



Tobacco Use and Control Foundation v. Boyce, 941 N.E.2d 745 (Ohio 2010)

Topics Covered: Anti-tobacco

Outcome: Very Unfavorable

Issue

The issue in this case was whether the State of Ohio could legally direct divert funds that had been dedicated to tobacco prevention and control into the state's general revenues.

AMA Interest

The AMA, in keeping with its objective of protecting public health, supports a smoke-free America.

Case Summary

Under a Master Settlement Agreement, the State of Ohio received payments from manufacturers of tobacco products. Some of their money was paid to the Tobacco Use and Control Foundation (the Foundation), which funded projects to prevent and control tobacco usage. However, the legislature subsequently enacted a law to divert the funds for other purposes. The Foundation sued to recover the money, claiming it was an irrevocable charitable trust. The trial court ruled against the Foundation, which appealed.

Both the Ohio Court of Appeals and the Ohio Supreme Court held that the Ohio General Assembly had plenary power to revoke or transfer public funds, including the funds that had been dedicated to the Foundation. Thus, the trial court was affirmed.

Litigation Center Involvement

The American Medical Association, along with the Ohio State Medical Association and several other public health organizations, filed an *amicus curiae* brief in support of the Foundation.

Ohio Supreme Court brief