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HUMAN RESOURCES

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SENATE FILE

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BY IVERSON

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4-29-00

(COMPANION TO LSB 7257YH
BY RANTS)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to tobacco use prevention and control and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2449

HUMAN RESOURCES

1 Section 1. NEW SECTION. 142A.1 TOBACCO USE PREVENTION
2 AND CONTROL PARTNERSHIP -- PURPOSE AND INTENT.

3 1. The purpose of this chapter is to establish a
4 comprehensive partnership among the general assembly, the
5 executive branch, communities, and the people of Iowa in
6 addressing the prevalence of tobacco use in the state.

7 2. It is the intent of the general assembly that the
8 comprehensive tobacco use prevention and control initiative
9 established in this chapter will specifically address
10 reduction of tobacco use by youth and pregnant women,
11 promotion of compliance by minors and retailers with tobacco
12 sales laws and ordinances, and enhancement of the capacity of
13 youth to make healthy choices, and provide for extensive
14 involvement of youth in attaining these results.

15 3. It is also the intent of the general assembly that the
16 comprehensive tobacco use prevention and control initiative
17 will evolve to create a social and legal climate in which
18 tobacco use becomes undesirable and unacceptable, in which
19 role models and those who influence youth promote healthy
20 social norms, and demonstrate behavior that counteracts the
21 glamorization of tobacco use, and in which tobacco becomes
22 less accessible. The evolution of the initiative shall be
23 accomplished by engaging all who are affected by the use of
24 tobacco in the state, including smokers and nonsmokers, youth,
25 and adults.

26 Sec. 2. NEW SECTION. 142A.2 DEFINITIONS.

27 As used in this chapter, unless the context otherwise
28 requires:

29 1. "Administrator" means the administrator of the division
30 of tobacco use prevention and control.

31 2. "Alcoholic beverage" means alcoholic beverage as
32 defined in section 123.3.

33 3. "Commission" means the commission on tobacco use
34 prevention and control established in this chapter.

35 4. "Community partnership" means a public agency or

1 nonprofit organization implementing the tobacco use prevention
2 and control initiative in a local area in accordance with this
3 chapter.

4 5. "Department" means the Iowa department of public
5 health.

6 6. "Director" means the director of public health.

7 7. "Distributor" means distributor as defined in section
8 453A.1.

9 8. "Division" means the division of tobacco use prevention
10 and control of the Iowa department of public health,
11 established pursuant to this chapter.

12 9. "Importer" means importer as defined in section 123.3.

13 10. "Initiative" means the comprehensive tobacco use
14 prevention and control initiative established in this chapter.

15 11. "Manufacture" with regard to alcoholic beverages,
16 means manufacture as defined in section 123.3.

17 12. "Manufacturer" means manufacturer as defined in
18 section 453A.1.

19 13. "Pregnant woman" means a female of any age who is
20 pregnant.

21 14. "Retailer" means retailer as defined in section
22 453A.1.

23 15. "School-age youth" means a person attending school in
24 kindergarten through grade twelve.

25 16. "Tobacco" means both cigarettes and tobacco products
26 as defined in section 453A.1.

27 17. "Youth" means a person who is five through twenty-four
28 years of age.

29 Sec. 3. NEW SECTION. 142A.3 TOBACCO USE PREVENTION AND
30 CONTROL -- DIVISION -- COMMISSION -- CREATED.

31 1. The department shall establish, as a separate and
32 distinct division within the department, a division of tobacco
33 use prevention and control. The division shall develop,
34 implement, and administer the initiative established in this
35 chapter and shall perform other duties as directed by this

1 chapter or as assigned by the director of public health.

2 2. A commission on tobacco use prevention and control is
3 established to develop policy, provide direction for the
4 initiative, and perform all other duties as directed by this
5 chapter or referred to the commission by the director of
6 public health.

7 3. The commission shall consist of the following voting
8 members who shall serve three-year, staggered terms:

9 a. Three members who are active with nonprofit health
10 organizations, at the local level, that emphasize tobacco use
11 prevention.

12 b. Two members who are active as health services providers
13 at the local level.

14 c. Two members who are retailers.

15 d. Three members who are active with health promotion
16 activities at the local level in youth education, law
17 enforcement, nonprofit services, or other activities relating
18 to tobacco use prevention and control.

19 Following initial appointments to the commission, the
20 members appointed under this subsection shall be appointed by
21 the governor, subject to confirmation by the senate, pursuant
22 to section 2.32 and 69.19.

23 4. In addition to the members described in subsection 3,
24 the membership of the commission shall include five voting
25 members who are selected by the participants in the annual
26 statewide youth summit of the initiative's youth program. The
27 selection process shall provide that each of the state's
28 congressional districts is represented. These members shall
29 also serve three-year staggered terms.

30 5. The commission shall also include the following ex
31 officio, nonvoting members:

32 a. Four members of the general assembly, with not more
33 than one member from each chamber being from the same
34 political party. The two senators shall be appointed by the
35 majority leader of the senate following consultation with the

1 president of the senate and the minority leader of the senate.
2 The two representatives shall be appointed by the speaker of
3 the house of representatives after consultation with the
4 majority and minority leaders of the house of representatives.

5 b. The presiding officer of the statewide youth executive
6 body, selected by the delegates to the statewide youth summit.

7 6. In addition to the members of the council, the
8 following agencies, organizations, and persons shall each
9 assign a single liaison to the commission to provide
10 assistance to the commission in the discharge of the
11 commission's duties:

12 a. The department of education.

13 b. The drug policy coordinator.

14 c. The department of justice, office of the attorney
15 general.

16 d. The department of human services.

17 7. Citizen members shall be reimbursed for actual and
18 necessary expenses incurred in performance of their duties.
19 Citizen members shall be paid a per diem as specified in
20 section 7E.6. Legislative members are eligible for per diem
21 and expenses as provided in section 2.10.

22 8. A member of the commission who is convicted of a crime
23 relating to tobacco, alcohol, or controlled substances is
24 subject to removal from the commission.

