

# SENATE, NO. 1218

## **AN ACT** TO DIRECT EXCESS STATE TOBACCO SETTLEMENT RECEIPTS TO INCREASE STATE TOBACCO PREVENTION EFFORTS TO REDUCE TOBACCO USE AND ITS HARMS

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 29 of the General Laws, as appearing in the 2000 Official Edition is hereby  
2 amended by adding the following section:-

3 Section 2XX.

4 (a) In any year after 2007 when the state's tobacco settlement payment receipts as of June 30 for the  
5 prior 12-month period are in excess of the total amount of settlement payments actually received by  
6 the state during fiscal year 2005 [\$253.9 million], an amount equal to the excess shall be appropriated  
7 and directed to the Department of Public Health in the fiscal year beginning July 1<sup>st</sup> solely for the  
8 purpose of increasing state efforts to prevent and reduce tobacco use and its harms. These funds shall  
9 not be used to replace existing funding allocated to state tobacco prevention efforts but solely to  
10 increase the total amount of expenditures to prevent and reduce tobacco use and its harms in the state.

11 (b) The funds directed to the Department of Public Health pursuant to paragraph (a) shall be allocated  
12 by the Department consistently with the Center for Disease Control and Prevention's, or its successor  
13 agency's, best practices and guidelines for state tobacco control programs and as determined by the  
14 Department, in consultation with the Oversight committee created pursuant to paragraph (c), to be

15 effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke, and  
16 identify and eliminate disparities related to tobacco use and its effects among different population  
17 groups.

18 (c) Within 90 days after this section goes into effect, an oversight committee of nine members shall be  
19 established to assist the Department of Public Health in developing, implementing, and maintaining a  
20 strategic plan for allocating the funds directed to the Department, pursuant to paragraph (a), in  
21 monitoring and evaluating the use of the funds and all other state expenditures to prevent and reduce  
22 tobacco use and its harms, and in assessing the efficacy of all such expenditures to prevent and reduce  
23 tobacco use and its harms. Three members of the oversight committee shall be appointed by the  
24 governor, three by the majority leader of the senate, and three by the majority leader of the house of  
25 representatives. The members of the oversight committee shall be persons with experience and  
26 expertise regarding public health, tobacco control policies and programs, public education and  
27 counter-marketing, and program oversight and evaluation. NO member o the oversight committee  
28 shall, during the member's tenure on the committee for three years before joining the committee,  
29 receive any salary, grants, or other payments or support from any business that manufactures,  
30 distributes, markets, or sells cigarettes or other tobacco products or serve as a director, employee, or  
31 consultant of any organization that receives grants or contributions from any such business or that  
32 provides legal, lobbying, public relations, marketing, or advertising services to any such business.  
33 Each member of the oversight committee shall also agree not to enter into any such financial or  
34 business relationships with the tobacco industry for a period of two years after that member's tenure  
35 on the oversight committee ends. The oversight committee shall annually provide a publicly available  
36 report on tobacco sue and its related harms, including but not limited to those appropriated pursuant to  
37 paragraph (a), the effectiveness of such funding allocations, and related surveillance and evaluation

38 findings to the governor and the legislature. This oversight committee shall work in concert with the  
39 Advisory Committee on Health Care and Tobacco Control as designated in Section 5 (a) and (b) of  
40 Chapter 29D of the Massachusetts General Laws.

41 (d) The Department of Public Health shall have the authority to promulgate reasonable rules to  
42 implement this section.