

2971

2015-2016 Regular Sessions

I N   S E N A T E

January 30, 2015

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Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the state finance law, in relation to allocating certain revenue to the tobacco use prevention and control program fund for programs to help smokers quit and to keep children from smoking

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Statement of legislative intent. The legislature finds  
2     that:  
3     New York state has raised over twelve billion dollars in tobacco  
4     revenues over the past seven years, yet only three and one-half percent  
5     of these revenues have been spent on the state's Tobacco Use Prevention  
6     and Control Program.  
7     In the year 2013, New York state spent only sixteen percent of the  
8     amount recommended by the Centers for Disease Control and Prevention on  
9     tobacco control. New York state was once a leader in tobacco control  
10    support spending, but now ranks twenty-first in the United States.  
11    From the years 2007-2013, funding for the New York State Tobacco Use  
12    Prevention and Control Program was cut by more than half. This inadequate  
13    funding level for the program stands in contrast to promises made  
14    in 1998 by public officials to invest state dollars earned from the  
15    Tobacco Master Settlement Agreement in tobacco control programs.  
16    The Tobacco Master Settlement Agreement states that its purpose is to  
17    "achieve for the Settling States and their citizens significant funding  
18    for the advancement of public health" and "the implementation of important  
19    tobacco-related public health measures."  
20    When more adequately funded, the State Tobacco Use Prevention and  
21    Control Program achieved successes in the effort to curb tobacco use.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 Teenage and adult tobacco use rates had fallen faster in New York state  
2 than in the United States as a whole.

3 Limited funding prevents the State Tobacco Use Prevention and Control  
4 Program from reaching the most vulnerable populations with the highest  
5 rates of smoking, individuals with limited income. A recent analysis by  
6 the American Cancer Society of New York and New Jersey found that lung  
7 cancer rates in upstate New York are higher than the national average.

8 Tobacco use takes a terrible toll on New York. In the year 2009, twenty-  
9 ty-five thousand four hundred lives were prematurely lost due to tobacco  
10 use, with an estimated nine thousand six hundred ten of those deaths  
11 resulting from cancer. Tobacco costs New Yorkers over eight billion  
12 dollars in health care costs, including nearly two billion seven hundred  
13 thousand dollars in Medicaid expenditures.

14 The legislature therefore declares that New York state should fulfill  
15 the promise made by state policy makers at the time of the State Tobacco  
16 Master Settlement Agreement to use tobacco revenues for programs to help  
17 smokers quit and to keep children from smoking. The legislature further  
18 declares that funding for the Tobacco Use Prevention and Control Program  
19 should be incrementally increased on an annual basis over the next ten  
20 years to reach the level recommended by the United States Centers for  
21 Disease Control and Prevention that would be current by the year 2024.

22 S 2. Section 482 of the tax law, as amended by section 2 of part T of  
23 chapter 61 of the laws of 2011, is amended to read as follows:

24 S 482. Deposit and disposition of revenue. (a) All taxes, fees, interest  
25 and penalties collected or received by the commissioner under this  
26 article and article twenty-A of this chapter shall be deposited and  
27 disposed of pursuant to the provisions of section one hundred seventy-  
28 one-a of this chapter, AS ADDED BY CHAPTER SIXTY-NINE OF THE LAWS OF  
29 NINETEEN HUNDRED SEVENTY-EIGHT, AS AMENDED. (b) From the taxes, interest  
30 and penalties collected or received by the commissioner under  
31 sections four hundred seventy-one and four hundred seventy-one-a of this  
32 article, effective on and after March first, two thousand, forty-nine  
33 and fifty-five hundredths, and effective on and after February first,  
34 two thousand two, forty-three and seventy hundredths; and effective on  
35 and after May first, two thousand two, sixty-four and fifty-five  
36 hundredths; and effective on and after April first, two thousand three,  
37 sixty-one and twenty-two hundredths percent; and effective on and after  
38 June third, two thousand eight, seventy and sixty-three hundredths  
39 percent; and effective on and after July first, two thousand ten, seventy-  
40 six percent collected or received under those sections must be deposited  
41 to the credit of the tobacco control and insurance initiatives pool  
42 to be established and distributed by the commissioner of health in  
43 accordance with section twenty-eight hundred seven-v of the public  
44 health law. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED  
45 SEVENTY-ONE-A OF THIS CHAPTER, AS ADDED BY CHAPTER SIXTY-NINE OF THE  
46 LAWS OF NINETEEN HUNDRED SEVENTY-EIGHT, AS AMENDED, FROM THE TAXES  
47 COLLECTED OR RECEIVED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE,  
48 EFFECTIVE ON AND AFTER APRIL FIRST, TWO THOUSAND SIXTEEN, FIFTY-TWO  
49 MILLION DOLLARS AND, EFFECTIVE FROM APRIL FIRST, TWO THOUSAND SEVENTEEN  
50 UNTIL APRIL FIRST, TWO THOUSAND TWENTY-FIVE AT LEAST FIVE PERCENT SHALL  
51 ANNUALLY BE ADDITIONALLY CREDITED TO AND DEPOSITED IN THE TOBACCO USE  
52 PREVENTION AND CONTROL PROGRAM FUND ESTABLISHED PURSUANT TO SECTION  
53 EIGHTY-SIX OF THE STATE FINANCE LAW, PROVIDED HOWEVER, THAT EFFECTIVE  
54 APRIL FIRST, TWO THOUSAND TWENTY-SIX THE TOTAL AMOUNT CREDITED TO AND  
55 DEPOSITED IN THE TOBACCO USE PREVENTION AND CONTROL PROGRAM FUND ESTAB-  
56 LISHED PURSUANT TO SECTION EIGHTY-SIX OF THE STATE FINANCE LAW SHALL NOT

1 BE LESS THAN THE AMOUNT RECOMMENDED BY THE UNITED STATES CENTERS FOR  
2 DISEASE CONTROL AND PREVENTION ON SUCH DATE.

3 S 3. The state finance law is amended by adding a new section 86 to  
4 read as follows:

5 S 86. TOBACCO USE PREVENTION AND CONTROL PROGRAM FUND. 1. THERE IS  
6 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE  
7 COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE  
8 "TOBACCO USE PREVENTION AND CONTROL PROGRAM FUND".

9 2. THE TOBACCO USE PREVENTION AND CONTROL PROGRAM FUND SHALL CONSIST  
10 OF MONEYS APPROPRIATED THERETO, AND FUNDS TRANSFERRED FROM ANY OTHER  
11 FUND OR SOURCES INCLUDING TAX REVENUE REQUIRED TO BE DEPOSITED THEREIN  
12 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-TWO OF THE TAX LAW.

13 3. THE MONEYS RECEIVED BY SUCH FUND SHALL BE EXPENDED PURSUANT TO  
14 APPROPRIATION ONLY FOR THE PURPOSES OF IMPLEMENTING THE TOBACCO USE  
15 PREVENTION AND CONTROL PROGRAM PURSUANT TO SECTION THIRTEEN HUNDRED  
16 NINETY-NINE-II OF THE PUBLIC HEALTH LAW.

17 S 4. This act shall take effect April 1, 2017. Effective immediately,  
18 the addition, amendment and/or repeal of any rule or regulation neces-  
19 sary for the implementation of this act on its effective date are  
20 authorized to be made and completed on or before such effective date.