

An Act to create a Youth Smoking Prevention Fund to receive monies paid to the state under the Master Settlement Agreement with certain tobacco manufacturers and to provide for grants for Qualified Youth Smoking Prevention Programs.

Sec. 1. Definitions.

(a) "Fund" means the Youth Smoking Prevention Fund established pursuant to this Act.

(b) "Master Settlement Agreement" means the tobacco litigation settlement agreement entered into by [state] and certain other states, U.S. territories and possessions, and participating tobacco manufacturers, dated November 23, 1998.

(c) "State Plan" means the State Plan for Youth Smoking Prevention adopted pursuant to this Act.

(d) "Grantee" means any public entity or private nonprofit entity approved by the [Department of Health/Education] to receive monies from the Fund for Qualified Youth Smoking Prevention Programs.

(f) "Qualified Youth Smoking Prevention Program" means a program that meets the criteria set forth in the State Plan for Youth Smoking Prevention.

Sec. 2. Establishment of Youth Smoking Prevention Fund.

(a) There is established in the [Department of the Treasury] a Youth Smoking Prevention Fund. The fund shall consist of [25 percent] of all monies received by the state under the Master Settlement Agreement [and/or other settlement agreement], and all

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23 other monies, including gifts, grants or other funds, designated for the Fund. All interest
24 derived from the deposit and investment of monies in the Fund shall be credited to the
25 Fund.

26 (b) The Fund shall be administered by the [Department of Health/Education]
27 pursuant to this Act.

28 (c) All monies in the Fund shall be subject to annual appropriations by the [state
29 legislature] for [such purposes as are authorized herein] and shall be available for the
30 award of grants for Qualified Youth Smoking Prevention Programs and related
31 administrative costs of the [Department of Health/Education].

32 (d) Monies from the Fund shall not be used to engage in any political activities or
33 lobbying, including but not limited to, support of or opposition to candidates, ballot
34 initiatives, referenda or other similar activities.

35 **Sec. 3. State Plan for Youth Smoking Prevention.**

36 (a) On or before [date], the [Department of Health/Education] shall propose a
37 State Plan for Youth Smoking Prevention. On or before [date] of each subsequent year,
38 the [Department of Health/Education] may propose amendments to the plan. The
39 [Department of Health/Education] shall submit its proposed State Plan or any proposed
40 amendments thereto to the Governor, [the assembly/Senate], [and the Attorney General].
41 The Governor, [the assembly/Senate], [and the Attorney General] may submit comments
42 to the [Department of Health/Education] on or before [date] and may submit comments
43 to the [Department of Health/Education] on its proposed amendments to the State Plan
44 on or before [date] of each subsequent year. On or before [date], the [Department of
45 Health/Education] shall adopt a final State Plan and shall make such plan public. On or

46 before [date] of each subsequent year, the [Department of Health/Education] shall adopt
47 any amendments to the State Plan and shall make such amended State Plan public.

48 (b) The State Plan shall set out the criteria by which grant proposals are
49 considered by the [Department of Health/Education]. Such plan shall also describe the
50 types of youth smoking prevention programs that shall be eligible for consideration for
51 grants from the Fund. Such eligible programs shall include, but not be limited to—

52 (1) media campaigns directed to youth to prevent underage consumption
53 of cigarettes;

54 (2) school-based education programs to prevent youth smoking;

55 (3) community-based youth programs involving youth smoking
56 prevention through general youth development; and

57 (4) enforcement and administration of sections [provisions of state law
58 related to the prevention of cigarette sales to minors] and related retailer
59 education and compliance efforts.

60 (c) The State Plan shall provide that no less than __ percent of the dollar value of
61 the grants awarded in each year shall be dedicated to programs described in subsections
62 (b)(2) and (b)(3).

63 (d) The State Plan further shall provide for a grant for an annual statewide school
64 based survey to measure cigarette use and behaviors towards cigarette use by individuals
65 in grades 6-12. Such survey shall—

66 (1) involve a statistically valid sample of the individuals in each grade 6-
67 12;

(2) not include any individual who is [18] years of age or older; and
(3) be made available to the public, along with the resulting data, excluding respondent identities and respondent-identifiable data, prior to [date] of each year.

