



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1335

Introduced 2/9/2011, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Tobacco Use Prevention and Control Oversight Act. Sets forth the findings of the General Assembly. Creates the Illinois Tobacco Use Prevention and Control Oversight Board and specifies the membership of the board. Provides that the oversight board shall be charged with assuring that the Comprehensive Tobacco Prevention and Control Plan is implemented with fidelity to the Plan's original purposes and intent and make funding recommendations to the Illinois Department of Public Health based on best practices and research findings from across the nation. Specifies the powers of the oversight board. Specifies the manner in which meetings are conducted. Provides that the oversight board shall develop a mission statement and long-range State plan based on specified criteria. Contains provisions concerning the (1) oversight board approval of expenditures and (2) annual reports of the oversight board.

LRB097 06000 RPM 46071 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Tobacco Use Prevention and Control Oversight Act.

6 Section 5. Legislative findings. The General Assembly  
7 established the Tobacco Settlement Recovery Fund with funds  
8 from the Master Tobacco Settlement. The funds were derived from  
9 a 1995 suit filed by Illinois against 4 major tobacco companies  
10 to recover Illinois Medicaid funds spent treating  
11 smoking-related illnesses. The suit was settled in 1998 as part  
12 of a national agreement. Under the agreement, Illinois was  
13 awarded an excess of \$9 billion to be paid annually in payments  
14 of \$250 to \$400 million.

15 Prior to the national settlement, Illinois did not spend  
16 any State dollars on tobacco prevention and control programs.  
17 The General Assembly sees the annual payments as an opportunity  
18 to fund all of the components of a comprehensive tobacco  
19 reduction plan in a coordinated fashion.

20 The General Assembly finds that tobacco use is the number  
21 one cause of preventable disease and death in the State,  
22 costing it \$4.1 billion annually in direct health care costs,  
23 and that the tobacco industry spends in excess of \$450 million

1 annually on marketing and promotion.

2 According to the Centers for Disease Control and  
3 Prevention, tobacco use morbidity and mortality can be reduced  
4 by following the programmatic and monetary recommendations  
5 outlined in its publication, Best Practices for Comprehensive  
6 Tobacco Control Programs - 2007.

7 Section 10. Definitions. In this Act:

8 "Department" means the Illinois Department of Public  
9 Health.

10 "Oversight board" means the Illinois Tobacco Use  
11 Prevention and Control Oversight Board.

12 Section 15. Creation of the oversight board.

13 (a) Funds allocated to the Department and dedicated to  
14 tobacco control shall be administered in a manner that will  
15 ensure that they are secure, accessible, and free from tobacco  
16 industry influence. The Department, as the State agency that is  
17 primarily responsible for tobacco control programs, shall  
18 administer such funds with the advice and consultation of the  
19 oversight board. The board shall be comprised of the following  
20 ex officio members:

21 (1) The Attorney General, or the Attorney General's  
22 designee.

23 (2) The Director of the Department, or his or her  
24 designee.

1           (3) The Director of the Department of Human Services,  
2           or his or her designee.

3           (4) Five members who are appointed by the Governor that  
4           have knowledge, skill, and experience in smoking reduction  
5           and cessation programs, health care services, or  
6           preventive health care measures and do not have ties to the  
7           tobacco or retail merchants industries.

8           (5) Eight members who are appointed by the Governor who  
9           represent the following organizations:

10           (A) an association dedicated to cancer prevention  
11           and research;

12           (B) an association dedicated to cardiovascular  
13           disease prevention and research;

14           (C) an association dedicated to lung disease  
15           prevention and research;

16           (D) an association dedicated to respiratory  
17           health;

18           (E) an association dedicated to tobacco use  
19           cessation and smoke free communities;

20           (F) an association representing family practice  
21           physicians;

22           (G) a statewide association representing public  
23           health interests; and

24           (H) a statewide association representing hospitals  
25           and health systems.

