

USE OF TOBACCO FUND PROCEEDS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Raymond W. Short

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; IMPOSING APPLICATION AND CONTRACT REQUIREMENTS ON PRIVATE AND PUBLIC TOBACCO PREVENTION, CESSATION, AND CONTROL PROGRAMS; REQUIRING THE DEPARTMENT OF HEALTH TO EVALUATE PROGRAMS AND ANNUALLY REPORT TO THE LEGISLATURE; AUTHORIZING THE ATTORNEY GENERAL TO RECOVER FUND REPAYMENTS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A COORDINATION CLAUSE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

63-97-103, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-97-103** is enacted to read:

63-97-103. Requirements for tobacco programs.

(1) To be eligible to receive funding under this chapter for a tobacco prevention, reduction, cessation, or control program, an organization, whether private, governmental, or quasi-governmental, shall:

(a) submit a request to the Department of Health containing the following information:

(i) for media campaigns to prevent or reduce smoking, the request shall demonstrate sound management and periodic evaluation of the campaign's relevance to the intended audience, particularly in campaigns directed toward youth, including audience awareness of the campaign and recollection of the main message;

(ii) for school-based education programs to prevent and reduce youth smoking, the request shall describe how the program will be effective in preventing and reducing youth smoking;

(iii) for community-based programs to prevent and reduce smoking, the request shall demonstrate that the proposed program:

(A) has a comprehensive strategy with a clear mission and goals;

(B) provides for committed, caring, and professional leadership; and

(C) if directed toward youth:

(I) offers youth-centered activities in youth accessible facilities;

(II) is culturally sensitive, inclusive, and diverse;

(III) involves youth in the planning, delivery, and evaluation of services that affect them; and

(IV) offers a positive focus that is inclusive of all youth; and

(iv) for enforcement, control, and compliance program, the request shall demonstrate that the proposed program can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 19;

(b) agree, by contract, to file an annual written report with the Department of Health. The report shall contain the following:

(i) the amount funded;

(ii) the amount expended;

(iii) a description of the program or campaign and the number of adults and youth who participated;

(iv) specific elements of the program or campaign meeting the applicable criteria set forth in Subsection (1)(a); and

(v) a statement concerning the success and effectiveness of the program or campaign;

(c) agree, by contract, to not use any funds received under this chapter directly or indirectly, to:

(i) engage in any lobbying or political activity, including the support of, or opposition to, candidates, ballot questions, referenda, or similar activities; or

(ii) engage in litigation with any tobacco manufacturer, retailer, or distributor, except to enforce:

(A) the provisions of the Master Settlement Agreement;

(B) Title 26, Chapter 38, Utah Clean Air Act;

(C) Title 26, Chapter 42, Civil Penalties for Tobacco Sales to Underaged Persons; and

(D) Title 77, Chapter 39, Sale of Tobacco and Alcohol to Underaged Persons, in an amount not to exceed the state level of funding in fiscal year 1999-2000 for enforcement of Title 77, Chapter 39; and

(d) agree, by contract, to repay the funds provided under this chapter if the organization:

(i) fails to file a timely report as required by Subsection (1)(b); or

(ii) uses any portion of the funds in violation of Subsection (1)(c).

(2) The Department of Health shall review and evaluate the success and effectiveness of any program or campaign that receives funding pursuant to a request submitted under Subsection (1).

The review and evaluation:

(a) shall include a comparison of annual smoking trends;

(b) may be conducted by an independent evaluator; and

(c) may be paid for by funds appropriated from the account for that purpose.

(3) The Department of Health shall annually report to the Health and Human Services Appropriations Subcommittee on the reviews conducted pursuant to Subsection (2).

(4) An organization that fails to comply with the contract requirements set forth in Subsection

(1) shall:

(a) repay the state as provided in Subsection (1)(d); and

(b) be disqualified from receiving funds under this chapter in any subsequent fiscal year.

(5) The attorney general shall be responsible for recovering funds that are required to be repaid to the state under this section.

(6) Nothing in this section may be construed as applying to funds that are not appropriated under this chapter.

Section 2. Effective date.

This act takes effect on July 1, 2000.

Section 3. Coordination clause.

If this bill and 3rd Sub. S.B. 15, Use of Tobacco Settlement Revenues, both pass, it is the intent of the Legislature that Section 63-97-103 in this bill be renumbered as Section 63-97-401.