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HOUSE JOINT RESOLUTION NO. 581

Offered January 20, 1999

Memorializing the U.S. Congress to enact legislation to prevent the seizure of state tobacco settlement funds by the federal government.

Patrons—Clement, Abbitt, Armstrong, Baker, Bennett, Councill, Day, Dudley, Johnson, Kilgore, Shuler and Tate; Senators: Hawkins, Holland, Puckett, Reynolds and Wampler

Referred to Committee on Rules

WHEREAS, on November 23, 1998, the Attorneys General and other representatives of forty-six states, Puerto Rico, the U. S. Virgin Islands, Northern Mariana Islands, Guam, and the District of Columbia signed an agreement with the five largest tobacco manufacturers which ended a four year legal battle with the states and the industry which began in 1994 when Mississippi became the first state to sue the tobacco industry; and

WHEREAS, the four other states had previously settled with the tobacco manufacturers which means that now all fifty states have settled with the largest tobacco companies; and

WHEREAS, over the next twenty-five years starting in June, 2000, the states will receive an estimated \$206 billion under the Master Settlement Agreement; and

WHEREAS, the states' agreement with the tobacco manufacturers focused on public health and youth access issues by prohibiting youth targeting, advertising, marketing and promotions, by banning cartoon character advertising, by restricting brand name sponsorship of events with significant youth audiences, by banning outdoor advertising and youth access to free samples, and by creating a national foundation and a public education fund; and

WHEREAS, this agreement also changed the corporate culture of the tobacco industry by requiring the industry to make a significant commitment to reducing youth access and consumption, by disbanding tobacco trade associations, by restricting industry lobbying, and opening the industry records and research to the public; and

WHEREAS, the tobacco settlement provided for court jurisdiction for the implementation and enforcement of the Tobacco Settlement Agreement among the states; and

WHEREAS, federal legislation was not required or needed to implement the Master Settlement Agreement which has been reached by the five largest tobacco manufacturers and all fifty states; and

WHEREAS, certain elements of the federal government in the U. S. Department of Health and Human Services have attempted to stake claim to the states' Tobacco Settlement dollars under the existing Medicaid law claiming recovery made on behalf of Medicaid clients should be shared with the federal government based on the federal medicaid match in the states; and

WHEREAS, the states have settled with the tobacco industry with no help from the federal government; and

WHEREAS, there may be a temptation by some to seize this large sum of dollars that has been agreed to by the states and the tobacco industry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Congress be urged to not interfere in the tobacco settlement which has been reached between the fifty states and the largest tobacco manufacturers by not seizing any of the state tobacco settlement dollars which have been agreed to between the companies and the states; and, be it

RESOLVED FURTHER, That the Virginia Delegation to the U. S. House of Representatives and the U. S. Senate introduce legislation to ensure that this occurs; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia Congressional Delegation so they may be apprised of the sense of the General Assembly of Virginia on this matter.

INTRODUCED

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