

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1852

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

**2. Patron:** Orrock, R. D.

**3. Committee:** Agriculture, Conservation and Natural Resources

**4. Title:** Home-processed food; inspection of food establishments and labeling of foods.

**5. Summary:** This bill exempts private homes where the resident processes and prepares certain food products, including dried fruits, dry herbs, dry seasonings, nuts, vinegars, dried pasta, dry baking mixes, and cereals, from inspection by the Virginia Department of Agriculture and Consumer Services (VDACS), so long as the resident processing and preparing the product affixes a label to the product that indicates the name, address, and the telephone number of the person preparing the food product and that the residence has not been inspected by the VDACS. The bill also requires a food establishment, food manufacturing plant, food storage warehouse, or retail food store to include on its product labels a statement that the facility has been inspected by the VDACS. If a label does not contain this statement, the owner of the establishment may be subject to a Class 1 misdemeanor for the misbranding of a product.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See #8.

**8. Fiscal Implications:** It is anticipated that this bill will have no fiscal impact on the Department of Agriculture and Consumer Services. According to the department, the bill may result in an insignificant decrease in nongeneral fund fee revenue.

The bill provides that any violation of the provisions of the article is subject to a Class 1 misdemeanor. As such, the legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 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 FY 2012 Jail Cost Report (November 1, 2012), the estimated total state support for local and regional jails averaged \$26.54 per state inmate, per day in FY 2011.

**9. Specific Agency or Political Subdivisions Affected:** Department of Agriculture and Consumer Services; state and local courts, jails, correctional facilities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 2/6/13

**Document:** G:\Legislation\2013 Session\FIS\HB1852EH1.docx