25 9. The commission shall designate an advisory council.
26 The commission shall determine the membership and
27 representation of the advisory council and members of the
28 council shall serve at the pleasure of the commission. The
29 advisory council may include representatives of health care
30 provider groups, parent groups, antitobacco advocacy programs
31 and organizations, tobacco retailers, research and evaluation
32 experts, and youth organizers.

33 10. A vacancy on the commission other than for the youth
34 members shall be filled in the same manner as the original
35 appointment for the balance of the unexpired term. A youth

1 member vacancy shall be filled by the presiding officer of the
2 statewide executive body as selected by the delegates to the
3 statewide youth summit. The commission shall elect a
4 chairperson from among its voting members and may select other
5 officers from among its voting members, as determined
6 necessary by the commission. The commission shall meet
7 regularly as determined by the commission, upon the call of
8 the chairperson, or upon the call of a majority of the voting
9 members.

10 Sec. 4. NEW SECTION. 142A.4 COMMISSION DUTIES.

11 The commission shall do all of the following:

12 1. Develop and implement the comprehensive tobacco use
13 prevention and control initiative as provided in this chapter.

14 2. Provide a forum for the discussion, development, and
15 recommendation of public policy alternatives in the field of
16 tobacco use prevention and control.

17 3. Develop an educational component of the initiative.
18 Educational efforts provided through the school system shall
19 be developed in conjunction with the department of education.

20 4. Develop a plan for evolution of the initiative in
21 accordance with the purpose and intent specified in section
22 142A.1.

23 5. Provide technical assistance, training, and other
24 support under the initiative.

25 6. Take actions to develop and implement a statewide
26 system for the initiative programs that are delivered through
27 community partnerships.

28 7. Manage and coordinate the provision of funding and
29 other moneys available to the initiative by combining all or
30 portions of appropriations or other revenues as authorized by
31 law.

32 8. Assist with the linkage of the initiative with child
33 welfare and juvenile justice decategorization projects,
34 education programming, community empowerment areas, and other
35 programs and services directed to youth at the state and

1 community level.

2 | 9. Coordinate and respond to any requests from a community
3 partnership relating to any of the following:

4 a. Removal of barriers to community partnership efforts.

5 b. Pooling and redirecting of existing federal, state, or
6 other public or private funds available for purposes that are
7 consistent with the initiative.

8 | c. Seeking of federal waivers to assist community
9 partnership efforts.

10 | In coordinating and responding to the requests, the
11 commission shall work with state agencies, the governor, and
12 the general assembly as necessary to address requests deemed
13 appropriate by the commission.

14 10. Adopt rules pursuant to chapter 17A as necessary for
15 the designation, governance, and oversight of the initiative
16 and the implementation of this chapter. The commission shall
17 provide for community partnership and youth program input in
18 the rules adoption process. The rules shall include but are
19 not limited to all of the following:

20 a. Performance indicators for initiative programs,
21 community partnerships, and the services provided under the
22 auspices of community partnerships. The performance
23 indicators shall be developed with input from communities.

24 b. Minimum standards to further the provision of equal
25 access to services.

26 11. Monitor and evaluate the effectiveness of performance
27 measures utilized under the initiative.

28 12. Submit a report to the governor and the general
29 assembly on a periodic basis, during the initial year of
30 operation, and on an annual basis thereafter, regarding the
31 initiative, including demonstrated progress based on
32 performance indicators. The commission shall report more
33 frequently if requested by the joint appropriations
34 subcommittee that makes recommendations concerning the
35 commission's budget.

1 13. Approve contracts entered into with the alcoholic
2 beverages division of the department of commerce, to provide
3 for enforcement of tobacco laws and regulations.

4 14. Advise the director in evaluating potential candidates
5 for the position of administrator, consult with the director
6 in the hiring of the administrator, and review and advise the
7 director on the performance of the administrator in the
8 discharge of the administrator's duties.

9 15. Prioritize funding needs and the allocation of moneys
10 appropriated and other resources available for the programs
11 and activities of the initiative.

12 16. Ensure that sufficient resources are available to
13 promote and ensure retailer compliance with tobacco laws and
14 ordinances relating to minors and ensure that compliance with
15 42 U.S.C. § 300X-26 is prioritized when allocating funds under
16 this chapter.

17 17. Review fiscal needs of the initiative and make
18 recommendations to the director in the development of budget
19 requests.

20 18. Solicit and accept any gift of money or property,
21 including any grant of money, services, or property from the
22 federal government, the state, a political subdivision, or a
23 private source that is consistent with the goals of the
24 initiative. Such gifts shall not be accepted from
25 manufactures or distributors of tobacco products or from
26 importers of or persons who manufacture alcoholic beverages.

27 19. Advise and make recommendations to the governor, the
28 general assembly, the director, and the administrator,
29 relative to tobacco use, treatment, intervention, prevention,
30 control, and education programs in the state.

31 20. Evaluate the work of the division and the department
32 relating to the initiative. For this purpose, the commission
33 shall have access to any relevant department records and
34 documents, and other information reasonably obtainable by the
35 department.

1 21. Develop the structure for the statewide youth summit
2 to be held annually.

3 Sec. 5. NEW SECTION. 142A.5 DIRECTOR AND ADMINISTRATOR
4 DUTIES.

5 1. The director shall do all of the following:

6 a. Establish and maintain the division of tobacco use
7 prevention and control.

8 b. Employ a division administrator who shall be
9 responsible for the administration and oversight of the
10 division. The administrator shall be exempt from the merit
11 system provisions of chapter 19A.

12 c. Coordinate all tobacco use prevention and enforcement
13 programs and activities under the purview of the department.

14 d. Receive and review budget recommendations from the
15 commission. The director shall consider these recommendations
16 in developing the budget request for the department.

17 e. Enter into contracts with the alcoholic beverages
18 division of the department of commerce, to provide enforcement
19 of tobacco laws and regulations. Such contracts shall provide
20 that enforcement efforts shall include training of local
21 authorities that issue retailer permits in the procedure for
22 suspension or revocation of a permit.

