

SA2005RF0098

September 8, 2005

Office of the California Attorney General
Tricia Knight, Initiative Coordinator
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Knight:

On behalf of the Coalition for a Healthy California, I would like to request Title and Summary for the enclosed proposed Constitutional Amendment Statutory Initiative, Tobacco Tax and Disease Prevention Act of 2006. A check in the amount of \$200.00 is enclosed.

Please direct all correspondence regarding the initiative to me at the following address:

Charles G. Smith, President
Coalition for a Healthy California
555 Capitol Mall, Suite 1425
Sacramento, CA 95814

Thank you for your attention to this matter.

Sincerely,

Charles G. Smith
President, Coalition for a Healthy California

INITIATIVE MEASURE TO BE SUBMITTED TO THE VOTERS

SECTION 1. *Title.* This initiative measure shall be known and may be cited as the Tobacco Tax and Disease Prevention Act of 2006.

SECTION 2. *Findings and Declarations.* The people find and declare as follows:

(a) Tobacco use and tobacco-related diseases place a tremendous financial burden upon the persons with the disease, their families, the health care delivery system, local and state governments and society as a whole.

(b) Smoking related diseases have a major negative economic impact on all taxpayers and the entire health care system, which justifies the use of tobacco taxes to fund prevention, early detection, treatment and research of major diseases.

(c) Tobacco use costs Californians more than \$8.6 billion in medical expenses every year. The cost of lost productivity due to tobacco use adds an additional estimated \$7.2 billion to the annual economic consequences of smoking in California.

(d) Smoking is the single most preventable cause of death and disease in California. Fully one in five deaths in California are attributable to smoking: more than 40,000 every year.

(e) Tobacco use is a major contributor to all the leading causes of death in California, including heart disease and stroke, cancer, diabetes and lung disease.

(f) Smoking can have an adverse health effect on all Californians because secondhand smoke has been proven to be a leading cause of disability, disease and death in California. Secondhand smoke is causally associated with lung disease, heart disease, cancer and obesity.

(g) Smoking negatively impacts the health of people with asthma. At least 31,000 children in California experience one or more secondhand smoke-related asthma episodes each year.

(h) Obesity and tobacco smoke are a dangerous cardiac combination. The danger is nearly as great if the smoke arrives secondhand rather than puffed directly. Exposure to cigarette smoke raises the risk of metabolic syndrome, increasing the chances of heart disease, stroke and diabetes.

(i) Increasing the cost of cigarettes and other tobacco products has proven to be one of the most effective ways to reduce smoking, especially among youth.

(j) Funding for California's pioneering tobacco prevention and control program has dropped to the point where it is now far below what is recommended by federal public health agencies.

(k) Tobacco companies spend approximately 10 times more to promote tobacco use than the state spends to prevent it and to help tobacco users quit.

(l) California currently ranks 23rd among the states in the level of cigarette taxes. If this measure were approved, five states would still have higher cigarette taxes than California.

(m) Forty-one states have raised their tobacco taxes since California last raised its tax.

(n) Providing new funding for enforcement of tobacco laws will reduce cigarette smuggling, the sale of black market cigarettes and illegal sales of tobacco products to minors.

(o) Increasing tobacco taxes and directing a portion of the revenues for smoking cessation programs will assist smokers to quit smoking, especially persons of low socio-economic status who comprise the largest number of current smokers.

SECTION 3. Article 4 (commencing with Section 30135) is added to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, to read:

Article 4. Tobacco Surtax and Disease Prevention Fund

30135. Notwithstanding any other provision of law, the Tobacco Surtax and Disease Prevention Fund is hereby created in the State Treasury for the exclusive purpose of funding the provisions of the Tobacco Tax and Disease Prevention Act of 2006.

(a) The Tobacco Surtax and Disease Prevention Fund shall consist of all revenue derived from the tax imposed by Section 30135.2, including all revenue from the resulting increase in tobacco products required by subdivision (b) of Section 30123. All moneys received into the State Treasury from these sources shall be credited to the Tobacco Surtax and Disease Prevention Fund and shall not be deposited into the General Fund.

(b) All costs to implement the Tobacco Tax and Disease Prevention Act of 2006 shall be paid from moneys deposited in the Tobacco Surtax and Disease Prevention Fund.

30135.1. For purposes of this article:

(a) "Cigarette" has the same meaning as in Section 30003 of the Revenue and Taxation Code.

(b) "Fund" means the Tobacco Surtax and Disease Prevention Fund created by Section 30135.

