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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 103. DISEASE PREVENTION AND HEALTH PROMOTION [104100 - 106036]** ( *Division 103 added by Stats. 1995, Ch. 415, Sec. 5.* )

**PART 3.5. TOBACCO SETTLEMENT FUND [104896 - 104899]** ( *Part 3.5 added by Stats. 2001, Ch. 171, Sec. 10.* )

**104896.** (a) As used in this part, the following definitions shall apply:

- (1) "Fund" means the Tobacco Settlement Fund.
- (2) "Master Settlement Agreement" means the settlement agreement and related documents entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.
- (3) "State's share of funds" means that portion of payments received from the Master Settlement Agreement designated for use by the state and shall not include those funds designated for distribution to the counties or other local jurisdictions.

(b) Nothing in this part is intended to limit expenditures for programs to the amount provided by the fund.

(*Added by Stats. 2001, Ch. 171, Sec. 10. Effective August 10, 2001.*)

**104897.** (a) There is hereby established in the State Treasury the Tobacco Settlement Fund.

(b) In the 2001–02 fiscal year, four hundred one million nine hundred ninety-two thousand dollars (\$401,992,000) of the state's share of funds received pursuant to the Master Settlement Agreement shall be deposited in the fund.

(c) Except as provided in Article 7 (commencing with Section 63049) of Chapter 2 of Division 1 of Title 6.7 of the Government Code, commencing July 1, 2002, the total amount of the state's share of moneys received pursuant to the Master Settlement Agreement shall be deposited in the fund.

(*Amended by Stats. 2002, Ch. 414, Sec. 3. Effective January 1, 2003.*)

**104898.** (a) Distribution of moneys from the fund shall be made by annual appropriation of the Legislature consistent with the requirements of this part.

(b) Moneys appropriated from the fund shall be used for health purposes, including all of the following:

- (1) Health care expansions in the Medi-Cal program, Healthy Families Program, and other state programs.
- (2) Health care education and outreach, including, but not limited to, efforts to help reduce the use of tobacco products.
- (3) Smoking cessation services.
- (4) Enforcement of tobacco-related statutes.
- (5) Expansions to primary care and other state-funded clinics that serve low-income, uninsured, or underinsured Californians.

(*Added by Stats. 2001, Ch. 171, Sec. 10. Effective August 10, 2001.*)

**104898.5.** (a) Notwithstanding any other provision of law, there shall be transferred annually from the General Fund to the Tobacco Settlement Fund an amount, not to exceed one hundred million dollars (\$100,000,000) out of funds not otherwise appropriated, as a loan to cover appropriations from the fund when moneys from the Master Settlement Agreement have not been received by the state.

(b) This loan from the General Fund shall be repaid on or before June 30 of each year, without interest, from the funds received pursuant to the Master Settlement Agreement.

*(Amended by Stats. 2003, Ch. 230, Sec. 9. Effective August 11, 2003.)*

**104899.** Revenue accruing to the Tobacco Settlement Fund pursuant to this part shall be deemed revenue to the General Fund solely for the purpose of certifications of General Fund revenue for purposes of subdivision (e) of Section 12306.1 of the Welfare and Institutions Code with respect to in-home supportive services program and Section 10754 of the Revenue and Taxation Code with respect to vehicle license fees.

*(Added by Stats. 2001, Ch. 171, Sec. 10. Effective August 10, 2001.)*