

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number: SB 1161

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: J. Brandon Bell, II

3. Committee: Education and Health

4. Title: Virginia Smoke Free Air Act; smoking in restaurants; civil penalties

5. Summary/Purpose: Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) 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; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "nonsmoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. 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. No Fiscal Impact

7. Budget amendment necessary: No

8. Fiscal implications: There is not enough information available to reliably estimate how much revenue will be generated from the civil penalties collected from offenders of the Virginia Indoor Clean Air Act. The revenue collected from the civil penalties will be put into the Literary Fund.

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: Legislation is the same as HB 1952, HB 2005, HB 2245, and HB 2689. Legislation is also similar to HB 2422.

Date: 1/16/2007

Document: SB1161.doc

cc: Secretary of Health and Human Resources