(e) The State Plan shall provide that no more than __ percent of the fund shall be expended on the administrative costs of the [Department of Health/Education].

(f) The development and adoption of the State Plan shall not be subject to the notice and comment provisions of the [State Administrative Procedures Act].

Sec. 4. Procedures for the Award of Grants.

(a) On or before [date] of each year, beginning in [year], the [Department of Health/Education] shall award grants to qualified applicants for the next fiscal year. To the extent practicable and consistent with the criteria for qualified applicants set forth in the state plan, the [Department of Health/Education] shall make recommendations for the expenditure of the total amount of funds appropriated in each fiscal year for Qualified Youth Smoking Prevention Programs.

(b) An applicant for a grant for a Qualified Youth Smoking Prevention Program must file an application with the [Department] no later than [date] of the year preceding the fiscal year for which the grant is requested.

(c) An applicant that requests funding to initiate, continue or expand a youth smoking prevention program shall demonstrate, by means of application, letters of recommendation, and such other means as the [Department] may designate, that the proposed youth smoking prevention program for which it seeks funds meets the criteria set forth in the State Plan. Previous grant recipients shall include recent evaluations of

91 their programs with their applications. The [Department] may not recommend the award
92 of a grant unless it makes a specific finding, as to each applicant, that the program
93 proposed to be funded meets the criteria set forth in the State Plan.

94 (d) In addition to evaluating the funding request pursuant to the criteria set out in
95 the State Plan, the [Department] shall consider:

96 (1) In the case of applications to fund media campaigns directed to youth
97 to prevent underage consumption of cigarettes, whether the campaign provides
98 for sound management and periodic evaluation of the campaign's relevance to the
99 intended audience, including audience awareness of the campaign and
100 recollection of the main message.

101 (2) In the case of applications to fund school-based education programs to
102 prevent youth smoking, whether there is credible evidence that the program is
103 effective in reducing youth smoking.

104 (3) In the case of applications to fund community-based youth programs
105 involving youth smoking prevention through general youth development, whether
106 the program --

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

108 (b) has committed, caring, and professional leadership;

109 (c) offers a diverse array of youth-centered activities in youth-
110 accessible facilities;

111 (d) is culturally sensitive, inclusive and diverse;

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

114 (f) offers a positive focus including all youth.

115 (4) In the case of applications to fund enforcement and administration of
116 sections [provisions of state law related to the prevention of cigarette sales to
117 minors] and related retailer education and compliance efforts, whether such
118 activities and efforts can reasonably be expected to reduce the extent to which
119 tobacco products are available to individuals under the age of [18].

120 (e) State and local government [agencies and departments] shall be eligible for
121 grants provided pursuant to this Act.

122 **Sec. 5. Award of Grants.**—On or before [date] each year, the [Department of
123 Health/Education] shall announce the award of grants for the next fiscal year. Any funds
124 appropriated for Qualified Youth Smoking Prevention Programs not expended in any
125 fiscal year shall be retained in the Fund and available for Qualified Youth Smoking
126 Prevention Programs in any following year.

127 **Sec. 6. Reports.**

128 (a) As a condition to the receipt of funds under this Act, a grantee shall agree to
129 file a report with the [Department of Health/Education], on or before the [date] day after
130 the end of the fiscal year for which the grant was awarded, as to the following:

131 (1) amount received as a grant and the expenditures made with the
132 proceeds of the grant;

133 (2) a description of the program offered and the number of youths who
134 participated in the program; and

135 (3) specific elements of the program meeting the criteria set forth in the
136 State Plan.

137 (b) Any grantee failing to timely file the report required under this section shall
138 be subject to the jurisdiction of the [state AG] for repayment of the full amounts of the
139 grant expended.

140 (c) The [Department of Health/Education] shall review and evaluate the reports of
141 grantees required under this section and shall file a written report with [the state
142 house/assembly, senate, and Governor] on or before [date] of each year on the status of
143 the Fund and the activities of the Fund for the fiscal year most recently ended. The
144 report shall include the beginning and ending balance of the Fund for each fiscal year,
145 payments or gifts received by the fund, income earned and expenditures made, the name
146 of each grantee and the amount of each grant made, the criteria used to award each grant,
147 and whether the program implemented by each grantee met the criteria. The report shall
148 be publicly available immediately upon its filing.
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