CHAPTER 128

South Carolina Youth Smoking Prevention Act

**SECTION 44‑128‑10.** Short title.

This chapter may be cited as the "South Carolina Youth Smoking Prevention Act".

HISTORY: 2000 Act No. 387, Part II, Section 49.

**SECTION 44‑128‑20.** Youth Smoking Prevention Plan.

(A) The Department of Health and Environmental Control shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by minors.

(B) The Youth Smoking Prevention Plan must address prevention, cessation, and control of smoking by minors and may include but is not limited to:

(1) media campaigns;

(2) school based youth programs;

(3) community based youth programs;

(4) business, community, and school partnerships;

(5) programs focusing on the enforcement and administration of state minor related tobacco laws, including retailer education;

(6) surveillance and evaluations;

(7) chronic disease and health‑related programs.

(C)(1) To assist in carrying out the purposes of the plan, the department may award youth smoking prevention grants to local agencies, organizations, and entities based on criteria developed by the department.

(2) As a condition for the receipt of funds under this chapter, a grantee shall agree to file a report with the advisory commission, as to the following:

(a) amount received as a grant and the expenditures made with the proceeds of the grant;

(b) a description of the program offered and the number of youths who participated in the program; and

(c) specific elements of the program meeting the criteria set forth in the state plan.

(D) The state plan further shall provide for a grant for an annual statewide school‑based survey to measure cigarette use and behaviors towards cigarette use by individuals in grades 6‑12. This survey shall:

(1) involve a statistically valid sample of the individuals in each grade from sixth through twelfth;

(2) not include any individual who is eighteen years of age or older; and

(3) be made available to the public, along with the resulting date, excluding respondent identities and respondent‑identifiable date.

HISTORY: 2000 Act No. 387, Part II, Section 49.

**SECTION 44‑128‑30.** Annual reports.

The department shall report annually by January first of each year to the Governor, the Senate Finance Committee, and the House Ways and Means Committee on the activities and effectiveness of the Youth Smoking Prevention Plan.

HISTORY: 2000 Act No. 387, Part II, Section 49.

**SECTION 44‑128‑40.** Funding.

Responsibilities of the department under this chapter including, but not limited to, funding grants authorized pursuant to Section 44‑128‑20(C) must be funded from proceeds received by the State in the settlement agreement and related documents, between the State and leading United States tobacco manufacturers dated November 23, 1998.

HISTORY: 2000 Act No. 387, Part II, Section 49.

**SECTION 44‑128‑50.** South Carolina Youth Smoking Prevention Advisory Commission.

(A) There is established the South Carolina Youth Smoking Prevention Advisory Commission to advise the department in the development, implementation, and evaluation of the State Youth Smoking Plan.

(B) Notwithstanding the provisions of Section 8‑13‑770, the membership of the advisory commission is as follows:

(1) two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives;

(2) two members appointed by the President of the Senate from the membership of the Senate; and

(3) eleven members appointed by the Governor as follows:

(a) one representative of the Department of Health and Environmental Control;

(b) one representative of the Department of Alcohol and Other Drug Abuse Services;

(c) three health professionals;

(d) two youths between the ages of twelve and eighteen; and

(e) five citizens of the State with knowledge, competence, experience, or interest in youth smoking prevention, or other relevant background including, but not limited to, youth education, public health, social science, and business expertise.

HISTORY: 2000 Act No. 387, Part II, Section 49; 2019 Act No. 1 (S.2), Section 56, eff January 31, 2019.

Effect of Amendment

2019 Act No. 1, Section 56, in (B)(2), substituted "President of the Senate" for "President Pro Tempore of the Senate".