SENATE DOCKET, NO. 405 FILED ON: 1/19/2011

# SENATE . . . . . No. 1075

## The Commonwealth of Massachusetts

PRESENTED BY:

***Harriette L. Chandler***

*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 direct tobacco tax revenues to reduce tobacco use and its harms.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Harriette L. Chandler* | |
| | ☐ *[District]* |
| | ☐ |

SENATE DOCKET, NO. 405 FILED ON: 1/19/2011

# SENATE . . . . . No. 1075

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1075) of Harriette L. Chandler for legislation to direct tobacco tax revenues to reduce tobacco use and its harms. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *802* OF 2009-2010.]

## The Commonwealth of Massachusetts

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.

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

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

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