

**SENATE BILL No. 336**

By Committee on Public Health and Welfare

1-22

10 AN ACT concerning establishment of a tobacco use prevention and con-  
11 trol program.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) To improve the health, quality of life and economic  
15 well-being of all Kansas citizens, **and within the limits of appropri-**  
16 **tions therefor**, a comprehensive statewide tobacco use prevention and  
17 control program is established in the department of health and environ-  
18 ment under the supervision of the secretary of health and environment.

19 (b) The secretary shall support tobacco use prevention and control  
20 activities including, but not limited to:

21 (1) Community programs to prevent and reduce tobacco use through  
22 local involvement and partnerships;

23 (2) school-based programs to prevent and reduce tobacco use;

24 (3) tobacco cessation programs for youth and adults;

25 (4) special projects to reduce the disparities in smoking prevalence  
26 among various populations;

27 (5) restriction of youth access to tobacco products;

28 (6) surveillance of smoking rates; and

29 (7) any other activities determined by the secretary to be necessary  
30 to implement the provisions of this section.

31 (c) Programs shall be selected by the secretary through an application  
32 process that takes into account whether a program utilizes methods rec-  
33 ognized as effective in reducing smoking and tobacco use. Eligible ap-  
34 plicants include, but are not limited to, a health care provider, a school,  
35 a college or university, a local public health department, a public health  
36 organization, a health care provider organization, association or society or  
37 a professional education organization.

38 (d) The secretary shall evaluate the effectiveness of the efforts by  
39 state and local governments to reduce the use of tobacco products among  
40 minors and adults. The principal measurements of effectiveness shall in-  
41 clude negative attitudes toward tobacco use and reduction of tobacco use  
42 among the general population and among target populations prone to  
43 tobacco use.

- 1 (e) To the extent practicable, the secretary shall ensure that the most  
2 current research findings regarding mechanisms to reduce and change  
3 attitudes toward tobacco are used in tobacco education programs admin-  
4 istered by the department of health and environment.
- 5 (f) To diminish tobacco use among minors and adults, to the extent  
6 practicable, the secretary shall ensure that the following is achieved:
- 7 (1) The secretary shall conduct an independent evaluation of the  
8 statewide tobacco use prevention and control program to accomplish the  
9 maximum prevention and reduction of use among adults and minors pos-  
10 sible through the most efficient allocation of state tobacco education and  
11 cessation resources.
- 12 (2) The secretary's evaluation shall be provided to the governor, the  
13 president of the senate and the speaker of the house of representatives  
14 on or before July 1, 2005, and annually on or before that date thereafter.
- 15 (3) The comprehensive evaluation design shall be guided by the  
16 following:
- 17 (A) Sound evaluation principles, including elements of controlled ex-  
18 perimental methods, to the extent feasible;
- 19 (B) an evaluation of the comparative effectiveness of individual pro-  
20 gram designs, which shall be used in funding decisions and program mod-  
21 ifications; and
- 22 (C) an evaluation of other programs identified by state agencies, local  
23 lead agencies and federal agencies.
- 24 (g) The secretary shall submit to the governor and the legislature an  
25 interim tobacco control report and annual tobacco control reports that  
26 shall describe the extent of the use of tobacco products by minors in the  
27 state and document the progress state and local governments have made  
28 in reducing tobacco use among minors.
- 29 (1) The secretary shall submit the interim tobacco control report on  
30 or before July 1, 2005. To the extent practicable, the interim report shall  
31 include the following information on a county by county basis:
- 32 (A) The number of licensed and registered tobacco retailers and  
33 vendors;
- 34 (B) the names and addresses of retailers and vendors who have paid  
35 fines or have been otherwise penalized due to enforcement actions;
- 36 (C) the number of complaints filed against licensed and registered  
37 tobacco retailers;
- 38 (D) the number of fires caused or believed to be caused by tobacco  
39 products and deaths and injuries resulting therefrom;
- 40 (E) the number and type of compliance checks conducted; and
- 41 (F) other information the secretary deems appropriate.
- 42 (2) The secretary shall submit to the governor and the legislature an  
43 annual tobacco control report that shall describe the extent of tobacco

1 product use by minors in the state and document the progress state and  
2 local governments have made in reducing tobacco use among minors. The  
3 annual report shall be submitted to the governor and the legislature on  
4 or before January 9, 2006. To the extent practicable, the annual report  
5 shall include the following information on a county by county basis:

6 (A) The number of licensed and registered tobacco retailers and  
7 vendors;

8 (B) the names and addresses of retailers and vendors who have paid  
9 fines or have been otherwise penalized due to enforcement actions;

10 (C) the number of complaints filed against licensed and registered  
11 tobacco retailers;

12 (D) the number of fires caused or believed to be caused by tobacco  
13 products and deaths and injuries resulting therefrom;

14 (E) the number and type of compliance checks conducted;

15 (F) a survey of attitudes and behaviors regarding tobacco use among  
16 minors. The initial survey shall be deemed to constitute the baseline  
17 survey;

18 (G) the number of tobacco users and estimated trends in tobacco use  
19 among minors;

20 (H) annual tobacco sales;

21 (I) tax revenue collected from sale of tobacco products;

22 (J) the number of licensed tobacco retail outlets;

23 (K) the number of cigarette vending machines; and

24 (L) the names of entities that have paid fines due to enforcement  
25 actions.

26 (3) To the extent practicable, the annual tobacco report shall include  
27 the following information:

28 (A) Tobacco control efforts sponsored by state government agencies,  
29 including money spent to educate minors on the hazards of tobacco use;

30 (B) recommendations for improving tobacco control efforts in the  
31 state; and

32 (C) other information the secretary deems appropriate.

33 Sec. 2. There is hereby created in the state treasury the tobacco use  
34 prevention and control program fund, which shall be administered by the  
35 secretary of health and environment. All expenditures from the tobacco  
36 use prevention and control program fund shall be for the tobacco use  
37 prevention and control program. All expenditures from the tobacco use  
38 prevention and control program fund shall be made in accordance with  
39 appropriation acts upon warrants of the director of accounts and reports  
40 issued pursuant to vouchers approved by the secretary of health and en-  
41 vironment or the secretary's designee.

42 Sec. 3. This act shall take effect and be in force from and after its  
43 publication in the statute book.