23 2. The administrator shall do all of the following:

24 a. Implement the initiative, coordinate the activities of
25 the commission and the initiative, and coordinate other
26 tobacco prevention and control activities as assigned by the
27 director.

28 b. Monitor and evaluate the effectiveness of performance
29 measures.

30 c. Provide staff and administrative support to the
31 commission.

32 d. Administer contracts entered into under this chapter.

33 e. Coordinate and cooperate with other tobacco use
34 prevention and enforcement programs within and outside of the
35 state.

1 f. Coordinate the efforts of the division with tobacco law
2 enforcement programs funded through the commission.

3 Sec. 6. NEW SECTION. 142A.6 COMPREHENSIVE TOBACCO USE
4 PREVENTION AND CONTROL INITIATIVE ESTABLISHED -- PURPOSE --
5 RESULTS.

6 1. A comprehensive tobacco use prevention and control
7 initiative is established. The division shall implement the
8 initiative as provided in this chapter.

9 2. The purpose of the initiative is to attain the
10 following results:

11 a. Reduction of tobacco use by youth.

12 b. Strong, active youth involvement in activities to
13 prevent youth tobacco use and to promote cessation of youth
14 tobacco use.

15 c. Enhanced capacity of youth to make healthy choices.

16 d. Reduction of tobacco use by pregnant women who
17 currently use tobacco but desire to terminate tobacco use and
18 participate in cessation efforts.

19 e. Increased compliance by minors and retailers with
20 tobacco sales laws and ordinances.

21 3. Success in achieving the initiative's desired results
22 may be demonstrated by a minimum of the following:

23 a. Data demonstrating consistent progress in reducing the
24 prevalence of tobacco use among youth and adults.

25 b. Survey results indicating widespread support among
26 youth for the initiative's tobacco use prevention and control
27 activities, for programs that enhance the ability of youth to
28 make healthy choices including those related to use of
29 tobacco, alcohol, and other substances, and for the media,
30 marketing, and communications efforts supporting the
31 initiative's desired results. Any survey conducted shall also
32 include an assessment of the effectiveness of tobacco use
33 prevention and control activities in affecting other unhealthy
34 behaviors including sexual activity and violent behavior.

35 c. Data demonstrating increased compliance by minors and

1 retailers with tobacco sales laws and ordinances.

2 4. The division shall implement the initiative in a manner
3 that ensures that youth are extensively involved in the
4 decision making for the programs implemented under the
5 initiative. The initiative shall also involve parents,
6 schools, and community members in activities to achieve the
7 results desired for the initiative. The division shall
8 encourage collaboration at the state and local levels to
9 maximize available resources and to provide flexibility to
10 support community efforts.

11 5. Notwithstanding chapter 18 or any other provision of
12 law to the contrary, goods and services necessary to implement
13 the initiative may be procured without competitive bidding,
14 subject to approval of the commission.

15 Sec. 7. NEW SECTION. 142A.7 INITIATIVE COMPONENTS.

16 1. The initiative shall include but is not limited to all
17 of the following:

18 a. Youth programs, designed to achieve the initiative's
19 desired results, that are directed by youth participants for
20 youth.

21 b. A media, marketing, and communications program to
22 achieve the initiative's desired results. Advertising shall
23 not include the name, voice, or likeness of any elected or
24 appointed public official or of any candidate for elective
25 office.

26 c. Independent evaluation of each component of the
27 initiative.

28 d. Ongoing assessment of data, review of indicators used
29 in assessing the effectiveness of the initiative, and
30 evaluation of the initiative, its programs, and its marketing
31 strategy. The initial baseline used to subsequently measure
32 the effectiveness of the initiative shall be developed using
33 existing, available indicators and data sources. Following
34 development of the initial baseline, indicators of the
35 effectiveness of the initiative shall be reviewed on at least

1 an annual basis to ensure that the indicators used most
2 accurately provide for measurement of such effectiveness. The
3 data assessed may include data demonstrating the prevalence of
4 tobacco use among youth and pregnant women, the prevalence of
5 the use of alcohol and other substances among youth, and the
6 effectiveness of tobacco promotional activities. The data
7 assessed may also include data demonstrating the prevalence of
8 other youth and adult behaviors, attitudes, knowledge, and
9 beliefs including those related to the prevalence of sexual
10 activity among youth and the effectiveness of pregnancy
11 prevention measures, and the prevalence of violent behavior
12 among youth.

13 2. Administrative costs associated with each program of
14 the initiative and program provider shall be established at a
15 reasonable level consistent with effective management
16 practices.

17 3. Requests for information or for proposals shall
18 emphasize that performance measures are required for any
19 contract or allocation of funding under the initiative.

20 Sec. 8. NEW SECTION. 142A.8 COMMUNITY PARTNERSHIPS.

21 1. A community partnership is a public agency or nonprofit
22 organization operating in a local area under contract with the
23 department to implement the initiative in that local area
24 utilizing broad community involvement.

25 2. A community partnership area shall encompass a county
26 or multicounty area, school district or multischool district
27 area, or community empowerment area, in accordance with
28 criteria adopted by the commission for appropriate population
29 levels and size of geographic areas.

30 3. The commission shall adopt rules pursuant to chapter
31 17A providing procedures for the initial designation of
32 community partnership areas and for subsequent changes to the
33 initially designated areas.

34 4. The requirements for contracts entered into by a
35 community partnership and the department shall include but are

1 not limited to all of the following:

- 2 a. Administrative functions.
- 3 b. Fiscal provisions.
- 4 c. Community and youth involvement in program and
- 5 administrative decisions.
- 6 d. Law enforcement involvement.

7 Sec. 9. NEW SECTION. 142A.9 YOUTH PROGRAM.

8 1. A youth program component shall be implemented in each
9 community partnership area to achieve the purposes of the
10 initiative.

