



House of Representatives

General Assembly

File No. 406

January Session, 2023

Substitute House Bill No. 6730

House of Representatives, April 4, 2023

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING THE TOBACCO AND HEALTH TRUST FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-28f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) There is created a Tobacco and Health Trust Fund which shall be
4 a separate nonlapsing fund. The purpose of the trust fund shall be to
5 create a continuing significant source of funds to [(1)] support and
6 encourage development of programs to reduce tobacco [abuse] and
7 nicotine use through prevention, education and cessation programs [,
8 (2) support and encourage development of programs to reduce
9 substance abuse, and (3) develop and implement programs to meet the
10 unmet physical and mental health needs in the state] that use evidence-
11 based best practices regarding (1) state and community interventions,
12 (2) communication methods to disseminate health information to a wide

13 audience, (3) cessation interventions, (4) surveillance and evaluation,
14 and (5) infrastructure, administration and management. The trust fund
15 shall be used to support the reduction in use of all tobacco and nicotine
16 products, including, but not limited to, combustible, noncombustible,
17 electronic and synthetic tobacco and nicotine products.

18 (b) The trust fund may accept transfers from the Tobacco Settlement
19 Fund and may apply for and accept gifts, grants, [or] donations,
20 assignments or transfers from public or private sources to enable the
21 trust fund to carry out its objectives.

22 (c) The trust fund shall be administered by a board of trustees, except
23 that the board shall suspend its operations from July 1, 2003, to June 30,
24 2005, inclusive. The board shall consist of seventeen trustees. The
25 appointment of the initial trustees shall be as follows: (1) The Governor
26 shall appoint four trustees, one of whom shall serve for a term of one
27 year from July 1, 2000, two of whom shall serve for a term of two years
28 from July 1, 2000, and one of whom shall serve for a term of three years
29 from July 1, 2000; (2) the speaker of the House of Representatives and
30 the president pro tempore of the Senate each shall appoint two trustees,
31 one of whom shall serve for a term of two years from July 1, 2000, and
32 one of whom shall serve for a term of three years from July 1, 2000; (3)
33 the majority leader of the House of Representatives and the majority
34 leader of the Senate each shall appoint two trustees, one of whom shall
35 serve for a term of one year from July 1, 2000, and one of whom shall
36 serve for a term of three years from July 1, 2000; (4) the minority leader
37 of the House of Representatives and the minority leader of the Senate
38 each shall appoint two trustees, one of whom shall serve for a term of
39 one year from July 1, 2000, and one of whom shall serve for a term of
40 two years from July 1, 2000; and (5) the Secretary of the Office of Policy
41 and Management, or the secretary's designee, shall serve as an ex-officio
42 voting member. Following the expiration of such initial terms,
43 subsequent trustees shall serve for a term of three years. The trustees
44 shall continue to serve until their successors are appointed or
45 designated. Any vacancy occurring other than by expiration of term
46 shall be filled in the same manner as the original appointment for the

47 balance of the unexpired term. The period of suspension of the board's
48 operations from July 1, 2003, to June 30, 2005, inclusive, shall not be
49 included in the term of any trustee serving on July 1, 2003. The trustees
50 shall serve without compensation except for reimbursement for
51 necessary expenses incurred in performing their duties. The board of
52 trustees shall establish rules of procedure for the conduct of its business
53 which shall include, but not be limited to, criteria, processes and
54 procedures to be used in selecting programs to receive money from the
55 trust fund. The trust fund shall be within the Office of Policy and
56 Management for administrative purposes only. The board of trustees
57 shall, not later than January first of each year, submit a report of its
58 activities and accomplishments to the joint standing committees of the
59 General Assembly having cognizance of matters relating to public
60 health and appropriations and the budgets of state agencies, in
61 accordance with section 11-4a.

62 (d) (1) For the fiscal year ending June 30, 2023, and each fiscal year
63 thereafter, the board of trustees, by majority vote, shall recommend
64 authorization of disbursement from the trust fund of the amount
65 deposited in the trust fund for the fiscal year pursuant to subsection (c)
66 of section 4-28e, for the purposes described in subsection (a) of this
67 section and section 19a-6d. The board's recommendations shall give [(i)]
68 (A) priority to [programs that address tobacco and substance abuse and
69 serve minors, pregnant women and parents of young children]
70 comprehensive tobacco and nicotine control programs for (i) prevention
71 of initial tobacco and nicotine product use among youth and young
72 adults, (ii) smoking cessation directed at adults and youth, (iii)
73 elimination of exposure to secondhand smoke and aerosol, and (iv)
74 identification and elimination of tobacco and nicotine-related
75 disparities, and [(ii)] (B) consideration to the availability of private
76 matching funds. Recommended disbursements from the trust fund shall
77 be in addition to any resources that would otherwise be appropriated
78 by the state for such purposes and programs.