(c) "Act" means Tobacco Tax and Disease Prevention Act of 2006.

30135.2. In addition to any other taxes imposed upon the distribution of cigarettes, there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of fifty mills (\$0.050) for each cigarette distributed.

30135.3. The tax imposed by Section 30135.2, and the resulting increase in the tax on tobacco products required by subdivision (b) of Section 30123, shall be imposed on every cigarette and on all tobacco products in the possession or under the control of every dealer and

distributor on and after 12:01 a.m. on January 1, 2007, pursuant to rules and regulations promulgated by the State Board of Equalization.

30135.4. Except for payments of refunds made pursuant to Article 1 (commencing with Section 30361) of Chapter 6, reimbursement of the State Board of Equalization for expenses incurred in the administration and collection of the taxes imposed by Section 30135.2, and transfers of funds in accordance with Section 30135.5, all moneys raised pursuant to the taxes imposed by Section 30135.2 shall be deposited in the Fund. Notwithstanding Section 13340 of the Government Code or any other provision of law, all moneys deposited in the Fund are continuously appropriated for the exclusive purpose of funding the programs and services described in Section 30135.7.

30135.5. The State Board of Equalization shall determine within one year of the passage of this act, and annually thereafter, the effect that the additional tax imposed on cigarettes by this Act, and the resulting increase in the tax on tobacco products required by subdivision (b) of Section 30123, have on the consumption of cigarettes and tobacco products in this state. To the extent that a decrease in consumption is determined by the State Board of Equalization to be a direct result of additional taxes imposed by this Act, the State Board of Equalization shall determine the fiscal effect the decrease in consumption has on the California Children and Families First Trust Fund created by Proposition 10 (1998) and the Hospital Services Account, Physician Services Account and the Unallocated Account of the Cigarette and Tobacco Products Surtax Fund created by Section 30122 (Proposition 99). Funds shall be transferred from the Tobacco Surtax and Disease Prevention Fund to the California Children and Families First Trust Fund and the Hospital Services Account, Physician Services Account and the Unallocated Account of the Cigarette and Tobacco Products Surtax Fund as necessary to offset the revenue decrease directly resulting from imposition of additional taxes by this Act. The reimbursements shall occur, and at such times, as determined necessary to further the intent of this section.

30135.6 The Fund consists of two separate accounts, which are hereby created, as follows:

- (a) The Tobacco Use Prevention, Education and Enforcement Account.
- (b) The Disease Prevention, Treatment and Research Account.

30135.7. Moneys shall be allocated and appropriated from the Fund as follows:

(a) Thirty-five percent (35%) of the Fund shall be deposited in a Tobacco Use Prevention, Education and Enforcement Account, which is hereby created. Expenditures from the Tobacco Use Prevention, Education and Enforcement Account shall be made according to the following formula:

(1) Twenty-four percent (24%) shall be deposited in the Tobacco Control Media Campaign Sub-Account, which is hereby created. All funds in this Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for media advertisements and public relations programs to prevent and reduce the use of tobacco products

as described in paragraph (1) of subdivision (e) of Section 104375 of the Health and Safety Code.

(2) Sixteen percent (16%) shall be deposited in a Tobacco Control Competitive Grants Sub-Account, which is hereby created. All funds in the Tobacco Control Competitive Grants Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for the competitive grants program directed at the prevention of tobacco-related diseases as described in Section 104385 of the Health and Safety Code.

(3) Fourteen percent (14%) shall be deposited in a Local Health Department Tobacco Prevention Sub-Account, which is hereby created. All funds in the Local Health Department Tobacco Prevention Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for local-health-department-based programs to prevent tobacco use as described in Section 104400 of the Health and Safety Code. Notwithstanding Section 104380 of the Health and Safety Code, funds from the Local Health Department Tobacco Prevention Sub-Account shall be appropriated to local lead agencies based on each county's proportion of the statewide population.

(4) Eight percent (8%) shall be deposited in a Tobacco Cessation Services Sub-Account, which is hereby created. All funds in the Tobacco Cessation Services Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely to provide tobacco cessation programs and services to assist adult and minor tobacco users to quit tobacco. It is the intent of this act that this appropriation supports programs and services including, but not limited to, counseling, referral and support services, pharmaceutical tobacco cessation products, and training and technical assistance activities.