11 2. The youth program shall include but is not limited to
12 all of the following:

- 13 a. A structure for program participants to interact with
14 other participating youth within the community partnership
15 area and in other areas of the state.
- 16 b. A structure for formal youth involvement in youth
17 program governance at the community partnership area level and
18 in a statewide youth summit or summits consisting of
19 participation by representatives of the community partnership
20 area level.
- 21 c. A structure for participation in a statewide executive
22 body consisting of participants selected by the delegates to
23 the statewide youth summit of the youth program.
- 24 d. Youth activities that are character-based and focused
25 on rewarding appropriate values, behavior, and healthy choices
26 by participants.

27 3. To the greatest extent possible, the youth program
28 shall be directed by youth for youth participants. In
29 addition, the state and local administrators associated with
30 the initiative shall consult with and utilize the youth
31 program participants in the media, marketing, and
32 communications program, education efforts, evaluation,
33 collaboration, enforcement, and other aspects of the
34 initiative.

35 Sec. 10. NEW SECTION. 142A.10 FUNDING OF PROGRAMS

1 DELIVERED THROUGH COMMUNITY PARTNERSHIPS.

2 1. The commission shall develop and implement a statewide
3 system for the initiative programs that are delivered through
4 community partnerships.

5 2. The system shall provide for equitable allocation of
6 funding for initiative programs among the state's community
7 partnership areas, based upon school-age population and other
8 criteria established by the commission.

9 3. The specific programs, distribution provisions, and
10 other provisions approved by the commission for expenditure of
11 the maximum allocation amount established for a community
12 partnership area shall be outlined in the written contract
13 with the community partnership.

14 4. Any allocation received by a community partnership
15 shall be matched with local funding, in-kind services, office
16 support, or other tangible support or offset of costs.

17 Sec. 11. NEW SECTION. 142A.11 REPEAL.

18 This chapter is repealed June 30, 2005.

19 Sec. 12. INITIAL APPOINTMENTS.

20 1. The initial appointments to the commission on tobacco
21 use prevention and control of the members who are not youth
22 members selected at the youth summit or who are not commission
23 nonvoting members, as established by this Act, are as follows:

24 a. Three members to a one-year term.

25 b. Three members to a two-year term.

26 c. Four members to a three-year term.

27 2. The initial youth appointments shall be as follows:

28 a. One member to a one-year term.

29 b. Two members to a two-year term.

30 c. Two members to a three-year term.

31 3. The initial appointments to the commission on tobacco
32 use prevention and control who are not youth members selected
33 at the annual youth summit or who are not commission nonvoting
34 members shall be made by the governor from a nominating pool
35 provided by the legislative council for the terms set out in

1 subsection 1. The legislative council shall solicit extensive
2 public input in developing the nominating pool. The
3 nominating pool shall include at least three nominees for each
4 membership slot.

5 4. The initial appointments to the commission shall be
6 made within sixty days of the effective date of this Act.

7 Sec. 13. REVIEW OF ENFORCEMENT EFFORTS. The tobacco use
8 prevention and control commission created under chapter 142A,
9 in cooperation with the office of the attorney general, the
10 Iowa department of public health, and the alcoholic beverage
11 division of the department of commerce, shall review current
12 state and local tobacco enforcement regulations and
13 activities, including those related to retailers, clerks and
14 minors, and shall submit recommendations to the governor and
15 the general assembly, on or before December 1, 2000, to
16 provide for balanced and uniform enforcement statewide.

17 Sec. 14. EMERGENCY RULES. The department of public health
18 may adopt emergency rules under section 17A.4, subsection 2,
19 and section 17A.5, subsection 2, paragraph "b", to implement
20 this Act, and the rules shall become effective immediately
21 upon filing, unless the effective date is delayed by the
22 administrative rules review committee, notwithstanding section
23 17A.4, subsection 5, and section 17A.8, subsection 9, or a
24 later effective date is specified in the rules. Any rules
25 adopted in accordance with this section shall not take effect
26 before the rules are reviewed by the administrative rules
27 review committee. Any rules adopted in accordance with the
28 provisions of this section shall also be published as notice
29 of intended action as provided in section 17A.4.

30 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32

EXPLANATION

33 This bill creates new Code chapter 142A relating to tobacco
34 use prevention and control.

35 Code section 142A.1 provides the purpose and intent of the

1 chapter. This section provides that the purpose of the
2 chapter is to establish a comprehensive partnership among the
3 general assembly, the executive branch, communities, and the
4 people of Iowa in addressing the prevalence of tobacco use in
5 the state. The intent of the general assembly is that the
6 comprehensive tobacco use prevention and control initiative
7 established in the chapter specifically address reduction of
8 tobacco use by youth and pregnant women, promotion of
9 compliance by youth and retailers with tobacco sales laws and
10 ordinances, and enhancement of the capacity of youth to make
11 healthy choices, and provide for extensive involvement of
12 youth in the activities under the initiative. This section
13 also provides that it is the intent of the general assembly
14 that the initiative evolve to create a social and legal
15 climate in which tobacco use becomes undesirable and
16 unacceptable, in which role models and those who influence
17 younger generations promote social norms and demonstrate
18 behavior that counteracts the glamorization of tobacco use,
19 and in which tobacco becomes less accessible. The evolution
20 of the initiative is to be accomplished by engaging all who
21 are affected by the use of tobacco in the state including
22 smokers and nonsmokers, youth and adults.

23 Code section 142A.2 provides definitions used in the
24 chapter.

25 Code section 142A.3 creates a tobacco use prevention and
26 control division within the Iowa department of public health
27 and creates a tobacco use prevention and control commission.
28 This section specifies the membership of the commission. The
29 commission is comprised of 15 voting members, five of which
30 are youth, and five ex officio nonvoting members. The voting
31 members who are not youth are initially to be appointed by the
32 governor utilizing a pool of nominees presented by the
33 legislative council. Subsequent to the initial appointments,
34 the governor is directed to appoint these voting members,
35 subject to confirmation by the senate. In addition to the

1 members of the commission, specified agencies are directed to
2 each assign one liaison to the commission to provide
3 assistance to the commission. The commission is also directed
4 to designate an advisory council to the commission to include
5 representatives of health care provider groups, parent groups,
6 antitobacco advocacy programs and organizations, tobacco
7 retailers, research and evaluation experts, and youth
8 organizers. The bill provides that if a member of the
9 commission is convicted of a crime relating to tobacco,
10 alcohol, or controlled substances, the member is subject to
11 removal.

