
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1506 Session of
1998

INTRODUCED BY GREENLEAF, HELFRICK, SCHWARTZ, LEMMOND AND WAGNER,
AUGUST 17, 1998

REFERRED TO PUBLIC HEALTH AND WELFARE, AUGUST 17, 1998

AN ACT

1 Establishing the Stop Tobacco Use Now program; establishing an
2 advisory board; providing for the powers and duties of the
3 Department of Health; establishing a restricted account; and
4 increasing the cigarette excise tax.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Stop Tobacco
9 Use Now Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Advisory board" or "board." The Stop Tobacco Use Now
15 Advisory Board established in section 3.

16 "Department." The Department of Health of the Commonwealth.

17 "Fund." The Stop Tobacco Use Now Fund established in section

18 5.

1 "STUN." The Stop Tobacco Use Now program.

2 Section 3. Advisory board.

3 (a) Purpose.--The Stop Tobacco Use Now Advisory Board is
4 hereby established in the Department of Health to provide advice
5 to the department on carrying out its duties under this act and
6 to ensure the coordination of the Stop Tobacco Use Now program
7 with relevant nonprofit and community agencies and other State
8 agencies.

9 (b) Composition.--The advisory board shall consist of nine
10 members as follows:

11 (1) Two public health experts knowledgeable about
12 education and cessation programs for the prevention of
13 tobacco use appointed by the Governor.

14 (2) Two representatives of nonprofit organizations
15 involved in seeking to reduce tobacco use appointed by the
16 Governor.

17 (3) A person who designs and implements issue-oriented
18 public health media campaigns appointed by the Governor.

19 (4) Two persons involved in designing and implementing
20 community-based education and cessation programs for the
21 prevention of tobacco use, one to focus on adults appointed
22 by the President pro tempore of the Senate and one to focus
23 on minors appointed by the Minority Leader of the Senate.

24 (5) Two members of the public, one appointed by the
25 Speaker of the House of Representatives and one appointed by
26 the Minority Leader of the House of Representatives.

27 (c) Limitation.--No person shall be appointed to the
28 advisory board who has worked for or has had a business
29 relationship at any time with a company that produces,
30 distributes or promotes tobacco products.

1 (d) Term of office.--The initial appointments shall be made
2 within 60 days of the effective date of this act. Members of the
3 board shall serve for three-year terms and until a successor is
4 appointed. Members may be reappointed. A vacancy shall be filled
5 for the remainder of the unexpired term in the same manner as
6 the original appointment.

7 (e) Chairperson and other officers, meetings.--The Governor
8 or the Governor's designee shall convene the first meeting of
9 the board no later than 90 days after the effective date of this
10 act. The board shall elect a chairperson from among its members
11 and may elect other officers and establish committees and
12 procedures as it deems necessary. The board shall meet not less
13 than three times annually at the call of the chairperson. The
14 department shall provide the board with staff assistance.

15 (f) Compensation.--Members of the board shall serve without
16 compensation but shall be reimbursed for actual and reasonable
17 expenses incurred in the performance of their official duties.
18 Reimbursements and other expenses of the board shall be
19 allocated from the Stop Tobacco Use Now Fund.

20 Section 4. Powers and duties.

21 With the advice of the advisory board, the department shall
22 administer the Stop Tobacco Use Now program. The purpose of the
23 STUN program is to discourage minors from starting tobacco use
24 and to assist minors and adults who currently use tobacco to
25 discontinue that use. Specifically, the department shall have
26 the power and duty to:

27 (1) Provide for the coordination, exchange and
28 dissemination of information regarding the dangers of tobacco
29 use. The department shall educate the public about the health
30 hazards, costs and other relevant facts surrounding tobacco

1 use.

2 (2) Through a competitive process, select and contract
3 with an advertising agency to conduct an intensive, broad-
4 based counter-tobacco advertising campaign. The advertising
5 campaign shall include messages focusing on tobacco industry
6 manipulation and deception and messages about second-hand
7 smoke. In addition, the advertising campaign shall highlight
8 the department's Statewide toll-free tobacco use cessation
9 help-line number. The advertising campaign shall encourage
10 minors not to begin tobacco use and shall motivate tobacco
11 users to discontinue that use. The department and the agency
12 selected may make use of information available from the
13 Centers for Disease Control and Prevention. The advertising
14 campaign shall be based on studies that indicate which types
15 of advertisements are most successful in reaching their
16 target audiences.

17 (3) Establish a Statewide toll-free tobacco use
18 cessation help-line number through which callers may receive
19 information or receive counseling on how to quit tobacco use.
20 Through a competitive process, the department may select and
21 contract with a private organization or another public agency
22 to provide this service.

23 (4) Award grants from the Stop Tobacco Use Now Fund for
24 the following types of programs:

25 (i) Community-based tobacco education, prevention
26 and cessation programs. The grants for this type of
27 program may include school tobacco education, prevention
28 and cessation programs.

29 (ii) Enforcement of tobacco control laws programs.

30 The grants for this type of program shall be made to law

1 enforcement agencies. The focus of the programs shall be
2 to reduce the availability of tobacco products to minors.
3 As a part of such a program, the law enforcement agency
4 may use minors in random inspections to determine if
5 sales of tobacco products are being made to minors.

6 (iii) Smoking-related fire prevention programs. The
7 grants for this type of program shall be made to
8 municipal and volunteer fire departments.

9 (5) Publicize the availability of grants under this act
10 and the criteria for awarding the grants.

11 (6) Monitor the expenditure of grant moneys, including
12 the effectiveness of the programs funded.

13 (7) Accept gifts and donations from individuals, private
14 organizations or foundations for use in implementing this
15 act. Any such gifts or donations shall be deposited in the
16 fund.

17 (8) Promulgate regulations necessary to implement this
18 act, including the criteria for awarding grants.

19 (9) Prepare an annual report for the Governor and the
20 General Assembly, describing the activities conducted during
21 the past year as a result of this act and making legislative
22 and administrative recommendations.

23 Section 5. Stop Tobacco Use Now Fund.

24 (a) Fund.--There is hereby established within the State
25 Treasury a restricted account known as the Stop Tobacco Use Now
26 Fund. The fund shall consist of all the money deposited therein
27 pursuant to this act.

28 (b) Appropriation.--On an annual basis, the State Treasurer
29 shall make available to the department for its use, consistent
30 with this act, funds deposited into the fund as are requested by

1 the department, with the advice of the advisory board. Such
2 funds are hereby appropriated to the department for the purposes
3 set forth in this act.

4 (c) Use of fund.--Of the moneys deposited into the fund on
5 an annual basis, the department shall spend at least 30% on the
6 counter-tobacco advertising campaign provided for in section
7 4(2). The advisory board shall advise the department on what
8 percentage of the moneys remaining are to be spent on each type
9 of grant program provided for in section 4(4).

10 Section 6. Additional cigarette excise tax.

11 There is hereby imposed and assessed upon the sale or
12 possession of cigarettes within this Commonwealth an excise tax
13 at the rate of .25 of a cent per cigarette. This excise tax
14 shall be imposed and assessed in the same manner as, and in
15 addition to, the taxes levied under sections 1206 and 1206.1 of
16 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
17 Code of 1971. Money collected pursuant to the additional excise
18 tax imposed and assessed by this section shall be deposited in
19 the Stop Tobacco Use Now Fund.

20 Section 7. Effective date.

21 This act shall take effect in 30 days.