(5) Four percent (4%) shall be deposited in a Tobacco Control Evaluation Sub-Account, which is hereby created. All funds in the Tobacco Control Evaluation Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for evaluation of tobacco control programs as required by subdivisions (b) and (c) of Section 104375 of the Health and Safety Code.

(6) Thirteen (13%) shall be deposited in a Tobacco Education Sub-Account, which is hereby created. All funds in the Tobacco Education Sub-Account shall be continuously appropriated to the Department of Education to be used solely for programs to prevent or reduce the use of tobacco products as described in Section 104420 of the Health and Safety Code. Any program receiving funds pursuant to this section must participate in program evaluations conducted by the Department of Health Services pursuant to Article 1 (commencing with Section 104350) of Chapter 1 of Part 3 of Division 103 of the Health and Safety Code. At least two percent (2%) of the money in this Sub-Account shall be used solely for administration of the department's tobacco prevention education program as described in Sections 104420 and 104425 of the Health and Safety Code.

(7) Fourteen percent (14%) shall be deposited in a Tobacco Control Research Sub-Account, which is hereby created. All funds in the Tobacco Control Research Sub-Account shall be continuously appropriated to the University of California to be used solely to supplement the Tobacco Related Disease Research Program described in Article 2 (commencing with Section

104500) of Chapter 1 of Part 3 of Division 103 of the Health and Safety Code. The research funded by the Tobacco-Related Disease Research Program with these supplementary funds shall include, but not be limited to: (A) research to improve the effectiveness of tobacco control efforts in California, including programs and strategies for governmental and other organizations to reduce tobacco use and exposure to secondhand smoke; and (B) research on the prevention, causes, and treatment of tobacco-related diseases, including, but not limited to coronary heart disease, cerebrovascular disease, chronic obstructive lung disease, and cancer.

(8) Seven percent (7%) shall be deposited in a Tobacco Control Enforcement Sub-Account, which is hereby created. All funds in this Sub-Account shall be used solely for programs to enforce tobacco-related statutes and policies, to enforce legal settlement provisions and to conduct law enforcement training and technical assistance activities, and shall be appropriated as follows:

(A) Fifty percent (50%) of the funds in the Tobacco Control Enforcement Sub-Account is continuously appropriated to the Department of Health Services to be used to support programs, including, but not limited to:

(i) Providing grants to local law enforcement agencies to provide training and funding for the enforcement of state and local tobacco-related laws and policies, including, but not limited to the illegal sales of tobacco to minors, tobacco retailer licensing and exposure to secondhand smoke.

(ii) Increasing investigative activities, compliance checks and other appropriate activities to reduce illegal sales of tobacco products to minors under the Stop Tobacco Access to Kids Enforcement (STAKE) Act, pursuant to Section 22952 of the Business and Professions Code.

(B) Twenty five percent (25%) of the funds in the Tobacco Control Enforcement Sub-Account is continuously appropriated to the California Office of the Attorney General to be used for activities including, but not limited to:

(i) Enforcing laws that regulate the distribution and sale of cigarettes and other tobacco products, such as laws that prohibit cigarette smuggling, counterfeiting, selling untaxed tobacco, selling tobacco without a proper license and selling tobacco to minors.

(ii) Enforcing tobacco-related laws, court judgments and settlements, such as the Tobacco Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement, entered into on November 23, 1998, by the State of California and leading United States tobacco product manufacturers, including tracking tobacco industry advertising, marketing, and promotional activities in California, and bringing actions against violators.

(iii) Assisting local law enforcement agencies in the enforcement of tobacco related statutes and local ordinances through technical assistance and training activities.

(C) Twenty five percent (25%) of the funds in the Tobacco Control Enforcement Sub-Account is continuously appropriated to the State Board of Equalization to be used to enforce laws that regulate the distribution and sale of cigarettes and other tobacco products, such as laws

that prohibit cigarette smuggling, counterfeiting, selling untaxed tobacco, and selling tobacco without a proper license.

(b) Sixty-five percent (65%) of the Fund shall be deposited in the Disease Prevention, Treatment and Research Account. Expenditures from the Disease Prevention, Treatment and Research Account shall be made according to the following formula:

(1) Twenty percent (20%) shall be deposited in a Breast and Cervical Cancer Early Detection Sub-Account, which is hereby created. All funds in the Breast and Cervical Cancer Early Detection Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for breast and cervical cancer early detection services that result in the reduction of breast and cervical cancer morbidity and mortality in California. These early detection services shall be part of a program that includes a significant quality assurance and improvement component, including patient and provider education, community outreach, and program evaluation. If advances in research and technology discover preventable risk factors that will reduce breast or cervical cancer incidence and mortality, funds may be used for breast or cervical cancer prevention efforts.

