

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB298-E

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

2. Patron: Whipple

3. Committee: Education and Health

4. Title: Virginia Smoke Free Air Act

5. Summary: The amended legislation places the authority of the enforcement of penalties with any law enforcement office instead of the Commissioner of Health. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government to the title relating to health and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; private clubs, except when being used for functions attended by persons other than members and invited guests; hotel or motel rooms designated as smoking rooms that are offered for rent to the public; specialty tobacco stores; tobacco manufacturers; and private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

6. Fiscal Impact Estimates: No fiscal impact.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: No.

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: The Virginia Department of Health (VDH) has developed and implemented (ongoing, continuous) an education program to explain the medical rationale, environmental purpose, requirements, and benefits related to the provisions of this bill; therefore, no fiscal impact would be realized by the agency as a result this requirement.

The introduced legislation had required the Commissioner of Health, or his designee, to enforce the provisions of the bill. However, the amended legislation now holds any law enforcement office responsible for issuing a summons regarding a violation of this chapter; therefore, no fiscal impact would realized by the agency as a result of this requirement.

Finally, the number of violators of the Act is unknown; therefore, the amount of revenue collected from civil penalties cannot be determined. Any revenue collected from civil penalties will be deposited into the Literary Fund.

Date: 2/7/2008 lrj

Document: SB298E.doc

cc: Secretary of Health and Human Resources