

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 543
Mar 30, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40197-MGa-114

Short Title: 2023 Youth END Act.

(Public)

Sponsors: Representative Cervania.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE "YOUTH END NICOTINE DEPENDENCE ACT" OR "YOUTH
3 END ACT."

4 Whereas, in North Carolina, use of electronic cigarettes among high school students
5 has risen one thousand one hundred twenty-nine percent (1,129%) since 2011; and

6 Whereas, in North Carolina, twenty-seven and three-tenths percent (27.3%) of youth
7 use tobacco products; and

8 Whereas, electronic cigarettes are tobacco products under North Carolina law; and

9 Whereas, youth are becoming addicted to electronic cigarettes at an alarming rate and
10 are finding it difficult to quit; and

11 Whereas, the United States Surgeon General has reported that use of products
12 containing nicotine in any form among young people is unsafe, secondhand electronic cigarette
13 aerosol that is exhaled into the air by users is not harmless, and states must take action to prevent
14 harm rather than waiting for harm to occur; and

15 Whereas, evidence shows that funding to create state and community interventions
16 that encourage individuals to avoid tobacco use and help perpetuate social norms that discourage
17 tobacco use are some of the most effective ways to prevent tobacco use and tobacco-related
18 chronic disease and death among youth; and

19 Whereas, North Carolina receives approximately one hundred forty million dollars
20 (\$140,000,000) every year from the Tobacco Master Settlement Agreement, which was intended
21 to be used for tobacco use prevention programs; and

22 Whereas, by spending a fraction of the Tobacco Master Settlement Agreement funds
23 on prevention, North Carolina can save on future medical costs caused by tobacco-related
24 illnesses and prevent thousands of youth from becoming daily tobacco users; and

25 Whereas, the General Assembly finds that an investment of seventeen million dollars
26 (\$17,000,000) per year in tobacco use prevention programs is required to prevent youth electronic
27 cigarette nicotine dependence in North Carolina; Now, therefore,

28 The General Assembly of North Carolina enacts:

29 **SECTION 1.** This act shall be known and may be cited as the "Youth End Nicotine
30 Dependence Act" or the "Youth END Act."

31 **SECTION 2.** Article 39 of Chapter 14 of the General Statutes is amended by adding
32 a new section to read:

33 **"§ 14-313.5. Tobacco Use Prevention Fund.**

34 (a) Definitions. – The following definitions apply in this section:

35 (1) Department. – The Department of Health and Human Services.



* D R H 4 0 1 9 7 - M G A - 1 1 4 *

1 (2) Fund. – The Tobacco Use Prevention Fund established under subsection (b)
2 of this section.

3 (b) Establishment and Purpose. – The Tobacco Use Prevention Fund is established as an
4 interest-bearing special fund in the Department of Health and Human Services, Division of Public
5 Health, Chronic Disease and Injury Section. The purpose of the Fund is to prevent the use of new
6 and emerging tobacco products, including electronic cigarettes, especially among youth and
7 people of childbearing age. The Fund shall consist of the amounts appropriated to the Fund from
8 the Settlement Reserve Fund pursuant to G.S. 143C-9-3(a1). Any balance remaining in the Fund
9 at the end of any fiscal year is carried forward in the Fund for the next succeeding fiscal year for
10 the purposes set forth in this section.

11 (c) Use of Moneys. – The Department is prohibited from expending moneys in the Fund
12 for any purposes other than the administrative purposes authorized by subsection (d) of this
13 section and the following:

14 (1) To fund local health departments through a regional infrastructure to provide
15 community-based education and training of youth leaders, schools, and local
16 agencies regarding Centers for Disease Control and Prevention
17 evidence-based tobacco use prevention and cessation interventions, including
18 interventions addressing e-cigarettes.

19 (2) For evidence-based media and education campaigns on the health risks of
20 tobacco use, including e-cigarettes.

21 (3) To increase military readiness of members in active military service in North
22 Carolina, including members of the North Carolina National Guard and
23 military reserve components, through tobacco use prevention and cessation
24 policy, systems, and environmental change.

25 (4) For grants to community colleges to support a healthy, tobacco-free campus.

26 (5) To track tobacco use and exposure, including exposure to e-cigarettes and
27 emerging tobacco products, among young people and populations most at risk
28 for tobacco use.

29 (6) To provide technical assistance and oversight of regional tobacco use
30 prevention programs.

31 (7) To conduct an independent evaluation of the reach and effectiveness of the
32 State's tobacco use prevention programs.

33 (d) Fund Administration. – The Department shall exercise administrative control over the
34 Fund and may use up to ten percent (10%) of the amount appropriated to the Fund each fiscal
35 year from the Settlement Reserve Fund for administrative purposes. The Department shall
36 develop guidelines for administering the Fund that are consistent with this section.

37 (e) Annual Report. – Annually on March 1, the Department of Health and Human
38 Services shall report to the Joint Legislative Oversight Committee on Health and Human Services
39 and the Fiscal Research Division on the expenditures made from the Fund during the preceding
40 fiscal year. The report shall identify each expenditure by recipient and purpose and shall indicate
41 the authority under this section for the expenditure."

42 **SECTION 3.** G.S. 143C-9-3(a1) reads as rewritten:

43 "(a1) Each year, the following amounts are appropriated from the Settlement Reserve Fund:
44 (i) the sum of seventeen million five hundred thousand dollars (\$17,500,000) ~~from the Settlement~~
45 ~~Reserve Fund is appropriated to~~ The Golden L.E.A.F. (Long-Term Economic Advancement
46 Foundation), Inc., a nonprofit ~~corporation, and these corporation,~~ and (ii) the sum of seventeen
47 million dollars (\$17,000,000) to the Tobacco Use Prevention Fund established under
48 G.S. 14-313.5. The funds ~~shall~~ appropriated to The Golden L.E.A.F., Inc., are not ~~be~~ subject to
49 G.S. 143C-6-23. The remainder of the funds credited to the Settlement Reserve Fund each fiscal
50 year shall be transferred to the General Fund and included in General Fund availability as nontax
51 revenue."

1

SECTION 4. This act becomes effective July 1, 2023.