

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 26 – HB 97

January 29, 2019

SUMMARY OF BILL: Expands the definition of a vapor product under the *Prevention of Youth Access to Tobacco and Vapor Products Act* to include any substance used to refill a vapor cartridge and to clarify that a device producing or emitting vapor falls under such definition regardless of whether emitted vapor is visible or non-visible.

Prohibits, under the *Children’s Act for Clean Indoor Air*, the use of vapor products or devices in specified locations where children are typically present. Prohibits smoking or the use of vapor products on school grounds after regular school hours. Expands the distance for which it is unlawful for a person to smoke or use vapor products from within 50 feet to within 100 feet of any entrance to any building of all public and private kindergartens, elementary, and secondary schools.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

Prevention of Youth Access to Tobacco and Vapor Products Act

- Under this Act, sale or distribution of any tobacco or vapor product to a person less than 18 years of age is a Class C misdemeanor and is subject to civil penalties for any second or subsequent violation.
- Further, it is unlawful for a person under 18 years of age to possess either a tobacco or vapor product, to purchase or accept receipt of either product, or to present or offer to any person false or fraudulent proof of age for the purpose of purchasing or receiving any such product. A violation of this section is a civil offense and may carry a civil penalty, subject to the juvenile court’s discretion.
- Expanding the definition of a vapor product under the Act, as proposed by this legislation, will not result in a sufficient number of additional violations for state or local government to experience any significant increase in revenue or expenditures.
- The proposed legislation does not change any sign posting requirements of persons who sell tobacco products at retail. It is assumed that signs currently in place at such facilities are sufficient and will not require replacement.

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Children's Act for Clean Indoor Air

- Under this Act, smoking in any indoor facility where children receive routine or regular health care, day care, education or library services is a Class B misdemeanor. The proposed legislation will apply such limitations to vapor products as well.
- Prohibiting the use of vapor products, expanding the distance from school entrances by 50 feet for which tobacco and vapor products may be used, and no longer allowing smoking on school grounds after regular school hours, will not result in a sufficient number of additional violations for state or local government to experience any significant increase in revenue or expenditures.
- The proposed legislation does not change any sign posting requirements of the institutions meeting the criteria within this Act. It is assumed that signs currently in place at such facilities are sufficient and will not require replacement.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- Because the sale of vapor products to persons less than 18 years old is already prohibited under the *Prevention of Youth Access to Tobacco and Vapor Products Act*, the impact on commerce and jobs is estimated to be not significant.
- Also, many institutions involved in these two acts already have their own private rules stating, in various ways, that the use of vapor products is not allowed; therefore, instituting the proposed legislation regarding the *Children's Act for Clean Indoor Air* is estimated to be not significant for commerce and jobs.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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