

House Bill 887 (AS PASSED HOUSE AND SENATE)

By: Representative Butler of the 18<sup>th</sup>

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 Master Settlement  
3 Agreement's Advisory Committee on Tobacco Use Prevention and Control Programs; to  
4 provide for its composition, powers, and duties; to provide for related matters; to provide for  
5 an effective date; to provide for automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

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

11 "10-13-5.

12 (a) There is created the Master Settlement Agreement's Advisory Committee on Tobacco  
13 Use Prevention and Control Programs within the Department of Human Resources to be  
14 composed of the following:

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

17 (2) Two members of the House of Representatives appointed by the Speaker of the  
18 House;

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

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

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

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

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

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

1 (4) Review the tobacco control strategies and programs of, and efforts by, other states  
2 and the federal government and compile the relevant research with emphasis given to the  
3 federal Centers for Disease Control and Prevention's *Best Practices for Tobacco Control*,  
4 as they may be periodically amended;

5 (5) Recommend to the Governor and the legislature changes in law which would remove  
6 barriers to, or enhance the implementation of, this state's tobacco prevention strategy;

7 (6) Make recommendations to the Governor and the legislature on the need for public  
8 information campaigns to be conducted in this state to limit tobacco consumption;

9 (7) Encourage implementation of a coordinated, integrated, and multidisciplinary  
10 response to the tobacco use problem in this state, with special attention given to creating  
11 partnerships within and between the public and private sectors, and to the coordinated,  
12 supported, and integrated delivery of multiple-system services for tobacco users,  
13 including a multiagency team approach to tobacco prevention and education; and

14 (8) Review the original Master Settlement Agreement to assess Georgia's continued  
15 commitment to tobacco prevention programs and the treatment of smoking related  
16 illnesses.

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

22 (h) This Code section shall be automatically repealed on July 1, 2010."

## 23 SECTION 2.

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

## 26 SECTION 3.

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