

## **BILL ANALYSIS**

Senate Research Center  
76R12301 DLF-D

C.S.S.B. 1291  
By: Zaffirini  
Human Services  
4/15/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, tobacco use results in the death of more than 26,000 Texans every year. Texas will receive \$17.3 billion over the next 25 years from the tobacco industry as compensation from a suit based on violation of anti-trust, consumer protection, fraud, conspiracy, and racketeering laws. Long-term programs to prevent and reduce tobacco use in other states appear successful, and if similar tobacco use declines are achieved in Texas, we can expect to have 750,000 fewer adult smokers after four years. Implementation and continuation of such a program is critical to the prevention of future premature death, disability and economic costs to Texas. C.S.S.B. 1291 expands the scope of the Texas Department of Health's efforts to prevent tobacco use.

### **PURPOSE**

As proposed, C.S.S.B. 1291 expands the scope of Texas Department of Health efforts to prevent tobacco use.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Section 161.313, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 161O, Health and Safety Code, as follows:

New title: SUBCHAPTER O. PREVENTION OF TOBACCO USE

Sec. 161.301. DEFINITIONS. Defines "advisory committee" and "program."

Sec. 161.302. TEXAS TOBACCO CONTROL PROGRAM. Requires the Texas Department of Health (department ) to implement a tobacco control program (program) and sets forth goals of the program. Requires the department to coordinate the program and provide necessary assistance to implement the program throughout the state. Requires the department to implement the program subject to the availability of appropriated money, and sets forth provisions regarding the appropriations.

Sec. 161.303. PROGRAM COMPONENTS. Sets forth program requirements.

Sec. 161.304. AT-RISK POPULATIONS. Requires the program to include components and elements which target at-risk populations.

Sec. 161.305. TOBACCO USE PUBLIC AWARENESS CAMPAIGN; MEDIA RESOURCE CENTER. Requires the department, rather than the commissioner, to develop a campaign to reduce Texans' tobacco use. Requires the department to establish a media resource center to provide services for community programs. Deletes a specification that the campaign be targeted to minors.

Sec. 161.306. CONTRACTS FOR IMPLEMENTATION. Authorizes the department, rather than the commissioner, to contract for certain services. Requires the awarding of a contract under this subchapter to be based on competitive bids. Sets forth provisions for a request for proposal. Limits a contract awarded to implement the public awareness campaign described by Section

161.305, Health and Safety Code, rather than under Subsection (b), to a business with a proven advertising and public relations campaign background. Prohibits the department from awarding a contract to certain entities. Prohibits eligibility for participation in a certain program from certain entities. Makes conforming changes.

Sec. 161.307. GRANTS FOR COMMUNITIES. Requires the department to implement a competitive grant program designed to reduce the use of tobacco products, and authorizes local government units, community-based organizations, and schools to receive a grant. Requires the department to solicit grant proposals, and sets forth provisions regarding grant proposals.

Sec. 161.308. New heading: GRANTS. Redesignated from existing Section 161.302, Health and Safety Code. Requires the department, rather than a certain entity, to implement a competitive grant program.

Sec. 161.309. OUTCOME-BASED FUNDING AND EVALUATION OF PROGRAM COMPONENTS; EVALUATION OF PROGRAM. Requires the department to fund and evaluate program effectiveness, and sets forth evaluation requirements.

Sec. 161.310. ADVISORY COMMITTEE. Sets forth the composition of the 11 members of the Tobacco Control Program advisory committee (tobacco committee). Authorizes the department to assist the tobacco committee in specific ways. Exempts the tobacco committee from being subject to Chapter 2110, Government Code.

Sec. 161.311. DUTIES OF ADVISORY COMMITTEE. Sets forth tobacco committee responsibilities.

Sec. 161.312. ADVISORY COMMITTEE REPORT. Requires the tobacco committee to submit a report to certain authorities by November 15 of each even-numbered year, and sets forth required information for the report.

Sec. 161.313. RULES. Authorizes the Texas Board of Health to adopt rules to implement this subchapter.

SECTION 2. Provides that it is the intent of the legislature that the Texas Department of Health use its existing support resources to assist the tobacco committee.

SECTION 3. Emergency clause.  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

### SECTION 1.

Amends Section 161.301, Health and Safety Code, to define “advisory committee” and make conforming changes.

Amends Section 161.302, Health and Safety Code, by adding Subsection (c), to require a certain procedure for funding the program.

Amends Section 161.303, Health and Safety Code, to delete existing Subsection (4), and renumber subsequent subsections.

Amends Section 161.306, Health and Safety Code, to create a new heading, delete text regarding enforcement, and make conforming and nonsubstantive changes.

Amends Section 161.307, Health and Safety Code, to make a nonsubstantive change.

Amends Section 161.309, Health and Safety Code, to create a new heading, and add text regarding funding and evaluation.

Amends Chapter 161O, Health and Safety Code, by adding Sections 161.310-161.313, to add text regarding the tobacco committee.

SECTION 2.

Sets forth the legislature's intent regarding assistance and support to the tobacco committee.

SECTION 3.

Redesignated from existing SECTION 2.