

Oregon Indoor Clean Air Act (ICAA)

Frequently Asked Questions

Tobacco remains the main cause of preventable death and disease in Oregon and the United States.

Oregon's Indoor Clean Air Act (ICAA) protects from the health risks of:

- Smoking, including smoking cannabis
- Vaporizing, or "vaping," including cannabis
- Using inhalants (aerosols)

ICAA applies when in and around the following:

- **Public places:** Enclosed areas open to the public.
- **Places of employment:** Enclosed areas under the control of a public or private employer, including:
 - Work areas
 - Employee lounges
 - Vehicles used during business and used by more than one employee
 - Restrooms
 - Conference rooms
 - Classrooms
 - Cafeterias
 - Hallways
 - Meeting rooms
 - Elevators
 - Stairways

Under ICAA, smoking, vaporizing, and using inhalants are banned within 10 feet of all:

- Entrances
- Exits
- Accessibility ramps leading to and from an entrance or exit
- Windows that open
- Air-intake vents.

The [statute](#) and [rules](#) are online.

What are tobacco products and inhalant delivery systems?

Inhalant delivery systems (IDS) are devices used to deliver nicotine or cannabinoids, such as marijuana, in a vapor or aerosol. Examples are:

- E-cigarettes (vapes)
- Vape pens
- E-pipes
- E-hookah
- E-cigars
- Heat sticks

IDS also includes the components of these devices or any substance sold to be used in an IDS. Examples are:

- E-liquids
- E-juice
- Cartridges
- Pods

Tobacco products are those prepared for chewing or smoking. Examples are:

- Cigarettes
- Cigars
- Stogies
- Chewing tobacco
- Snus

Tobacco products include devices used to deliver tobacco, such as standard pipes and glass pipes.

Technical definitions of IDS and tobacco products are written in law ([ORS 431A.175](#), [431A.183](#), [323.010](#)).

Where does ICAA apply?

All workplaces and enclosed public places must be free from smoke, vapor and aerosols). This includes work vehicles not operated only by one employee.

Some cities and counties in Oregon have local smoke-free workplace laws. Employers must comply with any local laws that are stricter than state law. The Oregon Health Authority enforces the state law only.

Businesses do not need to allow smoking on their property. At any time, an owner may designate their entire business as smoke-, vapor- and tobacco-free.

Are there any exceptions to the law?

Yes. Exceptions to ICAA include:

- Smoking tobacco products in certified smoke shops
- Smoking cigars in certified cigar bars
- Smoking in hotel or motel rooms designated as smoking rooms (which may not be more than 25 percent of sleeping rooms)
- Smoking non-commercial tobacco for American Indian ceremonies

The ICAA does not apply on Tribal lands.

I live in an apartment. Where can I smoke or vape there?

ICAA does not apply to private residences. However, it applies to public enclosed spaces in apartment buildings. Smoking and vaping are not allowed in public enclosed spaces. For example, smoking and vaping are not allowed in:

- Shared laundry rooms
- Enclosed stairwells, and
- Other enclosed shared public spaces.

Nothing in ICAA prevents organizations and businesses from having stronger policies. This includes smoke-free properties. 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 the policies of companies. Landlords and management companies must enforce their own smoke- and vapor-free policies.

You can learn more about smoke-free housing, tenants' rights and landlord disclosure laws at <https://smokefreeoregon.com/resources/smoke-free-housing-tools/>.

How does ICAA apply to smoking or vaping marijuana?

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

Can businesses allow smoking or vaping marijuana during private events on their property?

No. A place of employment or business having a private event remains subject to ICAA. The law continues to apply outside of regular business hours.

Can members-only businesses allow smoking or vaping marijuana?

Businesses or workplaces that require “membership” are still public places subject to ICAA. There are no exceptions for members who consent to entering an enclosed space that allows smoking. “Members-only” businesses must be smoke, vapor and inhalant-free at all times.

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

The Oregon Tobacco Quit Line is open 24 hours a day, seven days a week. It is a telephone and web-based counseling service that helps people in Oregon quit using tobacco and nicotine products. The line can also provide free medications to stop smoking.

Call the Quit Line at:

- 1-800-QUIT-NOW (1-800-784-8669) for English
- 1-855-DEJELO-YA (1-855-335-3569) for Spanish

Visit the Smokefree Oregon website at:

- [Smokefree Oregon](https://smokefreeoregon.com) (smokefreeoregon.com) for English
- [Vive Sin Fumar](https://smokefreeoregon.com/vive-sin-fumar) (smokefreeoregon.com/vive-sin-fumar) for Spanish

Where can I get ICAA signs for my business?

The Oregon Health Authority has signs businesses can download and print. They are at www.healthoregon.org/morefreshair under the “Required Signs” link. You may also check with your county public health authorities for signs. You do not have to use ICAA signs from the above website. You may make your own signs. However, you must include the [language required by law](#).

Can businesses increase distances or make the entire property smoke- and vape-free?

Yes. Nothing in ICAA stops businesses from increasing the distance required by the state or making properties entirely smoke-, vapor- and tobacco-free. This includes apartment buildings and the property around them. If you have stronger policies than the state law, write what they are on signs posted at entrances and exits. Examples:

- “No smoking or vaping within 25 feet”
- “No smoking or vaping anywhere on the property.”

Questions?

ICAA compliance and enforcement:

More.FreshAir@odhsoha.oregon.gov

866-621-6107

Oregon's Indoor Clear Air Act:

oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/SMOKEFREEWORKPLACELAW/Pages/index.aspx

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the ICAA Program at More.FreshAir@odhsoha.oregon.gov or 866-621-6107. We accept all relay calls.

Oregon Public Health Division
Health Promotion & Chronic Disease Prevention Section
800 NE Oregon Street, Suite 730
Portland, OR 97232
(866) 621-6107
<http://healthoregon.org/morefreshair>

