

Outdoor Smoking Areas and Compliance with Oregon's Indoor Clean Air Act (ICAA)

The ICAA prohibits smoking, vaporizing or aerosolizing indoors in places of employment, indoor public places and within 10 feet of all entrances, exits, accessibility ramps that lead to and from an entrance or exit, windows that open and air-intake vents.

A recent survey of Oregon adults showed 83% agree that people should be protected from second hand smoke exposure outside. For businesses that choose to allow outdoor smoking, the smoking areas must not be enclosed.

According to the ICAA, ORS 333-015-0030:

"Enclosed area" means all space between a floor and a ceiling that is enclosed on two or more sides by permanent or temporary walls or windows, exclusive of doors, passageways or gaps. If no ceiling is present, "enclosed area" means all space that is included by three or more sides by permanent or temporary walls or windows, exclusive of doors, passageways or gaps.

The structures shown below are examples of an enclosed area



Enclosed despite the 1 inch gap



2 or more sides



3 sides and no ceiling



2 sides and a ceiling

Businesses can comply with outdoor smoking restrictions by:

- Prohibiting smoking within 10 feet of entrances, exits, accessibility ramps that lead to and from an entrance or exit, windows that open or air-intake vents of any indoor workplace or public place.
- Posting "no smoking or vaping" within 10 feet signs at all building entrances and exits.
- Marking all tables or outdoor seating or dining areas within 10 feet of entrances, exits, accessibility ramps, windows or ventilation intakes as non-smoking, non-aerosolizing and non-vaporizing.
- Removing ashtrays and other receptacles for smoking debris (e.g. butts, ashes) and inhalant delivery system debris (e.g. e-liquid containers, packaging) from outdoor locations within 10 feet of entrances, exits, accessibility ramps, windows or ventilation intakes.