

**Youth Electronic Cigarette, Marijuana, and Other
Drug Prevention Program Sunset Extension**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Jennifer Dailey-Provost

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 5 absent

General Description:

This bill addresses the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program, the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, and the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account.

Highlighted Provisions:

This bill:

- addresses the scope of the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program;
- requires the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee to meet at least quarterly;
- establishes an order of priority for the various program funding distributions from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account; and
- extends the sunset dates for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-428, as last amended by Laws of Utah 2024, Chapter 245

59-14-807, as last amended by Laws of Utah 2024, Chapter 470

63I-1-226, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

63I-2-259, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 26B-1-428 is amended to read:

**26B-1-428 . Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
Committee and Program -- Creation -- Membership -- Duties.**

(1) As used in this section:

(a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee created in Section 26B-1-204.

(b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program created in this section.

(2)(a) There is created within the department the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program.

(b) In consultation with the committee, the department shall:

(i) establish guidelines for the use of funds appropriated to the program under Subsection 59-14-807(3)(a)(vi);

(ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based and appropriate for the population targeted by the program; and

(iii) subject to appropriations from the Legislature under Subsection 59-14-807(3)(a)(vi), fund statewide initiatives to prevent use of electronic cigarettes, nicotine products, marijuana, and other drugs by youth.

(3)(a) The committee shall[-] :

(i) advise the department on:

[(i)] (A) preventing use of electronic cigarettes, marijuana, and other drugs by youth in the state;

[(ii)] (B) developing the guidelines described in Subsection (2)(b)(i); and

[(iii)] (C) implementing the provisions of the program[-] ; and

(ii) meet quarterly or more frequently as determined necessary by the department's designee under Subsection (3)(c)(ii).

(b) The executive director shall:

(i) appoint members of the committee; and

(ii) consult with the Utah Substance Use and Mental Health Advisory Committee created in Section 26B-5-801 when making the appointments under Subsection (3)(b)(i).

(c) The committee shall include, at a minimum:

- (i) the executive director of a local health department as defined in Section 26A-1-102, or the local health department executive director's designee;
- (ii) one designee from the department;
- (iii) one representative from the Department of Public Safety;
- (iv) one representative from the behavioral health community; and
- (v) one representative from the education community.

(d) A member of the committee may not receive compensation or benefits for the member's service on the committee, but may receive per diem and travel expenses in accordance with:

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(e) The department shall provide staff support to the committee.

(4) On or before October 31 of each year, the department shall report to:

(a) the Health and Human Services Interim Committee regarding:

- (i) the use of funds appropriated to the program;
- (ii) the impact and results of the program, including the effectiveness of each program funded under Subsection (2)(b)(iii), during the previous fiscal year;
- (iii) a summary of the impacts and results on reducing youth use of electronic cigarettes and nicotine products by entities represented by members of the committee, including those entities who receive funding through the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account created in Section 59-14-807; and
- (iv) any recommendations for legislation; and

(b) the Utah Substance Use and Mental Health Advisory Committee created in Section 26B-5-801, regarding:

- (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in preventing youth use of electronic cigarettes, nicotine products, marijuana, and other drugs; and
- (ii) any collaborative efforts and partnerships established by the program with public and private entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.

Section 2. Section **59-14-807** is amended to read:

59-14-807 . Electronic Cigarette Substance and Nicotine Product Proceeds**Restricted Account.**

(1) There is created within the General Fund a restricted account known as the "Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account."

(2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account consists of:

(a) revenue collected from the tax imposed by Section 59-14-804;

(b) fees and penalties collected under Section 59-14-810;

(c) all money received by the attorney general or the Department of Commerce as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of electronic cigarette products, as defined in Section 76-10-101:

(i) if the total amount of the judgment, settlement, or compromise received by the state exceeds \$1,000,000; and

(ii) after reimbursement to the attorney general and the Department of Commerce for expenses related to the matters described in this Subsection (2)(c); and

(d) amounts appropriated by the Legislature.

(3)(a) ~~[For]~~ Subject to Subsections (3)(b) and (c), for each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:

(i) \$2,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, or other illegal controlled substances to minors, which the Department of Health and Human Services shall allocate to the local health departments using the formula created in accordance with Section 26A-1-116;

(ii) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(iii) \$1,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(iv) \$3,000,000 to the Department of Health and Human Services for community partner prevention programs, which the Department of Health and Human Services shall allocate to the local health departments using the formula created in accordance with Section 26A-1-116;

(v) \$1,000,000 to the Department of Health and Human Services for statewide cessation programs and prevention education;

(vi) \$2,000,000 to the Department of Health and Human Services for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television; and

(vii) \$5,084,200 to the State Board of Education for school-based prevention programs.

