

By: Representative Flaggs

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 14

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 monies 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 2006; 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
78 and smokeless tobacco. The "Tobacco Settlement" means that
79 certain settlement agreement of the case of Mike Moore, Attorney
80 General ex. rel. State of Mississippi v. The American Tobacco
81 Company et al. (Chancery Court of Jackson County, Mississippi,
82 Cause No. 94-1429) and the settlement of any case brought against
83 tobacco companies by another state, and includes any subsequent
84 amendments and successor agreements. "Youth" includes minors and
85 young adults. "Health Care Trust Fund" means the trust fund
86 established by the Legislature for the deposit of the funds
87 received by the State of Mississippi as a result of the tobacco
88 settlement, including income from the investment of those funds.
89 "Health Care Expendable Fund" means the fund established for the
90 annual transfer of certain funds from the Health Care Trust Fund
91 that are available for appropriation by the Legislature. "Income"
92 means all interest and dividends derived from the investment of



93 any tobacco settlement funds and any capital gains from the sale
94 or 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 2007, 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 the
105 Legislature to annually appropriate money to a nonprofit entity
106 for the purposes of implementing the program."