26           (b) The oversight board shall be charged with assuring that

1 the Comprehensive Tobacco Prevention and Control Plan is  
2 implemented with fidelity to the Plan's original purposes and  
3 intent and make funding recommendations to the Illinois  
4 Department of Public Health based on best practices and  
5 research findings from across the nation. During a member's  
6 term of service on the oversight board, an appointed member of  
7 the oversight board may not be an official or employee of the  
8 State. A member serves a 4-year term and shall hold over after  
9 the expiration of the member's term until the member's  
10 successor is appointed and qualified. The Governor may  
11 reappoint an appointed member of the oversight board. The  
12 oversight board members are not reimbursed for any expenses or  
13 paid for their service.

14 Section 20. Powers of oversight board. The oversight board  
15 may:

16 (1) establish policies, procedures, standards, and  
17 criteria necessary to carry out the duties of the oversight  
18 board and Department staff assigned to the board;

19 (2) adopt rules for the regulation of its affairs and  
20 the conduct of its business and prescribe policies in  
21 connection with the performance of its functions and  
22 duties;

23 (3) recommend legislation to the Governor and General  
24 Assembly; and

25 (4) do any and all acts and things necessary, proper,

1 or convenient to carry out this Act.

2 Section 25. Quorum; voting; meetings.

3 (a) Nine voting members of the oversight board constitute a  
4 quorum for:

5 (1) the transaction of business at a meeting of the  
6 oversight board; or

7 (2) the exercise of a power or function of the  
8 oversight board.

9 (b) The affirmative vote of a majority of all the voting  
10 members of the oversight board is necessary for the board to  
11 take action. A vacancy in the membership of the executive board  
12 does not impair the right of a quorum to exercise all the  
13 rights and perform all the duties of the executive board.

14 (c) The oversight board shall meet at least quarterly and  
15 at the call of the chairperson.

16 Section 30. Mission statement; long-range State plan.

17 (a) The oversight board shall develop:

18 (1) a mission statement concerning the prevention and  
19 reduction of the usage of tobacco and tobacco products in  
20 this State, including:

21 (A) emphasis on prevention and policies;

22 (B) encouragement of smoking cessation;

23 (C) production and distribution of information  
24 concerning the dangers of tobacco use and tobacco

1 related diseases;

2 (D) providing research on issues related to  
3 reduction of tobacco use;

4 (E) enforcement of laws concerning sales of  
5 tobacco to youth and use of tobacco by youth; and

6 (F) other activities that the oversight board  
7 considers necessary and appropriate for inclusion in  
8 the mission statement; and

9 (2) a long-range State plan, based on Best Practices  
10 for Tobacco Control Programs, as published by the Centers  
11 for Disease Control and Prevention, for:

12 (A) the provision of services by the oversight  
13 board, public or private entities, and individuals to  
14 implement the oversight board's mission statement; and

15 (B) the coordination of State efforts to reduce  
16 usage of tobacco and tobacco products.

17 The oversight board shall update the mission statement  
18 and long-range State plan as necessary to carry out the  
19 purposes of this Act.

20 (b) The long-range State plan described in subsection (a)  
21 of this Section must:

22 (1) cover a period of at least 5 years;

23 (2) include base line data concerning tobacco usage;

24 (3) set forth specific goals for prevention and  
25 reduction of tobacco usage in this State; and

26 (4) be made available to the Governor, the General

1 Assembly, and any other appropriate State or federal  
2 agency.

3 Section 35. Oversight board approval of expenditures. The  
4 expenditure of State funds, other than a grant awarded under  
5 this Act, for a program concerning prevention or reduction of  
6 tobacco usage that is operated by a State agency or a public or  
7 private entity is subject to the approval of the oversight  
8 board. The State agency or public or private entity shall  
9 submit a description of the proposed expenditure to the  
10 oversight board for the oversight board's review and approval.  
11 The description submitted under this Section must include the  
12 following:

13 (1) The objective to be achieved through the  
14 expenditure.

15 (2) The plan for implementation of the expenditure.

16 (3) The extent to which the expenditure will supplement  
17 or duplicate existing expenditures of other State  
18 agencies, public or private entities, or the executive  
19 board.

20 Section 40. Annual reports of oversight board. The  
21 oversight board shall prepare an annual financial report and an  
22 annual report concerning the board's and Department's  
23 activities under this Act and promptly transmit the annual  
24 reports to the Governor and the General Assembly. The annual



1 reports shall be available to the public on the Department's  
2 website.