

SENATE BILL 736

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2002 Regular Session  
2lr2351  
CF 2lr2352

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By: **Senators Middleton and Dyson**  
Introduced and read first time: February 1, 2002  
Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Restitution Fund - Appropriations From Fund**

3 FOR the purpose of requiring, for each fiscal year for which appropriations are made  
4 from the Cigarette Restitution Fund, that an appropriation of at least a certain  
5 percentage of the funds estimated to be available to the Fund in the fiscal year  
6 be made for a certain purpose subject to a certain requirement; providing for a  
7 delayed effective date; and generally relating to appropriations from the  
8 Cigarette Restitution Fund.

9 BY repealing and reenacting, without amendments,  
10 Article - State Finance and Procurement  
11 Section 7-317(e)(2) and (f)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article - State Finance and Procurement  
16 Section 7-317(g)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume)

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

21 **Article - State Finance and Procurement**

22 7-317.

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

27 (f) (1) The Cigarette Restitution Fund shall be used to fund:

1 (i) the Tobacco Use Prevention and Cessation Program established  
2 under Title 13, Subtitle 10 of the Health - General Article;

3 (ii) the Cancer Prevention, Education, Screening, and Treatment  
4 Program established under Title 13, Subtitle 11 of the Health - General Article; and

5 (iii) other programs that serve the following purposes:

6 1. reduction of the use of tobacco products by minors;

7 2. implementation of the Southern Maryland Regional  
8 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern  
9 Maryland with an emphasis on alternative crop uses for agricultural land now used  
10 for growing tobacco;

11 3. public and school education campaigns to decrease tobacco  
12 use with initial emphasis on areas targeted by tobacco manufacturers in marketing  
13 and promoting cigarette and tobacco products;

14 4. smoking cessation programs;

15 5. enforcement of the laws regarding tobacco sales;

16 6. the purposes of the Maryland Health Care Foundation  
17 under Title 20, Subtitle 5 of the Health - General Article;

18 7. primary health care in rural areas of the State and areas  
19 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco  
20 products;

21 8. prevention, treatment, and research concerning cancer,  
22 heart disease, lung disease, tobacco product use, and tobacco control, including  
23 operating costs and related capital projects;

24 9. substance abuse treatment and prevention programs; and

25 10. any other public purpose.

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

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

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

34 (3) For each fiscal year for which appropriations are made, at least 50%  
35 of the appropriations shall be made for those purposes enumerated in subsection

1 (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of  
2 subsection (e)(2) of this section.

3 (4) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE,  
4 AN APPROPRIATION OF AT LEAST 5% OF THE FUNDS ESTIMATED TO BE AVAILABLE  
5 TO THE FUND IN THE FISCAL YEAR SHALL BE MADE FOR THE PURPOSE STATED IN  
6 SUBSECTION (F)(1)(III)2 OF THIS SECTION SUBJECT TO THE REQUIREMENT OF  
7 SUBSECTION (E)(2) OF THIS SECTION.

8 [(4)] (5) Any additional appropriations, not subject to [paragraph (3)]  
9 PARAGRAPHS (3) AND (4) of this subsection, may be made for any lawful purpose.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2003.