

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB1191

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Mims, W.

3. Committee: Education and Health

4. Title: Virginia Indoor Clean Air Act; civil penalties.

5. Summary/Purpose: This bill moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Any person who continues to smoke in an area in which smoking is prohibited after having been asked to refrain from smoking will be subject to a civil penalty of not more than \$100. Civil penalties of \$250 will be levied for subsequent offenses. Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses. Any law enforcement officer may issue a summons regarding a violation of this law. The Board of Health and the Commissioner of Labor and Industry will jointly promulgate regulations to enforce these requirements and must annually report on their enforcement efforts by January 15, beginning in 2006. Enactment clauses repeal the present title relating to counties, cities, and towns and postpone the effective date for prohibiting smoking in such bars and lounges that are not separately enclosed from other establishments until July 1, 2006. It also authorizes, until such time, smoking in bars and lounges to the same extent as allowed under present law or ordinances.

6. Fiscal Impacts are: None.

7. Budget amendment necessary: None.

9. Specific agency or political subdivisions affected: All cities and counties in the Commonwealth. The bill also prohibits a locality from enacting more stringent ordinances unless an existing local ordinance was passed before 1990.

10. Technical amendment necessary: None.

11. Other comments: This tentative impact statement is based on contacts with other states with similar legislation; no ongoing impact warranting a budget amendment and/or additional environmental health staff is projected at this time. Experience in other state public health agencies has been an initial increase in calls, complaints, etc., but that this workload increase subsides after initial implementation. Should the Virginia Department of Health be required to enforce the law including issuance of summons, time in court, etc., then the fiscal impact would need to be re-evaluated.

Date: 01/21/05 reh

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Cc: Secretary of Health and Human Resources