

2015 Regular Session

HOUSE BILL NO. 158

BY REPRESENTATIVES HOFFMANN AND LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/SMOKING: Provides relative to promotion of smoking cessation programs and services

1 AN ACT

2 To enact Part LXXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1300.431 through 1300.435, relative to smoking cessation
4 programs and services; to provide for online publication by the Department of Health
5 and Hospitals of certain information concerning smoking cessation; to provide for
6 duties of the secretary of the Department of Health and Hospitals relative to
7 coordination of certain departmental programs with programs of the Smoking
8 Cessation Trust; to provide for a termination date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part LXXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:1300.431 through 1300.435, is hereby enacted to read as
12 follows:

13 PART LXXX. PUBLIC INFORMATION CONCERNING
14 SMOKING CESSATION

15 §1300.431. Legislative findings; purpose

16 A. The legislature hereby finds and declares the following:

17 (1) Cigarette smoking is a leading cause of preventable death in our state and
18 nation.

1 (2) Though smoking-related illnesses and deaths and their associated human
2 and economic costs are a devastating public health problem across the United States,
3 and billions of dollars from sources such as cigarette taxes and tobacco-related legal
4 settlements are available to states for preventing and controlling tobacco use, only
5 a fraction of these funds is put to this public health service, and state spending on
6 tobacco prevention and control falls below CDC recommended levels.

7 (3) Though smoking is an exceptionally difficult habit to break due to the
8 powerful nature of addiction to cigarettes, many thousands of Americans win the
9 battle to quit smoking each year, often with the help of a smoking cessation program.

10 B. The purpose of this Part is to increase awareness of and access to smoking
11 cessation programs and services available in Louisiana.

12 §1300.432. Definitions

13 As used in this Part, the following terms have the meaning ascribed in this
14 Section:

15 (1) "Department" means the Department of Health and Hospitals.

16 (2) "Smoking Cessation Trust" and "trust" mean the organization of that
17 name which incorporated in Louisiana pursuant to the judgment rendered in *Scott v.*
18 *American Tobacco Co., Inc. (2009-CA-0461 (La. App. 4 Cir. 4/23/10), 36 So. 3d*
19 *1046)* for the purpose of operating the smoking cessation program called for in that
20 judgment, or any successor.

21 §1300.433. Public information concerning smoking cessation

22 A. The department shall establish and maintain on its internet website a link
23 to the website of the Smoking Cessation Trust, along with summary information on
24 programs and services offered by the trust.

25 B. The department may feature the link to the website of the Smoking
26 Cessation Trust and information on programs and services of the trust on any web
27 page it maintains for any program or office if the link and information are posted in
28 a conspicuous location.

1 §1300.434. Program coordination

2 A. The secretary of the department is hereby authorized to coordinate, to the
3 extent he deems practical and appropriate, the programs of the office of public
4 health, the Medicaid coordinated care network program, and any other program of
5 the department with programs offered by the Smoking Cessation Trust.

6 B. On or before January 1, annually, the secretary of the department shall
7 engage with the executive director of the Smoking Cessation Trust to evaluate means
8 and best practices for promoting smoking cessation, and to identify opportunities for
9 increasing access to smoking cessation programs and services available in this state.

10 §1300.435. Termination

11 The provisions of this Part shall terminate on January 1, 2022, and thereafter
12 shall be null, void, and without effect.

13 Section 2. The Louisiana State Law Institute is hereby authorized to redesignate the
14 number of any Section of statute enacted by this Act in a manner that comports with the
15 technical recodification provisions of House Concurrent Resolution No. 84 of this 2015
16 Regular Session of the Legislature.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 158 Reengrossed

2015 Regular Session

Hoffmann

Abstract: Requires the Dept. of Health and Hospitals to publish information on its website concerning services of the Smoking Cessation Trust, and requires the department to coordinate certain health programs with those offered by the trust.

Proposed law provides that its purpose is to increase awareness of and access to smoking cessation programs and services available in La.

Proposed law recognizes the Smoking Cessation Trust as the organization of that name which incorporated in La. pursuant to the judgment rendered in *Scott v. American Tobacco Co., Inc.* for the purpose of operating the smoking cessation program called for in that judgment.

Proposed law requires the Dept. of Health and Hospitals (DHH) to establish and maintain on its website a link to the website of the Smoking Cessation Trust, along with summary information on programs and services offered by the trust. Provides that DHH may feature the link to the website and information on programs and services of the trust on any web page it maintains for any program or office, if the link and information are posted in a conspicuous location.

Proposed law authorizes the secretary of DHH to coordinate, to the extent he deems practical and appropriate, the programs of the office of public health, the Medicaid coordinated care network program, and any other program of the department with the programs offered by the Smoking Cessation Trust.

Proposed law requires that on or before Jan. 1, annually, the secretary of DHH engage with the executive director of the Smoking Cessation Trust to evaluate means and best practices for promoting smoking cessation, and to identify opportunities for increasing access to smoking cessation programs and services available in this state.

Proposed law terminates on Jan. 1, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1300.431-1300.435)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Modify a legislative finding relative to smoking to clarify that the reference is to cigarette smoking.
2. Delete a legislative finding indicating that, according to the U.S. Centers for Disease Control and Prevention, smoking-related diseases claim over 480,000 American lives each year, a figure that includes over 40,000 deaths annually resulting from secondhand smoke exposure.
3. Make technical changes.