~~[(i) \$2,000,000, which shall be allocated to the local health departments by the Department of Health and Human Services using the formula created in accordance with Section 26A-1-116;]~~

~~[(ii) \$2,000,000 to the Department of Health and Human Services for statewide cessation programs and prevention education;]~~

~~[(iii) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;]~~

~~[(iv) \$3,000,000, which shall be allocated to the local health departments by the Department of Health and Human Services using the formula created in accordance with Section 26A-1-116;]~~

~~[(v) \$5,084,200 to the State Board of Education for school-based prevention programs;]~~

~~[(vi) \$2,000,000 to the Department of Health and Human Services for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television; and]~~

~~[(vii)]~~ (b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account is insufficient to cover the distributions described in Subsection (3)(a), the Division of Finance shall make the distributions under Subsection (3)(a):

- 166 (i) sequentially in the order of priority the distributions are listed under Subsection
167 (3)(a);
- 168 (ii) in full or, if insufficient funds are available to satisfy the next distribution in the
169 sequence, in part; and
- 170 (iii) until the available funds in the Electronic Cigarette Substance and Nicotine
171 Product Proceeds Restricted Account are exhausted.
- 172 (c) ~~[of the money deposited]~~ For each fiscal year and subject to appropriation by the
173 Legislature, the Division of Finance shall distribute from the funds deposited under
174 Section 59-14-810 into the Electronic Cigarette Substance and Nicotine Product
175 Proceeds Restricted Account:
- 176 ~~[(A)]~~ (i) to the commission, in an amount equal to the amount necessary to create and
177 maintain the registry described in Section 59-14-810;
- 178 ~~[(B)]~~ (ii) to the Department of Health and Human Services, in an amount necessary
179 for completing duties described in Section 59-14-810; and
- 180 ~~[(C)]~~ (iii) to the Department of Health and Human Services, the remainder to be
181 divided among the local health departments for inspection and enforcement
182 described in Sections 26A-1-131 and 59-14-810.
- 183 ~~[(b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds~~
184 ~~Restricted Account is insufficient to cover the distributions described in Subsection~~
185 ~~(3)(a), the distribution amounts shall be adjusted proportionately.]~~
- 186 (4)(a) The local health departments shall use the money received in accordance with
187 Subsection (3)(a) for enforcing:
- 188 (i) the regulation provisions described in Section 26B-7-505;
189 (ii) the labeling requirement described in Section 26B-7-505; and
190 (iii) the penalty provisions described in Section 26B-7-518.
- 191 (b) The Department of Health and Human Services shall use the money received in
192 accordance with ~~[Subsection (3)(a)(ii)]~~ Subsection (3)(a)(v) for the Youth Electronic
193 Cigarette, Marijuana, and Other Drug Prevention Program created in Section
194 26B-1-428.
- 195 (c) The local health departments shall use the money received in accordance with
196 Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and
197 Other Drug Prevention Grant Program created in Section 26A-1-129.
- 198 (d) The State Board of Education shall use the money received in accordance with
199 Subsection ~~[(3)(a)(v)]~~ (3)(a)(vii) to distribute to local education agencies to pay for:

- (i)(A) stipends for positive behaviors specialists as described in Subsection 53G-10-407(4)(a)(i);
- (B) the cost of administering the positive behaviors plan as described in Subsection 53G-10-407(4)(a)(ii); and
- (C) the cost of implementing an Underage Drinking and Substance Abuse Prevention Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b); or
- (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

(5)(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account after the distribution described in Subsection (3) may only be used for:

- (a) funding commission personnel to enforce compliance with the tax collection requirements of this part; and
- (b) programs and activities related to the prevention and cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

Section 3. Section **63I-1-226** is amended to read:

63I-1-226 . Repeal dates: Titles 26 through 26B.

(1) Subsection 26B-1-204(2)(g), regarding the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, is repealed July 1, 2030.

~~[(1)]~~ (2) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed July 1, 2025.

~~[(2)]~~ (3) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.

~~[(3)]~~ (4) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

~~[(4)]~~ (5) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation -- Reporting, is repealed July 1, 2026.

~~[(5)]~~ (6) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership -- Duties, is repealed July 1, 2025.

~~[(6)]~~ (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2025.

~~[(7)]~~ (8) Section 26B-1-416, Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

~~[(8)]~~ (9) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership -- Duties, is repealed July 1, 2029.

234 ~~[(9)]~~ (10) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --
235 Compensation -- Duties, is repealed July 1, 2029.

236 ~~[(10)]~~ (11) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and
237 membership, is repealed July 1, 2027.

238 ~~[(11)]~~ (12) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug
239 Prevention Committee and Program -- Creation -- Membership -- Duties, is repealed
240 July 1, ~~[2025]~~ 2030.

