

SB 421 and the politics of public health in Nevada

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Nothing epitomizes the State of Nevada's contempt for public health any better than the way tobacco settlement dollars have been used by state lawmakers over the past decade. A bill currently being weighed by the legislature adds further insult to injury by eliminating the use of settlement funds earmarked for public health programs and tobacco control.

In 1998, the Tobacco Master Settlement Agreement was negotiated between 46 states and the largest tobacco companies, who agreed to make annual payments to states in perpetuity as reimbursement for the toll of tobacco on the public's health. The primary aim of the agreement was for Nevada and other states to recover tobacco-associated health care costs to state governments and to fund public health programs historically shortchanged by state spending on tobacco-related diseases and disability.

Initially, Nevada honored both the spirit and intent of the agreement by using settlement dollars for statewide and local tobacco control and cessation programs. Nevada lawmakers also created the Trust Fund for Public Health – an innovative use of settlement funds that directs interest and income on settlement dollars into a public trust to fund a wide range of historically starved public health promotion programs, disease prevention services, and public health research in Nevada.

Over the past two biennia, however, state lawmakers have diverted nearly \$60 million in settlement funds from tobacco control and other public health activities, including complete sweeps of accumulated principal and interest in the Trust Fund for Public Health, to the general fund to plug ever-widening budget holes.

Senate Bill 421 takes these assaults on public health one step further. First, it revises provisions relating to use of settlement dollars by simply eliminating the Trust Fund for Public Health.

SB 421 also removes statute mandating that a portion of annual settlement payments go to evidence-based best practices and programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco, including statewide programs for tobacco cessation services such as the Tobacco Free Babies Project and the Nevada Tobacco Users' Helpline, and county efforts to curb tobacco initiation and use.

Finally, if passed, SB 421 would increase the allocation of tobacco settlement monies into other areas of the Fund for a Healthy Nevada. This change would give the Department of Health and

Human Services broad latitude to use settlement funds on prescription drugs and services for seniors, programs that improve child health services, and disability services – equally worthy programs and services that should receive greater support from the general fund, rather than raiding the Trust Fund for Public Health and dollars earmarked for tobacco control.

One indicator of a state's commitment to public health is its willingness to put its money where its mouth is. On this score, Nevada ranks dead last among US states on most measures of per capita spending on public health activities, such as immunization clinics, environmental health services, and public health preparedness. Consequently, Nevada ranks poorly on most population health indicators and is ill-prepared to deal with new and emerging threats to the public's health.

In the case of tobacco control, one of our state's dirty little secrets is that there would be no tobacco prevention programs emanating from Carson City right now were it not for one-shot stimulus spending by Congress or federal funding from agencies like the Centers for Disease Control and Prevention. Simply put, with the passage of SB 421, the state would no longer be required to spend another penny of settlement dollars on tobacco prevention and control.

Public health advocates in Nevada have few friends in the state legislature and certainly no friend in a Governor who appears willing to sacrifice public health and tobacco control efforts on the sacred altar of no new taxes. If signed into law, SB 421 will signal our state's complete abandonment of its commitment to the original master settlement agreement and a missed opportunity to reverse the horrendous toll tobacco continues to take on the public's health and wallet.

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