

House Bill 887 (COMMITTEE SUBSTITUTE)

By: Representative Butler of the 18th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 13 of Title 10 of the Official Code of Georgia Annotated, relating to
2 tobacco product manufacturers, so as to provide for the creation of the Tobacco Prevention
3 Master Settlement Agreement Oversight Committee; to provide for its composition, powers,
4 and duties; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 13 of Title 10 of the Official Code of Georgia Annotated, relating to tobacco product
9 manufacturers, is amended by adding a new Code section to read as follows:

10 "10-13-5.

11 (a) There is created the Tobacco Prevention Master Settlement Agreement Oversight
12 Committee within the Department of Human Resources to be composed of the following:

13 (1) Two citizen members appointed by the Governor with some type of expertise in the
14 field of tobacco prevention and education or smoking cessation;

15 (2) Two members of the House of Representatives appointed by the Speaker of the
16 House;

17 (3) Two members of the Senate appointed by the Lieutenant Governor;

18 (4) A tobacco prevention expert from the Department of Human Resources appointed
19 by the commissioner of human resources;

20 (5) A tobacco prevention expert from the Department of Community Health appointed
21 by the commissioner of community health;

22 (6) The following additional members appointed by the Governor:

23 (A) A tobacco prevention expert from the federal Centers for Disease Control and
24 Prevention;

25 (B) A representative from a school of public health from a university within the State
26 of Georgia;

- 1 (C) A representative from the American Cancer Society;
2 (D) A representative from the American Lung Association;
3 (E) A representative from the American Heart Association;
4 (F) A representative from the Medical Association of Georgia; and
5 (G) A representative from the Georgia State Medical Association.
- 6 (b) Members appointed by the Governor, the Speaker of the House of Representatives, and
7 the Lieutenant Governor shall be appointed to terms of two years each. However, for the
8 purpose of providing staggered terms, of the Governor's initial appointments, four
9 members shall be appointed for two-year terms and five members shall be appointed for
10 four-year terms.
- 11 (c) Any vacancy on the oversight committee shall be filled in the same manner as the
12 original appointment, and any member appointed to fill a vacancy occurring because of
13 death, resignation, or ineligibility for membership shall serve only for the unexpired term
14 of the member's predecessor. A member shall be eligible for reappointment.
- 15 (d) Members of the oversight committee that serve in the Georgia General Assembly shall
16 receive the same compensation, per diem, expenses, and allowances for their service on the
17 committee as is authorized by law for members of interim legislative study committees.
- 18 (e) The oversight committee shall meet at least quarterly and upon the call of the
19 chairperson.
- 20 (f) The oversight committee shall:
- 21 (1) Determine the most effective means of establishing clear and meaningful lines of
22 communication between the oversight committee and the public and private sectors in
23 order to ensure that the process of developing and implementing the state tobacco control
24 strategy has afforded a broad spectrum of the public and private sectors an opportunity
25 to comment and make recommendations;
- 26 (2) Review and make recommendations to the Governor and the legislature on funding
27 tobacco prevention and education programs and services; the oversight committee may
28 recommend the creation of a separate appropriations category for funding services
29 delivered or procured by applicable state agencies and may recommend the use of
30 performance based contracting;
- 31 (3) Review various tobacco prevention and education programs and recommend, where
32 appropriate, measures that are sufficient to determine program outcomes; the oversight
33 committee shall review different methodologies for evaluating programs and determine
34 whether programs within different state agencies have common outcomes;
- 35 (4) Review the tobacco control strategies and programs of, and efforts by, other states
36 and the federal government and compile the relevant research with emphasis given to the

federal Centers for Disease Control and Prevention's *Best Practices for Tobacco Control*, as they may be periodically amended;

- (5) Recommend to the Governor and the legislature applied research projects that would use research capabilities within this state, including, but not limited to, the resources of institutions of the board of regents, for the purposes of achieving improved outcomes and making better-informed strategic budgetary decisions within the budget;
- (6) Recommend to the Governor and the legislature changes in law which would remove barriers to, or enhance the implementation of, this state's tobacco prevention strategy;
- (7) Make recommendations to the Governor and the legislature on the need for public information campaigns to be conducted in this state to limit tobacco consumption;
- (8) Encourage implementation of a coordinated, integrated, and multidisciplinary response to the tobacco use problem in this state, with special attention given to creating partnerships within and between the public and private sectors, and to the coordinated, supported, and integrated delivery of multiple-system services for tobacco users, including a multiagency team approach to tobacco prevention and education; and
- (9) Review the original Master Settlement Agreement to assess Georgia's continued commitment to tobacco prevention programs and the treatment of smoking related illnesses.

(g) The oversight committee shall submit to the Governor, the Speaker of the House of Representatives, and the Lieutenant Governor, by December 1 of each year, a report which contains a summary of the work of the committee during that year and the recommendations required pursuant to subsection (f) of this Code section. Interim reports may be submitted at the discretion of the chairperson of the oversight committee."

SECTION 2.

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
26 without such approval.

SECTION 3.

28 All laws and parts of laws in conflict with this Act are repealed.