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By: **Delegates Rosenberg, Bromwell, Goldwater, Haynes, Hubbard, Branch,  
and Madaleno**

Introduced and read first time: January 28, 2004

Assigned to: Health and Government Operations and Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Restitution Fund - Required Appropriations**

3 FOR the purpose of providing that appropriations from the Cigarette Restitution  
4 Fund made for the purposes of the Maryland Medical Assistance Program may  
5 not be counted as appropriations satisfying a certain requirement that a certain  
6 percentage of the Cigarette Restitution Fund be appropriated for certain  
7 purposes; providing for the application of this Act; and generally relating to use  
8 of the Cigarette Restitution Fund.

9 BY repealing and reenacting, without amendments,  
10 Article - State Finance and Procurement  
11 Section 7-317(f)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - State Finance and Procurement  
16 Section 7-317(g)(3)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2003 Supplement)

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

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

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

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

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

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

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

12 4. smoking cessation programs;

13 5. enforcement of the laws regarding tobacco sales;

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

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

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

22 9. substance abuse treatment and prevention programs; and

23 10. any other public purpose.

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

27 (g) (3) (I) For each fiscal year for which appropriations are made, at least  
28 50% of the appropriations shall be made for those purposes enumerated in subsection  
29 (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of  
30 subsection (e)(2) of this section.

31 (II) APPROPRIATIONS MADE FOR THE PURPOSES OF THE  
32 MARYLAND MEDICAL ASSISTANCE PROGRAM MAY NOT BE COUNTED AS  
33 APPROPRIATIONS SATISFYING THE REQUIREMENT UNDER SUBPARAGRAPH (I) OF  
34 THIS PARAGRAPH.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 2004, and shall be applicable to all fiscal years beginning after June 30, 2004.

