



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0177: Revise tobacco, alternative nicotine, and vapor product laws

Primary Sponsor: Frank Smith

Status: As Introduced

☐ Included in the Executive Budget      ☐ Needs to be included in HB 2      ☐ Significant Local Gov Impact  
☐ Significant Long-Term Impacts      ☐ Technical Concerns      ☐ Dedicated Revenue Form Attached

### **FISCAL SUMMARY**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>General Fund Balance</b>				

### **Description of fiscal impact**

HB 177 amends Section 7-1-111, MCA, to deny local governments from banning vapor and alternative nicotine products. It changes Youth Access to Tobacco Products Control Act definitions such that alternative nicotine and vapor products are considered tobacco products and strikes through vapor and alternative nicotine products from the Youth Access to Tobacco Products Control Act. It also strikes through an exemption definition under the Federal Food, Drug, and Cosmetic Act. None of these changes impact the tax on tobacco products nor will HB 177 change the taxation of alternative nicotine products or vapor product. Additionally, this bill does not change how the licensing of vapor and alternative nicotine products are administered pursuant to 16-11-122 MCA, therefore, no impact on the general fund is anticipated.

### **FISCAL ANALYSIS**

#### **Assumptions**

#### **Department of Public Health and Human Services**

1. HB 177 amends the definition of "tobacco product" to include alternative nicotine and vaping products. This change does not affect the services the department provides (inspections) or the revenue received for the tobacco education fee.

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Frank J. Smith  
Sponsor's Initials

1/16/2025  
Date

RD  
Budget Director's Initials

1/15/2025  
Date