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

Form 1 Cigar Bar
Initial Site Visit and 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:
Address: ☐ N/A ☐ Unknown			Phone:

Observed violations	**Remediation plan**
(***Yes = out of compliance / No = in compliance***) **Indoors (*check "Yes" or "No" for each of the following):***	(***Yes = out of compliance / No = in compliance***) **Indoors (*check "Yes" or "No" for each of the following):***
Yes No ☐ ☐ Smoking non-cigar tobacco products or vaporizing/aerosolizing of inhalants that are non-cigar tobacco products or carrying alighted non-cigar smoking instrument or inhalant delivery system ☐ ☐ Absence or insufficiency of signs (at entrances and exits) ☐ ☐ Noncompliance with other cigar bar certification requirements. Describe:	☐ Do not smoke or vaporize/aerosolize or allow smoking of non-cigar tobacco products or vaporizing/aerosolizing of inhalants that are non-cigar tobacco products ☐ Post signs at each exit and entrance clearly stating that: ☐ Smoking is allowed on all or part of the premises ☐ Smoking, aerosolizing or vaporizing of inhalants that are not cigars is prohibited ☐ Persons under 21 years of age are prohibited from entering. ☐ Comply with all other certification requirements for cigar bars. Describe: ☐ Other:
Outdoors – Any of the following are violations if they occur within 10 feet of any entrance, exit, accessibility ramp, window or air-intake vent *(check "Yes" or "No" for each of the following)*:	
Yes No ☐ ☐ Any person smoking or vaporizing/aerosolizing or carrying a lighted smoking instrument or inhalant delivery system ☐ ☐ Ash receptacles or inhalant delivery system debris ☐ ☐ Tables, outdoor seating or dining areas not clearly marked as "nonsmoking or nonvaping"	**Outdoors *(check all that apply)*:** ☐ Do not smoke or vaporize/aerosolize, allow anyone to smoke or vaporize/aerosolize, carry a lighted smoking instrument or inhalant delivery system, or allow anyone to carry a lighted smoking instrument or inhalant delivery system within 10 feet of any entrance, exit, accessibility ramp, window or air-intake vent. ☐ Remove ash receptacles or inhalant delivery system debris. ☐ Post signs on tables, outdoor seating, or dining areas that include the words "no smoking and no vaping." ☐ Other:

Compliance With Site Visit and Remediation Plan Development:

Yes	No	
☐	☐	Failure of an employer or PIC to cooperate in developing 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:	**Notes:**
☐ No violations ☐ Violations observed **Remediation Plan due date (within 15 days):** _____ ☐ Other violations observed — *forward to OHA* ☐ Visit denied — *forward to OHA*	☐ Photos were taken

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 fines of up to $500 per violation per day (OAR 333-015-0085), and revocation of cigar bar certification.

Signatures:

Investigator Date

Person in charge Date

(Provide one copy to PIC. Retain one copy for LPHA.)

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 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 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 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 333-015-0035(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 employment 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 free.

(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 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.
(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

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.