

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB1570ER

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

**2. Patron:** VanValkenburg

**3. Committee:** Passed both the House and Senate.

**4. Title:** Possession of tobacco products, nicotine vapor products, and alternative nicotine products.

**5. Summary:** The proposed legislation provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee.

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

**7. Fiscal Impact Estimates:** Final (see Item 8 below).

**8. Fiscal Implications:** Current law states that any person less than 21 years of age who attempts to purchase, purchases, or possesses any tobacco product, nicotine vapor product, or alternative nicotine product is subject to a civil penalty not to exceed \$100 for a first violation, and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation, and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to delinquent juveniles, as established in current law. While there may be a reduction in the number of individuals subject to such penalties as a result of this legislation, the impact is indeterminate. All fines are deposited into the Literary Fund. Any impact to the Literary Fund cannot be determined at this time. The proposed legislation is not expected to have a fiscal impact on state agencies.

**9. Specific Agency or Political Subdivisions Affected:** Law-enforcement agencies; Commonwealth's Attorneys; Department of Juvenile Justice; Courts.

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

**11. Other Comments:** None.