

BEEN REQUIRED TO MAKE ON ACCOUNT OF SUCH UNITS SOLD had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco manufacturer; or

(iii) to the extent funds are not released from escrow under subparagraph (i) or (ii) of paragraph (2) of this subsection, funds shall be released from escrow and revert to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

~~SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable. Furthermore, if any provision of this Act or the application thereof to any person or circumstance places the State out of compliance with the Master Settlement Agreement or adversely impacts the State's payments under the Master Settlement Agreement, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That if this Act, or any portion of the amendment to 3(b)(2)(ii) of Section 1 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, made by this Act, is held by a court of competent jurisdiction to be unconstitutional, then such 3(b)(2)(ii) of Section 1 shall be deemed to be repealed in its entirety. If 3(b)(2) of Section 1 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shall thereafter be held by a court of competent jurisdiction to be unconstitutional, then this Act shall be deemed repealed, and 3(b)(2)(ii) of Section 1 of Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of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, be restored as if no such amendments had been made. Neither any holding of unconstitutionality nor the repeal of 3(b)(2)(ii) of Section 1 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 affect, impair, or invalidate any other portion 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, or the application of such Act to any other person or circumstance, and such remaining portions 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 at all times continue in full force and effect.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

May 25, 2004

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President: