

1 AN ACT in relation to 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 Youth Smoking Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Advisory Committee" means the Youth Smoking Prevention  
8 Advisory Committee established under Section 10 to develop a  
9 State Plan for Youth Smoking Prevention and to make  
10 recommendations concerning grants from the fund for the  
11 purpose of reducing the consumption of cigarettes by minors.

12 "Fund" means the Youth Smoking Prevention Fund  
13 established under Section 15.

14 "Grantee" means a public entity or private nonprofit  
15 entity approved to receive moneys from the fund for qualified  
16 youth smoking prevention programs.

17 "Qualified youth smoking prevention program" means a  
18 program that meets the criteria set forth in the State Plan  
19 for Youth Smoking Prevention.

20 "State plan" means the State Plan for Youth Smoking  
21 Prevention adopted under Section 20.

22 Section 10. Youth Smoking Prevention Advisory Committee.

23 (a) The Youth Smoking Prevention Advisory Committee is  
24 established. The Advisory Committee shall consist of the  
25 following 13 members appointed by the Governor with the  
26 approval of the Senate:

27 (1) Three representatives of public health  
28 agencies.

29 (2) Three health professionals.

30 (3) Two youths at least 12 years of age and less

1 than 18 years of age.

2 (4) Five citizens of the State with knowledge,  
3 competence, experience, or interest in youth smoking  
4 prevention, or other relevant background including, but  
5 not limited to, youth education, public health, social  
6 science, and business expertise.

7 All members must be residents of the State.

8 (b) Advisory Committee members shall serve for a term of  
9 2 years and until their successors are appointed and  
10 qualified. A vacancy on the Advisory Committee must be  
11 filled in the same manner as the original appointment for the  
12 remainder of the unexpired term.

13 (c) The Governor shall convene the Advisory Committee's  
14 first meeting by March 15, 2002, and the members of the  
15 Advisory Committee shall elect a chairman and vice chairman.  
16 A majority of members of the Advisory Committee serving at  
17 any one time constitute a quorum for the transaction of  
18 business.

19 Section 15. Youth Smoking Prevention Fund.

20 (a) The Youth Smoking Prevention Fund is created as a  
21 special fund in the State treasury. The fund shall consist of  
22 (i) moneys transferred into it from the Tobacco Settlement  
23 Recovery Fund for the purpose of the prevention of youth  
24 smoking and (ii) all other moneys, including appropriations,  
25 gifts, grants, or other moneys, designated for the fund. All  
26 interest derived from the deposit and investment of moneys in  
27 the fund must be credited to the fund.

28 (b) All moneys in the fund are subject to annual  
29 appropriations by the General Assembly for the purposes  
30 described in this Act and are available for the award of  
31 grants for qualified youth smoking prevention programs.

32 Section 20. State Plan for Youth Smoking Prevention.

1 (a) On or before June 30, 2002, the Advisory Committee  
2 shall propose a State Plan for Youth Smoking Prevention. On  
3 or before June 30 of each subsequent year, the Advisory  
4 Committee may propose amendments to the plan. The Advisory  
5 Committee shall submit its proposed State plan or any  
6 proposed amendments to it to the Governor, the General  
7 Assembly, the Department of Human Services, the Department of  
8 Public Health, and the Attorney General.

9 (b) On or before January 30, 2003, the Advisory  
10 Committee shall adopt a final State plan and shall make the  
11 plan public. On or before January 30 of each subsequent  
12 year, the Advisory Committee shall adopt any proposed  
13 amendments to the State plan and shall make the amended State  
14 plan public.

15 (c) The State plan must set forth the criteria by which  
16 grant proposals are considered by the Advisory Committee.  
17 The plan must also describe the types of youth smoking  
18 prevention programs that are eligible for consideration for  
19 grants from the fund. The eligible programs include, but are  
20 not limited to, the following:

21 (1) Media campaigns directed to youth to prevent  
22 underage consumption of cigarettes.

23 (2) School-based education programs to prevent  
24 youth smoking.

25 (3) Community-based youth programs involving youth  
26 smoking prevention through general youth development.

27 (4) Enforcement and administration of State laws  
28 related to the prevention of cigarette sales to minors,  
29 related retailer education, and compliance efforts.

30 The State plan must provide that no less than 50% of the  
31 dollar value of the grants awarded in each year is dedicated  
32 to programs described in items (2) and (3).

33 (d) The State plan must further provide for a grant for  
34 an annual statewide school-based survey must to measure

1 cigarette use and behaviors toward cigarette use by  
2 individuals in grades 6-12. This survey must meet all of the  
3 following criteria:

4 (1) It must involve a statistically valid sample of  
5 the individuals in each grade from 6th through 12th.

6 (2) It must not include any individual who is 18  
7 years of age or older.

8 (3) It must be made available to the public, along  
9 with the resulting data, excluding respondent identities  
10 and respondent-identifiable data, before September 1 each  
11 year.

12 (e) The State plan must provide that no more than 5% of  
13 the moneys in the fund may be spent on the administrative  
14 costs of the Advisory Committee.

