HOUSE DOCKET, NO. 1543 FILED ON: 1/17/2013

HOUSE . . . . . No. 2590

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to direct tobacco tax revenues to reduce tobacco use and its harms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Danielle W. Gregoire	*4th Middlesex*

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HOUSE . . . . . No. 2590

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 2590) of Danielle W. Gregoire that tobacco tax revenues be used to reduce tobacco use. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2766* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to direct tobacco tax revenues to reduce tobacco use and its harms.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by adding the following section:-

Section 2XX. (a) There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Tobacco Use Reduction and Prevention Fund. There shall be credited to said Fund all sums received pursuant to the excise imposed on tobacco products by sections 6, 7A, 7B and 7C of chapter 64C, excluding excise credited pursuant to section 2 of Chapter 168 of the Acts of 2008, together with any penalties, forfeitures, interest, costs of suits and fines in connection therewith, less all amounts refunded or abated in connection therewith. There shall additionally be credited to the said Fund all sums received, in any year after 2008, pursuant to the Master Settlement Agreements or Consent Decrees concerning tobacco product manufacturers, together with any penalties, forfeitures, interests, costs of suits, fines and all other proceeds in connection therewith, less all amounts refunded or abated in connection therewith. On an annual basis, not less than three percent of all amounts credited to the fund shall be held in trust and used solely for the purposes of preventing and reducing tobacco use and shall be available for expenditure by the Commissioner of the Department of Public Health. These funds shall not be used to replace existing funding allocated to state tobacco prevention efforts but solely to increase the total amount of expenditures to prevent and reduce tobacco use and its harms.

(b) The funds directed to the Department of Public Health pursuant to paragraph (a) shall be allocated by the Commissioner consistent with tobacco reduction and prevention programmatic recommendations of the Centers for Disease Control and Prevention and as determined by the Commissioner, in consultation with the oversight committee created pursuant to paragraph (c), to be effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke, and identify and eliminate disparities related to tobacco use and its effects among different population groups.

(c) Within 90 days after this section goes into effect, an oversight committee of nine members shall be established to assist the Commissioner in developing, implementing, and maintaining a strategic plan for allocating the funds directed to the Department, pursuant to paragraph (a), in monitoring and evaluating the use of the funds and all other state expenditures to prevent and reduce tobacco use and its harms, and in assessing the efficacy of all such expenditures to prevent and reduce tobacco use and its harms. Three members of the oversight committee shall be appointed by the Governor, three by the majority leader of the Senate, and three by the majority leader of the House of Representatives. The members of the oversight committee shall be persons with experience and expertise regarding public health, tobacco reduction and prevention policies and programs, public education and counter-marketing, and program oversight and evaluation. No member of the oversight committee shall, during the member's tenure on the committee and for three years before joining the committee, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products or serve as a director, employee, or consultant of any organization that receives grants or contributions from any such business or that provides legal, lobbying, public relations, marketing, or advertising services to any such business. Each member of the oversight committee shall also agree not to enter into any such financial or business relationships with the tobacco industry for a period of two years after that member's tenure on the oversight committee ends. The oversight committee shall annually provide a publicly available report on tobacco use and its related harms, including but not limited to those appropriated pursuant to paragraph (a), the effectiveness of such funding allocations, and related surveillance and evaluation findings to the governor and the legislature.

(d) The Department of Public Health shall have the authority to promulgate reasonable rules to implement this section.