

2 SSB 6354 - S AMD - 762

3 By Senators West, Deccio and McDonald

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.79 RCW
8 to read as follows:

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

19 (a) The education enhancement account, which is created in the
20 state treasury. Moneys in the account may be spent only after
21 appropriation and may be used exclusively for enhancing and improving
22 the common school system of the state. Moneys in the account shall not
23 be used to (i) replace or supplant existing state funding, (ii) meet
24 the state's constitutional obligation to provide for basic education
25 programs under chapter 28A.150 RCW, or (iii) increase the compensation
26 and benefits of personnel in the common schools; and

27 (b) The health services account established by RCW 43.72.900.
28 Moneys deposited in the health services account under this section may
29 be used exclusively for funding the enrollment of eligible persons in
30 the basic health plan under chapter 70.47 RCW, including funding a
31 smoking cessation benefit in the basic health plan.

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

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

7 NEW SECTION. **Sec. 2.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected."

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EFFECT: Clarifies that the distribution of proceeds to the state
from the tobacco litigation shall be consistent with the remedies
and damages that may be awarded by the court.