

**HOUSE . . . . . No. 2593**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jonathan Hecht***

*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 reduce youth tobacco consumption.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/18/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/18/2013</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/18/2013</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/18/2013</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>1/31/2013</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/18/2013</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/30/2013</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/18/2013</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/18/2013</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/18/2013</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/18/2013</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/18/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/18/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/18/2013</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/18/2013</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/18/2013</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>1/18/2013</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/18/2013</i>

<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/18/2013</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/18/2013</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/18/2013</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>1/18/2013</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>1/18/2013</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	<i>1/18/2013</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/18/2013</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/18/2013</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/18/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/18/2013</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/18/2013</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>1/18/2013</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/18/2013</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/18/2013</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/18/2013</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/18/2013</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/18/2013</i>

**HOUSE . . . . . No. 2593**

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 2593) of Jonathan Hecht and others for legislation to increase the tobacco excise tax, supplement the Prevention and Wellness Trust Fund and reduce youth tobacco consumption. Revenue.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to reduce youth tobacco consumption.

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

1 Section 1. The second paragraph of section 1 of chapter 64C of the General Laws, as  
2 appearing in the 2010 Official Edition, is hereby amended by striking out the words “snuff, snuff  
3 flour and any other tobacco or tobacco product prepared in such manner as to be suitable for  
4 chewing, including, but not limited to cavendish, plug, twist and fine-cut tobaccos” and inserting  
5 in place thereof the following words:– “any product containing, made, or derived from tobacco  
6 that is intended for human consumption, whether chewed, absorbed, dissolved, inhaled, snorted,  
7 sniffed, or ingested by any other means other than smoking, or any component, part, or accessory  
8 of a tobacco product, including, but not limited to, snuff; snuff flour; cavendish; plug and twist  
9 tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and  
10 sweepings of tobacco, and other kinds and forms of tobacco; but does not include cigars,  
11 cigarettes, or smoking tobacco as defined in chapter 64C. ‘Smokeless tobacco’ excludes any  
12 tobacco product that has been approved by the United States Food and Drug Administration for  
13 sale as a tobacco cessation product, as a tobacco dependence product, or for other medical  
14 purposes, and is being marketed and sold solely for such an approved purpose.”

15 Section 2. The definition of “smoking tobacco” in subsection (a) of section 7B of chapter  
16 64C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by  
17 striking the words “roll-your-own tobacco and pipe tobacco and other kinds and forms of  
18 tobacco suitable for smoking” and inserting in place thereof the following words:– “roll-your-  
19 own tobacco and pipe tobacco and other kinds and forms of tobacco, or substance that contains  
20 tobacco, suitable for smoking, and ‘smoking tobacco’ shall additionally include tobacco leaf,  
21 tobacco sheet, or any substance containing tobacco which is suitable for rolling or wrapping  
22 tobacco or any other substance for smoking”.

23

24 Section 3. Said section 7B of said chapter 64C of the General Laws is hereby further  
25 amended by adding the following subsection:-

26 (m) In addition to the excise imposed by subsection (b), an excise shall be imposed on all  
27 cigars weighing more than 3 pounds per 1,000 units and not more than 12 pounds per 1,000 units  
28 held in the commonwealth at the rate of 80 per cent of the wholesale price of such product. In  
29 addition to the excise imposed by paragraph (b), an excise shall be imposed on all smoking  
30 tobacco held in the commonwealth at the rate of 90 per cent of the wholesale price of such  
31 product.

32 Section 4. The final sentence of subsection (a) of section 7C of chapter 64C of the  
33 General Laws is hereby amended by striking out the words “twenty-five per cent” and inserting  
34 in place thereof the following words:- “45 per cent”.

35 Section 5. Section 7C of chapter 64C of the General Laws is hereby further amended by  
36 adding the following subsection:-

37 (d) Any change, henceforth, to the state excise tax rate for cigarettes shall cause a  
38 commensurate adjustment in the state excise tax for all other tobacco products under chapter  
39 64C. For purposes of this subsection (d), the term “commensurate adjustment” shall be  
40 determined by dividing the change in the state cigarette excise tax by the total cigarette excise  
41 tax prior to that change, and the resulting percentage change shall be applied to calculate the  
42 commensurate adjustment to the state excise taxes for cigars, smokeless tobacco and smoking  
43 tobacco. There shall be no negative commensurate adjustments, and the said rate for each  
44 tobacco product each shall be adjusted independently of the other such product categories under  
45 chapter 64C. The change in cigarette excise tax and commensurate adjustments shall have the  
46 same effective date.

47 Section 6. (a) Notwithstanding any general or special law to the contrary, all additional  
48 revenue resulting from the enactment of sections 1, 2, 3, 4 and 5 of this Act, as estimated by the  
49 commissioner of revenue, shall be deposited in the Prevention and Wellness Trust Fund  
50 established pursuant to section 2G of chapter 111 of the General Laws, as amended by chapter  
51 224 of the Acts of 2012.

52 (b) The funds directed to the Prevention and Wellness Trust Fund pursuant to paragraph  
53 (a) shall be allocated for programs and activities consistent with recommendations of the Centers  
54 for Disease Control and Prevention for preventing and reducing tobacco consumption, including  
55 but not limited to engaging youth in educating their communities and exposing tobacco industry  
56 tactics; monitoring the retail environment for compliance with local and state laws and to  
57 document tobacco industry advertising and pricing strategies; promoting smoking cessation  
58 resources including those offered through MassHealth's smoking cessation benefit; providing

59 training and technical assistance to healthcare providers to ensure that smokers have  
60 opportunities to receive brief interventions and medicines and are referred to behavioral  
61 counseling; enforcing the Commonwealth's smoke-free workplace law; ensuring children and  
62 other vulnerable people are not exposed to secondhand smoke; and conducting interventions to  
63 reduce smoking among high risk populations including veterans, pregnant/parenting women,  
64 people with disabilities, people with mental illness, people in recovery from addiction and low-  
65 income smokers.