

**Department of Planning and Budget
2009 Fiscal Impact Statement**

1. Bill Number: HB 2483

House of Origin Introduced ___ Substitute ___ Engrossed
Second House ___ In Committee ___ Substitute ___ Enrolled

2. Patron: Eisenberg

3. Committee: General Laws

4. Title: **Virginia Indoor Clean Air Act; presence of minors; penalty**

5. Summary: Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits the presence of minors in all indoor restaurants and bar and lounge areas in the Commonwealth that allow smoking. Requires the posting of “No Minors Allowed” signs where smoking is allowed and provides for a \$100 civil penalty for a first violation of these provisions, and \$250 for any subsequent violation.

6. Fiscal Impact Estimates: See item #8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications:

Expenditure Impact

The Virginia Department of Health (VDH) currently inspects restaurants which are licensed by the Board of Health. The legislation would not affect the number of restaurants inspected by the Department and would not have a fiscal impact as it pertains to restaurant inspections.

Revenue Impact

According to the legislation, the proprietor of any indoor restaurant, bar, or lounge area (as defined in Chapter 16 of the legislation) who fails to comply with the requirements of the legislation is subject to a civil penalty of no more than \$100 for the first offense and \$250 for any subsequent offense. All of the revenue collected from the civil penalties shall be deposited into the Virginia Health Care Fund.

The number of offenders of the Act is unknown; therefore, the amount of revenue collected from civil penalties cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Health, Department of Medical Assistance Services, and Virginia localities

10. Technical Amendment Necessary: No.

11. Other Comments: VDH assumes that it will be responsible for enforcement since §32.1 is located within VDH’s responsibility. The legislation specifies that law enforcement officers shall issue summons to violators of Chapter 16 of the bill.

Date: 2/2/2009 lrj

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cc: Secretary of Health and Human Resources