
By: **Delegates Swain, Howard, Benson, Brown, Hill, and Patterson**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Restitution Fund - Maryland Center at Bowie State University -**
3 **Project 2010**

4 FOR the purpose of amending the purposes of the Cigarette Restitution Fund to
5 require the funding of certain addiction, smoking prevention and cessation, and
6 substance abuse-related programs created or administered by the Maryland
7 Center at Bowie State University through Project 2010.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 7-317
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Finance and Procurement**

16 7-317.

17 (a) There is a Cigarette Restitution Fund.

18 (b) (1) The Fund is a continuing, nonlapsing fund that is not subject to §
19 7-302 of this subtitle.

20 (2) There shall be credited to the Fund all revenues consisting of funds
21 received by the State from any source resulting, directly or indirectly, from any
22 judgment against or settlement with tobacco product manufacturers, tobacco research
23 associations, or any other person in the tobacco industry relating to litigation,
24 administrative proceedings, or any other claims made or prosecuted by the State to
25 recover damages for violations of State law.

26 (c) The Treasurer shall:

1 (1) invest and reinvest the Fund in the same manner as other State
2 funds; and

3 (2) credit any investment earnings to the Fund.

4 (d) Expenditures from the Fund shall be made by an appropriation in the
5 annual State budget.

6 (e) (1) The Fund shall be expended subject to any restrictions on its use or
7 other limitations on its allocation that are:

8 (i) expressly provided by statute;

9 (ii) required as a condition of the acceptance of funds; or

10 (iii) determined to be necessary to avoid recoupment by the federal
11 government of money paid to the Fund.

12 (2) Disbursements from the Fund to programs funded by the State or
13 with federal funds administered by the State shall be used solely to supplement, and
14 not to supplant, funds otherwise available for the programs under federal or State law
15 as provided in this section.

16 (f) (1) Expenditures from the Cigarette Restitution Fund shall be made for
17 the following purposes:

18 (i) reduction of the use of tobacco products by minors;

19 (ii) implementation of the Southern Maryland Regional
20 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern
21 Maryland with an emphasis on alternative crop uses for agricultural land now used
22 for growing tobacco;

23 (iii) public and school education campaigns to decrease tobacco use
24 with initial emphasis on areas targeted by tobacco manufacturers in marketing and
25 promoting cigarette and tobacco products;

26 (iv) smoking cessation programs;

27 (v) enforcement of the laws regarding tobacco sales;

28 (vi) the purposes of the Maryland Health Care Foundation under
29 Title 20, Subtitle 5 of the Health - General Article;

30 (vii) primary health care in rural areas of the State and areas
31 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
32 products;

33 (viii) prevention, treatment, and research concerning cancer, heart
34 disease, lung disease, tobacco product use, and tobacco control, including operating
35 costs and related capital projects;

1 (ix) substance abuse treatment and prevention programs; [and]

2 (X) FUNDING PROVIDED TO THE MARYLAND CENTER AT BOWIE
3 STATE UNIVERSITY'S PROJECT 2010 PROGRAM TO:

4 1. CREATE OR ADMINISTER COMMUNITY-BASED, EARLY
5 INTERVENTION PROGRAMMING TO PREVENT NICOTINE AND OTHER SUBSTANCE
6 ADDICTIONS AND ADDRESS SUBSTANCE ABUSE-RELATED PROBLEMS, INCLUDING:

7 A. THE SPREAD OF HUMAN IMMUNODEFICIENCY VIRUS AND
8 AIDS;

9 B. THE SCHOOL DROPOUT RATE;

10 C. SCHOOL AND DOMESTIC VIOLENCE; AND

11 D. LOW-WEIGHT BIRTHS; AND

12 2. PROVIDE INFRASTRUCTURE, SUPPORT, AND TECHNICAL
13 ASSISTANCE TO SMOKING PREVENTION AND CESSATION PROGRAMS COSPONSORED
14 BY THE PRINCE GEORGE'S COUNTY TOBACCO CONTROL COORDINATION COUNCIL;
15 AND

16 [(x)] (XI) any other public purpose.

17 (2) The provisions of this subsection may not be construed to affect the
18 Governor's powers with respect to a request for an appropriation in the annual budget
19 bill.

20 (g) (1) Amounts may only be expended from the Fund through
21 appropriations in the State budget bill as provided in this subsection.

22 (2) The Governor shall include in the annual budget bill appropriations
23 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated
24 to be available to the Fund in the fiscal year for which the appropriations are made.

25 (3) For each fiscal year for which appropriations are made, at least 50%
26 of the appropriations shall be made for those purposes enumerated in subsection
27 (f)(1)(i) through (ix) of this section subject to the requirement of subsection (e)(2) of
28 this section.

29 (4) Any additional appropriations, not subject to paragraph (3) of this
30 subsection, may be made for any lawful purpose.

31 (h) For each program, project or activity receiving funds appropriated under
32 subsection (g)(3) of this section, the Governor shall:

33 (1) develop appropriate statements of vision, mission, key goals, key
34 objectives, and key performance indicators and report these statements in a discrete
35 part of the State budget submission, which shall also provide data for key
36 performance indicators; and

1 (2) report annually, subject to § 2-1246 of the State Government Article,
2 to the General Assembly no later than October 1 on:

3 (i) total funds expended, by program and subdivision, in the prior
4 fiscal year from the Fund established under this section; and

5 (ii) the specific outcomes or public benefits resulting from that
6 expenditure.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2000.