

SENATE BILL 858

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2000 Regular Session  
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By: **Senators McFadden, Hughes, Blount, Mitchell, Conway, and Kelley**  
Introduced and read first time: February 23, 2000  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Restitution Fund - Associated Black Charities**

3 FOR the purpose of amending the purposes of the Cigarette Restitution Fund to  
4 require the funding of certain addiction, smoking prevention and cessation, and  
5 substance abuse-related programs created or administered by the Associated  
6 Black Charities.

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

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

14 **Article - State Finance and Procurement**

15 7-317.

16 (a) There is a Cigarette Restitution Fund.

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

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

25 (c) The Treasurer shall:

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

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

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

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

6 (i) expressly provided by statute;

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

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

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

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

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

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

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

24 (iv) smoking cessation programs;

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

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

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

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

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

1 (X) FUNDING PROVIDED TO THE ASSOCIATED BLACK CHARITIES  
2 TO:

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

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

8 B. THE SCHOOL DROPOUT RATE;

9 C. SCHOOL AND DOMESTIC VIOLENCE; AND

10 D. LOW-WEIGHT BIRTHS; AND

11 2. PROVIDE INFRASTRUCTURE, SUPPORT, AND TECHNICAL  
12 ASSISTANCE TO SMOKING PREVENTION AND CESSATION PROGRAMS; AND

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

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

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

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

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

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

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

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

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

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

3 (ii) the specific outcomes or public benefits resulting from that  
4 expenditure.

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