12 Code section 142A.4 specifies the commission duties, and
13 Code section 142A.5 specifies the duties of the director of
14 public health and the duties of the administrator of the
15 division of tobacco use prevention and control under the
16 chapter.

17 Code section 142A.6 establishes the comprehensive tobacco
18 use prevention and control initiative. The purpose of the
19 initiative is to attain the specified results of reduction of
20 tobacco use by youth, strong and active involvement of youth
21 in tobacco use prevention and cessation activities, enhanced
22 capacity of youth to make healthy choices, reduction of
23 tobacco use by pregnant women, and increased compliance by
24 minors and retailers with tobacco sales laws and ordinances.
25 The bill specifies the type of data which will demonstrate
26 success of the initiative. The initiative is to be
27 implemented with the extensive involvement of youth and the
28 involvement of parents, schools, and community members. The
29 division is to encourage collaboration at the state and local
30 levels to maximize available resources and to provide
31 flexibility to support community efforts. The bill provides
32 that goods and services necessary to implement the initiative
33 may be procured without competitive bidding, subject to the
34 approval of the commission.

35 Code section 142A.7 specifies the components of the

1 initiative including youth programs, a media, marketing, and
2 communications program, independent evaluation of each
3 component of the initiative, and ongoing data assessment and
4 initiative evaluation. The bill limits administrative costs
5 of each program to a reasonable level and requires that any
6 request for information or request for proposal emphasize that
7 performance measures are required for any contract or
8 allocation of funding under the initiative.

9 Code section 142A.8 provides for the designation of
10 community partnerships which are public agencies or nonprofit
11 organizations operating in a local area under contract with
12 the department to implement the initiative in that local area.
13 The community partnership is to utilize broad community
14 involvement. Community partnerships may be a county or
15 multicounty area, school district or multischool district
16 area, or a community empowerment area, in accordance with
17 criteria adopted by the commission for appropriate population
18 levels and geographic area size. The commission is to adopt
19 rules to provide procedures for initial designation of the
20 community partnerships. Contracts entered into between the
21 department and community partnerships are to include
22 administrative functions, fiscal provisions, community and
23 youth involvement in program and administrative decisions, and
24 law enforcement involvement.

25 Code section 142A.9 provides for a youth program component.
26 A youth program is to be implemented in each community
27 partnership area. Each youth program is to include a
28 structure for program participants to interact with other
29 participating youth in the community partnership and
30 throughout the state, a structure for formal youth involvement
31 in youth program governance in the community partnership and
32 in statewide youth summits, a structure for participation in a
33 statewide executive body consisting of participants selected
34 by the delegates to the statewide youth summit of the youth
35 program, and youth activities that are character-based and

1 focused on rewarding appropriate values, behavior, and healthy
2 choices by participants. The youth program is to be directed
3 by youth for youth, and is to include utilization of and
4 consultation with youth in the media, marketing, and
5 communications program, education efforts, evaluation,
6 collaboration, enforcement, and other aspects of the
7 initiative.

8 Code section 142A.10 directs the commission to develop a
9 system to implement a statewide system for the initiative
10 programs delivered through the community partnerships. The
11 system is to provide for equitable allocation of funding,
12 based upon school-age population, and other criteria
13 established by the commission. The specific programs,
14 distribution provisions, and other provisions approved by the
15 commission for expenditure of the maximum allocation
16 established for a community partnership area are to be
17 outlined in the written contract with the community
18 partnership. Allocations received by a community partnership
19 must be matched with local funding, in-kind services, office
20 support, or other tangible support, or offset of costs.

21 Code section 142A.11 provides for repeal of the new Code
22 chapter June 30, 2005.

23 The bill provides for the initial appointments to the
24 commission in a manner that staggers the terms of the voting
25 members. The bill provides that initial appointments to the
26 commission of members who are not youth members, or who are
27 not nonvoting members are to be appointed by the governor from
28 a nominating pool provided by the legislative council. The
29 legislative council is directed to solicit extensive public
30 input in developing the nominating pool. The nominating pool
31 is to include at least three nominees for each membership
32 slot. The initial appointments to the commission are to be
33 made within 60 days of the effective date of the bill.

34 The bill provides that the tobacco use prevention and
35 control commission, in cooperation with the office of the

1 attorney general, the Iowa department of public health, and
2 the alcoholic beverages division of the department of
3 commerce, is to review current state and local tobacco
4 enforcement regulations and activities, and submit
5 recommendations to the governor and the general assembly on or
6 before December 1, 2000, to provide for balanced and uniform
7 enforcement statewide.

8 The bill provides emergency rulemaking authority for the
9 Iowa department of public health. Any rules adopted under
10 this provision do not take effect until reviewed by the
11 administrative rules review committee.

12 The bill takes effect upon enactment.

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SENATE FILE 2449

S-5399

1 Amend Senate File 2449 as follows:
2 1. Page 14, by inserting after line 29, the
3 following:
4 "Sec. ____ . STATE CAPITOL -- SMOKE-FREE. In order
5 to comply with section 142A.1 and to demonstrate a
6 firm commitment to the tobacco use prevention and
7 control partnership and to provide a positive model
8 for youth, specifically, and the people of Iowa, in
9 general, the general assembly and the executive branch
10 shall declare the state capitol a smoke-free
11 environment. The general assembly shall adopt any
12 rules necessary to require that all areas controlled
13 by the general assembly or either chamber are smoke-
14 free upon the effective date of this Act."
15 2. By renumbering as necessary.

By MIKE CONNOLLY

S-5399 FILED APRIL 13, 2000.

