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By: **Delegates Cadden, D'Amato, Rosso, Rawlings, Conway, Dewberry,  
Sophocleus, Greenip, A. Jones, Owings, Taylor, Rosenberg, Boschert,  
and W. Baker**

Introduced and read first time: January 26, 2001  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Contraband Tobacco Products and Conveyances - Distribution of Sale**  
3 **Proceeds**

4 FOR the purpose of requiring the Comptroller to distribute revenue from sales of  
5 certain contraband tobacco products and conveyances to certain funds;  
6 establishing the Youth Tobacco Use Prevention and Cessation Fund; providing  
7 for the distribution of certain revenue to the Fund; providing for administration  
8 of the Fund by the State Superintendent of Schools; requiring the State  
9 Superintendent to take certain actions relating to the Fund; requiring the Fund  
10 to be expended for certain purposes; providing that disbursements from the  
11 Fund are to be used to supplement, and not to supplant, funds otherwise  
12 available for the programs for which the Fund is used; establishing the Cancer  
13 Prevention, Education, Screening, and Treatment Fund; providing for the  
14 distribution of certain revenue to the Fund; providing for administration of the  
15 Fund by the Secretary of Health and Mental Hygiene; requiring the Secretary to  
16 take certain actions relating to the Fund; requiring the Fund to be expended for  
17 certain purposes; providing that disbursements from the Fund are to be used to  
18 supplement, and not to supplant, funds otherwise available for the programs for  
19 which the Fund is used; defining certain terms; and generally relating to the  
20 distribution of revenue from sales of certain contraband tobacco products and  
21 conveyances.

22 BY adding to  
23 Article - Education  
24 Section 7-411.1  
25 Annotated Code of Maryland  
26 (1999 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article - Health - General  
29 Section 13-1102(a)  
30 Annotated Code of Maryland

1 (2000 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - Health - General

4 Section 13-1102(e)(1)

5 Annotated Code of Maryland

6 (2000 Replacement Volume)

7 BY adding to

8 Article - Health - General

9 Section 13-1120

10 Annotated Code of Maryland

11 (2000 Replacement Volume)

12 BY adding to

13 Article - Tax - General

14 Section 2-1604

15 Annotated Code of Maryland

16 (1997 Replacement Volume and 2000 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19

**Article - Education**

20 7-411.1.

21 (A) IN THIS SECTION, "FUND" MEANS THE YOUTH TOBACCO USE PREVENTION  
22 AND CESSATION FUND ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

23 (B) THERE IS A YOUTH TOBACCO USE PREVENTION AND CESSATION FUND.

24 (C) THE FUND SHALL CONSIST OF THE CONTRABAND TOBACCO PRODUCTS  
25 SALES REVENUE DISTRIBUTED TO THE FUND UNDER § 2-1604 OF THE TAX - GENERAL  
26 ARTICLE.

27 (D) THE STATE SUPERINTENDENT SHALL ADMINISTER THE FUND.

28 (E) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN THIS  
29 SECTION, AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND AND  
30 MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

31 (F) MONEYS EXPENDED FROM THE FUND FOR THE PURPOSES STATED IN THIS  
32 SECTION:

1 (1) ARE SUPPLEMENTAL AND ARE NOT INTENDED TO TAKE THE PLACE  
2 OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR THOSE PURPOSES;  
3 AND

4 (2) MAY NOT BE SUBSTITUTED FOR MONEYS APPROPRIATED FROM  
5 OTHER SOURCES FOR THESE PROGRAMS AND PURPOSES.

6 (G) THE STATE SUPERINTENDENT SHALL USE THE FUND TO DEVELOP AND  
7 IMPLEMENT A YOUTH TOBACCO USE PREVENTION AND CESSATION PROGRAM IN THE  
8 PUBLIC SCHOOLS.

9 **Article - Health - General**

10 13-1102.

11 (a) There is a Cancer Prevention, Education, Screening, and Treatment  
12 Program in the Department.

13 (e) (1) The Program shall be funded as provided in the State budget with  
14 money from the Cigarette Restitution Fund AND THE CANCER PREVENTION,  
15 EDUCATION, SCREENING, AND TREATMENT FUND ESTABLISHED UNDER § 13-1120 OF  
16 THIS SUBTITLE.

17 13-1120.

18 (A) IN THIS SECTION, "FUND" MEANS THE CANCER PREVENTION, EDUCATION,  
19 SCREENING, AND TREATMENT FUND ESTABLISHED UNDER SUBSECTION (B) OF THIS  
20 SECTION.

21 (B) THERE IS A CANCER PREVENTION, EDUCATION, SCREENING, AND  
22 TREATMENT FUND.

23 (C) THE FUND SHALL CONSIST OF THE CONTRABAND TOBACCO PRODUCTS  
24 SALES REVENUE DISTRIBUTED TO THE FUND UNDER § 2-1604 OF THE TAX - GENERAL  
25 ARTICLE.

26 (D) THE SECRETARY SHALL ADMINISTER THE FUND.

27 (E) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN THIS  
28 SUBTITLE, AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND AND  
29 MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

30 (F) MONEYS EXPENDED FROM THE FUND FOR THE PURPOSES STATED IN THIS  
31 SUBTITLE:

32 (1) ARE SUPPLEMENTAL AND ARE NOT INTENDED TO TAKE THE PLACE  
33 OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR THOSE PURPOSES;  
34 AND

