

HB 2640 STAFF MEASURE SUMMARY
House Committee On General Government

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Meeting Dates: 2/9

WHAT THE MEASURE DOES:

Allows third party sale of alcoholic beverages for on-premise consumption at certified smoke shop. Authorizes Oregon Health Authority to adopt rules. Becomes operative January 1, 2022; takes effect 91 days following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Health Authority (OHA) is responsible for enforcing the Indoor Clean Air Act (ICAA), which creates smoke free public places and places of employment with the intent of protecting the health of employees and the public. The ICAA applies to smoking, vaporizing, and aerosolizing of inhalants in and around public places and places of employment.

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); and
- Smoking of non-commercial tobacco for American Indian ceremonial purposes.

ORS 433.847 defines a certified smoke shop as a business that is primarily engaged in the sale, for off-premises consumption or use, of tobacco products and smoking instruments used to smoke tobacco products, with at least 75 percent of the gross revenues of the business resulting from such sales; prohibits persons under 21 years of age from entering the premises; does not offer video lottery games; and does not sell or offer food or beverages, including alcoholic beverages, for on-premises consumption or allow on-premises consumption of alcoholic beverages.

House Bill 2640 allows a third party to provide alcoholic beverages for sale for on-premise consumption at certified smoke shops and cigar bars. The measure allows the Oregon Health Authority adopt rules to carry out regulatory requirements, and becomes operative January 1, 2022.