

## Department of Planning and Budget

### 2007 Fiscal Impact Statement

1. **Bill Number:** HB 2422

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

2. **Patron:** H. Morgan Griffith

3. **Committee:** Passed Both Houses

4. **Title:** Restaurants; smoking prohibited; penalties

5. **Summary/Purpose:** Prohibits smoking in restaurants in the Commonwealth unless a restaurant posts signs stating "Smoking Permitted" conspicuous to ordinary public view at each public entrance. Any person who continues to smoke in any prohibited area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$250 for the first offense, and \$500 for a second offense; any subsequent offense shall be punishable as a Class 2 misdemeanor. Any proprietor of any restaurant who fails to comply with these restrictions shall be subject to a civil penalty of not more than \$500 for the first offense and \$1000 for a second offense; any subsequent offense shall be punishable as a Class 1 misdemeanor.

6. **Fiscal Impact Estimates are Indeterminate:** See item #8.

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

8. **Fiscal implications:** There is not enough information available to reliably estimate how much revenue will be generated from the civil penalties collected from offenders of the Virginia Indoor Clean Air Act. The revenue collected from the civil penalties will be put into the Literary Fund.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Therefore, this proposal could result in an increase in the number of persons sentenced to jail.

There is also not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (FY 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

**9. Specific agency or political subdivisions affected:** Virginia Department of Health,  
Department of Education, and Department of Treasury

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

**11. Other comments:** No.

**Date:** 3/19/2007

**Document:** HB2422.doc

cc: Secretary of Health and Human Resources