

STATE OF NEW YORK

3837

2017-2018 Regular Sessions

IN SENATE

January 27, 2017

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.

LBD07818-01-7

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-five thousand four hundred lives were prematurely lost due to tobacco
9 use, with an estimated nine thousand six hundred ten of those deaths
10 resulting from cancer. Tobacco costs New Yorkers over eight billion
11 dollars in health care costs, including nearly two billion seven hundred
12 thousand dollars in Medicaid expenditures.

13
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 § 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 § 482. Deposit and disposition of revenue. (a) All taxes, fees, interest and penalties collected or received by the commissioner under this
25 article and article twenty-A of this chapter shall be deposited and
26 disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter, as added by chapter sixty-nine of the laws of
27 nineteen hundred seventy-eight, as amended. (b) From the taxes, interest and penalties collected or received by the commissioner under
28 sections four hundred seventy-one and four hundred seventy-one-a of this
29 article, effective on and after March first, two thousand, forty-nine
30 and fifty-five hundredths, and effective on and after February first,
31 two thousand two, forty-three and seventy hundredths; and effective on
32 and after May first, two thousand two, sixty-four and fifty-five
33 hundredths; and effective on and after April first, two thousand three,
34 sixty-one and twenty-two hundredths percent; and effective on and after
35 June third, two thousand eight, seventy and sixty-three hundredths
36 percent; and effective on and after July first, two thousand ten, seventy-six percent collected or received under those sections must be deposited to the credit of the tobacco control and insurance initiatives pool
37 to be established and distributed by the commissioner of health in
38 accordance with section twenty-eight hundred seven-v of the public
39 health law. Notwithstanding the provisions of section one hundred
40 seventy-one-a of this chapter, as added by chapter sixty-nine of the
41 laws of nineteen hundred seventy-eight, as amended, from the taxes
42 collected or received by the commissioner pursuant to this article,
43 effective on and after April first, two thousand eighteen, fifty-two
44 million dollars and, effective from April first, two thousand nineteen
45 until April first, two thousand twenty-seven at least five percent shall
46 annually be additionally credited to and deposited in the tobacco use
47 prevention and control program fund established pursuant to section
48 eighty-six of the state finance law, provided however, that effective
49 April first, two thousand twenty-eight the total amount credited to and
50 deposited in the tobacco use prevention and control program fund established pursuant to section eighty-six of the state finance law shall not
51
52
53
54
55
56

1 be less than the amount recommended by the United States Centers for
2 Disease Control and Prevention on such date.

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

5 § 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 § 4. This act shall take effect April 1, 2019. 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.