(2) Five percent (5%) shall be deposited in a Prostate Cancer Treatment Sub-Account, which is hereby created. All funds in the Prostate Cancer Treatment Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely to provide prostate cancer treatment for low income and uninsured men. If advances in research and technology discover preventable risk factors or effective screening tools that will reduce prostate cancer incidence and mortality, funds may be used for prostate cancer prevention and control efforts.

(3) Three percent (3%) shall be deposited in a Cancer Registry Sub-Account, which is hereby created. All funds in the Cancer Registry Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for a statewide population-based cancer surveillance system as provided for in Chapter 2 of Part 2 of Division 102 (commencing with Section 103875) of the Health and Safety Code.

(4) Eight percent (8%) shall be deposited in a Breast Cancer Research Sub-Account, which is hereby created. All funds in the Breast Cancer Research Sub-Account shall be continuously appropriated to the University of California to be used solely for the Breast Cancer Research Program provided for in Article 1 of Chapter 2 of Part 1 of Division 103 (commencing with Section 104145) of the Health and Safety Code.

(5) Three percent (3%) shall be deposited in a Cancer Research Sub-Account, which is hereby created. All funds in the Cancer Research Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for the Cancer Research Program described in Section 104181 of the Health and Safety Code, with a focus on applied research, which includes but is not limited to, research that is geared towards the accelerated transfer of recent laboratory and clinical technologic advances into primary care and public health settings so that the majority of California's population may benefit. This research should be focused on converting recent discoveries into interventions and technologies, proving that they work, and learning how best to apply them.

(6) Twenty percent (20%) shall be deposited in a Heart Disease and Stroke Prevention Sub-Account, which is hereby created. All funds in the Heart Disease and Stroke Prevention Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for the California Heart Disease and Stroke Prevention Program provided for in Section 104142 of the Health and Safety Code. The intent of this program is to reduce the risk, disability and death from heart disease and stroke.

(7) Twenty percent (20%) shall be deposited in an Obesity Prevention and Nutrition and Physical Activity Promotion Sub-Account, which is hereby created. All funds in the Obesity Prevention and Nutrition and Physical Activity Promotion Sub-Account shall be appropriated as follows:

(A) Seventy percent (70%) shall be continuously appropriated to the Department of Health Services to support programs and activities to be used solely to prevent obesity, diabetes and chronic diseases through the promotion of community norm change, healthy eating and physical activity. The department shall design and develop a comprehensive program that includes, but need not be limited to, (i) media advertisements and public relations programs, (ii) competitive grants to community based organizations and agencies (iii) grants to local health departments, (iv) research and evaluation of program effectiveness, and (v) those provisions contained in Section 104650 of the Health and Safety Code.

(B) Thirty percent (30%) shall be continuously appropriated to the Department of Education to be used solely to design, develop and support programs and activities to prevent obesity, diabetes and chronic diseases through the promotion of healthy eating and physical activity for children and their families within the context of coordinated school health. Such programs and activities shall include but need not be limited to (i) promotion of fruits, vegetables and other healthy foods, (ii) promotion of moderate and vigorous physical activity, (iii) promotion of health education and physical education, (iv) research, surveillance and evaluation of program effectiveness, (v) professional development for teachers and other appropriate staff in health education and physical education, and (vi) monitoring local educational agencies compliance with state laws for nutrition and physical education.

(C) The Department of Health Services, in consultation with the Department of Education, shall establish an Oversight Committee composed of 13 members selected for their expertise in nutrition, physical activity and education, and related disciplines pertinent to the purposes of this Sub-Account. Membership shall include, but need not be limited to, representation from the following: health and education organizations, public health and local education agencies, advocacy groups, and healthcare professionals and organizations.

The Oversight Committee shall advise the Department of Health Services and the State Department of Education with respect to policy development and evaluation and provide guidance on strategic priorities, coordination, and collaboration among State agencies with regard to the programs funded by the Obesity Prevention and Nutrition and Physical Activity Promotion Sub-Account.

