
ENGROSSED SUBSTITUTE SENATE BILL 6354

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Deccio, Wojahn, Benton, Thibaudeau, Wood, Franklin, Sellar, West, Hale, Anderson, Kohl, Winsley, Haugen, Patterson and Goings)

Read first time 02/10/98.

1 AN ACT Relating to moneys received by the state pursuant to
2 litigation or settlements with the tobacco industry; and adding a new
3 section to chapter 43.79 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.79 RCW
6 to read as follows:

7 (1) The legislature recognizes that the sale of tobacco products in
8 the state has resulted in significant damage to the public health of
9 the state. In any legal action, or settlement thereof, by the state of
10 Washington against tobacco companies for damages for injuries to the
11 public health for violation of state and federal consumer protection
12 and antitrust laws and to recover moneys for tobacco-related health
13 care costs, and to the maximum extent permitted by court order,
14 negotiated settlement, or federal law, the proceeds received by the
15 state, exclusive of costs and fees, shall be subject to legislative
16 appropriation and shall be deposited in:

17 (a) The education enhancement account, which is created in the
18 state treasury. Moneys in the account may be spent only after
19 appropriation and may be used exclusively for enhancing and improving

1 the common school system of the state, including alcohol, tobacco, and
2 drug abuse awareness and prevention programs targeted at youths.
3 Moneys in the account shall not be used to (i) replace or supplant
4 existing state funding, (ii) meet the state's constitutional obligation
5 to provide for basic education programs under chapter 28A.150 RCW, or
6 (iii) increase the compensation and benefits of personnel in the common
7 schools; and

8 (b) The health services account established by RCW 43.72.900.
9 Moneys deposited in the health services account under this section may
10 be used exclusively for funding the enrollment of eligible persons in
11 the basic health plan under chapter 70.47 RCW, including funding a
12 smoking cessation benefit in the basic health plan.

13 (2) The proceeds identified in subsection (1) of this section shall
14 be divided equally between the two accounts specified in subsection (1)
15 of this section except (a) as otherwise required by federal law, or (b)
16 as the court determines essential to provide appropriate damages and
17 other relief to the parties to the litigation.

18 (3) In any legal action, or settlement thereof, by the state of
19 Washington to recover damages for health care costs and for other
20 tobacco-related injuries to the public health, including antitrust and
21 consumer protection violations, the attorney general shall seek a legal
22 resolution of the action that is consistent with and maximizes the
23 effect of this section.

24 NEW SECTION. **Sec. 2.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

--- END ---