public Health Authority to inspect all or any part of the								
premises. Site Visit Results/ Violation Summary:									
☐ No violations					□ph	☐ Photos taken			
	Violations observed: Remediation Plan must be completed within 15 days. Due Date:								
	Other violations observed — forward to OHA								
☐ Visit denied — <i>forward to OHA</i> Violations observed during the smoke shop inspection may result in civil penalties of up to \$500 per violation per day (OAR 333-015-									
0085)	, and re of the F		nop certification. If a remediation						
(print)						(print)			
(sign)					(sign)				
					Person in Charge Date				
Investigator Date					reison in Charge Date				

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

333-015-0035: General Provision

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 or place of employment 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(6) through (8).

(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(5) through (8).

(3) In providing a smoke, aerosol, or vapor free place of employment, an employer must ensure that:

(a) No person smokes, aerosolizes or vaporizes an inhalant within a place of employment.

(b) 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; and

(D) Ventilation intakes that serve an enclosed area.

- (4) 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; and
 - (d) Ventilation intakes that serve an enclosed area.
- (5) 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 of inhalants 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 nonvaporizing rooms.

 - (d) 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 at 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.

 (6) 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.
- (7) The following areas are not required to be smoke-free:
 (a) Smoke shops that are certified by the Authority under these rules;

 - (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 comply with rules set forth in OAR 333-015-0066. 0035(5).
- (8) The medical use of marijuana is permitted in the place of employment of a licensee of a professional licensing board as described in ORS 475B.919.
- (9) 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) through (8), must post signs prominently at each entrance and exit to the place of

- nployment or public place.

 (a) Signs must state that smoking, aerosolizing or vaporizing of inhalants is prohibited within 10 feet of entrances, exits, windows that open, and ventilation intakes that serve
 - an enclosed area.
 - (b) Signs may be used without the words "within 10 feet" if the signs specify a restriction greater than 10 feet or designate the entire premises as smoke, aerosol and vapor

- (2) Nothing in these rules shall prevent an employer or an entity in charge 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.

 (3) 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(5).

 (4) An employer 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 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 noned area of a
- aerosolizing.

 (5) In a cigar bar where smoking is allowed under OAR 333-015-0035(7), 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.
 (6) Smoke shops must 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 a smoke shop where cigarette smoking is not allowed under these rules;
 - (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 intended to be used for or used for 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(7), ashtrays and any receptacles intended to be used for or used for smoking or depositing cigarette or inhalant delivery
- system debris are prohibited inside public places and places of employment. 333-015-0085: Penalties

333-015-0085: Penalties
The Authority may impose a civil penalty of up to \$500 per day for any violation of the ICAA or these rules. The civil penalty amount for common violations is imposed 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.