

## Department of Planning and Budget 2006 Fiscal Impact Statement

**1. Bill Number** SB648

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

**2. Patron:** Bell

**3. Committee:** Education and Health

**4. Title:** Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.

- 5. Summary/Purpose:** Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas, except for the regulation of restaurants, 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. The bill continues the regulation of smoking in restaurants as currently provided in Title 15.2. Exceptions to the new smoking prohibitions are provided for (i) private homes, private residences, and private automobiles, unless used as or in the operation of any establishment or facility in which smoking is prohibited; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms clearly designated as "smoking" rooms so long as such rooms do not exceed 20% of the total accommodations within the establishment that are offered for lease or rent to the public; and (iv) specialty tobacco stores. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. 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 will enforce the smoking restrictions and must annually report on their enforcement efforts by January 31. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted has the right to prohibit smoking and that any principal or other administrator of an educational facility may adopt smoking prohibitions that are more stringent, including restrictions on smoking in areas on the facility's campus that are not enclosed; that signs will not be required on private homes or residences or private vehicles; and that the new article must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any restaurant, establishment, building, or area or by other applicable law. Local ordinances are authorized to comply with the statewide restaurant restrictions and with the new restrictions on smoking in other public places.

**6. No Fiscal Impact.**

**7. Budget amendment necessary:** No.

- 8. Fiscal implications:** 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. Should the Virginia Department of Health be required to enforce the law including issuance of summons, time in court, etc., the fiscal impact would need to be re-evaluated.

Estimate of development and distribution costs for Educational Brochure (based on estimates provided for the development of a trifold Tobacco Quitline Brochure):

Brochure Development from Office of Graphic Communications: \$2,000

Cost of Stock Photography: \$600

Illustration: \$75 per hour X 8 hours: \$600

Printing of 10,000 brochures, @ .25X 10,000: \$2,500

Distribution: 10,000 X .39: \$3,900

TOTAL = \$9,600.00

- 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 2006.

**10. Technical amendment necessary:** No.

**11. Other comments:** None.

**Date:** 01/18/06 reh

**Document:** SB648.doc

Cc: Secretary of Health and Human Resources