W/D

4-17-00

(P. 1187)

SENATE FILE 2449

S-5413

1 Amend Senate File 2449 as follows:

- 2 1. Page 1, by striking line 13, and inserting the
3 following: "youth to make healthy choices. The
4 initiative shall allow extensive".
- 5 2. Page 1, line 17, by striking the words "evolve
6 to create" and inserting the following: "foster".
- 7 3. Page 1, line 20, by striking the word "norms,"
8 and inserting the following: "norms".
- 9 4. Page 1, by striking line 22, and inserting the
10 following: "less accessible to youth. The intent of
11 the general assembly shall be".
- 12 5. Page 1, by striking lines 31 and 32.
- 13 6. Page 2, by striking lines 7 and 8.
- 14 7. Page 2, by striking line 12.
- 15 8. Page 2, by striking lines 15 and 16.
- 16 9. Page 3, by striking lines 9 through 14, and
17 inserting the following:
- 18 "a. Three members who are active with nonprofit
19 health organizations that emphasize tobacco use
20 prevention or who are active as health services
21 providers, at the local level.
- 22 "b. One member who is a retailer."
- 23 10. Page 3, line 15, by striking the letter "d"
24 and inserting the following: "c".
- 25 11. Page 3, by striking line 19, and inserting
26 the following:
27 "The".
- 28 12. Page 3, line 22, by striking the word
29 "section" and inserting the following: "sections".
- 30 13. Page 3, line 22, by inserting after the
31 figure "69.19." the following: "At least one member
32 appointed under this subsection shall be a member of a
33 racial minority."
- 34 14. Page 3, line 24, by striking the word "five"
35 and inserting the following: "three".
- 36 15. Page 3, by striking lines 27 through 29, and
37 inserting the following: "youth membership
38 appointments are not subject to section 69.16 or
39 69.16A. However, the selection process shall provide
40 for diversity among the members and at least one of
41 the youth members shall be a female. These members
42 shall also serve three-year staggered terms."
- 43 16. By striking page 3, line 34, through page 4,
44 line 4, and inserting the following: "political
45 party. The majority leader of the senate and the
46 minority leader of the senate shall each appoint one
47 of the senate members. The majority leader of the
48 house and the minority leader of the house of
49 representatives shall each appoint one of the house
50 members."

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Page 2

- 1 17. Page 4, by inserting after line 16, the
2 following:
3 "e. The alcoholic beverages division of the
4 department of commerce."
5 18. Page 4, line 25, by striking the word "shall"
6 and inserting the following: "may".
7 19. Page 5, line 20, by striking the word
8 "evolution" and inserting the following:
9 "implementation".
10 20. Page 5, line 23, by inserting after the word
11 "Provide" the following: "for".
12 21. Page 6, line 35, by inserting after the word
13 "budget." the following: "Beginning July 1, 2005, the
14 commission shall also perform a comprehensive review
15 of the initiative and shall submit a report of its
16 findings to the governor and the general assembly on
17 or before December 15, 2005."
18 22. Page 7, by striking lines 24 through 26, and
19 inserting the following: "initiative. The commission
20 shall adopt rules prohibiting the acceptance of gifts
21 from a manufacturer of tobacco products."
22 23. Page 8, line 10, by inserting after the word
23 "division." the following: "The division
24 administrator shall report to and shall serve at the
25 pleasure of the director."
26 24. Page 8, line 12, by striking the word
27 "enforcement" and inserting the following: "control".
28 25. Page 8, by striking lines 19 through 22, and
29 inserting the following: "of tobacco laws and
30 regulations. Such contracts shall require that
31 enforcement efforts include training of local
32 authorities who issue retailer permits and education
33 of retailers."
34 26. Page 8, line 26, inserting after the word
35 "tobacco" the following: "use".
36 27. Page 8, line 34, by striking the word
37 "enforcement" and inserting the following: "control".
38 28. Page 9, line 16, by striking the words "women
39 who" and inserting the following: "women."
40 29. Page 9, by striking lines 17 and 18.
41 30. Page 9, line 27, by striking the word
42 "activities," and inserting the following:
43 "activities;".
44 31. Page 9, line 29, by striking the word
45 "substances," and inserting the following:
46 "substances;".
47 32. Page 9, line 31, by striking the word "shall"
48 and inserting the following: "may".
49 33. Page 9, line 33, by inserting after the word
50 "unhealthy" the following: "youth".

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Page 3

- 1 34. Page 10, by striking lines 11 through 14, and
2 inserting the following:
3 "5. Procurement of goods and services necessary to
4 implement the initiative is subject to approval of the
5 commission. Notwithstanding chapter 18 or any other
6 provision of law to the contrary, such procurement may
7 be accomplished by the commission under its own
8 competitive bidding process which shall provide for
9 consideration of such factors as price, bidder
10 competence, and expediency in procurement."
11 35. Page 10, line 27, by striking the word
12 "initiative" and inserting the following: "statewide
13 initiative".
14 36. Page 10, line 28, by inserting after the word
15 "Ongoing" the following: "statewide".
16 37. Page 10, by striking lines 31 through 33, and
17 inserting the following: "strategy. The initial
18 baseline used to measure the effectiveness of the
19 initiative shall be developed using existing,
20 available indicators. Following".
21 38. Page 11, by striking lines 2 through 12, and
22 inserting the following: "accurately provide for
23 measurement of such effectiveness. Primary emphasis
24 in data assessment shall be on data relating to
25 tobacco usage and may include data demonstrating the
26 prevalence of tobacco use among youth and pregnant
27 women, and the prevalence of the use of alcohol and
28 other substances among youth. Sources of data
29 considered shall include but are not limited to the
30 centers for disease control and prevention of the
31 United States department of health and human services
32 and the Iowa youth tobacco survey, and may include the
33 Iowa youth risk survey conducted by the department or
34 the youth risk behavior survey."
35 39. Page 11, by inserting before line 13, the
36 following:
37 "e. A tobacco use prevention and control education
38 program.
39 f. An enforcement program."
40 40. Page 11, line 24, by inserting after the word
41 "involvement." the following: "The community
42 partnership or its designee shall act as the fiscal
43 agent for moneys administered by the community
44 partnership."
45 41. Page 11, line 27, by striking the words "or
46 community empowerment area" and inserting the
47 following: "economic development enterprise zone that
48 meets the requirements of an urban or rural enterprise
49 community under Title XIII of the federal Omnibus
50 Budget Reconciliation Act of 1993, or community
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Page 4