79 (2) The board of trustees shall submit such recommendations for the
80 authorization of disbursement from the trust fund to the joint standing

81 committees of the General Assembly having cognizance of matters
82 relating to public health and appropriations and the budgets of state
83 agencies. Not later than thirty days after receipt of such
84 recommendations, said committees shall advise the board of their
85 approval, modifications, if any, or rejection of the board's
86 recommendations. If said joint standing committees do not concur, the
87 speaker of the House of Representatives, the president pro tempore of
88 the Senate, the majority leader of the House of Representatives, the
89 majority leader of the Senate, the minority leader of the House of
90 Representatives and the minority leader of the Senate each shall appoint
91 one member from each of said joint standing committees to serve as a
92 committee on conference. The committee on conference shall submit its
93 report to both committees, which shall vote to accept or reject the report.
94 The report of the committee on conference may not be amended. If a
95 joint standing committee rejects the report of the committee on
96 conference, the board's recommendations shall be deemed approved. If
97 the joint standing committees accept the report of the committee on
98 conference, the joint standing committee having cognizance of matters
99 relating to appropriations and the budgets of state agencies shall advise
100 the board of said joint standing committees' approval or modifications,
101 if any, of the board's recommended disbursement. If said joint standing
102 committees do not act within thirty days after receipt of the board's
103 recommendations for the authorization of disbursement, such
104 recommendations shall be deemed approved. Disbursement from the
105 trust fund shall be in accordance with the board's recommendations as
106 approved or modified by said joint standing committees.

107 (3) After such recommendations for the authorization of
108 disbursement have been approved or modified pursuant to subdivision
109 (2) of this subsection, any modification in the amount of an authorized
110 disbursement in excess of fifty thousand dollars or ten per cent of the
111 authorized amount, whichever is less, shall be submitted to said joint
112 standing committees and approved, modified or rejected in accordance
113 with the procedure set forth in subdivision (2) of this subsection.
114 Notification of all disbursements from the trust fund made pursuant to
115 this section shall be sent to the joint standing committees of the General

116 Assembly having cognizance of matters relating to public health and
117 appropriations and the budgets of state agencies, through the Office of
118 Fiscal Analysis.

119 (4) The board of trustees shall submit a biennial report to the joint
120 standing committees of the General Assembly having cognizance of
121 matters relating to public health and appropriations and the budgets of
122 state agencies, in accordance with the provisions of section 11-4a. Such
123 report shall include, but need not be limited to, an accounting of the
124 unexpended amount in the trust fund, if any, all disbursements and
125 other expenditures from the trust fund and an evaluation of the
126 performance and impact of each program receiving funds from the trust
127 fund. Such report shall also include the measurable outcome and
128 evaluation criteria and application process used to select programs to
129 receive such funds.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	4-28f

PH Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to governance of the fund / program, reporting and spending priorities within available funds, which has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6730*****AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING THE TOBACCO AND HEALTH TRUST FUND.*****SUMMARY**

This bill makes various changes affecting the Tobacco and Health Trust Fund.

It updates the statutory purposes for fund disbursements to include the reduction of tobacco and nicotine use in all forms, including e-cigarettes and vapor products, rather than just tobacco as under current law. Among other things, it requires that funding be directed to programs that use evidence-based best practices for various objectives, such as state and community interventions and surveillance and evaluation.

It also requires the Tobacco and Health Trust Fund board, in recommending annual fund disbursements, to give priority to comprehensive tobacco and nicotine control programs for specified purposes, such as (1) preventing first use of these products by youth and young adults and (2) identifying and eliminating tobacco and nicotine-related disparities.

Among other changes affecting the board, the bill specifies that board vacancies occurring other than by a term's expiration must be filled in the same way as the original appointment for the remainder of the term.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

TOBACCO AND HEALTH TRUST FUND***Fund Purposes***

The bill updates the statutory purposes for fund disbursements to include the reduction of tobacco and nicotine use in all forms, including combustible, non-combustible, electronic, and synthetic products.

It requires that funding be directed to support and encourage tobacco and nicotine use prevention, education, and cessation programs that use evidence-based best practices for the following:

1. state and community interventions;
2. communication methods to spread health information to a wide audience;
3. cessation interventions;
4. surveillance and evaluation; and
5. infrastructure, administration, and management.

Under current law, funding must be directed to (1) support and encourage programs to reduce tobacco abuse through prevention, education, and cessation; (2) support and encourage program development for substance abuse reduction; and (3) develop and implement programs to meet the state's unmet physical and mental health needs.

Annual Disbursements

Under current law, the Tobacco and Health Trust Fund board, in recommending annual fund disbursements, must give priority to tobacco and substance abuse programs that serve minors, pregnant women, and parents of young children.

The bill instead requires the board to give priority to comprehensive tobacco and nicotine control programs for the following purposes:

1. preventing first use of these products by youth and young adults,

2. smoking cessation directed at adults and youth,
3. eliminating exposure to secondhand smoke and aerosol, and
4. identifying and eliminating tobacco and nicotine-related disparities.

As under current law, the board must also consider the availability of private matching funds.

Board Vacancies

By law, board members serve three-year terms. The bill specifically requires board members to continue to serve until their successors are appointed or designated. Under the bill, if a vacancy occurs other than by a term's expiration, it must be filled in the same manner as the original appointment for the remainder of the term.

Biennial Report

Existing law requires the board to submit a biennial report to the Appropriations and Public Health committees on the trust fund, including (1) all fund disbursements and expenditures, (2) an evaluation of the performance and impact of each program that gets funding, and (3) an accounting of any unexpended funds.

Current law also requires the report to include the criteria and application process used to select fund recipients. The bill specifies that this must include measurable outcome and evaluation criteria.

Funding Sources

The bill specifically allows the trust fund to apply for and accept assignments or transfers from public or private funding sources to carry out its purposes. The law already allows the fund to apply for and accept gifts, grants, or donations from these funding sources.

BACKGROUND

Related Bill

sHB 6914, favorably reported by the Public Health Committee, (1)

contains identical provisions on the Tobacco and Health Trust Fund’s board and statutory purpose and (2) starting in FY 24, increases, from \$12 million to \$22.7 million, the annual disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/20/2023)