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Colorado Department  
of Public Health  
and Environment

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**State Board of Health**

**6 CCR 1014-2**

**TOBACCO SETTLEMENT MONITORING AND REPORTING RULES**

**Adopted 8/15/01, effective 9/30/01  
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# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## State Board of Health

### 6 CCR 1014-2

#### TOBACCO SETTLEMENT MONITORING AND REPORTING RULES

##### 1.1 Definitions.

- (1) “Board” means the State Board of Health.
- (2) “Conflict of interest” means a personal or financial interest that could reasonably be perceived as an interest that may influence an individual in his or her official duties.
- (3) “Department” means the Department of Public Health and Environment.
- (4) “Financial Interest” means a substantial interest held by an individual which is an ownership or vested interest, or employment or prospective employment for which negotiations have begun, or a directorship or officership in a tobacco settlement program.
- (5) “Master settlement agreement” means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett Group Inc.; Lorillard Tobacco Company; Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research–U.S.A., Inc.; and Tobacco Institute, Inc., Case No. 97 CV 3432, in the District Court for the City and County of Denver.
- (6) “Settlement moneys” means the moneys received pursuant to the master settlement agreement, other than attorney fees and costs.
- (7) “Tobacco settlement program” means any program that receives appropriations from moneys received by the state pursuant to the master settlement agreement.

##### 1.2 Conflicts of Interest.

- (1) **Applicability.** This section applies to:
  - (a) Any person involved in making recommendations to the board regarding the continued funding of a tobacco settlement program; or
  - (b) Members of the board.
- (2) **Prohibited Behavior.** Except as provided in §25-31-105, C.R.S., no person who is involved in evaluating tobacco settlement programs shall have a conflict of interest. Such conflict of interest includes, but is not limited to, any conflict of interest involving the person and the recipient of any tobacco settlement program moneys or the person and the tobacco industry.

- (3) **Responsibilities of Persons with a Potential Conflict of Interest.** A person who believes that he or she may have a conflict of interest shall disclose such conflict of interest as soon as he or she becomes aware of the conflict of interest. If the person is a member of the board and acting in the capacity of a board member, the person shall publicly disclose the conflict of interest to the board; other persons shall disclose the conflict of interest in writing to the board. If the board determines the existence of a conflict of interest, the person shall not participate in any reviews or evaluations that may be affected by the conflict.

### **1.3 Reporting Requirements for Tobacco Settlement Programs.**

- (1) Each tobacco settlement program shall annually submit to the department a report, which at a minimum, includes the following information:
- (a) The amount of tobacco settlement moneys received by the program for the preceding fiscal year;
  - (b) A description of the program, including the program goals, population served by the program, the actual number of people served, and the services provided;
  - (c) An evaluation of the operation of the program, which includes the effectiveness of the program in achieving its stated goals; and
  - (d) The costs incurred by each program that receives settlement moneys including, but not limited to, the amount and justification of administrative costs incurred by the agencies that implement the program.
- (2) In addition to the requirements in §1.3(1), the annual report submitted by the Department of Human Services, Division of Veterans Affairs, shall be submitted to the department no later than November 1, 2001 and November 1 for each year thereafter and shall include the following information:
- (a) The number and type of improvements or additions to nursing homes that have been made;
  - (b) The number and type of improvements to veterans' cemeteries;
  - (c) The number of veterans served through the veterans outreach program; and
  - (d) The results achieved as a result of allocations made out of the trust fund.
- (3) In addition to the requirements in §1.3(1), the annual report submitted by Comprehensive Primary and Preventive Care Grant Program, Department of Health Care Policy and Financing, shall be submitted to the department no later than November 1, 2001 and November 1 for each year thereafter and shall include the following information:
- (a) The number of additional uninsured and medically indigent patients that are cared for; and
  - (b) The types of services that are provided.
- (4) In addition to the requirements in §1.3(1), the annual report submitted by the health sciences facility pursuant to §25-31-108, C.R.S. shall be submitted to the

department no later than October 1, 2001 and October 1 for each year thereafter and shall include the following information:

- (a) An evaluation of the implementation of the nurse home visitor program and the results achieved;
- (b) Any changes in:
  - (i) training requirements;
  - (ii) protocols;
  - (iii) management information systems; or
  - (iv) evaluation criteria.
- (5) The Read-to-Achieve Grant Program created pursuant to §22-7-506, C.R.S. shall submit an annual report that meets the requirements of §1.3(1) and the report shall be submitted to the department no later than November 1, 2001 and November 1 for each year thereafter.
- (6) The Department of Health Care Policy and Financing shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the Child Basic Health Plan and the report shall be submitted to the department no later than November 1, 2001 and November 1 for each year thereafter.
- (7) The Department Of Health Care Policy And Financing shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the children's autism program and the report shall be submitted to the department no later than November 1, 2005 And November 1 for each year thereafter.
- (8) The State Dental Loan Repayment program at the Department of Public Health and Environment shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the program and the report shall be submitted to the department no later than November 1, 2005 and November 1 for each year thereafter.
- (9) The Ryan White program at the Department of Public Health and Environment shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the program and the report shall be submitted to the department no later than November 1, 2005 and November 1 for each year thereafter.
- (10) The Tony Grampsas Youth Services program at the Department of Public Health And Environment shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the program and the report shall be submitted to the department no later than November 1, 2005 and November 1 for each year thereafter.
- (11) The Department of Human Services shall submit an annual report that meets the requirements of §1.3(1) concerning tobacco settlement moneys received by the children's mental health treatment program and the report shall be submitted to the department no later than November 1, 2005 and November 1 for each year thereafter.
- (12) Each report submitted shall be accompanied by an executive summary not to

exceed 2 pages. In addition, each report shall be submitted electronically for placement on department's Internet web site.