
OLR Bill Analysis

sHB 6914

AN ACT CONCERNING THE USE OF FUNDS IN THE OPIOID AND TOBACCO SETTLEMENT FUNDS AND FUNDS RECEIVED BY THE STATE AS PART OF ANY SETTLEMENT AGREEMENT WITH A MANUFACTURER OF ELECTRONIC NICOTINE DELIVERY SYSTEM AND VAPOR PRODUCTS.

SUMMARY

This bill makes changes affecting tobacco and opioid settlement funds, including the following:

1. starting FY 24, increasing, from \$12 million to \$22.7 million, the annual disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund (§ 1);
2. starting FY 24, requiring the amount of JUUL settlement funds (see BACKGROUND) the state received in the prior fiscal year to be disbursed from the Tobacco Settlement Fund to the Department of Mental Health and Addiction Services (DMHAS) to fund specified programs targeting residents under age 21 (§ 1); and
3. starting by October 1, 2023, requiring municipalities that receive opioid settlement funds directly from a settlement administrator to annually report to the Opioid Settlement Advisory Committee until they spend all the funds (§§ 2 & 3).

The bill also makes various other changes affecting the Tobacco and Health Trust Fund. It updates the statutory purposes for fund disbursements to include the reduction of tobacco and nicotine use in all forms, including e-cigarettes and vapor products, rather than just tobacco as under current law. Among other things, it requires that funding be directed to programs that use evidence-based best practices for various objectives, such as state and community interventions and

surveillance and evaluation.

It also requires the Tobacco and Health Trust Fund board, in recommending annual fund disbursements, to give priority to comprehensive tobacco and nicotine control programs for specified purposes, such as (1) preventing initial use of these products by youths and young adults and (2) identifying and eliminating tobacco and nicotine-related disparities.

Among other changes affecting the board, the bill specifies that board vacancies occurring other than by a term's expiration must be filled in the same way as the original appointment for the remainder of the term.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§ 1 — TOBACCO SETTLEMENT FUND DISBURSEMENTS

Starting FY 24, the bill modifies annual disbursements from the Tobacco Settlement Fund by doing the following:

1. increasing, from \$12 million to \$22.7 million, the disbursement to the Tobacco and Health Trust Fund and
2. requiring the amount of JUUL settlement funds the state received the prior fiscal year to be disbursed to DMHAS, to distribute to the state's five regional behavioral health action organizations (RBHAOs, see BACKGROUND) for programs that support the abatement, mitigation, cessation, reduction, or prevention of nicotine or nicotine-synthetic product use by residents under age 21.

§§ 2 & 3 — OPIOID SETTLEMENT FUNDS

The bill requires municipalities that receive opioid settlement funds directly from a settlement administrator to annually report to the Opioid Settlement Advisory Committee (see BACKGROUND) on their expenditures for the prior year on a form the committee prescribes. The committee must publish the reports on its website.

Under the bill, municipalities must report by October 1, 2023, and

annually afterwards, until they spend all their settlement funds.

§ 4 — TOBACCO AND HEALTH TRUST FUND

Fund Purposes

The bill updates the statutory purposes for fund disbursements to include the reduction of tobacco and nicotine use in all forms, including combustible, non-combustible, electronic, and synthetic products.

It requires that funding be directed to support and encourage tobacco and nicotine use prevention, education, and cessation programs that use evidence-based best practices for the following:

1. state and community interventions;
2. communication methods to disseminate health information to a wide audience;
3. cessation interventions;
4. surveillance and evaluation; and
5. infrastructure, administration, and management.

Under current law, funding must be directed to (1) support and encourage programs to reduce tobacco abuse through prevention, education, and cessation; (2) support and encourage program development for substance abuse reduction; and (3) develop and implement programs to meet the state's unmet physical and mental health needs.

Annual Disbursements

Under current law, the Tobacco and Health Trust Fund board, in recommending annual fund disbursements, must give priority to tobacco and substance abuse programs that serve minors, pregnant women, and parents of young children.

The bill instead requires the board to give priority to comprehensive tobacco and nicotine control programs for the following purposes:

1. preventing initial use of these products by youth and young

adults,

2. smoking cessation directed at adults and youth,
3. eliminating exposure to secondhand smoke and aerosol, and
4. identifying and eliminating tobacco and nicotine-related disparities.

As under current law, the board must also consider the availability of private-matching funds.

Board Vacancies

By law, board members serve three-year terms. The bill specifically requires board members to continue to serve until their successors are appointed or designated. Under the bill, if a vacancy occurs other than by a term's expiration, it must be filled in the same way as the original appointment for the remainder of the term.

Biennial Report

Existing law requires the board to submit a biennial report to the Appropriations and Public Health committees on the trust fund, including (1) all fund disbursements and expenditures, (2) an evaluation of the performance and impact of each program that receives funding, and (3) an accounting of any unexpended funds.

Current law also requires the report to include the criteria and application process used to select fund recipients. The bill specifies that this must include measurable outcome and evaluation criteria.

Funding Sources

The bill specifically allows the trust fund to apply for and accept assignments or transfers from public or private funding sources to carry out its purposes. The law already allows the fund to apply for and accept gifts, grants, or donations from these funding sources.

BACKGROUND

JUUL Settlement Funds

Connecticut is part of a recently approved \$438.5 million multistate

settlement with JUUL Labs, a manufacturer of e-cigarette and vapor products. Thirty-four states and U.S. territories have signed on to the agreement. The state is expected to receive at least \$16.2 million over a six- to 10-year period and must use the funds for cessation, prevention, and mitigation.

Opioid Settlement Advisory Committee

By law, the Opioid Settlement Advisory Committee ensures (1) Opioid Settlement Fund moneys are allocated and spent on specified substance use disorder abatement purposes and (2) robust public involvement, accountability, and transparency in allocating and accounting for the fund’s moneys.

The committee consists of 31 state and local government officials and six public members and is chaired by the DMHAS commissioner and a municipal representative. The committee must meet quarterly and annually report to the Appropriations and Public Health committees on the fund’s activities.

Regional Behavioral Health Action Organizations

By law, the state’s five contracted RBHAOs are responsible for (1) behavioral health planning, education, and promotion; (2) coordinating behavioral health issues prevention; and (3) advocacy for behavioral health needs and services within their respective mental health regions.

Related Bill

sHB 6730, favorably reported by the Public Health Committee, contains identical provisions on the Tobacco and Health Trust Fund’s board and statutory purpose.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/27/2023)