



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by Miguel del Valle

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-338 new
30 ILCS 105/6z-43

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois and the State Finance Act. Subject to appropriation, requires the Department of Public Health to develop a comprehensive statewide asthma management plan to (i) reduce the rate of hospitalizations due to asthma and (ii) facilitate the effective management of asthma in persons with asthma. Requires the Department to implement programs to meet the objectives of the statewide asthma management plan. Provides for the use of moneys from the Tobacco Settlement Recovery Fund to implement the statewide asthma management plan.

LRB093 20484 DRJ 46273 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-338 as follows:

7 (20 ILCS 2310/2310-338 new)

8 Sec. 2310-338. Comprehensive statewide asthma management
9 plan.

10 (a) Subject to appropriation, the Department shall
11 develop, maintain, and revise biennially a written
12 comprehensive statewide plan (the "statewide asthma management
13 plan") for (i) reducing the rate of hospitalizations due to
14 asthma and (ii) facilitating the effective management of asthma
15 in persons with asthma who reside in Illinois. The plan shall
16 address, but need not be limited to: disease surveillance and
17 investigation; public and professional education;
18 identification and replication of the best practices for public
19 health and clinical interventions; public and private
20 partnerships with health care providers, third-party payors,
21 local school systems, and community coalitions; and
22 identification of sources of grant funding. The plan shall
23 place primary emphasis on, but not be limited to, children
24 between the ages of birth and 18 years.

25 (b) In order to develop the statewide asthma management
26 plan, the Department shall consult with: representatives of the
27 medical, nursing, pharmacy, and allied health professions;
28 public health agencies; community coalition leaders; insurers;
29 hospital personnel; the State Board of Education and local
30 school systems; and other appropriate entities.

31 (c) Subject to appropriations, the Department shall
32 implement programs to meet the objectives of the statewide

1 asthma management plan. The Department shall ensure, to the
2 extent feasible and appropriate, that existing Department
3 programs, systems, and infrastructure are efficiently utilized
4 as a basis for implementing the plan.

5 (d) The Department shall adopt rules to implement the
6 provisions of the statewide asthma management plan.

7 (e) The Department shall report by December 31 of each year
8 to the Governor and the General Assembly concerning (i) the
9 development and implementation of the statewide asthma
10 management plan and (ii) the effectiveness of the Department's
11 programs in reducing the rate of hospitalizations due to asthma
12 in the State and facilitating more effective management of
13 asthma.

14 Section 10. The State Finance Act is amended by changing
15 Section 6z-43 as follows:

16 (30 ILCS 105/6z-43)

17 Sec. 6z-43. Tobacco Settlement Recovery Fund.

18 (a) There is created in the State Treasury a special fund
19 to be known as the Tobacco Settlement Recovery Fund, into which
20 shall be deposited all monies paid to the State pursuant to (1)
21 the Master Settlement Agreement entered in the case of People
22 of the State of Illinois v. Philip Morris, et al. (Circuit
23 Court of Cook County, No. 96-L13146) and (2) any settlement
24 with or judgment against any tobacco product manufacturer other
25 than one participating in the Master Settlement Agreement in
26 satisfaction of any released claim as defined in the Master
27 Settlement Agreement, as well as any other monies as provided
28 by law. All earnings on Fund investments shall be deposited
29 into the Fund. Upon the creation of the Fund, the State
30 Comptroller shall order the State Treasurer to transfer into
31 the Fund any monies paid to the State as described in item (1)
32 or (2) of this Section before the creation of the Fund plus any
33 interest earned on the investment of those monies. The
34 Treasurer may invest the moneys in the Fund in the same manner,

1 in the same types of investments, and subject to the same
2 limitations provided in the Illinois Pension Code for the
3 investment of pension funds other than those established under
4 Article 3 or 4 of the Code.

5 (a-5) In addition to any other use authorized by law,
6 moneys in the Tobacco Settlement Recovery Fund may be
7 appropriated for use in funding the implementation of the
8 statewide asthma management plan developed by the Department of
9 Public Health under Section 2310-338 of the Department of
10 Public Health Powers and Duties Law (20 ILCS 2310/2310-338).

11 (b) As soon as may be practical after June 30, 2001, upon
12 notification from and at the direction of the Governor, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the unencumbered balance in the Tobacco Settlement
15 Recovery Fund as of June 30, 2001, as determined by the
16 Governor, into the Budget Stabilization Fund. The Treasurer may
17 invest the moneys in the Budget Stabilization Fund in the same
18 manner, in the same types of investments, and subject to the
19 same limitations provided in the Illinois Pension Code for the
20 investment of pension funds other than those established under
21 Article 3 or 4 of the Code.

22 (c) In addition to any other deposits authorized by law,
23 after any delivery of any bonds as authorized by Section 7.5 of
24 the General Obligation Bond Act for deposits to the General
25 Revenue Fund and the Budget Stabilization Fund (referred to as
26 "tobacco securitization general obligation bonds"), the
27 Governor shall certify, on or before June 30, 2003 and June 30
28 of each year thereafter, to the State Comptroller and State
29 Treasurer the total amount of principal of, interest on, and
30 premium, if any, due on those bonds in the next fiscal year
31 beginning with amounts due in fiscal year 2004. As soon as
32 practical after the annual payment of tobacco settlement moneys
33 to the Tobacco Settlement Recovery Fund as described in item
34 (1) of subsection (a), the State Treasurer and State
35 Comptroller shall transfer from the Tobacco Settlement
36 Recovery Fund to the General Obligation Bond Retirement and

1 Interest Fund the amount certified by the Governor, plus any
2 cumulative deficiency in those transfers for prior years.

3 (d) ~~(e)~~ All federal financial participation moneys
4 received pursuant to expenditures from the Fund shall be
5 deposited into the Fund.

6 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
7 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;
8 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)