

# Oregon Indoor Clean Air Act (ICAA)

## Frequently Asked Questions

Tobacco remains the main cause of preventable death and disease in the United States, including in Oregon. The ICAA protects nearly every person in Oregon from the health risks of secondhand smoke, including aerosols, vapor, and cannabis smoke.

The ICAA covers the smoking, vaporizing and aerosolizing of inhalants in and around public places and places of employment. A **public place** is defined as “an enclosed area open to the public.” A **place of employment** is defined as “an enclosed area under the control of a public or private employer, including work areas, employee lounges, vehicles that are operated in the course of an employer’s business and that are not operated exclusively by one employee, restrooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.”

The ICAA covers the smoking, vaporizing, and aerosolizing of inhalants in and around public places and places of employment. Under the ICAA, smoking, vaporizing, and aerosolizing of inhalants is also prohibited within 10 feet of all entrances, exits, and accessibility ramps that lead to and from an entrance or exit, windows and air-intake vents. The [statute](#) and [rules](#) are accessible online.

### What are tobacco products and inhalant delivery systems?

You can find the technical definitions of these products by looking at the statute (ORS [431A.175](#), [431A.183](#), [323.010](#)).

An **inhalant delivery system** (IDS) is a device used to deliver nicotine or cannabinoids, such as marijuana, in the form of a vapor or aerosol. These are products such as e-cigarettes and heat sticks. IDS also includes the components of these types of devices such as e-liquids and cartridges.

**Tobacco products** are products prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or other device. Examples of tobacco products are cigarettes, cigars, stogies, chewing tobacco, snus, and other forms of tobacco used for chewing or smoking.

Tobacco products also include devices that can be used to deliver tobacco products such as standard pipes and glass pipes.

### **Where does the ICAA apply?**

All workplaces and enclosed public places must be smoke, vapor and aerosol free. This includes work vehicles that are not operated exclusively by one employee. Some cities and counties in Oregon have enacted local smoke free workplace laws. Employers must comply with all local laws, which are stricter than the state law. OHA enforces the state law only.

Businesses are not required to allow smoking on the premises. At any time, an owner may designate his/her entire business premises smoke-, vapor- and tobacco-free.

### **Are there any exceptions to the law?**

Yes. Exceptions to the ICAA include:

- Smoking tobacco products in certified smoke shops
- Smoking cigars in certified cigar bars
- Smoking in hotel or motel rooms that are designated as smoking allowed (may not exceed 25% of sleeping rooms)
- Smoking of non-commercial tobacco for American Indian ceremonial purposes

The ICAA does not apply on tribal lands.

### **I live in an apartment building. Where can I smoke or vape?**

The ICAA does not apply to private residences. However, the ICAA applies to public enclosed spaces in an apartment complex. Smoking and vaping in enclosed public spaces is not allowed. For example, shared laundry rooms, enclosed stairwells and other public spaces in an apartment complex are subject to the ICAA.

There is nothing in the ICAA that prevents organizations and businesses from implementing a policy that is stronger than the ICAA, including a smoke-free property. If your building has a smoke- and vapor-free policy, check with your management company for its policy. The Oregon Health Authority enforces the state law, not

organizational policies. Landlords and management companies are responsible for enforcing their own smoke- and vapor-free policies.

Renters and landlords can find more information about smoke-free housing (including tenants' rights and landlord disclosure laws) at <http://smokefreeoregon.com/smokefree-places/housing/>.

### **How does the ICAA apply to smoking or vaporizing marijuana?**

Public use of marijuana is prohibited by Oregon law ([ORS 475B.381](#)). The Oregon Liquor Control Commission is the licensing and enforcement entity for Oregon marijuana law. The Oregon Health Authority enforces the Oregon ICAA, which includes marijuana smoke and vapor.

### **I want to quit using tobacco. Where can I get help?**

The Oregon Quit Line is open 24 hours, seven days a week. The Quit Line is a telephone and web-based counseling service to help Oregonians quit using tobacco and nicotine products, and can provide nicotine replacement therapies (NRT). You can contact the Quit Line by calling 1-800-QUIT-NOW (1-800-784-8669) or visiting the [Smoke Free Oregon website](#). For information and assistance in Spanish call the Spanish Quit Line at 1-855-DEJELO-YA (1-855-335-3569) or visit the [Vive Sin Fumar website](#).

### **I would like ICAA signs for my business. Where can I get them?**

The Oregon Health Authority has signs that businesses can download and print. The signs are available at [www.healthoregon.org/morefreshair](http://www.healthoregon.org/morefreshair) under the "Required Signs" link. Businesses may also check with their county public health authorities for signs and information. Note that businesses do not have to use the ICAA signs provided on the OHA website. Businesses may make signs, but they must include the [language required by law](#).

### **Are businesses allowed to increase that distance or make the entire property smoke- and vape-free?**

Yes. There is nothing in the ICAA that prevents businesses from increasing the distance required by the state, or from making properties entirely smoke-, vapor- and tobacco-free. This includes apartment complexes. Businesses and organizations that choose to have policies that are stronger than the state law should indicate that on the

signs posted at entrances and exits. For example: “No smoking or vaping within 25 feet” or “No smoking or vaping anywhere on the property.”

## **Who do I contact if I have additional questions?**

For questions about ICAA compliance and enforcement:

[More.FreshAir@dhsosha.state.or.us](mailto:More.FreshAir@dhsosha.state.or.us)

866-621-6107

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCPREVENTION/SMOKEFREEWORKPLACE/Pages/index.aspx>

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact ICAA Program at [More.FreshAir@dhsosha.state.or.us](mailto:More.FreshAir@dhsosha.state.or.us) or 866-621-6107 (voice/text). We accept all relay calls.