

1 **USE OF TOBACCO FUND PROCEEDS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Raymond W. Short**

5 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; IMPOSING APPLICATION AND
6 CONTRACT REQUIREMENTS ON PRIVATE AND PUBLIC TOBACCO PREVENTION,
7 CESSATION, AND CONTROL PROGRAMS; AUTHORIZING THE ATTORNEY GENERAL
8 TO RECOVER FUND REPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

10 ENACTS:

11 **63-97-103**, Utah Code Annotated 1953

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

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

14 **63-97-103. Requirements for tobacco prevention, cessation, and control programs.**

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

17 (a) submit the following information to the state:

18 (i) for media campaigns directed to youth to prevent underage consumption of cigarettes,
19 the request shall demonstrate sound management and periodic evaluation of the campaign's
20 relevance to the intended audience, including audience awareness of the campaign and recollection
21 of the main message;

22 (ii) for school-based education programs to prevent youth smoking, the request shall
23 demonstrate that the program will be effective in reducing youth smoking;

24 (iii) for community-based youth programs involving youth smoking prevention through
25 general youth development, the request shall demonstrate that the proposed program:

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

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

28 (C) offers a diverse array of youth-centered activities in youth accessible facilities;

29 (D) is culturally sensitive, inclusive, and diverse;

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

31 and

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

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

36 (b) agree, by contract, to file a written report with the Legislature before October 30 on the
37 year that the funding was received, and as otherwise requested by the Legislature. The report shall
38 contain the following:

39 (i) the amount funded;

40 (ii) the amount expended;

41 (iii) a description of the program offered and the number of youth who participated in the
42 program;

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

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

46 (c) agree, by contract, to not use any funds, directly or indirectly, to:

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

49 (ii) engage in litigation with any tobacco manufacturer, retailer, or distributor; and

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

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

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

53 (2) An organization that fails to comply with the contract requirements set forth in
54 Subsection (1) shall:

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

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

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

59 Section 2. **Effective date.**
60 This act takes effect on July 1, 2000.

Legislative Review Note
as of 2-4-00 11:48 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel