

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 122 - SB 303

March 16, 2017

SUMMARY OF BILL: Authorizes any municipality, county, airport authority, and utility district to regulate the use and possession of tobacco products in public places, places of employment, and parks.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$30,000/One-Time/Permissive

Assumptions:

- Such local government entities are not permitted to regulate the use or possession of tobacco in a manner that is less restrictive than required by state law.
- According to the Department of Health, there will be no increase in state expenditures as a result of local government regulation.
- Local government entities are authorized to regulate the use and possession of tobacco on public and private school grounds and on municipal or county park grounds, work areas, employee lounges and conference rooms, cafeterias, vehicles of public and private businesses, as well as places which the public or a group of persons access such as highways, transportation facilities, schools, parks, apartment houses, and hotels.
- Pursuant to Tenn. Code Ann. § 39-17-1803, smoking is prohibited in all enclosed public places including areas used by the general public in businesses, lobbies, hallways, and other common areas in apartment buildings, public and private transportation facilities, public meeting rooms, etc.
- It is unknown the number of private businesses where smoking is currently prohibited as a result of state law, how many local governments will opt to regulate and prohibit tobacco use or possession on private grounds, and the extent of any regulation; however, local government entities will regulate tobacco use and possession on locally-owned and operated property.
- Pursuant to Tenn. Code Ann. § 39-17-1805(a), signage must be placed clearly and conspicuously at every entrance to any public location where smoking is prohibited.
- The local government owning and operating the park or public space defined by the proposed language would be responsible for costs associated with erecting such signage if the local government, in regulating tobacco use and possession, opted to prohibit it completely.
- Signs are estimated to cost an average of \$25 per sign.

- Assuming each local government entity authorized to regulate tobacco use or possession elects to prohibit such use or possession at one or more locally-owned locations, the permissive one-time increase in local government expenditures is estimated to exceed \$30,000.
- Any fine revenue collected by local government as a result of violations of the regulation is estimated to be not significant.

IMPACT TO COMMERCE:

Other Fiscal Impact – Any impact to commerce or jobs in Tennessee cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-1804(6), private business owners with three or fewer employees may allow smoking in an enclosed room not accessible to the general public; however, smoke from that room may not infiltrate areas where smoking is prohibited.
- Pursuant to Tenn. Code Ann. § 39-17-1803, smoking is prohibited in all enclosed public places including areas used by the general public in businesses, lobbies, hallways, and other common areas in apartment buildings, public and private transportation facilities, public meeting rooms, etc.
- It is unknown how many local government entities will opt to regulate private businesses which are not currently regulated under state law, and if any regulating local government will require the prohibition of tobacco use and possession on the property of the private business and ultimately require the private business to purchase signage pursuant to Tenn. Code Ann. § 39-17-1805(a).
- Any impact to commerce and jobs in Tennessee cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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