(8) Ten percent (10%) shall be deposited in an Asthma Prevention and Control Sub-Account, which is hereby created. All funds in the Asthma Prevention and Control Sub-Account

shall be used solely to support asthma assessment, community intervention strategies, training and technical assistance, surveillance, evaluation of asthma prevention and control activities, translational research to implement effective interventions, and school-based asthma education, training and coordination activities. These funds shall be appropriated as follows:

(A) Sixty percent (60%) of the funds in the Asthma Prevention and Control Sub-Account is continuously appropriated to the Department of Health Services to fund programs and services including, but not limited to those described in Chapter 6.5 (commencing with Section 104316) of Part 1 of Division 103 of the Health and Safety Code, including community childhood asthma programs within the California Asthma Public Health Initiative and asthma surveillance within the Environmental Health Investigations Branch, and to support media advertisements, public relations and other public education activities. Areas in the state that have the highest rates of asthma prevalence, and those areas with low socioeconomic status communities and communities of color, shall receive priority consideration in the expenditure of these funds.

(B) Forty percent (40%) of the funds in the Asthma Prevention and Control Sub-Account is continuously appropriated to the Department of Education to improve the management of asthma within the school setting. Funds shall be for activities and programs, including, but not limited to: statewide coordination of asthma programs and services, the development or purchase and dissemination of educational and training materials, delivery of asthma education and training to school personnel, and the reduction of asthma triggers in the indoor and outdoor school environments. Schools in areas of the state that have the highest rates of asthma prevalence, and those schools serving low socioeconomic status students and those school districts that do not have school nurses shall receive priority consideration in the expenditure of these funds.

(9) Eleven percent (11%) shall be deposited in a Colorectal Cancer Sub-Account, which is hereby created. All funds in the Colorectal Cancer Sub-Account shall be continuously appropriated to the Department of Health Services to be used solely for the Colorectal Cancer Prevention, Detection and Treatment Program described in Article 2.7 (commencing with Section 104195) of Chapter 2 of Part 1 of Division 103 of the Health and Safety Code. The intent of this program is to reduce the incidence, morbidity, and mortality due to colorectal cancer. This program shall include various public health components, including a significant quality assurance and improvement component, patient and provider education, community outreach, and program evaluation. No less than forty percent (40%) of the funds for this program shall be used for those non-clinical public health components.

30135.8. With the exception of paragraph 7 of subdivision (a), and paragraph 4 of subdivision (b), any moneys allocated and appropriated to any of the Accounts or Sub-Accounts described in Section 30135.7 that are not encumbered or expended within any applicable period prescribed by law shall, together with the accrued interest on the amount, revert to and remain in the same Account or Sub-Account for encumbrance and expenditure for the next two fiscal periods. Moneys allocated and appropriated to the Accounts or Sub-Accounts described in paragraph 7 of subdivision (a), and paragraph 4 of subdivision (b), of Section 30135.7 may be encumbered and expended in accordance with the annual State Budget Act. All moneys allocated to and deposited in the specific Accounts and Sub-Accounts of the Fund shall be expended pursuant to the formula specific to each Account or Sub-Account set forth in Section 30135.7.

30135.9. All moneys raised pursuant to the tax imposed by Section 30135.2, and all moneys raised by the resulting increase in the tax on tobacco products required by subdivision (b) of Section 30123, shall be appropriated and expended only for the purposes expressed in this Act, and shall be used only to supplement existing levels of service and not to fund existing levels of service. No moneys in the Fund shall be used to supplant state or local General Fund money for any purpose.

30135.10. Notwithstanding any other provision of law, money deposited in the Fund may not be loaned to, or borrowed by, any other special fund or the General Fund.

30135.11. Due to the necessity to implement the mandates of this Act, any contract made pursuant to any provision of this Act shall not be subject to Part 2 (commencing with Section 10100) of the Public Contract Code.

30135.12. At least two percent (2%) of the money appropriated to the Department of Health Services pursuant to paragraph (1) through (4) of subdivision (a) of Section 30135.7 shall be used solely for administration of the department's tobacco control programs.

30135.13. To the extent appropriate, moneys in the Tobacco Surtax and Disease Prevention Fund may be used to maximize federal matching funds, so long all moneys in the Fund are expended in a manner fully consistent with this Act.

30135.14. To provide full public accountability concerning the uses to which moneys in the Tobacco Surtax and Disease Prevention Fund are put, and to ensure full compliance with this Act:

(a) Beginning with the first full fiscal year after the adoption of this Act, and annually thereafter, the Department of Health Services shall prepare a report describing all programs that received Fund moneys in the previous fiscal year, and describing in detail the uses to which Fund moneys were put during the previous fiscal year. This report shall be made available to the public on the department's web site, no later than March 31.

