

**MINUTES
of the
FIFTH MEETING
of the
TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE**

**November 9, 2022
State Capitol, Room 307
Santa Fe**

The fifth meeting of the Tobacco Settlement Revenue Oversight Committee was called to order by Representative Joanne J. Ferrary, co-chair, on November 9, 2022 at 10:55 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Joanne J. Ferrary, Co-Chair
Sen. Martin Hickey, Co-Chair
Sen. Linda M. Lopez
Rep. Elizabeth "Liz" Thomson

Absent

Sen. Gregg Schmedes
Rep. Luis M. Terrazas

Advisory Members

Rep. Gail Chasey

Sen. Shannon D. Pinto

Staff

Sabina Gaynor, Staff Attorney, Legislative Council Service (LCS)
Sean Dolan, Staff Attorney, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Wednesday, November 9

Welcome and Introductions

Representative Ferrary welcomed everyone and invited members of the committee to introduce themselves.

Approval of Minutes (10:58 a.m.)

Upon a motion duly made and seconded, and without any objections, the TSROC approved the minutes of the October 11, 2022, meeting.

JUUL Settlement and State Options (11:02 a.m.)

Megan A. Boelter, J.D., M.P.H., western regional director, Preventing Tobacco Addiction Foundation/Tobacco 21, provided a presentation regarding the current status of litigation against Juul Labs, Inc. Ms. Boelter also advised the committee on case law relating to the issue of county and municipality preemption. She recommended language for legislation to amend the Tobacco Products Act to conform with precedent. The presentation can be found here:

<https://www.nmlegis.gov/handouts/TSROC%20110922%20Item%201%20Preemption%20NMACT.pdf>.

Future Interim Ideas (11:46 a.m.)

Senator Hickey provided a presentation on strategies for future interims to ensure settlement fund solvency and adequate funding of state agencies in the course of preventing tobacco use and promoting cessation.

Consideration of Proposed Legislation for Endorsement for the 2023 Legislative Session (11:59 a.m.)

The committee considered proposed legislation for endorsement for the 2023 legislative session. This legislation included:

- .223282.3: a bill regarding increasing the rates of cigarette and other tobacco products taxes;
- .223309.2: a bill that amends the Tobacco Products Act to allow counties and municipalities to pass ordinances, charter amendments and regulations that are stricter than state laws relating to tobacco products;
- .223316.1: a bill that increases the rate of tax on tobacco products from twenty-five percent to thirty-one percent; and
- .223325.1: a bill that amends the Dee Johnson Clean Indoor Air Act to prohibit indoor smoking in racinos.

The committee unanimously endorsed each proposed bill. These bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=TSROC&Date=11/9/2022&ItemNumber=3>.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:54 p.m.