

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 885 Session of  
2007

INTRODUCED BY SCARNATI, ARMSTRONG, WAUGH, ROBBINS, CORMAN,  
ERICKSON, FOLMER, M. WHITE, BRUBAKER, EARLL, WONDERLING,  
D. WHITE, BROWNE, BAKER, REGOLA AND KASUNIC, JUNE 11, 2007

REFERRED TO FINANCE, JUNE 11, 2007

AN ACT

1 Amending the act of June 26, 2001 (P.L.755, No.77), entitled "An  
2 act establishing a special fund and account for money  
3 received by the Commonwealth from the Master Settlement  
4 Agreement with tobacco manufacturers; providing for home and  
5 community-based care, for tobacco use prevention and  
6 cessation efforts, for Commonwealth universal research  
7 enhancement, for hospital uncompensated care, for health  
8 investment insurance, for medical assistance for workers with  
9 disabilities, for regional biotechnology research centers,  
10 for the HealthLink Program, for community-based health care  
11 assistance programs, for PACE reinstatement and PACENET  
12 expansion, for medical education loan assistance and for  
13 percentage allocation and appropriation of moneys," further  
14 providing for tobacco-use prevention and cessation contracts.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 708 of the act of June 26, 2001 (P.L.755,  
18 No.77), known as the Tobacco Settlement Act, is amended to read:  
19 Section 708. Contracts and purposes.

20 (a) Contracts.--Contracts with primary contractors and  
21 Statewide contractors shall be for a period not to exceed three  
22 years. Contracts shall be awarded in accordance with 62 Pa.C.S.  
23 (relating to procurement) and may be awarded on a multiple-award

1 basis. Funding for multiyear contracts shall be subject to the  
2 availability of funds as appropriated by the General Assembly.

3 (b) Purpose.--Funds allocated under this chapter shall be  
4 used for all of the following:

5 (1) At least 70% shall be used for grants to primary  
6 contractors to develop local programs. Funding for local  
7 programs shall be allocated on a per county basis as follows.  
8 Each fiscal year, 30% of grant funding to primary contractors  
9 shall be allocated equally to each of the 67 county service  
10 areas as minimum base funding to support programming within  
11 each county. The remaining amount of funds for local programs  
12 in any given fiscal year shall be allocated on a per capita  
13 basis to each county with a population greater than 60,000.  
14 The per capita formula shall be applied only to that portion  
15 of the population that is greater than 60,000 for each  
16 county. During the fourth quarter of each fiscal year, funds  
17 which cannot be spent within a county service area may be  
18 reallocated to support programming in other county areas  
19 within the same region.

20 (2) The remaining funds shall be used for compliance  
21 with Federal requirements under the act of December 21, 2000  
22 (Public Law 106-554, 114 Stat. 2763), and for Statewide  
23 efforts consistent with the priorities established under  
24 section 704(2). After June 30, 2002, no more than one-half of  
25 the funds set aside under this paragraph shall be used for  
26 countermarketing media campaigns. Media campaigns prepared  
27 for television or radio may be conducted through public or  
28 private media outlets. All funds used for such campaigns  
29 shall be spent to the greatest extent possible on efforts  
30 that have been proven successful in other states.

1       (c) Limitations.--The aggregate amount of contracts and  
2 grants in any fiscal year may not exceed the amount of the  
3 appropriation to the department for the tobacco prevention  
4 program in that fiscal year. The provision of a grant under this  
5 chapter shall not constitute an entitlement derived from the  
6 Commonwealth or a claim on any other funds of the Commonwealth.

7       (d) Restrictions.--A tobacco company or an agent or  
8 subsidiary of a tobacco company may not be awarded a contract or  
9 grant as a Statewide contractor, primary contractor or service  
10 provider.

11       Section 2. This act shall take effect in 60 days.