

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	HB 2288
Version:	PCS
Request Number:	7726
Author:	Rep. Wright
Date:	2/18/2019
Impact: \$	2,963.90 net
<i>(\$122,963.90 in Expense; \$120,000 in Admin Fine Collection)</i>	

Research Analysis

The PCS for HB 2288 creates the “Oklahoma Workplace Clean Air Act” and prohibits smoking in:

- all enclosed public places and recreational areas in the state;
- all enclosed areas and vehicles owned or operated by the state and its subdivisions;
- all enclosed areas of places of employment; and
- certain facilities and outdoor public places.

The measure exempts certain medical research or treatment facilities and provides protections for persons who report or attempt to prosecute a violation of the act. Additionally, the bill establishes fines for violations and the State Health Department is directed to adopt rules to implement the provisions of the act. Finally, the measure allows political subdivisions of the state to adopt ordinances or regulations regarding smoking in workplaces and public places that are more restrictive than the act.

Prepared By: Marcia Johnson

Fiscal Analysis

Fiscal analysis provided by the Oklahoma State Department of Health

The OSDH could expect the following estimated fiscal implications to update the Breathe Easy brand to include combustible marijuana and e-cigarettes/vapor products and distribute signage to all state agencies and public schools:

Update the metal signage design with the Oklahoma Correctional Industries (OCI):

\$10.00 per update

Total for design change: **\$10.00**

Provide metal signage at \$25.00/sign for state agencies and public schools

Estimated 1880 Oklahoma public schools

\$25.00 X 1 sign X 1880 schools = \$47,000.00

Estimated 214 state agencies and 90 county health department locations (potential for multiple buildings)

\$25.00 X 1 sign X 304 state agencies = \$7,600.00

Total cost for metal signs: **\$54,600.00**

Update the Breathe Easy decals (plates and ink) and production for state agencies and public schools:

Design: \$210.00 plates + \$75.00 ink = \$285.00

20,000 decals X \$.47553 per decal = \$9,510.60

Total cost for design and production: **\$9,795.60**

Distribution: Estimated postage - \$7.85 per metal sign and \$.80 for decals

1880 public schools X 1 metal sign X \$7.85 postage = \$14,758.00

304 state agencies X 1 metal sign X \$7.85 postage = \$2,386.40

5,000 agencies X 1 decal X \$.80 postage = \$4,000

Total cost for distribution: **\$21,144.40**

Education – Printing pamphlets and postage:

1500 one page pamphlets X \$.30 printing = \$450.00

Estimated 125 complaints per month X 12 months X \$.60 postage = \$900.00

Total cost for pamphlet: **\$1,350.00**

Estimated a temp employee for 999 hours at the HCM Contract Instructor's rate of \$36.10/hour to provide continuing education to affected citizens and to guide owners, operators, and managers in their compliance: **\$36,063.90**

Administrative Fine Collection – based on citation fine structure provided in Bill

Estimated 125 complaints per month X 12 months X \$100 fine X 80% violation rate : **\$120,000.00**

Long Term Fiscal Considerations

The OSDH would continue to purchase signage for statewide requests. The costs would be less over time as the market would become saturated with the new Breathe Easy signs. The OSDH would continue to be responsible for the monthly fee for the complaint system (\$981.00/month).

Other Considerations:

House Bill 2288 does not require the OSDH to provide signage for any agency. The minimum cost associated with updating the Breathe Easy brand (metal signs and decals) would be **\$295.00**. In addition to public schools and state agencies the OSDH currently fulfills all requests for decals at no cost to the requestor. If the branding is updated, at minimum the OSDH would need to order decals to distribute to statewide organizations when requested.

Additionally, there are costs associated with the complaint based system, but the OSDH already pays for the system so this would not be a new cost. The complaint based system is \$981.00 per month.

This Bill states that the Oklahoma State Department of Health and the Department of Mental Health and Substance Abuse Services shall work together to develop new and innovative strategies to prevent minors from smoking as defined in Section 2 of the Oklahoma Workplace

Clean Air Act; while the collaboration will not cost OSDH any money initially, one cannot determine the potential cost of those strategies.

Prepared By: Stacy Johnson

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