Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Parks and Recreation Department — 736

Agency and Division — Administrative Rules Chapter Number

Prohibits Smoking of Tobacco Products on the Ocean Shore

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendments to general ocean shore state recreation area rules under chapter 736, division 21 to prohibit smoking of tobacco products on land managed by the Oregon Parks and Recreation Department.

Statutory Authority:

ORS 390.660

Other Authority:

Statutes Implemented:

ORS 390.660

Need for the Rule(s):

This rule will bring consistency to the use of tobacco products on lands managed by the Oregon Parks and Recreation Department and will help reduce cigarette butt litter which damages natural resources on the ocean shore.

Documents Relied Upon, and where they are available:

State of Oregon Governor's Executive Order 12-13 "Tobacco Free Properties" and general park area rules chapter 736, division 10.

Fiscal and Economic Impact:

The proposed rules are expected to have a relatively low fiscal impact overall. The rule only affects ocean shore visitors who currently consume tobacco products. This group constitutes an estimated 12-18% of visitors, based on the percentage of Oregon, California and Washington adult residents who smoke.

As with all our rules, we aim to educate visitors about ocean shore rules and provide an opportunity for them to comply voluntarily. We are generally very successful at gaining voluntary compliance and we anticipate this rule won't increase the need for issuing citations. The department currently issues between 300 and 400 citations annually for all park area rule infractions statewide.

Rule violations are a class D violation and carry a fine, which at the time of filing was $110. The department may choose to designate a lower fine for this type of infraction as it did for failure to display a valid parking permit or failure of persons younger than 16 years of age to wear protective headgear while riding a bicycle on park property. Both these violations carry a $60 fine.

It is possible that a small percentage of ocean shore visitors who use tobacco may decide to no longer frequent the ocean shore. However, we anticipate the decline in visitation to be small. Therefore, we expect the economic impact on the local communities to be minimal, if any.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

a. State agencies: There is no apparent impact on state agencies as this rule affects OPRD and the individuals who use the ocean shore.
b. Units of local government: There is no apparent impact on local government as this rule affects OPRD and the individuals who use the ocean shore.
c. The public: The proposed rules may result in a fine for non-compliance. However, as noted above, the department will seek voluntary compliance and limit citations to extreme cases. Therefore, we expect the majority of tobacco users will comply with the rules.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:
None

How were small businesses involved in the development of this rule?
N/A This rule affects OPRD and users of the ocean shore.

Administrative Rule Advisory Committee consulted?: No
If not, why?:
An administrative rule advisory committee was not consulted because the fiscal impact of the rule is minimal. Rules adopted earlier this year that restrict smoking in state parks had little impact on attendance. Since the agency rarely has to issue citations, the likelihood of the rule having an actual fiscal impact on the public is minimal.

While an external advisory committee for rulemaking purposes will not be used the Oregon Parks and Recreation Department will form an advisory group to provide input on the proposed changes, the process for getting public comment and the implementation of any new rules resulting from this effort. There will be four public hearings to be held in August and a public comment period that will run through 5:00 PM on August 29, 2014.

08-29-2014 5:00 p.m.	Vanessa DeMoe	vanessa.demoe@oregon.gov
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address