

(2) The Governor shall include in the annual budget bill appropriations from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated to be available to the Fund in the fiscal year for which the appropriations are made.

(3) For each fiscal year for which appropriations are made, at least 50% of the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of subsection (e)(2) of this section.

(4) For each of fiscal years 2003 through 2006, at least 25% of the appropriations shall be made for the purposes of the Maryland Medical Assistance Program.

(5) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE, 0.15% OF THE FUND SHALL BE APPROPRIATED FOR THE PURPOSES OF ENFORCEMENT OF ~~SUBTITLE 5, TITLE 16, SUBTITLE 5~~ OF THE BUSINESS REGULATION ARTICLE.

[(5)](6) Any additional appropriations, not subject to paragraph (3) ~~or~~, paragraph (4), OR PARAGRAPH (5) of this subsection, may be made for any lawful purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That if a court of competent jurisdiction finds that the provisions of this Act and of Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of 2001, conflict and cannot be harmonized, then the provisions of Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of 2001, shall control. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Act causes Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of 2001, to no longer constitute a Qualifying or Model Statute, as those terms are defined in the Master Settlement Agreement, then that portion of this Act shall not be valid. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Act is for any reason held by a court of competent jurisdiction to be invalid, unlawful, or unconstitutional, the decision of the court does not affect the validity of the remaining portions of this Act or any part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That under this Act:

(a) the first report of licensed wholesalers required by § 16-506(a) of the Business Regulation Article, as added by Section 1 of this Act, shall be due no later than ~~August 1~~ October 21, 2003, covering the period July 1, 2003 through September 30, 2003;

(b) the first certification by a tobacco product manufacturer required by § 16-503(a) of the Business Regulation Article, as added by Section 1 of this Act, shall be due no later than August 15, 2003; and

(c) the directory required by § 16-504(a) of the Business Regulation Article, as added by Section 1 of this Act, shall be made available by the ~~Comptroller~~ Attorney General no later than ~~November 1~~ September 15, 2003.