

To: Senator Laurie Monnes Anderson, Chair
Senate Committee on Health Care

Senator Dennis Linthicum
Senator Shemia Fagan
Senator Lee Beyer
Senator Tim Knopp

From: Lloyd Smith

Subject: HB 4078 – Related to Cannabis

Dear Chair Monnes Anderson and Members of the Senate Committee on Health Care:

Although your committee at this time may not have jurisdiction or direct concern with the consequences of the various forms of second hand exposure to cannabis, we would like to take an opportunity to bring to your attention a serious and growing problem in this area.

As the growth, production and use of marijuana and other cannabis products has become more popular in Oregon, it is apparent that the Oregon Indoor Clean Air Act (ICCA), as constituted by ORS [433.835-433.875 and to 433.990(5)] and enforced by the Oregon Health Authority, OAR [333-015-0025 to 333-015-0085], is not effective in accomplishing its stated purpose regarding the protection of Oregonians from the effects of second hand smoke and vapors from sources other than tobacco, including cannabinoids. As we see it, there are two basic problems:

1. The law is being essentially ignored by the public and by employers, and
2. The complaint-based enforcement procedure is seldom used and is ineffective

Following is a brief description of the ICAA. from the Oregon Health Authority (OHA) web site.

The ICAA applies to smoking, vaporizing and aerosolizing of inhalants in and around public places and places of employment.

Smoking, vaporizing and aerosolizing of inhalants is also prohibited within 10 feet of all entrances (including stairs), exits (including stairs), and accessibility ramps that lead to and from an entrance or exit, windows that open and air-intake vents.”

What are tobacco products and inhalant delivery systems?

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.

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 heatsticks, and includes the components of these devices such as e-liquids and cartridges.

We applaud actions of the State of Oregon along with other governmental and private health-related organizations that have worked so hard on many fronts over the last 50 years to change the landscape regarding the first and second hand exposure to tobacco. This has resulted in a much more informed and healthy society.

However, because of its place in the shadows for so long, the same diligence and discipline are only recently being applied to the analysis and documentation of the injurious health effects of second hand exposure to cannabis, whether smoked, vaporized, aerosolized, or used in other ways such as lotions, where emitted particulates can adversely affect others who do not want to be so exposed, and who, under the ICAA, are granted the right to not be exposed.

Our main goal is that the sections of the existing law and regulations of the Oregon Indoor Clean Air Act relating to the smoking, vaping and diffusion of cannabis products in public spaces and the workplace be taken seriously and be enforced. The only enforcement procedure currently is a reactive, complaint based, one where the burden of proof is on the complainant. There is no meaningful system for inspection of, or testing for, the presence of residual cannabis particulates in the air. Yet, currently available science concludes that these particulates are extremely harmful to respiratory, neurologic and cardiovascular systems of both humans and animals and that exposure to them can even be life-threatening.

Please be assured that we are not advocating a ban or prohibition on the legal use of cannabis products. However, we do plan to assert our legal right to not be exposed, particularly when that right is already recognized under Oregon law. We look forward to opportunities to follow up and share more information with you and your committee as well as with other committees who will be dealing with similar issues during this session and the next.

Sincerely,

Lloyd Smith
Group for the right to breathe cannabis-free.