

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

1. Bill Number: SB 1057

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

2. Patron: Whipple

3. Committee: Education and Health

4. Title: **Virginia Smoke Free Air Act; smoking in public places; civil penalties**

5. Summary: 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, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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. Fiscal Impact Estimates: See item #8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications:

Expenditure Impact

The Virginia Department of Health (VDH) has developed and implemented (ongoing, continuous) an education program to explain the medical rationale, environmental purpose, requirements, and benefits related to the provisions of this bill; therefore, no fiscal impact would be realized by the agency as a result this requirement.

Revenue Impact

The legislation authorizes law enforcement officers to issue summons of violators of this bill. The number of potential violators of this bill is unknown; therefore, the estimated revenue generated from the collection of civil penalties cannot be determined at this time. Any revenue collected from civil penalties will be deposited into the Literary Fund.

9. **Specific Agency or Political Subdivisions Affected:** Virginia Department of Health, Board of Health, Department of Education, and law enforcement agencies

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

11. **Other Comments:** The bill moves the law restricting smoking in buildings and other enclosed public areas from the title relating to local government to the title relating to health, which would require VDH to be responsible for enforcement since §32.1 is located within the agency's responsibility, although a law enforcement officer may issue summons for violators of Article 15.

Date: 2/2/2009 lrj

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cc: Secretary of Health and Human Resources