

## Summary of Cigar Bar and Smoke Shop Exemptions

Oregon Indoor Clean Air Act, effective Jan. 1, 2009; amended by HB 2726, effective June 30, 2011

	A	B	C	D
Constraints and mandates in ICAA	Cigar Bar	Smoke Shop – New applications received after June 30, 2011	Smoke Shop – In 2008, met requirements noted below (in grandfather clause row)	Smoke Shop – 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 18 years of age from entering the premises.	Prohibits persons under 18 years of age from entering the premises.	Prohibits persons under 18 years of age from entering the premises
Food and beverages, including alcohol	Yes, has been issued and operates under a full on-premises sales license issued under ORS 471.175.	Can sell food and beverages, including alcohol, for off-premises consumption. Cannot sell or offer on-premises consumption of food or beverages.	Can sell food and beverages, including alcohol, for off-premises consumption. Cannot sell or offer on-premises consumption of food or beverages.	Can sell alcohol for off-premises consumption. Cannot sell or offer on-premises consumption of alcoholic beverages.
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.	Apply to OHA and receive certification before allowing smoking on premises (if not already certified); renewal every five years.
Equipment	Has a humidior on the 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 or before Dec. 31, 2012.
Inform employees	Requires all employees to read, sign document explaining dangers of secondhand smoke exposure.	N/A	N/A	N/A
Locating	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 (see below).	Is a stand-alone business with no other businesses or residential property attached to the premises.
Certification transfer and portability	Not specified.	Not specified.	The owner of a certified smoke shop may transfer the certification. A certified smoke shop may move to a new location that occupies no more than 3,500 square feet; or, if the old location occupied more than 3,500 square feet, the new location may occupy no more than 110 percent of the space occupied by the old location.	The owner of a certified smoke shop may transfer the certification. A certified smoke shop may move to a new location that occupies no more than 3,500 square feet; or, if the old location occupied more than 3,500 square feet, the new location may occupy no more than 110 percent of the space occupied by the old location.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Constraints and mandates in ICAA</b>	<b>Cigar Bar</b>	<b>Smoke Shop – New applications received after June 30, 2011</b>	<b>Smoke Shop – In 2008, met requirements noted below (in grandfather clause row)</b>	<b>Smoke Shop – Applied for certification prior to June 30, 2011 (and certified by Dec. 31, 2012)</b>
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 signage at each entrance and exit stating that smoking is allowed on all or some of the premises.	Post signage at each entrance and exit stating that smoking is allowed on all or some of the premises.	Post signage at each entrance and exit stating that smoking is allowed on all or some of the premises.	Post signage at each entrance and exit stating that smoking is allowed on all or some of 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, 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 game	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 revenues of the business results from the sale of cigarettes.	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.