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## Oregon Progressive Party Position on Bill at 2017 Session of Oregon Legislature:

### SB 235 A: Oppose

Dear Committee:

The Oregon Progressive Party opposes this gut-and-stuff bill, which defines "enclosed area" for purposes of Oregon Indoor Clean Act in a way that would allow smoking in many areas now off limits. The definition is absurd, the epitome of loophole.

The original bill would have required licenses for the retail sale of tobacco products or inhalant delivery systems. The gut-and-stuff amendment eliminated that and replaced it with a new definition of "enclosed area." There has been no public hearing on the content of the amendment. The public hearing in the Senate concluded on February 9. The adopted -5 amendment was not posted until April 14, more than 2 months later. There is no indication that the public hearing was re-opened. The April 18 Staff Measure Summary (SMS) states only:

-5 Replaces the measure. Amends the Oregon Indoor Clean Air Act. Allows use of tobacco products in an enclosed area such as outdoor patios or smoking shelters.

The SMS is accurate in that it states that the adopted amendment would allow "use of tobacco products in an enclosed area." It would allow smoking in many areas that any reasonable observer would consider inappropriate due to lack of ventilation. Smoking is a public health menace. It should not be allowed in areas now considered enclosed.

In essence, the protections of the Oregon Indoor Clean Act Act apply only to "enclosed areas," whether at work or in public areas such as restaurants and lobbies. This bill defines "enclosed area" as:

“(2) ‘Enclosed area’ means the entirety of the space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

So the bill would allow smoking in these places, which would no longer be "enclosed areas":

- Any room in which any 2 walls do not extend entirely to the ceiling, even if the gap is a fraction of an inch. The room could have 2 walls that extend from the floor to ceiling and 2 walls with a small gap at the top. That room would no longer be considered an "enclosed area," regardless of its lack of ventilation.
- Any other room not having at least 3 complete floor-to ceiling walls, regardless of its lack of ventilation.

This is an ill-considered bill that must be rejected.

### Oregon Progressive Party

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