

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7004
BILL NUMBER: SB 375

DATE PREPARED: Dec 21, 1998
BILL AMENDED:

SUBJECT: Culpability for youth tobacco sales.

FISCAL ANALYST: Mark Bucherl
PHONE NUMBER: 232-9869

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that the person who owns or has control over an establishment selling tobacco at retail in which a person sells or distributes tobacco to an individual who is less than 18 years of age commits a Class C infraction. (Current law provides that only the person who sells or distributes tobacco to an individual who is less than 18 years of age commits a Class C infraction.) It also provides that if more than two violations occur within a period of two years, the person who owns or has control over an establishment selling tobacco at retail in which a subsequent violation occurs commits a Class B infraction.

This bill requires an establishment selling tobacco at retail to post and maintain at each cash register a sign that is clearly visible to both the individual selling the tobacco and to the customer indicating that the customer must be at least 18 years of age in order to purchase tobacco products. It also provides that a person who owns or has control over an establishment selling tobacco at retail and who fails to post and maintain the required signs commits a Class C infraction.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill creates new Class B & C infraction provisions. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000; the maximum fine for a Class C infraction is \$500. Infraction fines are deposited in the state General Fund. If court actions are filed and judgments entered, court fees of \$70 are assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.(2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: