

TOBACCO AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

This act modifies provision related to tobacco. The act removes the limitation on money spent enforcing the prohibition of tobacco sales to minors. The act makes technical amendments.

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

AMENDS:

63-97-401, as enacted by Chapter 284, Laws of Utah 2000

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

Section 1. Section **63-97-401** is amended to read:

63-97-401. 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



28 (C) if directed toward youth:
29 (I) offers youth-centered activities in youth accessible facilities;
30 (II) is culturally sensitive, inclusive, and diverse;
31 (III) involves youth in the planning, delivery, and evaluation of services that affect them;
32 and
33 (IV) offers a positive focus that is inclusive of all youth; and
34 (iv) for enforcement, control, and compliance program, the request shall demonstrate that
35 the proposed program can reasonably be expected to reduce the extent to which tobacco products
36 are available to individuals under the age of 19;
37 (b) agree, by contract, to file an annual written report with the Department of Health. The
38 report shall contain the following:
39 (i) the amount funded;
40 (ii) the amount expended;
41 (iii) a description of the program or campaign and the number of adults and youth who
42 participated;
43 (iv) specific elements of the program or campaign meeting the applicable criteria set forth
44 in Subsection (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 received under this chapter directly or
47 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, except to
51 enforce:
52 (A) the provisions of the Master Settlement Agreement;
53 (B) Title 26, Chapter 38, Utah Clean Air Act;
54 (C) Title 26, Chapter 42, Civil Penalties for Tobacco Sales to Underaged Persons; and
55 (D) Title 77, Chapter 39, Sale of Tobacco and Alcohol to Underaged Persons~~[-in an~~
56 ~~amount not to exceed the state level of funding in fiscal year 1999-2000 for enforcement of Title~~
57 ~~77, Chapter 39]; and~~
58 (d) agree, by contract, to repay the funds provided under this chapter if the organization:

- 59 (i) fails to file a timely report as required by Subsection (1)(b); or
60 (ii) uses any portion of the funds in violation of Subsection (1)(c).
61 (2) The Department of Health shall review and evaluate the success and effectiveness of
62 any program or campaign that receives funding pursuant to a request submitted under Subsection
63 (1). The review and evaluation:
64 (a) shall include a comparison of annual smoking trends;
65 (b) may be conducted by an independent evaluator; and
66 (c) may be paid for by funds appropriated from the account for that purpose.
67 (3) The Department of Health shall annually report to the Health and Human Services
68 Appropriations Subcommittee on the reviews conducted pursuant to Subsection (2).
69 (4) An organization that fails to comply with the contract requirements set forth in
70 Subsection (1) shall:
71 (a) repay the state as provided in Subsection (1)(d); and
72 (b) be disqualified from receiving funds under this chapter in any subsequent fiscal year.
73 (5) The attorney general shall be responsible for recovering funds that are required to be
74 repaid to the state under this section.
75 (6) Nothing in this section may be construed as applying to funds that are not appropriated
76 under this chapter.

Legislative Review Note
as of 11-14-01 1:52 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Health and Human Services Interim Committee recommended this bill.