

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1850 - HB 1867**

February 22, 2018

**SUMMARY OF BILL:** Expands the *Non-Smoker Protection Act* to include vaping.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tenn. Code Ann. § 39-17-1802(16) defines smoking as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.
- The proposed legislation adds that smoking also includes inhaling, exhaling, or using any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit vapor.
- Pursuant to Tenn. Code Ann. § 39-17-1805, “No Smoking” signs or the international “No Smoking” symbols are required to be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited by the owner, operator, manager, or other person in control of that place.
- The proposed legislation does not change that requirement, so it is assumed the current signs are sufficient; therefore, there will be no fiscal impact for any state or local buildings.
- The proposed legislation will allow the Department of Health (DOH) to handle vaping complaints in the same manner as it currently handles smoking complaints in enclosed public spaces. This will not result in any additional inspections.
- The proposed legislation will not have a significant impact on the procedures and processes of the health related boards or the DOH; therefore, any fiscal impact is estimated to be not significant.
- The Department of Labor and Workforce will not incur a significant increase in expenditures to enforce the provisions of the legislation.

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**IMPACT TO COMMERCE:**

**NOT SIGNIFICANT**

Assumptions:

- Expanding the *Non-Smoker Protection Act* to include vaping will not have a significant impact on jobs or commerce in Tennessee.
- Pursuant to Tenn. Code Ann. § 39-17-1805, “No Smoking” signs or the international “No Smoking” symbol is required to be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited by the owner, operator, manager, or other person in control of that place.
- The proposed legislation does not change that, so it is assumed the current signs are sufficient; therefore, there will be no fiscal impact for any privately-owned buildings.

**CERTIFICATION:**

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



Krista M. Lee, Executive Director

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