15 (f) The development and adoption of the State plan is  
16 not subject to the notice and comment provisions of the  
17 Illinois Administrative Procedure Act.

18 Section 25 Grants.

19 (a) The Advisory Committee must meet at least 4 times a  
20 year to review applications for grants for youth smoking  
21 prevention programs. A grant may not be awarded without the  
22 recommendation of the Advisory Committee. To the extent  
23 practicable and consistent with the criteria for qualified  
24 applicants set forth in the State plan, the Advisory  
25 Committee shall recommend awards equal to the total amount of  
26 moneys appropriated in each fiscal year for qualified youth  
27 smoking prevention programs less the Advisory Committee's  
28 administrative costs.

29 (b) An applicant for a grant for a qualified youth  
30 smoking prevention program must file an application with the  
31 Department of Public Health no later than November 1 of the  
32 year preceding the fiscal year for which the grant is  
33 requested. The Department shall forward all applications to

1 the Advisory Committee for the Advisory Committee's  
2 recommendations concerning the awarding of grants.

3 (c) An applicant that requests funding to initiate,  
4 continue, or expand a youth smoking prevention program must  
5 demonstrate, by means of application, letters of  
6 recommendation, and other means the Department of Public  
7 Health may designate, that the proposed youth smoking  
8 prevention program for which it seeks funding meets the  
9 criteria set forth in the State plan. Previous grant  
10 recipients must include recent evaluations of their programs  
11 with their applications. The Advisory Committee may not  
12 recommend the award of a grant unless it makes a specific  
13 finding, as to each applicant, that the program proposed to  
14 be funded meets the criteria set forth in the State plan.

15 (d) In addition to evaluating the funding request  
16 pursuant to the criteria set forth in the State plan, the  
17 Advisory Committee must consider the following:

18 (1) In the case of applications to fund media  
19 campaigns directed to youth to prevent underage  
20 consumption of cigarettes, whether the campaign provides  
21 for sound management and periodic evaluation of the  
22 campaign's relevance to the intended audience, including  
23 audience awareness of the campaign and recollection of  
24 the main message.

25 (2) In the case of applications to fund  
26 school-based education programs to prevent youth smoking,  
27 whether there is credible evidence that the program is  
28 effective in reducing youth smoking.

29 (3) In the case of applications to fund  
30 community-based youth programs involving youth smoking  
31 prevention through general youth development, whether the  
32 program:

33 (A) has a comprehensive strategy with a clear  
34 mission and goals;

1 (B) has committed, caring, and professional  
2 leadership;

3 (C) offers a diverse array of youth-centered  
4 activities in youth-accessible facilities;

5 (D) is culturally sensitive, inclusive, and  
6 diverse;

7 (E) involves youth in the planning, delivery,  
8 and evaluation of services that affect them; and

9 (F) offers a positive focus including all  
10 youth.

11 (4) In the case of applications to fund  
12 enforcement and administration of State laws related to  
13 the prevention of cigarette sales to minors and to  
14 related retailer education and compliance efforts,  
15 whether those activities and efforts can reasonably be  
16 expected to reduce the extent to which tobacco products  
17 are available to individuals under the age of 18.

18 (e) State and local government departments and agencies  
19 are eligible for grants under this Act.

20 Section 30. Announcement of grant awards. On or before  
21 March 1 of each year, the Department of Public Health shall  
22 announce the award of grants for the next fiscal year. Any  
23 moneys appropriated for qualified youth smoking prevention  
24 programs not spent in any fiscal year shall be retained in  
25 the fund and available for qualified youth smoking prevention  
26 programs in the following year.

27 Section 35. Reports by grantees.

28 (a) As a condition for the receipt of a grant under this  
29 Act, a grantee must agree to file a report with the  
30 Department of Public Health, on or before September 13 after  
31 the end of the fiscal year for which the grant was awarded,  
32 as to the following:

1           (1) The amount received as a grant and the  
2           expenditures made with the grant proceeds.

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

5           (3) Specific elements of the program meeting the  
6           criteria set forth in the State plan.

7           (b) A grantee who fails to timely file the report  
8           required under this Section is subject to the jurisdiction of  
9           the Attorney General for repayment of the full amount of the  
10          grant expended.

11          (c) The Department of Public Health shall review and  
12          evaluate the reports of grantees required under this Section.

13          Section 40. Report by Department of Public Health. The  
14          Department of Public Health shall file a written report with  
15          the Governor and the General Assembly on or before February 1  
16          of each year on the status of the fund and the activities of  
17          the fund for the fiscal year most recently ended. The report  
18          must include a copy of the annual audit, the name of each  
19          grantee, the amount of each grant awarded under this Act, the  
20          criteria used to award each grant, and whether the program  
21          implemented by each grantee met the criteria set forth in the  
22          State plan. The report must be made available to the public  
23          immediately upon its filing.

24          Section 90. The State Finance Act is amended by adding  
25          Section 5.545 as follows:

26                (30 ILCS 105/5.545 new)

27                Sec. 5.545. The Youth Smoking Prevention Fund.