

**SENATE . . . . . No. 802**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Harriette L. Chandler**

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*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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	First Worcester
Patricia D. Jehlen	Second Middlesex
Elizabeth A. Malia	11th Suffolk
Ruth B. Balser	12th Middlesex
Steven J. D'Amico	4th Bristol
John W. Scibak	2nd Hampshire
Susan C. Fargo	Third Middlesex
Kay Khan	11th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Bruce E. Tarr	First Essex and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:*

1           SECTION 1. Chapter 29 of the General Laws is hereby amended by adding the  
2 following section:-  
3 Section 2XX. (a) There shall be established and set up on the books of the Commonwealth a  
4 separate fund to be known as the Tobacco Use Reduction and Prevention Fund. There shall be  
5 credited to said Fund all sums received pursuant to the excise imposed on tobacco products by  
6 sections 6, 7A, 7B and 7C of chapter 64C, excluding excise credited pursuant to section 2 of  
7 Chapter 168 of the Acts of 2008, together with any penalties, forfeitures, interest, costs of suits  
8 and fines in connection therewith, less all amounts refunded or abated in connection therewith.  
9 There shall additionally be credited to the said Fund all sums received, in any year after 2008,  
10 pursuant to the Master Settlement Agreements or Consent Decrees concerning tobacco product  
11 manufacturers, together with any penalties, forfeitures, interests, costs of suits, fines and all other  
12 proceeds in connection therewith, less all amounts refunded or abated in connection therewith.  
13 On an annual basis, not less than three percent of all amounts credited to the fund shall be held in  
14 trust and used solely for the purposes of preventing and reducing tobacco use and shall be

15 available for expenditure by the Commissioner of the Department of Public Health. These funds  
16 shall not be used to replace existing funding allocated to state tobacco prevention efforts but  
17 solely to increase the total amount of expenditures to prevent and reduce tobacco use and its  
18 harms.

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

26 (c) Within 90 days after this section goes into effect, an oversight committee of nine members  
27 shall be established to assist the Commissioner in developing, implementing, and maintaining a  
28 strategic plan for allocating the funds directed to the Department, pursuant to paragraph (a), in  
29 monitoring and evaluating the use of the funds and all other state expenditures to prevent and  
30 reduce tobacco use and its harms, and in assessing the efficacy of all such expenditures to  
31 prevent and reduce tobacco use and its harms. Three members of the oversight committee shall  
32 be appointed by the Governor, three by the majority leader of the Senate, and three by the  
33 majority leader of the House of Representatives. The members of the oversight committee shall  
34 be persons with experience and expertise regarding public health, tobacco reduction and  
35 prevention policies and programs, public education and counter-marketing, and program  
36 oversight and evaluation. No member of the oversight committee shall, during the member's  
37 tenure on the committee and for three years before joining the committee, receive any salary,

38 grants, or other payments or support from any business that manufactures, distributes, markets,  
39 or sells cigarettes or other tobacco products or serve as a director, employee, or consultant of any  
40 organization that receives grants or contributions from any such business or that provides legal,  
41 lobbying, public relations, marketing, or advertising services to any such business. Each member  
42 of the oversight committee shall also agree not to enter into any such financial or business  
43 relationships with the tobacco industry for a period of two years after that member's tenure on  
44 the oversight committee ends. The oversight committee shall annually provide a publicly  
45 available report on tobacco use and its related harms, including but not limited to those  
46 appropriated pursuant to paragraph (a), the effectiveness of such funding allocations, and related  
47 surveillance and evaluation findings to the governor and the legislature.

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