HOUSE DOCKET, NO. 2701 FILED ON: 1/18/2013

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 passage of the accompanying:

An Act to reduce youth tobacco consumption.

PETITION OF:

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

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

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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

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:

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

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

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.