- 1 empowerment area".
2 42. Page 12, by inserting after line 6 the
3 following:
4 "e. Evaluation of the program."
5 43. Page 12, lines 28 and 29, by striking the
6 words "In addition, the state" and inserting the
7 following: "State".
8 44. Page 12, by striking lines 32 through 34 and
9 inserting the following: "communications program;
10 education efforts; and other aspects of the initiative
11 including evaluation, collaboration, and enforcement."
12 45. Page 13, line 18, by striking the figure
13 "2005" and inserting the following: "2010".
14 46. Page 13, line 24, by striking the word
15 "Three" and inserting the following: "Two".
16 47. Page 13, line 25, by striking the word
17 "Three" and inserting the following: "Two".
18 48. Page 13, line 26, by striking the word "Four"
19 and inserting the following: "Three".
20 49. Page 13, line 29, by striking the words "Two
21 members" and inserting the following: "One member".
22 50. Page 13, line 30, by striking the words "Two
23 members" and inserting the following: "One member".
24 51. By striking page 13, line 34, through page
25 14, line 4, and inserting the following: "members
26 shall be made by the governor. The legislative
27 council may compile a list of individuals based on
28 recommendations received from members of the general
29 assembly, following public input, and submit the list
30 to the governor to assist efforts in identifying
31 qualified and capable candidates for initial
32 appointments."
33 52. Page 14, line 10, by striking the word
34 "beverage" and inserting the following: "beverages".
35 53. Page 14, by inserting after line 16, the
36 following:
37 "Sec. ____ . ADMINISTRATOR -- INITIAL HIRING. The
38 provisions of section 142A.4 relating to the
39 commission providing advice and consultation with
40 regard to the hiring of the administrator do not apply
41 to the initial hiring of an administrator if the
42 commission is not operational at the time that a
43 potential candidate for the position of administrator
44 is formally offered the administrator position.
45 However, under such circumstances, the director shall
46 consult with the ex officio members of the commission,
47 if appointed at the time such a formal offer is
48 extended."
49 54. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

By COMMITTEE ON HUMAN RESOURCES,
NANCY BOETTGER, Chairperson

S-5413 FILED APRIL 13, 2000

W/D
4/17/00 (p. 1186)

SENATE FILE 2449

S-5440

1 Amend Senate File 2449 as follows:
2 1. Page 1, by striking line 13, and inserting the
3 following: "youth to make healthy choices. The
4 initiative shall allow extensive".
5 2. Page 1, line 17, by striking the words "evolve
6 to create" and inserting the following: "foster".
7 3. Page 1, line 20, by striking the word "norms,"
8 and inserting the following: "norms".
9 4. Page 1, by striking line 22, and inserting the
10 following: "less accessible to youth. The intent of
11 the general assembly shall be".
12 5. Page 1, by striking lines 31 and 32.
13 6. Page 2, by striking lines 7 and 8.
14 7. Page 2, by striking line 12.
15 8. Page 2, by striking lines 15 and 16.
16 9. Page 3, by striking lines 9 through 14, and
17 inserting the following:
18 "a. Three members who are active with nonprofit
19 health organizations that emphasize tobacco use
20 prevention or who are active as health services
21 providers, at the local level.
22 b. One member who is a retailer."
23 10. Page 3, line 15, by striking the letter "d"
24 and inserting the following: "c".
25 11. Page 3, by striking line 19, and inserting
26 the following:
27 "The".
28 12. Page 3, line 22, by striking the word
29 "section" and inserting the following: "sections".
30 13. Page 3, line 22, by inserting after the
31 figure "69.19." the following: "At least one member
32 appointed under this subsection shall be a member of a
33 racial minority."
34 14. Page 3, line 24, by striking the word "five"
35 and inserting the following: "three".
36 15. Page 3, by striking lines 27 through 29, and
37 inserting the following: "youth membership
38 appointments are not subject to section 69.16 or
39 69.16A. However, the selection process shall provide
40 for diversity among the members and at least one of
41 the youth members shall be a female. These members
42 shall also serve three-year staggered terms."
43 16. By striking page 3, line 34, through page 4,
44 line 4, and inserting the following: "political
45 party. The majority leader of the senate and the
46 minority leader of the senate shall each appoint one
47 of the senate members. The majority leader of the
48 house and the minority leader of the house of
49 representatives shall each appoint one of the house
50 members."

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Page 2

- 1 17. Page 4, by inserting after line 16, the
2 following:
3 "e. The alcoholic beverages division of the
4 department of commerce."
5 18. Page 4, line 25, by striking the word "shall"
6 and inserting the following: "may".
7 19. Page 5, line 20, by striking the word
8 "evolution" and inserting the following:
9 "implementation".
10 20. Page 5, line 23, by inserting after the word
11 "Provide" the following: "for".
12 21. Page 6, line 35, by inserting after the word
13 "budget." the following: "Beginning July 1, 2005, the
14 commission shall also perform a comprehensive review
15 of the initiative and shall submit a report of its
16 findings to the governor and the general assembly on
17 or before December 15, 2005."
18 22. Page 7, by striking lines 24 through 26, and
19 inserting the following: "initiative. The commission
20 shall adopt rules prohibiting the acceptance of gifts
21 from a manufacturer of tobacco products."
22 23. Page 8, line 10, by inserting after the word
23 "division." the following: "The division
24 administrator shall report to and shall serve at the
25 pleasure of the director."
26 24. Page 8, line 12, by striking the word
27 "enforcement" and inserting the following: "control".
28 25. Page 8, by striking lines 19 through 22, and
29 inserting the following: "of tobacco laws and
30 regulations. Such contracts shall require that
31 enforcement efforts include training of local
32 authorities who issue retailer permits and education
33 of retailers."
34 26. Page 8, line 26, inserting after the word
35 "tobacco" the following: "use".
36 27. Page 8, line 34, by striking the word
37 "enforcement" and inserting the following: "control".
38 28. Page 9, line 16, by striking the words "women
39 who" and inserting the following: "women."
40 29. Page 9, by striking lines 17 and 18.
41 30. Page 9, line 27, by striking the word
42 "activities," and inserting the following:
43 "activities;".
44 31. Page 9, line 29, by striking the word
45 "substances," and inserting the following:
46 "substances;".
47 32. Page 9, line 31, by striking the word "shall"
48 and inserting the following: "may".
49 33. Page 9, line 33, by inserting after the word
50 "unhealthy" the following: "youth".

