

HOUSE BILL NO. 633

INTRODUCED BY J. ESP

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE HEALTHY MONTANA KIDS PLAN; REVISING THE ALLOCATION OF TOBACCO SETTLEMENT PROCEEDS; REVISING PRESUMPTIVE ELIGIBILITY CRITERIA FOR THE HEALTHY MONTANA KIDS PLAN; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 17-6-606 AND 53-4-1105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-6-606, MCA, is amended to read:

"17-6-606. (Temporary) Tobacco settlement accounts -- purpose -- uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco disease prevention designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program;
- ~~(c)~~(d) provide funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and
- ~~(d)~~(e) provide funds for the comprehensive health association programs.

(2) An amount equal to ~~32%~~ 13.9% of the total yearly tobacco settlement proceeds ~~received after June 30, 2003~~, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding statewide programs for tobacco disease prevention designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of public health and human services shall manage the tobacco disease prevention programs and shall adopt rules to implement the programs. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to ~~47%~~ 35.1% of the total yearly tobacco settlement proceeds ~~received after June 30, 2003~~, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to



1 in this subsection may be used only for:

2 (a) matching funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4,
3 part 10;

4 ~~(a)(b) matching funds to secure the maximum amount of federal funds~~ for the healthy Montana kids plan
5 provided for in Title 53, chapter 4, part 11; and

6 ~~(b)(c)~~ programs of the comprehensive health association provided for in Title 33, chapter 22, part 15,
7 with funding use subject to 33-22-1513.

8 (4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not
9 appropriated within 2 years after the date of deposit must be transferred to the trust fund.

10 (5) The legislature shall appropriate money from the state special revenue accounts provided for in this
11 section for programs for tobacco disease prevention, for the programs referred to in the subsection establishing
12 the account, and for funding the tobacco prevention advisory board.

13 (6) Programs funded under this section that are private in nature may be funded through contracted
14 services. (Terminates June 30, 2011--sec. 35(1), Ch. 486, L. 2009.)

15 **17-6-606. (Effective July 1, 2011) Tobacco settlement accounts -- purpose -- uses.** (1) The purpose
16 of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs ~~for tobacco~~
17 ~~disease prevention~~ designed to:

18 (a) discourage children from starting use of tobacco;

19 (b) assist adults in quitting use of tobacco;

20 (c) provide funds for the children's health insurance program; ~~and~~

21 (d) provide funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and

22 ~~(d)(e)~~ provide funds for the comprehensive health association programs.

23 (2) An amount equal to ~~32%~~ 13.9% of the total yearly tobacco settlement proceeds ~~received after June~~
24 ~~30, 2003~~, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to
25 in this subsection may be used only for funding statewide programs for tobacco disease prevention designed to
26 prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of
27 public health and human services shall manage the tobacco disease prevention programs and shall adopt rules
28 to implement the programs. In adopting rules, the department shall consider the standards contained in Best
29 Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by
30 the U.S. department of health and human services, centers for disease control and prevention.

1 (3) An amount equal to ~~47%~~ 35.1% of the total yearly tobacco settlement proceeds ~~received after June~~
 2 ~~30, 2003~~, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to
 3 in this subsection may be used only for:

4 (a) matching funds ~~to secure the maximum amount of federal funds~~ for the Children's Health Insurance
 5 Program Act provided for in Title 53, chapter 4, part 10; ~~and~~

6 (b) matching funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and

7 ~~(b)(c)~~ programs of the comprehensive health association provided for in Title 33, chapter 22, part 15,
 8 with funding use subject to 33-22-1513.

9 (4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not
 10 appropriated within 2 years after the date of deposit must be transferred to the trust fund.

11 (5) The legislature shall appropriate money from the state special revenue accounts provided for in this
 12 section for programs for tobacco disease prevention, for the programs referred to in the subsection establishing
 13 the account, and for funding the tobacco prevention advisory board.

14 (6) Programs funded under this section that are private in nature may be funded through contracted
 15 services."
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17 **Section 2.** Section 53-4-1105, MCA, is amended to read:

18 **"53-4-1105. Rulemaking -- active enrollment -- plan coordination.** (1) The department shall adopt
 19 rules necessary to implement this part, including plan administration, plan enrollment, outreach efforts, and
 20 standards of performance to allow enrollment partners to assist in enrolling children in the plan or other health
 21 coverage plans administered by the department.

22 (2) The rules must:

23 (a) establish a process for identifying and approving enrollment partners;

24 (b) create and define an active enrollment process;

25 (c) promote seamless movement between programs described in 53-4-1104(2);

26 (d) promote accessible enrollment through enrollment partners;

27 (e) provide, to the extent permitted by law, a single point of access in the department for plan members;

28 (f) define income for purposes of determining eligibility for children's health coverage programs within
 29 the plan; and

30 ~~— (g) provide for presumptive eligibility; and~~

1 (h)(g) encourage enrollment partners to actively enroll as many eligible, uninsured children as possible
 2 in the plan or in an employer-sponsored plan as described in 53-4-1108.

3 (3) The rules may provide for presumptive eligibility and include the development of enrollment partner
 4 training, technical assistance programs, and performance measures.

5 (4) The rules may provide for an exemption from the active enrollment process based upon an individual
 6 showing of:

7 (a) religious conviction;

8 (b) private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), obtained by the
 9 parents for the child from a private group or individual health insurance issuer or under a self-funded employer
 10 health plan; or

11 (c) other compelling circumstances.

