

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** SB 1105

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

**2. Patron:** Northam

**3. Committee:** Local Government

**4. Title:** Virginia Indoor Clean Air Act; 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 smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of “No Smoking” signs and provides for a \$25 civil penalty for a violation of these provisions.

**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, any person who continues to smoke in an area where smoking is prohibited (as specified in Chapter 16 of the legislation), shall be subject to a civil penalty of no more than \$25. The proprietor of any 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 \$25. All of the revenue collected from the civil penalties shall be deposited into the Virginia Health Care Fund.

The number of potential violators of this bill is unknown; therefore, the estimated revenue 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.

The legislation is identical to HB 1692 and SB 1160.

**Date:** 1/29/2009 lrj

**Document:** G:\VDH\GA\Legislation\FIS\FY 2009\SB1105.doc

cc: Secretary of Health and Human Resources