

By: Representative Moak

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 47

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI  
2 CONSTITUTION OF 1890 BY CREATING A NEW SECTION ESTABLISHING A  
3 COMPREHENSIVE STATEWIDE TOBACCO EDUCATION AND PREVENTION PROGRAM;  
4 AND FOR RELATED PURPOSES.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
6 MISSISSIPPI, That the following amendment to the Mississippi  
7 Constitution of 1890 is proposed to the qualified electors of the  
8 state:

9 Amend the Mississippi Constitution of 1890 to create a new  
10 Section to read as follows:

11 "Section \_\_\_. **Comprehensive Statewide Tobacco Education and**  
12 **Prevention Program.** In order to protect people, especially youth,  
13 from health hazards of using tobacco, including addictive  
14 disorders, cancer, cardiovascular diseases and lung diseases; and  
15 to discourage use of tobacco, particularly among youth, a portion  
16 of the money that tobacco companies pay to the State of  
17 Mississippi under the Tobacco Settlement each year shall be used  
18 to fund a comprehensive statewide tobacco education and prevention  
19 program consistent with recommendations of the U.S. Centers for  
20 Disease Control and Prevention (CDC) as follows:

21 (a) **Program.** The money appropriated pursuant to this  
22 section shall be used to fund a comprehensive statewide tobacco  
23 education and prevention program consistent with the  
24 recommendations for effective program components in the 1999 *Best*  
25 *Practices for Comprehensive Tobacco Control Programs* of the CDC,  
26 as such *Best Practices* may be amended by the CDC. This program  
27 shall include, at a minimum, the following components, and may  
28 include additional components that are also contained within the

29 CDC *Best Practices*, as periodically amended, and that are  
30 effective at accomplishing the purpose of this section, and that  
31 do not undermine the effectiveness of these required minimum  
32 components:

33 (i) An advertising campaign to discourage the use  
34 of tobacco and to educate people, especially youth, about the  
35 health hazards of tobacco, which shall be designed to be effective  
36 at achieving these goals and shall include, but need not be  
37 limited to, television, radio and print advertising, with no  
38 limitation on any individual advertising medium utilized;

39 (ii) Evidence-based curricula and programs to  
40 educate youth about tobacco and to discourage their use of it,  
41 including, but not limited to, programs that involve youth,  
42 educate youth about the health hazards of tobacco, help youth  
43 develop skills to refuse tobacco, and demonstrate to youth how to  
44 stop using tobacco;

45 (iii) Programs of local community-based  
46 partnerships that discourage the use of tobacco and work to  
47 educate people, especially youth, about the health hazards of  
48 tobacco, with an emphasis on programs that involve youth and  
49 emphasize the prevention and cessation of tobacco use;

50 (iv) Enforcement of laws, regulations and policies  
51 against the sale or other provision of tobacco to minors, and the  
52 possession of tobacco by minors;

53 (v) Programs assisting and encouraging  
54 participation in tobacco cessation throughout Mississippi; and

55 (vi) Publicly-reported annual evaluations to  
56 ensure that moneys appropriated pursuant to this section are spent  
57 properly, which shall include evaluation of the program's  
58 effectiveness in reducing and preventing tobacco use and annual  
59 recommendations for improvements to enhance the program's  
60 effectiveness, which are to include comparisons to similar

61 programs proven to be effective in other states, as well as  
62 comparisons to CDC *Best Practices*, including amendments thereto.

63           (b) **Funding.** In every year beginning with the calendar  
64 year after voters approve this amendment, the Mississippi  
65 Legislature shall appropriate to a nonprofit entity designated by  
66 the legislature or the Partnership for a Healthy Mississippi, for  
67 the purpose expressed in this section, from the total gross funds  
68 that tobacco companies pay to the State of Mississippi under the  
69 Tobacco Settlement, an amount equal to twenty percent (20%) of  
70 such funds paid to the state in 2005; and the appropriation  
71 required by this section shall be adjusted annually for inflation,  
72 using the Consumer Price Index as published by the United States  
73 Department of Labor.

74           (c) **Definitions.** "Tobacco" includes, without  
75 limitation, tobacco itself and tobacco products that include  
76 tobacco and are intended or expected for human use or consumption,  
77 including but not limited to, cigarettes, cigars, pipe tobacco and  
78 smokeless tobacco. The "Tobacco Settlement" means that certain  
79 settlement agreement of the case of Mike More, Attorney General  
80 ex. rel. State of Mississippi v. The American Tobacco Company et  
81 al. (Chancery Court of Jackson County, Mississippi, Cause No.  
82 94-1429) and the settlement of any case brought against tobacco  
83 companies by another state, and includes any subsequent amendments  
84 and successor agreements. "Youth" includes minors and young  
85 adults. "Health Care Trust Fund" means the trust fund established  
86 by the Legislature for the deposit of the funds received by the  
87 State of Mississippi as a result of the tobacco settlement,  
88 including income from the investment of those funds. "Health Care  
89 Expendable Fund" means the fund established for the annual  
90 transfer of certain funds from the Health Care Trust Fund that are  
91 available for appropriation by the Legislature. "Income" means  
92 all interest and dividends derived from the investment of any

93 tobacco settlement funds and any capital gains from the sale or  
94 exchange of those investments.

95 (e) This amendment shall be known as the "Youth Tobacco  
96 Addiction and Prevention Amendment." "

97 BE IT FURTHER RESOLVED, That this amendment shall be  
98 submitted to the qualified electors at an election to be held on  
99 the first Tuesday after the first Monday of November 2006, as  
100 provided by Section 273 of the Constitution and by law.

101 BE IT FURTHER RESOLVED, That the explanation of this proposed  
102 amendment for the ballot shall read as follows: "This proposed  
103 constitutional amendment establishes a Statewide Tobacco Education  
104 and Prevention Program, describes its components and requires an  
105 annual appropriation to a nonprofit entity for the purposes of  
106 implementing the program."