

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING

July 23, 2019  
10:00 a.m. Central Time  
Nebraska State Office Building – Lower Level B  
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on the proposed REPEAL of Title 402, Chapters 2 and 3 of the Nebraska Administrative Code (NAC) – *Grants from the Nebraska Health Care Cash Fund and Teen Tobacco Education and Prevention Project*. The regulations are proposed for REPEAL in their entirety as the statute that authorized these grants was repealed in 2008 and these regulations are no longer necessary.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or [dhhs.regulations@nebraska.gov](mailto:dhhs.regulations@nebraska.gov), respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

## FISCAL IMPACT STATEMENT

Agency: <b>Department of Health and Human Services</b>	
Title: 402	Prepared by: Sue Medinger
Chapter:3	Date prepared: 2/14/19
Subject: Nebraska Health Care Funding Act – Teen Tobacco Education & Prevention Act	Telephone: 402-471-0191

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Increased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Increased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Indeterminable	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )

Provide an Estimated Cost & Description of Impact:

State Agency: none

Political Subdivision: none

Regulated Public: none

If indeterminable, explain why:

TITLE 402

NEBRASKA HEALTH CARE FUNDING ACT

CHAPTER 3

(Repealed)

TITLE 402 — NEBRASKA HEALTH CARE FUNDING ACT

CHAPTER 3 — TEEN TOBACCO EDUCATION AND PREVENTION PROJECT

~~3-001 Scope and Authority:~~ These regulations govern awards made from the Teen Tobacco Education and Prevention Project, authorized by the Nebraska Health Care Funding Act, Neb. Rev. Stat. Sections 71-7605 to 71-7614. The regulations implement Neb. Rev. Stat. Section 71-7614 by establishing the application process for project proposals, criteria for reviewing the proposals, and other procedures necessary for the proper administration of these awards.

~~3-002 Definitions:~~

~~Committee means the Teen Tobacco Education and Prevention Project Committee created under Neb. Rev. Stat. Section 71-7614. The committee is appointed by the Governor and consists of no more than fifteen members.~~

~~Department means the Nebraska Department of Health and Human Services.~~

~~3-003 Purpose:~~ The purpose of the Teen Tobacco Education and Prevention Project is to provide scholarships for high school students who design creative project proposals to prevent, reduce, and stop teen tobacco use, and to provide award money for the sponsors of such proposals. The intent of the project is to encourage high school students to develop unique, effective anti-tobacco projects that are responsive to the population.

~~3-004 Eligibility:~~ High school students who reside or attend school in Nebraska are eligible to submit project proposals to the committee. Each project proposal must be designed and developed by no more than four high school students. Proposals may include programs, advertisement campaigns, small group projects, conferences, seminars, billboards, pamphlets, productions, television or radio advertisements, promotional ideas, or any other innovative concept designed to prevent, reduce, or stop teen tobacco use. Preference will be given to proposals that emphasize interactive strategies within the target community or area.

~~3-005 Funding Available:~~ Funding is available from the Nebraska Tobacco Settlement Trust Fund, as provided in Neb. Rev. Stat. Section 71-7608. LB1436A, Laws 2000, provided that \$520,000 be provided each fiscal year for the implementation of the Teen Tobacco Education and Prevention Project.

~~3-006 Application Process:~~ The Department will establish an application period for each grant cycle, with an application deadline of December 1. Procedural details for the application process will be specified in the application packet for each grant cycle. The Department will provide at least one application to each high school in the state.

3-007 Selection Process and Criteria:

~~3-007.01~~ By March 1 of each year, the Teen Tobacco Education and Prevention Project Committee shall select four winning project proposals from among those submitted, as follows:

- ~~1. One from a school with an enrollment of less than 125 students in grades 9 through 12;~~
- ~~2. One from a school with an enrollment of less than 320 but at least 125 students in grades 9 through 12;~~
- ~~3. One from a school with an enrollment of less than 1,050 but at least 320 students in grades 9 through 12; and~~
- ~~4. One from a school with an enrollment of 1,050 or more students in grades 9 through 12.~~

~~3-007.02~~ The committee shall select winning project proposals according to 402 NAC 3-007.01 and the following criteria. Each proposal must:

- ~~1. Be designed and developed by no more than four high school \_\_\_\_\_ students;~~
- ~~2. Describe how the designers will oversee the implementation of the project;~~
- ~~3. Have a budget that does not exceed \$100,000;~~
- ~~4. Identify a single individual as the project's sponsor;~~
- ~~5. Identify the major goals of the project;~~
- ~~6. Describe the strategy for meeting the project's goals;~~
- ~~7. Include strategies for addressing the needs of demographically diverse populations in the target area;~~
- ~~8. Describe a plan, including timelines, for carrying out the strategy;~~
- ~~9. Describe the target area or population;~~
- ~~10. Explain why the proposal is the most appropriate for the target area and/or population;~~
- ~~11. Describe collaborative efforts with local tobacco prevention programs and coalitions; and~~
- ~~12. Include a component describing how it will be determined if the project achieved what it intended.~~

3-008 Awards

~~3-008.01~~ The committee shall award each designer of the winning project proposals a \$5,000 scholarship. The Department shall notify the Commission on Postsecondary Education of the identity of the designers of the winning project proposals. As provided by Neb. Rev. Stat. Section 71-7614, the Commission is responsible for oversight and administration of the scholarships.

~~3-008.02~~ The committee shall award the sponsor of each winning project proposal \$5,000. The Department shall oversee and administer the sponsorship awards provided in this section.