

Representative Raymond W. Short proposes to substitute the following bill:

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 LEGISLATURE TO EVALUATE PROGRAMS; AUTHORIZING THE ATTORNEY GENERAL TO RECOVER FUND REPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

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 prevention, cessation, and control programs.

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

(a) submit a request to the state 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

26 demonstrate that the proposed program:

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

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

29 (C) if directed toward youth:

30 (I) offers a diverse array of youth-centered activities in youth accessible facilities;

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

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

33 and

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

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

38 (b) agree, by contract, to file an annual written report with the Legislature before October
39 31 and as otherwise requested by the Legislature. The report shall contain the following:

40 (i) the amount funded;

41 (ii) the amount expended;

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

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

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

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

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

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

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

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

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

54 (2) The Legislature shall review and evaluate the success and effectiveness of any program
55 or campaign that receives funding under Subsection (1). The review and evaluation:

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

57 (b) may be conducted by an independent evaluator; and
58 (c) may be paid for by funds appropriated from the account for that purpose.
59 (3) An organization that fails to comply with the contract requirements set forth in
60 Subsection (1) shall:
61 (a) repay the state as provided in Subsection (1)(d); and
62 (b) be disqualified from receiving funds under this chapter in any subsequent fiscal year.
63 (4) The attorney general shall be responsible for recovering funds that are required to be
64 repaid to the state under this section.
65 Section 2. **Effective date.**
66 This act takes effect on July 1, 2000.