

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

881D0508

HOUSE BILL NO. 1243

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. One-third of any
6 money received from the Master Settlement Agreement signed November 23, 1998, by the
7 attorneys general of several states and by various tobacco companies shall be deposited in the
8 tobacco prevention and reduction trust fund. Any money from gifts, grants, or other funds may
9 be deposited in the fund. The principal and interest may be appropriated from the fund. The fund
10 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.