

## SENATE BILL No. 318

By Committee on Public Health and Welfare

2-6

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9 AN ACT directing excess state tobacco settlement receipts to increase  
10 state tobacco prevention efforts; establishing an oversight committee.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) In any fiscal year after fiscal year 2007 when the state's  
14 tobacco settlement payment receipts as of June 30 for the prior twelve-  
15 month period are in excess of the total amount of settlement payments  
16 actually received by the state during fiscal year 2005 (\$53,453,764), an  
17 amount equal to the excess shall be appropriated and directed to the  
18 department of health and environment in the fiscal year beginning in July  
19 solely for the purpose of increasing state efforts to prevent and reduce  
20 tobacco use and its harms. These funds shall not be used to replace ex-  
21 isting funding allocated to state tobacco prevention efforts but solely to  
22 increase the total amount of expenditures to prevent and reduce tobacco  
23 use and its harms in the state.

24 (b) The funds directed to the department, pursuant to subsection (a),  
25 shall be allocated by the department consistently with the center for dis-  
26 ease control and prevention's, or its successor agency's, best practices and  
27 guidelines for state tobacco control programs and as determined by the  
28 department, in consultation with the oversight committee created pur-  
29 suant to paragraph (c), to be effective to prevent and reduce tobacco use,  
30 reduce the public's exposure to secondhand smoke and identify and elim-  
31 inate disparities related to tobacco use and its effects among different  
32 population groups.

33 (c) (1) Within 90 days after the effective date of this act, an oversight  
34 committee of nine members shall be established to assist the department  
35 in developing, implementing and maintaining a strategic plan for allocat-  
36 ing the funds directed to the department, pursuant to subsection (a), in  
37 monitoring and evaluating the use of the funds and all other state ex-  
38 penditures to prevent and reduce tobacco use and its harms, and in as-  
39 sassing the efficacy of all such expenditures to prevent and reduce tobacco  
40 use and its harms.

41 (2) Three members of the oversight committee shall be appointed by  
42 the governor, three by the majority leader of the senate and three by the  
43 majority leader of the house of representatives. The members of the over-

1 sight committee shall be persons with experience and expertise regarding  
2 public health, tobacco control policies and programs, public education  
3 and counter-marketing and program oversight and evaluation. No mem-  
4 ber of the oversight committee shall, during the member's tenure on the  
5 committee or for three years before joining the committee, receive any  
6 salary, grants or other payments or support from any business that man-  
7 ufactures, distributes, markets or sells cigarettes or other tobacco prod-  
8 ucts or serve as a director, employee or consultant of any organization  
9 that receives grants or contributions from any such business or that pro-  
10 vides legal, lobbying, public relations, marketing or advertising services  
11 to any such business. Each member of the oversight committee shall also  
12 agree not to enter into any such financial or business relationships with  
13 the tobacco industry for a period of two years after that member's tenure  
14 on the oversight committee ends.

15 (3) The oversight committee shall annually provide a publicly avail-  
16 able report on tobacco use and its related harms and costs in the state,  
17 the allocation of state funds to prevent and reduce tobacco use and its  
18 harms, including but not limited to those appropriated pursuant to sub-  
19 section (a), the effectiveness of such funding allocations and related sur-  
20 veillance and evaluation findings to the governor and the legislature.

21 (d) The department of health and environment shall have the au-  
22 thority to adopt reasonable rules and regulations to implement this  
23 section.

24 Sec. 2. This act shall take effect and be in force from and after its  
25 publication in the statute book.