



# Statutory Charge and Role of Board Members: Tobacco and Health Trust Fund Board of Trustees

OCTOBER 11, 2023

# Tobacco & Health Trust Fund Statutory Authority

- ▶ **Public Act 22-118** (Sections 196 and 197), reestablished the Tobacco and Health Trust Fund Board and allocated a transfer of \$12 million in Tobacco Settlement funds to the Tobacco and Health Trust Fund.
- ▶ **P.A. 23-92** – authorizes a deposit of \$12 million in SFY '24 and SFY'25 as well as the following:
- ▶ Section 1: Requires DMHAS Commissioner to submit a report to the Trust Fund Board of Trustees on 9/1/24 & annually thereafter detailing how JUUL settlement moneys disbursed in the preceding fiscal year were distributed and spent. (§1)
- ▶ Section 4:
  - Makes language revisions to strengthen the Trust Fund's commitment and focus on tobacco and smoking education and cessation and adds vaping.
  - Specifies the Board support & encourage development of programs that use evidence-based best practices
  - Defines terms limits for Trust Fund Board members (3 years and trustees shall continue to serve until their successors are appointed or designated)
  - Requires biennial report to the General Assembly to include the measurable outcome and evaluation criteria and application process used to select programs to receive such funds.

# Purpose of the Trust Fund

**P.A. 23-92, Sec. 4(a):** “The purpose of the trust fund shall **be to create a continuing significant source of funds to support and encourage development of programs to reduce tobacco and nicotine use through prevention, education and cessation programs that use evidence based best practices** regarding (1) state and community interventions, (2) communication methods to disseminate health information to a wide audience, (3) cessation interventions, (4) surveillance and evaluation, and (5) infrastructure, administration and management. The trust fund shall be used to support the reduction in use of all tobacco and nicotine products, including, but not limited to, combustible, noncombustible, electronic and synthetic tobacco and nicotine products”.



# Funding Priorities

**P.A. 23-92, Section 4 (d)(1):** The board's recommendations **shall give** (A) **priority** to comprehensive tobacco and nicotine control programs for (i) prevention of initial tobacco and nicotine product use among youth and young adults, (ii) smoking cessation directed at adults and youth, (iii) elimination of exposure to secondhand smoke and aerosol, and (iv) identification and elimination of tobacco and nicotine-related disparities, and (B) consideration to the availability of private matching funds. Recommended disbursements from the trust fund shall be in addition to any resources that would otherwise be appropriated by the state for such purposes and programs.

## Purpose of Trust Fund v. Board Priorities

**P.A. 23-92, Sec. 4(a):** The purpose of the trust fund shall be to create a continuing significant source of funds to support and encourage development of programs to reduce tobacco and nicotine use through prevention, education and cessation programs that use evidence based best practices regarding:

(1) state and community interventions

(2) communication methods to disseminate health information to a wide audience

(3) cessation interventions

(4) surveillance and evaluation

(5) infrastructure, administration and management

The trust fund shall be used to support the reduction in use of all tobacco and nicotine products, including, but not limited to, combustible, noncombustible, electronic and synthetic tobacco and nicotine products

**P.A. 23-92, Section 4 (d)(1):** The board's recommendations shall give (A) priority to comprehensive tobacco and nicotine control programs for:

(i) prevention of initial tobacco and nicotine product use among youth and young adults

(ii) smoking cessation directed at adults and youth

(iii) elimination of exposure to secondhand smoke and aerosol

(iv) identification and elimination of tobacco and nicotine-related disparities

(B) consideration to the availability of private matching funds. Recommended disbursements from the trust fund shall be in addition to any resources that would otherwise be appropriated by the state for such purposes and programs.

# Role of Board Members

Board Members Play the Following Critical Roles:

- ▶ Determine (a) whether funding should be provided to additional categories beyond the statutorily required priority areas (must remain w/in CDC guidelines specified in P.A. 23-92, Sec. 4(a). (b) vote on what the additional funding categories will be
- ▶ Once funding categories are set – vote on the allocation of Trust Fund dollars for each category
  - ✓ % allocations provided in the CDC best practices can serve as a guide but the Board has authority to set their own allocations & determine what dollars go to RFP v sole source
- ▶ Send funding allocation plan to the legislature for approval
- ▶ Evaluation of funded programs
- ▶ Opportunities for involvement beyond statutory mandates – i.e. RFP development and evaluation

# Roles of Legislature and State Agencies,

- ▶ Role of Legislature
  - ▶ Approve the Board's proposed funding allocation breakdown by category
- ▶ Role of State Agencies
  - ▶ Determine which state agency/agencies will handle various RFP processes
  - ▶ Lead the RFP process from development through selection
  - ▶ Administer and monitor contracts resulting from RFP process or sole source decisions and make payments
  - ▶ Evaluate programs and provide progress updates to the Board