

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4494

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PACK, ROHRBACH, SHOTT, ELLINGTON, BOGGS, HILL,
ESPINOSA AND SKAFF

[Passed March 7, 2020; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated as §16-9G-1 and §16-9G-2, all relating to expanding tobacco use reduction
3 and cessation initiatives; creating a task force to undertake studies and monitor and advise
4 the Division of Tobacco Prevention and recommend policies to the Legislature; setting
5 forth duties of the Division of Tobacco Prevention; and authorizing the Division of Tobacco
6 Prevention to apply and administer private grants and donations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9G. TOBACCO CESSATION INITIATIVE.

§16-9G-1. Tobacco Use Prevention and Cessation Task Force.

1 (a) The West Virginia Tobacco Use Prevention and Cessation Task Force is created for
2 the purpose of recommending and monitoring the establishment and management of programs
3 that are found to be effective in the reduction of tobacco, tobacco products, alternative nicotine
4 products, and vapor products use by all state citizens, with a strong focus on the prevention of
5 children and young adults use of tobacco, tobacco products, alternative nicotine products, and
6 vapor products.

7 (b) The task force shall have the following members:

8 (1) The Commissioner of the Bureau for Public Health or his or her designee, who shall
9 serve as chair;

10 (2) The Superintendent of the Department of Education or his or her designee;

11 (3) Ten members to be appointed by the Governor:

12 (A) A representative of a nationwide nonprofit organization dedicated to the elimination of
13 cancer;

14 (B) A representative of a nonprofit national organization that funds cardiovascular medical
15 research;

16 (C) A dentist, licensed pursuant to §30-4-1 *et seq.*, with an expertise in oral health;

17 (D) A physician, licensed pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* with
18 expertise in health impacts associated with tobacco, tobacco products, alternative nicotine
19 products, or vapor products consumption;

20 (E) A representative of a national voluntary health organization whose mission is to save
21 lives by improving lung health and preventing lung disease through education, advocacy, and
22 research;

23 (F) A representative who is certified from one of the programs accredited by the Council
24 for Tobacco Treatment Training Programs or has received a National Certificate in Tobacco
25 Treatment Practice, who has advanced education in evidence-based tobacco treatment
26 competencies, skills, and practices;

27 (G) A representative from a national youth tobacco, tobacco products, alternative nicotine
28 products, or vapor products prevention organization;

29 (H) A representative from the West Virginia Prevention First Network within the West
30 Virginia Bureau for Behavioral Health; and

31 (I) Two citizen members that through professional or medical experience or advocacy are
32 committed to work and advocate for cessation of tobacco, tobacco products, alternative nicotine
33 products, and vapor products consumption in all forms in the state.

34 (c) The task force shall meet quarterly at the call of the chair to study, monitor, and
35 recommend funding and initiation of programs that reduce tobacco, tobacco products, alternative
36 nicotine products, and vapor products consumption in West Virginia, and to initiate studies and
37 processes to provide the most efficient and effective use of the funds dedicated for this purpose.
38 The task force shall include a variety of persons in the health care field, including individuals
39 certified from one of the programs accredited by the Council for Tobacco Treatment Training
40 Programs or received a National Certificate in Tobacco Treatment Practice, advocates, and
41 citizens, with the intention of the Legislature to create a dynamic and innovative group to focus,
42 monitor, and facilitate state resources towards this goal.

43 (d) The Director of the Division of Tobacco Prevention shall attend each task force meeting
44 and shall provide staff support services for the task force. The task force shall monitor the Division
45 of Tobacco Prevention's programs and make recommendations to the division on expenditures
46 and programs which are being administered by that office. The task force shall report annually to
47 the Legislative Oversight Committee on Health and Human Resources Accountability by
48 December 1st, which shall include at a minimum, the following:

49 (1) An assessment of each program administered by the Division of Tobacco Prevention
50 towards reducing tobacco, tobacco products, alternative nicotine products, and vapor products
51 consumption and include an overview of its budget for the prior year and how state moneys and
52 any other funding or grants received by the office are being expended that year;

53 (2) Review and analysis the types of tobacco, tobacco products, alternative nicotine
54 products, and vapor products consumption practices in the state and identify emerging trends
55 related to tobacco, tobacco products, alternative nicotine products, or vapor products delivery
56 devices and related activities impacting tobacco, tobacco products, alternative nicotine products,
57 and vapor products use, with particular emphasis on youth consumption trends and practices;
58 and,

59 (3) Recommend for legislation or implementation of legislation, public policies; and funding
60 of programs that can further facilitate a reduction in tobacco, tobacco products, alternative nicotine
61 products, or vapor products usage in our state.

§16-9G-2. Division of Tobacco Prevention.

1 In addition to administering and coordinating the program on tobacco, tobacco products,
2 alternative nicotine products, and vapor products cessation, the Division of Tobacco Prevention
3 may apply for and administer federal and private grants and donations made for the purpose of
4 reducing and eliminating tobacco, tobacco products, alternative nicotine products, and vapor
5 products consumption in this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor