

IC 4-12-4

Chapter 4. Indiana Tobacco Use Prevention and Cessation Trust Fund

IC 4-12-4-1

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-2

"Fund" defined

Sec. 2. As used in this chapter, "fund" refers to the Indiana tobacco use prevention and cessation trust fund created by this chapter.

As added by P.L.21-2000, SEC.2.

IC 4-12-4-3

"Master settlement agreement" defined

Sec. 3. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.2.

IC 4-12-4-4

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-5

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-6

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-7

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-8

Repealed

(Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-9 Version a

Additional powers of executive board

Note: This version of section amended by P.L.197-2011, SEC.4. See also following version of this section amended by P.L.229-2011, SEC.45.

Sec. 9. In addition to any other power granted by this chapter, the executive board may:

- (1) adopt an official seal and alter the seal at its pleasure;
- (2) adopt rules, under IC 4-22-2, for the regulation of its affairs

- and the conduct of its business and prescribe policies in connection with the performance of its functions and duties;
- (3) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;
 - (4) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter, including contracts for the provision of all or any portion of the services the executive board considers necessary for the management and operations of the executive board;
 - (5) recommend legislation to the governor and general assembly;
 - (6) make recommendations to the governor, the budget agency, and the general assembly concerning the priorities for appropriation and distribution of money from the Indiana health care account established by IC 4-12-5-3; and
 - (7) do any and all acts and things necessary, proper, or convenient to carry out this article.

As added by P.L.21-2000, SEC.2. Amended by P.L.197-2011, SEC.4.

IC 4-12-4-9 Version b

Termination; tobacco use prevention and cessation executive board; additional powers of department

Note: This version of section amended by P.L.229-2011, SEC.45. See also preceding version of this section amended by P.L.197-2011, SEC.4.

Sec. 9. (a) The Indiana tobacco use prevention and cessation executive board is abolished July 1, 2011. On July 1, 2011:

- (1) all assets, obligations, powers, and duties of the executive board are transferred to the state department of health; and
- (2) all appropriations made to the Indiana tobacco use prevention and cessation executive board are transferred to the state department of health and are considered appropriations made to the state department of health.

(b) In addition to any other power granted by this chapter, the state department of health may:

- (1) adopt rules under IC 4-22-2 to carry out this chapter;
- (2) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;
- (3) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this

chapter, including contracts for the provision of all or any portion of the services the state department of health considers necessary;

(4) recommend legislation to the governor and general assembly; and

(5) do any and all acts and things necessary, proper, or convenient to carry out this chapter.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.45.

IC 4-12-4-10

Establishment of fund; contents; administration

Sec. 10. (a) The Indiana tobacco use prevention and cessation trust fund is established. The state department of health may expend money from the fund and make grants from the fund to implement the long range state plan established under this chapter. Administrative expenses necessary to carry out this chapter are also payable from the fund.

(b) The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(c) The fund shall be administered by the state department of health. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the expenses incurred under those contracts from the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) All income and assets of the executive board deposited in the fund are for the use of the state department of health after appropriation.

As added by P.L.21-2000, SEC.2. Amended by P.L.291-2001, SEC.53; P.L.229-2011, SEC.46.

IC 4-12-4-11

Mission statement; long range state plan

Sec. 11. (a) The state department of health shall develop:

(1) a mission statement concerning prevention and reduction of the usage of tobacco and tobacco products in Indiana, including:

(A) emphasis on prevention and reduction of tobacco use by minorities, pregnant women, children, and youth, including youth with serious and emotional disturbances;

- (B) encouragement of smoking cessation;
 - (C) production and distribution of information concerning the dangers of tobacco use and tobacco related diseases;
 - (D) providing research on issues related to reduction of tobacco use;
 - (E) enforcement of laws concerning sales of tobacco to youth and use of tobacco by youth; and
 - (F) other activities that the state department of health considers necessary and appropriate for inclusion in the mission statement; and
- (2) a long range state plan, based on Best Practices for Tobacco Control Programs as published by the Centers for Disease Control and Prevention, for:
- (A) the provision of services by the state department of health, public or private entities, and individuals to implement the state department of health's mission statement; and
 - (B) the coordination of state efforts to reduce usage of tobacco and tobacco products.

The state department of health shall update the mission statement and long range state plan as necessary to carry out the purposes of this chapter.

- (b) The long range state plan described in subsection (a) must:
- (1) cover a period of at least five (5) years;
 - (2) include base line data concerning tobacco usage;
 - (3) set forth specific goals for prevention and reduction of tobacco usage in Indiana; and
 - (4) be made available to the governor, the general assembly, and any other appropriate state or federal agency.

As added by P.L.21-2000, SEC.2. Amended by P.L.99-2007, SEC.7; P.L.229-2011, SEC.47.

IC 4-12-4-12

Applications for grants

Sec. 12. A public or private entity or an individual may submit an application to the state department of health for a grant from the fund. Each application must be in writing and contain the following information:

- (1) A clear objective to be achieved with the grant.
- (2) A plan for implementation of the specific program.
- (3) A statement of the manner in which the proposed program will further the goals of the state department of health's mission statement and long range state plan.
- (4) The amount of the grant requested.
- (5) An evaluation and assessment component to determine the program's performance.
- (6) Any other information required by the state department of health.

The state department of health may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and

application deadlines.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.48.

IC 4-12-4-13

Approval of expenditures

Sec. 13. The expenditure of state funds (other than a grant awarded under this chapter) for a program concerning prevention or reduction of tobacco usage that is operated by a state agency or a public or private entity is subject to the approval of the state department of health. The state agency or public or private entity shall submit a description of the proposed expenditure to the state department of health for the state department of health's review and approval. The description submitted under this section must include the following:

- (1) The objective to be achieved through the expenditure.
- (2) The plan for implementation of the expenditure.
- (3) The extent to which the expenditure will supplement or duplicate existing expenditures of other state agencies, public or private entities, or the state department of health.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.49.

IC 4-12-4-14

Annual reports

Sec. 14. The state department of health shall prepare an annual financial report and an annual report concerning the state department of health's activities under this chapter and promptly transmit the annual reports to the governor and, in an electronic format under IC 5-14-6, to the legislative council. The state department of health shall make the annual reports available to the public upon request.

As added by P.L.21-2000, SEC.2. Amended by P.L.28-2004, SEC.38; P.L.229-2011, SEC.50.

IC 4-12-4-15

Annual audit

Sec. 15. The funds, accounts, management, and operations of the state department of health under this chapter are subject to annual audit by the state board of accounts.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.51.

IC 4-12-4-16

Repealed

(Repealed by P.L.197-2011, SEC.153.)