

FIRST REGULAR SESSION

# SENATE BILL NO. 386

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

Read 1st time January 30, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0559S.051

## AN ACT

To repeal section 149.065, RSMo 2000, relating to tobacco taxes, and to enact in lieu thereof three new sections relating to the same subject, with a referendum clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 149.065, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 149.065, 149.084 and 1, to read as follows:

149.065. All taxes collected pursuant to this chapter, except for those portions required to be deposited in the fair share fund [or], the health initiatives fund, **or the Missouri pharmaceutical assistance fund established pursuant to section 149.084**, shall be deposited in the state treasury to the credit of the state school moneys fund.

**149.084. In addition to the taxes imposed in section 149.015 and section 149.082, there is hereby imposed a tax upon the sale of each cigar, package of cigarettes, or 1.2 ounce container of smokeless tobacco equal to thirty cents to be credited to the Missouri pharmaceutical assistance fund as created in section 1 of this act. The tax imposed by this section shall be collected in the same manner and at the same time as the tax imposed in section 149.015.**

**Section 1. 1. There is hereby created in the state treasury the "Missouri Pharmaceutical Assistance Fund" for the purpose of funding the Missouri pharmaceutical assistance program established pursuant to sections 660.700 to 660.727, RSMo, and for use in tobacco cessation, education, and treatment as delineated by the department of social services in conjunction with the department of health by rule with consideration given to the Centers for Disease Control and**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Prevention's nine elements of the comprehensive tobacco control program.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.**

Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the first Tuesday in November, 2002, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petitions, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

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