

1 *An Act to create a Youth Smoking Prevention Fund to receive moneys paid to the*
2 *state under the Master Settlement Agreement with the tobacco manufacturers and to*
3 *provide for grants for effective youth smoking prevention programs.*

4
5 **Sec. 1. Definitions.**

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

8 (b) "Master Settlement Agreement" means the tobacco settlement agreement
9 entered into by [state] and 45 other states and participating tobacco manufacturers dated
10 November 23, 1998, under which [state] is to receive settlement funds from the tobacco
11 manufacturers.

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

14 (d) "Grantee" means any public entity or private nonprofit entity approved by the
15 [Department of Health/Education] to receive moneys from the Fund for qualified youth
16 smoking prevention programs.

17 (f) "Qualified Youth Smoking Prevention Program" means a program that meets
18 the criteria set forth in this Act for an effective youth smoking prevention program and
19 the terms of the State Plan for Youth Smoking Prevention.

20 **Sec. 2. Establishment of Youth Smoking Prevention Fund.**

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

2072908177

1 other moneys, including gifts, grants or other funds, designated for the Fund. All interest
2 derived from the deposit and investment of moneys in the Fund shall be credited to the
3 Fund.

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

6 (c) All moneys in the Fund shall be subject to annual appropriations by the [state
7 legislature] for [such purposes as are authorized herein] and shall be available for the
8 award of grants for effective youth smoking prevention programs and related
9 administrative costs of the [Department of Health/Education].

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

11 (a) On or before [date], the [Department of Health/Education] shall propose a
12 State Plan for Youth Smoking Prevention. On or before [date] of each subsequent year,
13 the [Department of Health/Education] may propose amendments to the plan. The
14 [Department of Health/Education] shall submit its proposed State Plan or any proposed
15 amendments thereto to the Governor, [the assembly/Senate], [and the Attorney General].
16 The Governor, [the assembly/Senate], [and the Attorney General] may submit comments
17 to the [Department of Health/Education] on or before [date] and may submit comments to
18 the [Department of Health/Education] on its proposed amendments to the State Plan on or
19 before [date] of each subsequent year. On or before [date], the [Department of
20 Health/Education] shall adopt a final State Plan and shall make such plan public. On or
21 before [date] of each subsequent year, the [Department of Health/Education] shall adopt
22 any amendments to the State Plan and shall make such amended State Plan public.

2072908178

1 (b) The State Plan shall govern the criteria by which grant proposals are
2 considered by the [Department of Health/Education]. Such plan shall describe the types
3 of youth smoking prevention programs that shall be eligible for consideration for grants
4 from the Fund. Such eligible programs shall include, but not be limited to—

5 (1) media campaigns directed to youth;

6 (2) school-based education programs;

7 (3) community-based youth programs involving cigarette use prevention
8 through general youth development; and

9 (4) enforcement and administration of sections [provisions of state law
10 related to the prevention of cigarette sales to minors] and related retail compliance
11 efforts.

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

15 (d) The State Plan further shall provide for a grant for an annual statewide school
16 based survey to measure cigarette use and behaviors towards cigarette use by individuals
17 in grades 9-12. Such survey shall—

18 (1) not require parental consent;

19 (2) involve a statistically valid sample of the individuals in each grade 9-
20 12;

21 (3) not include any individual who is [18] years of age or older;

22 (4) include results that are made available to the public prior to [date] of
23 each year.

2072908179

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

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

5 **Sec. 5. Criteria for the Award of Grants.**

6 (a) On or before [date] of each year, beginning in [year], the [Department of
7 Health/Education] shall award grants to qualified grantees for the next fiscal year. To the
8 extent practicable and consistent with the criteria for qualified grantees set forth below,
9 the [Department of Health/Education] shall make recommendations for the expenditure
10 of the total amount of funds appropriated in each fiscal year for qualified youth smoking
11 prevention programs.

12 (b) An applicant for a grant for a qualified youth smoking prevention program
13 must file an application with the [Department] no later than [date] of the year preceding
14 the fiscal year for which the grant is requested.

15 (c) An applicant that requests funding to initiate, continue or expand a youth
16 smoking prevention program shall demonstrate, by means of application, letters of
17 recommendation, and [] that the proposed youth smoking prevention program for which
18 it seeks funds meets the criteria set forth in the State Plan. Previous grant recipients shall
19 include recent evaluations of their programs with their applications. The [Department]
20 may not recommend the award of a grant unless it makes a specific finding, as to each
21 applicant, that the program proposed to be funded meets the criteria set forth in the State
22 Plan.

2072908180

1 (d) Consideration shall be given to whether a grant application for a media
2 campaign meets the criteria established by the United States Centers for Disease Control
3 for an effective media campaign to prevent underage consumption of cigarettes, and
4 provides for sound management and periodic evaluation of program progress and
5 effectiveness.

6 (e) Consideration shall be given to whether a grant application for a school-based
7 education program—

8 (1) will be operated by instructors certified by [state teaching license or
9 social worker alternative] who have completed [] hours of training in youth
10 smoking prevention [and/or] other relevant training in youth social or
11 psychological counseling;

12 (2) includes life skills training;

13 (3) includes the development of decision-making and social skills;

14 (4) involves sustained efforts related to the same youth;

15 (5) is interactive with the target youth; and

16 (6) provides for sound management and periodic evaluation of program
17 progress and effectiveness.

18 (f) Consideration shall be given to whether a grant application for a community
19 based program--

20 (1) involves activities that will be conducted in locations that are safe and
21 accessible to the targeted youth, and involve a comprehensive mix of services and
22 structured activities (such as sports, art, computer and other training);

2072908181

1 (2) involves the participation in the program of adults, as models or
2 mentors;

3 (3) involves parents, guardians or family members of the targeted youth;

4 (4) focuses on communication styles found to be effective in preventing or
5 reducing youth smoking, such as peer to peer communication, depicting no
6 smoking as the youth norm, conveying negative images of youth smoking,
7 celebrating youths who choose not to smoke, and giving credit to youths for being
8 able to make good decisions;

9 (5) is operated by trained staff; and

10 (6) provides for sound management and periodic evaluation of program
11 progress and effectiveness;

12 (g) State and local government [agencies and departments] shall be eligible for
13 grants provided pursuant to this Act.

14 **Sec. 6. Award of Grants.**--On or before [date] each year, the [Department of
15 Health/Education] shall announce the award of grants for the next fiscal year. Any funds
16 appropriated for qualified youth smoking prevention programs not expended in any fiscal
17 year shall be retained in the Fund and available for qualified youth smoking prevention
18 programs in any following year.

19 **Sec. 7. Reports.**

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

2072908182

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

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

5 (3) specific elements of the program meeting the criteria set forth under
6 this Act.

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

10 (c) The [Department of Health/Education (alternative: Office of [Grant Review]
11 in the Department of Health/Education)] shall review and evaluate the reports of grantees
12 required under this section and shall report [to the state house/assembly, senate, and
13 Governor] on or before [date] of each year on the status of the Fund and the activities of
14 the Fund for the fiscal year most recently ended. The report shall include the beginning
15 and ending balance of the Fund for each fiscal year, payments or gifts received by the
16 fund, income earned and expenditures made, the name of the recipient and amount of
17 each grant made, the criteria used to award each grant, and whether the program
18 implemented by each grantee met the criteria. The report shall be publicly available
19 immediately upon its filing.

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