12 (5) The rules governing eligibility and premium assistance must be consistent with this part. Rules may
 13 include but are not limited to financial standards and criteria for income, nonfinancial criteria, family responsibility,
 14 residency, the application process, termination of eligibility, definition of terms, and confidentiality of applicant and
 15 recipient information."
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17 NEW SECTION. Section 3. Appropriation. (1) The following money is appropriated from the state
 18 special revenue account provided for in 17-6-606 to the department of public health and human services for the
 19 purpose of the healthy Montana kids plan:

20 Fiscal year 2012	\$5,837,100
21 Fiscal year 2013	5,831,187

22 (2) The following money is appropriated from the federal special revenue fund to the department of public
 23 health and human services as matching funds for the healthy Montana kids plan:

24 Fiscal year 2012	\$11,427,319
25 Fiscal year 2013	11,189,207

26
 27 COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 34 and [this act]
 28 are both passed and approved and if both of these bills contain a section that amends 17-6-606, then sections
 29 amending 17-6-606 are void and 17-6-606 must be amended as follows:

30 "**17-6-606. (Temporary) Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this

1 section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco
 2 disease prevention designed to:

3 (a) discourage children from starting use of tobacco;

4 (b) assist adults in quitting use of tobacco;

5 (c) provide funds for the children's health insurance program;

6 ~~(c)(d)~~ provide funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and

7 ~~(d)(e)~~ provide funds for the comprehensive health association programs.

8 (2) An amount equal to ~~32%~~ 13.9% of the total yearly tobacco settlement proceeds ~~received after June~~
 9 ~~30, 2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
 10 to in this subsection may be used only for funding statewide programs for tobacco disease prevention designed
 11 to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department
 12 of public health and human services shall manage the tobacco disease prevention programs and shall adopt rules
 13 to implement the programs. In adopting rules, the department shall consider the standards contained in Best
 14 Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by
 15 the U.S. department of health and human services, centers for disease control and prevention.

16 (3) An amount equal to ~~17%~~ 32.16% of the total yearly tobacco settlement proceeds ~~received after June~~
 17 ~~30, 2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
 18 to in this subsection may be used only for:

19 (a) matching funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4,
 20 part 10;

21 ~~(a)(b)~~ matching funds to secure the maximum amount of federal funds for the healthy Montana kids plan
 22 provided for in Title 53, chapter 4, part 11; ~~and~~.

23 ~~(b)(4)~~ (4) An amount equal to 2.94% of the total yearly tobacco settlement proceeds must be deposited in
 24 a state special revenue account. Subject to subsection (6), the funds referred to in this subsection may be used
 25 only for programs of the Montana comprehensive health association provided for in Title 33, chapter 22, part 15,
 26 with funding use subject to 33-22-1513.

27 ~~(4)(5)~~ Funds deposited in a state special revenue account, as provided in subsection (2), ~~or~~ (3), or (4)
 28 that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

29 ~~(5)(6)~~ The legislature shall appropriate money from the state special revenue accounts provided for in
 30 this section for programs for tobacco disease prevention, for the programs referred to in the subsection

1 establishing the account, and for funding the tobacco prevention advisory board.

2 ~~(6)~~(7) Programs funded under this section that are private in nature may be funded through contracted
3 services. (Terminates June 30, 2011--sec. 35(1), Ch. 486, L. 2009.)

4 **17-6-606. (Effective July 1, 2011) Tobacco settlement accounts -- purpose -- uses.** (1) The purpose
5 of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco
6 ~~disease prevention~~ designed to:

7 (a) discourage children from starting use of tobacco;

8 (b) assist adults in quitting use of tobacco;

9 (c) provide funds for the children's health insurance program; ~~and~~

10 (d) provide funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and

11 ~~(d)~~(e) provide funds for the comprehensive health association programs.

12 (2) An amount equal to ~~32%~~ 13.9% of the total yearly tobacco settlement proceeds ~~received after June~~
13 ~~30, 2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
14 to in this subsection may be used only for funding statewide programs for tobacco disease prevention designed
15 to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department
16 of public health and human services shall manage the tobacco disease prevention programs and shall adopt rules
17 to implement the programs. In adopting rules, the department shall consider the standards contained in Best
18 Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by
19 the U.S. department of health and human services, centers for disease control and prevention.

20 (3) An amount equal to ~~47%~~ 32.6% of the total yearly tobacco settlement proceeds ~~received after June~~
21 ~~30, 2003~~; must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
22 to in this subsection may be used only for:

23 (a) matching funds ~~to secure the maximum amount of federal funds~~ for the Children's Health Insurance
24 Program Act provided for in Title 53, chapter 4, part 10; and

25 (b) matching funds for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11.

26 (4) An amount equal to 2.94% of the total yearly tobacco settlement proceeds must be deposited in a
27 state special revenue account. Subject to subsection (6), the funds referred to in this subsection may be used
28 only for programs of the Montana comprehensive health association provided for in Title 33, chapter 22, part 15,
29 with funding use subject to 33-22-1513.

30 ~~(4)~~(5) Funds deposited in a state special revenue account, as provided in subsection (2), ~~or~~ (3), ~~or~~ (4)

1 that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

2 ~~(5)(6)~~ The legislature shall appropriate money from the state special revenue accounts provided for in
3 this section for programs for tobacco disease prevention, for the programs referred to in the subsection
4 establishing the account, and for funding the tobacco prevention advisory board.

5 ~~(6)(7)~~ Programs funded under this section that are private in nature may be funded through contracted
6 services."

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8 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2011.

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