241 ~~[(12)]~~ (13) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy
242 regarding services to individuals with disabilities -- Creation -- Membership --
243 Expenses, is repealed July 1, 2027.

244 ~~[(13)]~~ (14) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1,
245 2026.

246 ~~[(14)]~~ (15) Section 26B-2-407, Drinking water quality in child care centers, is repealed July
247 1, 2027.

248 ~~[(15)]~~ (16) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is
249 repealed July 1, 2028.

250 ~~[(16)]~~ (17) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July
251 1, 2025.

252 ~~[(17)]~~ (18) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed
253 June 30, 2027.

254 ~~[(18)]~~ (19) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health
255 Crisis Response Committee, is repealed December 31, 2026.

256 ~~[(19)]~~ (20) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is
257 repealed July 1, 2027.

258 ~~[(20)]~~ (21) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.

259 ~~[(21)]~~ (22) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.

260 ~~[(22)]~~ (23) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.

261 ~~[(23)]~~ (24) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.

262 ~~[(24)]~~ (25) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.

263 ~~[(25)]~~ (26) Section 26B-3-308, Penalties, is repealed July 1, 2027.

264 ~~[(26)]~~ (27) Section 26B-3-309, Immunity, is repealed July 1, 2027.

265 ~~[(27)]~~ (28) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
266 2034.

267 ~~[(28)]~~ (29) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is

268 repealed July 1, 2034.

269 ~~[(29)]~~ (30) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
270 2028.

271 ~~[(30)]~~ (31) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility
272 Expendable Revenue Fund, is repealed July 1, 2028.

273 ~~[(31)]~~ (32) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.

274 ~~[(32)]~~ (33) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health
275 Crisis Response Committee, is repealed December 31, 2026.

276 ~~[(33)]~~ (34) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health
277 Crisis Response Committee, is repealed December 31, 2026.

278 ~~[(34)]~~ (35) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed
279 December 31, 2026.

280 ~~[(35)]~~ (36) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is
281 repealed December 31, 2026.

282 ~~[(36)]~~ (37) Section 26B-5-118, Collaborative care grant program, is repealed December 31,
283 2024.

284 ~~[(37)]~~ (38) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed
285 December 31, 2026.

286 ~~[(38)]~~ (39) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response
287 Committee, is repealed December 31, 2026.

288 ~~[(39)]~~ (40) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response
289 Committee, is repealed December 31, 2026.

290 ~~[(40)]~~ (41) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response
291 Committee, is repealed December 31, 2026.

292 ~~[(41)]~~ (42) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response
293 Committee, is repealed December 31, 2026.

294 ~~[(42)]~~ (43) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed
295 December 31, 2025.

296 ~~[(43)]~~ (44) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed
297 July 1, 2029.

298 ~~[(44)]~~ (45) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response
299 Committee, is repealed December 31, 2026.

300 ~~[(45)]~~ (46) Subsection 26B-5-704(2)(b), regarding the Education and Mental Health
301 Coordinating Committee, is repealed December 31, 2024.

302 ~~[(46)]~~ (47) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory
303 Committee, is repealed January 1, 2033.

304 ~~[(47)]~~ (48) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

305 ~~[(48)]~~ (49) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot
306 Program, is repealed July 1, 2029.

307 ~~[(49)]~~ (50) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.

308 ~~[(50)]~~ (51) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
309 2026.

310 Section 4. Section **63I-2-259** is amended to read:

311 **63I-2-259 . Repeal dates: Title 59.**

312 (1) Subsection 59-7-610(8), regarding claiming a tax credit in the same taxable year as the
313 targeted business income tax credit, is repealed December 31, 2024.

314 (2) Subsection 59-7-614.10(5), regarding claiming a tax credit in the same taxable year as
315 the targeted business income tax credit, is repealed December 31, 2024.

316 (3) Section 59-7-624, Targeted business income tax credit, is repealed December 31, 2024.

317 (4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December
318 31, 2024.

319 (5) Subsection 59-10-1007(8), regarding claiming a tax credit in the same taxable year as
320 the targeted business income tax credit, is repealed December 31, 2024.

321 (6) Subsection 59-10-1037(5), regarding claiming a tax credit in the same taxable year as
322 the targeted business income tax credit, is repealed December 31, 2024.

323 (7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,
324 2024.

325 (8) Subsections 59-14-807(3)(a)(iii) and (4)(b), regarding the Youth Electronic Cigarette,
326 Marijuana, and Other Drug Prevention Committee, are repealed July 1, 2030.

327 Section 5. **Effective Date.**

328 This bill takes effect on May 7, 2025.