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Page 3

1 34. Page 10, by striking lines 11 through 14, and
2 inserting the following:

3 "5. Procurement of goods and services necessary to
4 implement the initiative is subject to approval of the
5 commission. Notwithstanding chapter 18 or any other
6 provision of law to the contrary, such procurement may
7 be accomplished by the commission under its own
8 competitive bidding process which shall provide for
9 consideration of such factors as price, bidder
10 competence, and expediency in procurement.

11 6. In order to promote the tobacco use prevention
12 and control partnership established in section 142A.1,
13 the following persons shall comply with the following,
14 as applicable:

15 a. A manufacturer, distributor, wholesaler,
16 retailer, or distributing agent or agent thereof shall
17 not give away cigarettes or tobacco products.

18 b. A manufacturer, distributor, wholesaler,
19 retailer, or distributing agent or agent thereof shall
20 not provide free articles, products, commodities,
21 gifts, or concessions in any exchange for the purchase
22 of cigarettes or tobacco products.

23 c. The prohibitions in this section do not apply
24 to transactions between manufacturers, distributors,
25 wholesalers, or retailers.

26 d. For the purpose of this subsection,
27 manufacturer, distributor, wholesaler, retailer, and
28 distributing agent mean as defined in section 453A.1."

29 35. Page 10, line 27, by striking the word
30 "initiative" and inserting the following: "statewide
31 initiative".

32 36. Page 10, line 28, by inserting after the word
33 "Ongoing" the following: "statewide".

34 37. Page 10, by striking lines 31 through 33, and
35 inserting the following: "strategy. The initial
36 baseline used to measure the effectiveness of the
37 initiative shall be developed using existing,
38 available indicators. Following".

39 38. Page 11, by striking lines 2 through 12, and
40 inserting the following: "accurately provide for
41 measurement of such effectiveness. Primary emphasis
42 in data assessment shall be on data relating to
43 tobacco usage and may include data demonstrating the
44 prevalence of tobacco use among youth and pregnant
45 women, and the prevalence of the use of alcohol and
46 other substances among youth. Sources of data
47 considered shall include but are not limited to the
48 centers for disease control and prevention of the
49 United States department of health and human services
50 and the Iowa youth tobacco survey, and may include the

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Page 4

1 Iowa youth risk survey conducted by the department or
2 the youth risk behavior survey."

3 39. Page 11, by inserting before line 13, the
4 following:

5 "e. A tobacco use prevention and control education
6 program.

7 f. An enforcement program."

8 40. Page 11, line 24, by inserting after the word
9 "involvement." the following: "The community
10 partnership or its designee shall act as the fiscal
11 agent for moneys administered by the community
12 partnership."

13 41. Page 11, line 27, by striking the words "or
14 community empowerment area" and inserting the
15 following: "economic development enterprise zone that
16 meets the requirements of an urban or rural enterprise
17 community under Title XIII of the federal Omnibus
18 Budget Reconciliation Act of 1993, or community
19 empowerment area".

20 42. Page 12, by inserting after line 6 the
21 following:

22 "e. Evaluation of the program."

23 43. Page 12, lines 28 and 29, by striking the
24 words "In addition, the state" and inserting the
25 following: "State".

26 44. Page 12, by striking lines 32 through 34 and
27 inserting the following: "communications program;
28 education efforts; and other aspects of the initiative
29 including evaluation, collaboration, and enforcement."

30 45. Page 13, line 18, by striking the figure
31 "2005" and inserting the following: "2010".

32 46. Page 13, line 24, by striking the word
33 "Three" and inserting the following: "Two".

34 47. Page 13, line 25, by striking the word
35 "Three" and inserting the following: "Two".

36 48. Page 13, line 26, by striking the word "Four"
37 and inserting the following: "Three".

38 49. Page 13, line 29, by striking the words "Two
39 members" and inserting the following: "One member".

40 50. Page 13, line 30, by striking the words "Two
41 members" and inserting the following: "One member".

42 51. By striking page 13, line 34, through page
43 14, line 4, and inserting the following: "members
44 shall be made by the governor. The legislative
45 council may compile a list of individuals based on
46 recommendations received from members of the general
47 assembly, following public input, and submit the list
48 to the governor to assist efforts in identifying
49 qualified and capable candidates for initial
50 appointments."

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Page 5

1 52. Page 14, by inserting after line 6 the
2 following:

3 "Sec. _____. Section 453A.39, Code 1999, is
4 repealed."

5 53. Page 14, line 10, by striking the word
6 "beverage" and inserting the following: "beverages".

7 54. Page 14, by inserting after line 16, the
8 following:

9 "Sec. _____. ADMINISTRATOR -- INITIAL HIRING. The
10 provisions of section 142A.4 relating to the
11 commission providing advice and consultation with
12 regard to the hiring of the administrator do not apply
13 to the initial hiring of an administrator if the
14 commission is not operational at the time that a
15 potential candidate for the position of administrator
16 is formally offered the administrator position.
17 However, under such circumstances, the director shall
18 consult with the ex officio members of the commission,
19 if appointed at the time such a formal offer is
20 extended."

21 55. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

By NANCY BOETTGER

S-5440 FILED APRIL 17, 2000

ADOPTED

(P.1187)