(b) All programs and departments receiving moneys from the Tobacco Surtax and Disease Prevention Fund are subject to audits by the Bureau of State Audits.

(c) No more than five percent (5%) of the funds appropriated to any Sub-Account created by this Act may be used for administration.

SECTION 4. Article 2.7 (commencing with Section 104195) is added to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, to read:

104195. The Colorectal Cancer Detection and Treatment Program shall be established within the State Department of Health Services.

104195.1. The program shall apply to both of the following groups:

(a) Uninsured and underinsured persons 50 years of age and older with incomes at or below two hundred percent (200%) of the federal poverty level.

(b) Uninsured and underinsured persons below 50 years of age who are at high risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of the U.S. Preventive Services Task Force and who have incomes at or below two hundred percent (200%) of the federal poverty level.

104195.2. Services provided under this article shall include, but are not limited to, all of the following:

(a) Screening of men and women for colorectal cancer as an early detection health care measure, in accordance with the most recent cancer screening guidelines of the U.S. Preventive Services Task Force.

(b) After screening, medical referral of the screened person and services necessary for a definitive diagnosis.

(c) If a positive diagnosis is made, then assistance and advocacy shall be provided to help the person obtain necessary treatment.

(d) Necessary treatment in accordance with the most recent cancer treatment guidelines of the National Comprehensive Cancer Network.

(e) Outreach and health education activities to ensure that uninsured and underinsured persons are aware of, and appropriately utilize, the services provided by the program.

104195.3. The department shall award one or more contracts to provide colorectal cancer screening and treatment through private or public nonprofit organizations, which may include, but shall not be limited to, community-based organizations, local health care providers, and the University of California medical centers.

SECTION 5. Section 104142 is added to Chapter 1 of Part 1 of Division 103 of the Health and Safety Code, to read:

104142. The California Heart Disease and Stroke Prevention Program (CHDSP) is hereby created in the State Department of Health Services. The CHDSP program that is hereby created is consistent with the existing CHDSP program within the department and shall not be duplicated by another cardiovascular disease (CVD) program.

(a) The CHDSP program shall do, but is not limited to, all of the following:

(1) Conduct programs to prevent and reduce risk factors for CVD including, but not limited to, high blood pressure, as provided for in Section 104100, and high cholesterol.

(2) Design, implement, and support programs to improve disease treatment and management, including quality of care for CVD.

(3) Promote and support medical professional development for the prevention and treatment of CVD.

(4) Collect, analyze, and publish data on CVD, which may include the establishment of a heart disease and stroke registry to track the incidence and prevalence of CVD.

(5) Guide the development of public health policies, including linkages with appropriate state agencies, to improve health outcomes from CVD.

(6) Conduct a statewide public education campaign that focuses on the incidence, signs, symptoms, and risk factor reduction strategies for CVD.

(b) The department shall consider, as a priority, the recommendations of the Heart Disease and Stroke Prevention and Treatment Task Force, as provided for in Section 104141.

(c) The department may authorize CVD research, including pilot demonstration projects.

(d) Nothing in this section shall duplicate other programs in the department.

SECTION 6. Section 8 is added to Article XIII A of the Constitution, to read:

SEC. 8. Section 3 of this article does not apply to the Tobacco Surtax and Disease Prevention Act of 2006.

SECTION 7. Section 14 is added to Article XIII B of the Constitution, to read:

SEC. 14. (a) "Appropriations subject to limitation" of each entity of government shall not include appropriations of revenue from the Tobacco Surtax and Disease Prevention Fund created by the Tobacco Surtax and Disease Prevention Act of 2006. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenue being deposited in or appropriated from the Tobacco Surtax and Disease Prevention Fund. The surtax created by the Tobacco Surtax and Disease Prevention Act of 2006, and the resulting increase in the tax on tobacco products required by subdivision (b) of Section 30123 of the Revenue and Taxation Code, shall not be considered General Fund revenues for the purposes of Section 8 of Article XVI.

(b) Notwithstanding any other provision of this Constitution, and specifically notwithstanding proposed amendments to Section 10 of Article IV on the November 2005 special election ballot, appropriations from the Tobacco Surtax and Disease Prevention Fund are not subject to reduction by the Governor, and shall be excluded from any computation of the maximum amount of total expenditures allowable.

SECTION 8. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SECTION 9. (a) In the event that this measure and another initiative measure or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions

of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 10. Unless otherwise stated, all references in this Act to existing statutes are to statutes as they existed on December 31, 2005.