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§13–1002.

(a) There is a Tobacco Use Prevention and Cessation Program in the Department.

(b) The purpose of the Program is to coordinate the State's use of the Cigarette Restitution Fund to address issues relating to tobacco use prevention and cessation so as to create a lasting legacy of public health initiatives that result in a reduction of tobacco use in the State and otherwise benefit the health and welfare of the State's residents.

(c) The Program consists of:

(1) A Surveillance and Evaluation Component;

(2) A Statewide Public Health Component;

(3) A Counter–Marketing and Media Component;

(4) A Local Public Health Component; and

(5) An Administrative Component.

(d) (1) The Program shall be funded as provided in the State budget with money from the Cigarette Restitution Fund.

(2) The Legislative Auditor is authorized to audit the appropriations and expenditures made for the purpose of implementing the Program, including the use of any funds received by a person under any component of this Program.

(e) (1) The annual budget bill shall specify the amount of funding that is allocated to each component of the Program.

(2) Except as provided in paragraph (3) of this subsection, money that is allocated to a component of the Program in the State budget:

(i) May only be expended for the purpose for which it is appropriated; and

(ii) May not be transferred to any other component of the Program, any other program in the Department, or any other unit of State government.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may transfer a maximum of 10% of the total amount of money that is allocated to the Program in the State budget among components of the Program if the

transfer is specifically authorized in the annual budget bill as enacted.

(ii) The Department may not transfer money to the Administrative Component from any other component of the Program.

(iii) If the Department transfers any money among the components of the Program as authorized under subparagraph (i) of this paragraph, the Department shall report the transfer to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee within 60 days of the transfer.

(iv) The Department may transfer money that is allocated to a component of the Program in the State budget to another program in the Department, or another unit of State government if the transfer is specifically authorized by:

1. A provision of this subtitle; or

2. A provision of the annual budget bill as enacted that relates specifically to the transfer of funds from that component.

(f) (1) Money that is allocated to a component of the Program in the State budget that remains unspent and unobligated at the end of the applicable fiscal year shall revert to the Cigarette Restitution Fund.

(2) Money that reverts to the Cigarette Restitution Fund under paragraph (1) of this subsection shall be used to fund the Program in the fiscal year to which the next annual budget bill relates.

(3) The Governor shall include in the next annual budget bill an appropriation for the Program that is at least equal to the amount of money that reverted to the Cigarette Restitution Fund under paragraph (1) of this subsection.

(g) No later than January 15 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee:

(1) The amount of money that was allocated to each component of the Program during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year; and

(2) The amount of money that was distributed to a county as a Local Public Health Tobacco Grant during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year.

(h) The Department shall adopt regulations that establish the criteria that the Department will use to determine whether, for the purpose of qualifying as an uninsured individual under § 13–1001(v) of this subtitle, an individual has the financial means to pay for appropriate treatment.

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