

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB 1703

House of Origin	<u> X </u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Cosgrove

3. Committee: General Laws

4. Title: Virginia Indoor Clean Air Act; penalty

5. Summary: Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2010, as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments.

6. Fiscal Impact Estimates: See item #8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications:

Expenditure Impact

The Virginia Department of Health currently inspects restaurants licensed by the Board of Health in fulfilling its responsibilities; therefore, the legislation would not have a fiscal impact upon the agency as it pertains to restaurant inspections.

Revenue Impact

The amended legislation seeks to expand the areas where smoking is prohibited to include buildings owned or leased by the Commonwealth or agency and locality. The civil penalty issued to any person violating the legislation is subject to a civil penalty of no more than \$25. The number of potential violators of this bill is unknown; therefore, the estimated revenue cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Health, state agencies and localities

10. Technical Amendment Necessary: No.

11. Other Comments: No.

Date: 1/26/2009 lrj

Document: G:\VDH\GA\Legislation\FIS\FY 2009\HB1703.doc

cc: Secretary of Health and Human Resources