

2015 Regular Session

HOUSE BILL NO. 158

BY REPRESENTATIVES HOFFMANN AND LEGER

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.

19 (2) Though smoking-related illnesses and deaths and their associated human  
20 and economic costs are a devastating public health problem across the United States,  
21 and billions of dollars from sources such as cigarette taxes and tobacco-related legal  
22 settlements are available to states for preventing and controlling tobacco use, only

1 a fraction of these funds is put to this public health service, and state spending on  
2 tobacco prevention and control falls below CDC recommended levels.

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

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

8 §1300.432. Definitions

9 As used in this Part, the following terms have the meaning ascribed in this  
10 Section:

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

12 (2) "Smoking Cessation Trust" and "trust" mean the organization of that  
13 name which incorporated in Louisiana pursuant to the judgment rendered in *Scott v.*  
14 *American Tobacco Co., Inc. (2009-CA-0461 (La. App. 4 Cir. 4/23/10), 36 So. 3d*  
15 *1046) for the purpose of operating the smoking cessation program called for in that*  
16 judgment, or any successor.

17 §1300.433. Public information concerning smoking cessation

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

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

25 §1300.434. Program coordination

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

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

5                    §1300.435. Termination

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_