

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health and Human Services Appropriations Committee

BILL: PCS for SB 1126

INTRODUCER: Committee on Health and Human Services Appropriations and Senator Peadar

SUBJECT: Comprehensive Statewide Tobacco Education

DATE: March 23, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peters	Peters	HA	<b>Pre-meeting</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill requires the Department of Health to conduct a comprehensive, statewide tobacco education and prevention program consistent with the 1999 Best Practices for Comprehensive Tobacco Control Programs developed by the United States Centers for Disease Control and Prevention. The program must include the following components: an advertising campaign, funded by at least one-third of the required annual appropriation; smoking cessation programs; evidence-based curricula; programs of local community-based partnerships; an evaluation of the effectiveness of the program; training of health care providers; training of teachers by health professional students; and the continued enforcement of laws, rules and policies.

The department is required to contract with the Area Health Education Center (AHEC) network to disseminate information about smoking cessation and how it relates to prenatal care, obesity prevention, and other chronic tobacco-related diseases. The existing AHEC smoking cessation initiative is required to be expanded statewide to each county health department where funds may be used to improve the infrastructure of the county health department to implement the program.

The bill creates the Tobacco Education and Prevention Advisory Council to advise the Secretary of Health as to the direction and scope of the program consisting of 13 members.

The department is required to report on the program's effectiveness, including a survey of youth attitudes and behavior toward tobacco by January 31 of each year.

This bill creates s. 381.84, of the Florida Statutes.

## II. Present Situation:

### National Best Practices for Comprehensive Tobacco Control Programs

In August of 1999, the United States Department of Health and Human Services, Centers for Disease Control and Prevention (“CDC”) published *Best Practices for Comprehensive Tobacco Control Programs* (“best practices”). The best practices were developed from analyses of programs in California and Massachusetts, as well as from the CDC’s involvement in providing technical assistance to Florida, Maine, Minnesota, Mississippi, Oregon, and Texas. The best practices are designed to help states develop comprehensive tobacco control programs and evaluate funding priorities.

The CDC recommends the following components within each state’s tobacco control program:

- Community programs to reduce tobacco use
- Chronic disease programs to reduce the burden of tobacco-related diseases
- School programs
- Enforcement
- Statewide programs
- Counter-marketing
- Cessation programs
- Surveillance and evaluation
- Administration and management.

### Amendment 4

On November 7, 2006, the people of the State of Florida adopted Amendment 4, creating the Comprehensive Statewide Tobacco Education and Prevention Program. Under the amendment, the state is required to create a comprehensive, statewide program consistent with the CDC’s 1999 best practices, as amended. The program must include the following minimum components and may include additional components that are also contained in the CDC *Best Practices*.

- An advertising campaign to discourage the use of tobacco, funded by at least one-third of the required annual appropriation;
- Evidence-based curricula and programs to educate youth about tobacco and discourage their use of it;
- Programs of local community-based partnerships;
- Enforcement of laws, regulations, and policies against the sale or other provision of tobacco to minors, and the possession of tobacco by minors; and
- Publicly-reported annual evaluations to ensure that moneys appropriated for the program are spent properly.

The amendment specifies that the Legislature must appropriate 15 percent of the total gross funds that tobacco companies paid to the State of Florida in 2005 under the Tobacco Settlement. This amount must be adjusted annually for inflation using the Consumer Price Index.

### III. Effect of Proposed Changes:

**Section 1.** Creates s. 381.84, F.S., to provide legislative findings and intent language to implement the provisions of s. 27, Art. X of the State Constitution. Further, the section specifies that program funding is to be based on the results of assessments and evaluations and that portions of the program are to be funded on a non-recurring basis.

The bill requires the Department of Health to conduct a comprehensive, statewide tobacco education and prevention program consistent with the 1999 Best Practices for Comprehensive Tobacco Control Programs of the Centers for Disease Control, as amended.

The bill requires the department to contract with the Area Health Education Center (AHEC) network to disseminate information about smoking cessation and how it relates to prenatal care, obesity prevention, and other chronic tobacco-related diseases.

The bill requires statewide expansion of the existing AHEC smoking cessation initiative to each county health department where funds may be used to improve the infrastructure of the county health department to implement the program.

The bill requires the department to include the following components:

- An advertising campaign with a cyberspace repository and Internet address for accessing information at each level of public and private schools, universities and colleges.
- Cessation programs, including counseling and treatment
- Evidence-based curricula and programs
- Programs of local, community-based partnerships
- Evaluation of program effectiveness and program accountability
- Training of health care providers and smoking cessation counselors
- Training of teachers by health professional students
- Continued enforcement of laws and policies prohibiting the sale and possession of tobacco by minors

The bill creates the Tobacco Education and Prevention Advisory Council to advise the Secretary of Health on program matters. The council consists of the following 13 members:

- The Secretary of Health, or a designee
- The dean's of the medical schools, or designee
- The CEO of the American Heart Association, or designee
- The CEO of the American Lung Association of Florida, or designee
- A student member from a professional health care school in this state appointed by the Speaker of the House
- One member appointed by the Governor
- One member appointed by the President of the Senate

The bill provides for responsibilities of the council to include:

- Reviewing the activities and evaluating the performance of the AHEC network
- Providing advice and reviewing the overall program budget
- Providing advice on copyrighted material, trademark, and future transactions
- Reviewing broadcast material prepared for the internet and portable media players

The bill requires the department to report annually on the program's effectiveness, including a survey of youth attitudes and behavior toward tobacco.

The bill authorizes the department to adopt rules to administer the program.

**Section 2.** Provides for an effective date of July 1, 2007.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will directly benefit from any contracts awarded from the department or the area health education centers.

C. Government Sector Impact:

Section 27, Article X of the Florida Constitution requires the legislature to appropriate annually 15 percent of the total gross funds that tobacco companies paid to the State of Florida in 2005 under the Tobacco Settlement. The appropriation is required to be adjusted annually for inflation, using the Consumer Price Index. Additionally, the advertising component is required to be funded at a level equivalent to one-third of the total appropriation.

According to the Revenue Estimating Conference held February 12, 2007, regarding tobacco settlement funds, the amount required to be appropriated in FY 2007-2008 pursuant to s. 27, Article X, is estimated to be \$57,898,788. The program is estimated to increase by the CPI and grow to \$61,381,414 over the next three years.

**Comprehensive Statewide Tobacco Education and Prevention Program**

<b>Fiscal Year</b>	<b>CPI Adjustment</b>	<b>Amount</b>
2007-08		\$57,898,788
2008-09	1.5%	\$58,767,270
2009-10	2.3%	\$60,118,917
2010-11	2.1%	\$61,381,414

Source: Revenue Estimating Conference, February 12, 2007

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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