

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 131  
Economic Matters

(Delegate Stukes, *et al.*)

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**Health - Clean Indoor Air Act - Smoking in Transit Passenger Shelters Prohibited**

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This bill prohibits smoking in transit passenger shelters at bus and light rail stops. A person who violates this provision is subject to a written reprimand for a first violation, a civil penalty of \$100 for a second violation, and a civil penalty of not less than \$250 for each subsequent violation.

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**Fiscal Summary**

**State Effect:** Minimal increase in Cigarette Restitution Fund revenues due to the bill's penalty provisions. Transportation Trust Fund expenditures may increase by as much as \$18,000 to reflect the cost of signage. Enforcement can likely be handled with existing resources.

**Local Effect:** Local expenditures increase to reflect the cost of signage. Enforcement can likely be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** "Smoking" under the Health-General Article means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco. State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation, in government buildings, and in the workplace. (That prohibition does not apply to a tobacconist.) The Clean Indoor Air Act of 2007 (CIAA) generally prohibits smoking in restaurants, bars, and other indoor areas open to the public.

A number of municipalities and counties, including Fairfax County, Virginia, have prohibited smoking in transit passenger shelters or near bus stops.

**State Fiscal Effect:** Cigarette Restitution Fund revenues increase minimally due to the bill's penalty provisions. Since 2008, only four citations have been issued under CIAA; each of these resulted in the payment of a \$100 fine. Because transit passenger shelters are areas where smoking has traditionally occurred with frequency, the Cigarette Restitution Fund may experience a slightly higher increase in revenues, but any increase is still assumed to be minimal.

Assuming the Department of Health and Mental Hygiene adopts regulations requiring the posting of "No Smoking" signs at each of the approximately 550 Maryland Transit Authority passenger shelters – consistent with current sign-posting requirements associated with other areas where smoking is prohibited – Transportation Trust Fund expenditures may increase by as much as \$18,000 for supplies and installation. Enforcement, which is handled mostly on the local level, can likely be handled with existing resources.

**Local Fiscal Effect:** Assuming counties and municipalities are required to post signage, local expenditures increase. Montgomery County, for example, is responsible for approximately 500 passenger transit shelters and advises that its expenditures may increase by as much as \$60,000 for supplies and installation. Local health departments generally report that the number of complaints about possible violations of CIAA have been modest; even assuming a slight increase in complaints, enforcement can likely be handled with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Cities of Baltimore and Laurel, Kent and Montgomery counties, Department of Health and Mental Hygiene, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2011  
ncs/ljm

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