

**USE OF SETTLEMENT PROCEEDS FOR
TOBACCO PREVENTION**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen W. Morgan

AN ACT RELATING TO THE TOBACCO SETTLEMENT ACCOUNT; DESIGNATING THAT 25% OF TOBACCO SETTLEMENT PAYMENTS, NOT TO EXCEED \$8,000,000 IN ANY ONE FISCAL YEAR, BE USED TO FUND A STATEWIDE TOBACCO PREVENTION, REDUCTION, AND CONTROL MEDIA CAMPAIGN AND COMMUNITY OUTREACH PROGRAM; IMPOSING REPORTING REQUIREMENTS; REQUIRING THAT INTEREST BE EARNED ON THE ACCOUNT; APPROPRIATING \$8,000,000 FROM THE TOBACCO SETTLEMENT ACCOUNT TO THE HEALTH DEPARTMENT FOR THE PROGRAM FOR FISCAL YEAR 2000-01; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

63-97-102, as enacted by Chapter 78, Laws of Utah 1999

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

Section 1. Section **63-97-102** is amended to read:

63-97-102. Creation and use of restricted account.

(1) There is created within the General Fund a restricted account known as the Tobacco Settlement Account.

(2) The account shall earn interest.

~~[(2)]~~ (3) The account shall consist of:

(a) all funds received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998[-]; and

(b) interest earned on the account.

(4) (a) Subject to Subsection (4)(b), the Legislature shall annually appropriate 25% of any

28 tobacco settlement related funds deposited into the account during the previous fiscal year to the
29 Department of Health to be used in the manner set forth in Subsection (4)(c) to further the public
30 health interests of the state.

31 (b) (i) Unless an additional appropriation is made pursuant to Subsection (5), an
32 appropriation made pursuant to Subsection (4)(a) may not exceed \$8,000,000 in any given fiscal
33 year.

34 (ii) Any amount in excess of the \$8,000,000 in Subsection (4)(b)(i) shall be governed by
35 Subsection (5).

36 (c) The Department of Health shall:

37 (i) use up to 75% of the amount appropriated in Subsection (4)(a) to fund a statewide
38 tobacco prevention, reduction, and control media campaign and community outreach program that:

39 (A) is coordinated through the department;

40 (B) is comprised of a media campaign and a community outreach component that are
41 linked together and communicate a consistent and unified message;

42 (C) takes into account existing department and community efforts to prevent, reduce, and
43 control tobacco use;

44 (D) takes into account the latest, available research and best practice models of other states
45 with respect to tobacco prevention, reduction, and control;

46 (E) discourages the use of cigarettes and other tobacco products, as those terms are defined
47 in Section 59-14-102;

48 (F) places the greatest emphasis on children and youth, but includes target groups such as
49 college-aged adults, pregnant women, the prison population, and those exposed to second hand
50 smoke;

51 (G) with respect to the media campaign, maximizes the use of radio, television, and other
52 related mass communication outlets; and

53 (H) with respect to the community outreach component, cooperatively involves local
54 health departments; and

55 (ii) provide no less than 25% of the amount appropriated in Subsection (4)(a) to local
56 health departments to support efforts related to:

57 (A) the local implementation of the community outreach component and media campaign
58 described in Subsection (4)(c)(i); and

59 (B) the local enforcement of tobacco laws.

60 (d) The Department of Health shall:

61 (i) report annually to the legislative appropriations subcommittee that has oversight
62 responsibility for the department on the expenditures, department administrative costs, activities,
63 outcomes, and efficacy of the statewide tobacco prevention and reduction media campaign and
64 community outreach program;

65 (ii) contract once every three years with an independent entity to evaluate the outcomes
66 and efficacy of the statewide tobacco prevention, reduction, and control media campaign and
67 community outreach program; and

68 (iii) forward a copy of the evaluation conducted pursuant to Subsection (4)(d)(iii) within
69 30 days of its completion to the legislative interim committee and the legislative appropriations
70 subcommittee that have oversight responsibility for the department.

71 ~~[(3)]~~ (5) Funds remaining in the account after the appropriation required by Subsection
72 (4)(a) may only be used as directed by the Legislature through appropriation.

73 **Section 2. Appropriation.**

74 (1) There is appropriated \$8,000,000 from the Tobacco Settlement Account within the
75 General Fund for fiscal year 2000-01 to the Department of Health to be used as follows:

76 (a) \$6,000,000 for the statewide tobacco prevention, reduction, and control media
77 campaign and related community outreach program as described in Section 63-97-102; and

78 (b) \$2,000,000 for local health departments to support efforts related to the local
79 implementation of the community outreach component and media campaign.

80 (2) The appropriation in Subsection (1):

81 (a) is the only appropriation that may be made for fiscal year 2000-01 in connection with
82 the statewide tobacco prevention, reduction, and control program created by Section 63-97-102;

83 and

84 (b) shall come from funds deposited into the account before July 1, 2000.

85 **Section 3. Effective date.**

86 This act takes effect on July 1, 2000.

Legislative Review Note
as of 11-30-99 10:48 AM

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

Office of Legislative Research and General Counsel