



SPONSOR: Sen. Blevins
& Rep. Maier; Sens. Bair, Bunting,
Cook, DeLuca, Henry, Marshall,
McBride, McDowell, Sokola, Still,
Venables; Reps. Gilligan,
Houghton, Plant, Price, Schroeder,
Van Sant; Sens. Connor, Simpson,
Sorenson & Winslow

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING THE CREATION OF THE
DELAWARE HEALTH FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 16, Delaware Code by inserting new §137 the following:

“§137. Delaware Health Fund

(a) This Section shall be referred to as the Delaware Health Act of
1999.

(b) A special fund of the State is hereby created in the Department of Finance to
be known as the “The Delaware Health Fund”. The Secretary of Finance shall transfer all
annual payments received after July 1, 2000 pursuant to the Master Settlement
Agreement entered into by the State of Delaware and the Participating Tobacco
Manufacturers into the Delaware Health Fund. The Secretary shall deposit or transfer all
other monies, including gifts, bequests, grants, or other funds from private and public
sources specifically designated for the Delaware Health Fund. The General Assembly at
any time may appropriate additional moneys to the Delaware Health Fund.

(c) Monies from the Delaware Health Fund shall be expended for Delaware
citizens in accordance with any one or more of the following:

(1) Expanding access to health care and health insurance for citizens of Delaware that lack affordable health care due to being uninsured or under insured;

(2) Making long-term investments to enhance State owned health care infrastructure;

(3) Promoting healthy lifestyles, including the prevention and cessation of the use of tobacco, alcohol and other drugs by the citizens of Delaware; and/or

(4) Promoting preventive care for Delawareans in order to detect and avoid adverse health conditions, particularly cancer and other tobacco-related diseases.

(d) No monies shall be expended from the Delaware Health Fund except pursuant to an appropriation incorporated in the State's Bond and Capital Improvements Act or annual Appropriations Act.

(e) Expenditures from the Delaware Health Fund shall not be used to supplant any State expenditures appropriated in Fiscal Year 1999 for purposes consistent with those outlined in subsection (c) of this section.

(f) The transfer of funds appropriated from the Delaware Health Fund shall be approved and administered by the Secretary of Finance. Such expenditures shall only be made upon the satisfaction of the specific requirements established by law to govern expenditures for these purposes.

(g) There is hereby established The Delaware Health Fund Advisory Committee comprised of the Secretary of the Department of Health and Social Services, the Secretary of Finance, the Attorney General, one member of the Senate designated by the President Pro Tem, one member of the House of Representatives designated by the Speaker of the House of Representatives, the Chair of the Health Care Commission or the Chair's designee, three members of the public to be appointed and to serve at the pleasure of the Governor, one member of the public appointed by the President Pro Tem of the Senate to serve at the pleasure of the President Pro Tem of the Senate and one member of the public appointed by the Speaker of the House of Representatives to serve at the

42 pleasure of the Speaker of the House of Representatives. The Secretary of the
43 Department of Health and Social Services shall serve as the Chairperson of the
44 Committee. Each year, the Committee will make recommendations, consistent with the
45 purposes outlined in subsection (c), to the Governor and the General Assembly by
46 November 15th for appropriating monies expected to be received in the next fiscal year.
47 The Committee shall, in the process of developing these recommendations, seek input
48 from the public and private agencies concerned with the intended purposes of the
49 Delaware Health Fund as described in subsection (c) of this section and conduct a public
50 hearings as necessary to provide an opportunity for public comment.
51 (h) The Secretary of the Department of Health and Social Services shall
52 report to the Governor and the General Assembly on the second Tuesday of every
53 January concerning expenditures under the Delaware Health Fund for the previous fiscal
54 year and to what extent those expenditures accomplished their intended purpose.”

SYNOPSIS

This bill creates the Delaware Health Fund which will target monies received by Delaware under the national tobacco settlement agreement for the purposes of expanding access to health care, promoting healthy lifestyles and mitigating the effects of disease. Under this legislation, the Delaware Health Fund Advisory Committee is established to provide recommendations to the Governor and the General Assembly for expending monies under this fund.

Author: Sen. Blevins