

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

881D0508

## HOUSE ENGROSSED NO. **HB1243** - 2/11/00

Introduced by: Representatives Peterson, Brown (Jarvis), Brown (Richard), Clark, Fischer-Clemens, Lucas, McCoy, Michels, Sutton (Duane), and Wilson and Senators Daugaard, Lawler, Madden, Symens, and Whiting

1 FOR AN ACT ENTITLED, An Act to create a tobacco prevention and cessation program and  
2 trust fund and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The tobacco prevention and reduction trust fund is established in the state  
5 treasury. Interest earned on money in the fund shall be credited to the fund. Three million dollars  
6 from the money received from the Master Settlement Agreement signed November 23, 1998, by  
7 the attorneys general of several states and by various tobacco companies shall be deposited in  
8 the tobacco prevention and reduction trust fund. Any money from gifts, grants, or other funds  
9 may be deposited in the fund. The principal and interest may be appropriated from the fund. The  
10 fund shall be invested according to §§ 4-5-23 and 4-5-26.

11 Section 2. Money in the tobacco prevention and reduction trust fund shall be used for  
12 tobacco use prevention and cessation programs and grants as follows:

- 13 (1) Community based programs;
- 14 (2) School based programs;
- 15 (3) State-wide programs;
- 16 (4) Cessation programs;

- 1 (5) Public education and counter marketing;
- 2 (6) Enforcement of effective tobacco laws;
- 3 (7) Evaluation of tobacco programs; and
- 4 (8) Administration and oversight.

5 Section 3. There is created an eleven member Tobacco Prevention and Reduction Trust Fund  
6 Advisory Board. The Governor shall appoint six members to the board, the Speaker of the  
7 House of Representatives shall appoint three members to the board, and the President Pro  
8 Tempore of the Senate shall appoint two members to the board. The terms of the initial  
9 appointments shall be: four members appointed to a one year term, four members appointed to  
10 a two year term, and three members appointed to a three year term. All subsequent appointments  
11 shall be for a three year term. Any member appointed to fill a vacancy other than the natural  
12 expiration of a term shall serve for only the unexpired portion of the term. No member of the  
13 board may be affiliated with the tobacco industry. The board shall meet at least two times per  
14 year.

15 Section 4. The Tobacco Prevention and Reduction Trust Fund Advisory Board, in  
16 collaboration with the Department of Human Services, shall develop and approve a state-wide  
17 strategic plan to prevent and reduce tobacco use. The plan shall set forth short term and long  
18 term goals, adequate benchmarks and standards by which measures of program success under  
19 section 2 of this Act may be appropriately evaluated. The board shall be responsible for  
20 establishing program priorities, criteria for awarding grants, and assessing overall program  
21 performance.

22 Section 5. The Tobacco Prevention and Reduction Trust Fund Advisory Board shall submit  
23 an annual report to the Governor and the Legislature. The annual report shall detail the progress  
24 toward meeting program goals and objectives, including reporting on changes in tobacco  
25 consumption, tobacco use rates and attitudes towards tobacco, especially among children and

1 other high risk populations.

2 Section 6. There is hereby appropriated from the tobacco prevention and reduction trust fund  
3 the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, to the  
4 Department of Human Services to implement a comprehensive tobacco prevention and cessation  
5 program.

6 Section 7. The secretary of the Department of Human Services shall approve vouchers and  
7 the state auditor shall draw warrants to pay expenditures authorized by this Act.

8 Section 8. Any amounts appropriated in this Act not lawfully expended or obligated by  
9 June 30, 2001, shall revert in accordance with § 4-8-21.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 178

3 1/24/00 Referred to State Affairs.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/28/00 Deferred by Chair.

6 2/7/00 Scheduled for Committee hearing on this date.

7 2/7/00 State Affairs Deferred to another day, AYES 10, NAYS 3.

8 2/8/00 Scheduled for Committee hearing on this date.

9 2/8/00 State Affairs Do Pass, Passed, AYES 10, NAYS 2. H.J. 516

10 2/10/00 Motion to Amend, Passed. H.J. 593

11 2/10/00 House of Representatives Do Pass Amended, Failed, AYES 42, NAYS 26. H.J. 593

12 2/10/00 House of Representatives Deferred to another day, AYES 58, NAYS 9. H.J. 594

13 2/11/00 House of Representatives Reconsidered, AYES 58, NAYS 8.

14 2/11/00 Motion to Amend, Passed.

15 2/11/00 House of Representatives Do Pass Amended, Passed, AYES 53, NAYS 13.