

SECOND REGULAR SESSION

SENATE BILL NO. 946

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DEMPSEY AND McKENNA.

Read 1st time January 15, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4386S.011

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the use of moneys from certain payments received from the master settlement agreement.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1200, to read as follows:

196.1200. 1. There is hereby established in the state treasury the "Tobacco Use Prevention, Cessation, and Enforcement Trust Fund" to be held separate and apart from all other public moneys and funds of the state, including but not limited to the tobacco securitization settlement trust fund established in section 8.550, RSMo. The state treasurer shall deposit into the fund all moneys received from the strategic contribution payments received from the account provided under subsection IX(c)(2) of the master settlement agreement, as defined in section 196.1000, beginning in fiscal year 2009 and in perpetuity thereafter. All moneys in the fund shall be used for the purposes of this section only. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the fund shall not revert to the credit of general revenue at the end of the biennium.

2. Moneys in the tobacco use prevention, cessation, and enforcement trust fund shall be used strategically, in cooperation with other governmental and not-for-profit entities, for a comprehensive tobacco control program including but not limited to prevention, cessation, and enforcement of tobacco control programs.

3. Moneys shall be allocated consistently with the Center for Disease Control and Prevention, or its successor agency's, best practices

21 and guidelines for state tobacco control programs and as determined
22 by the department of health and senior services.

23 4. The department of health and senior services shall promulgate
24 such rules and regulations as are necessary to implement the
25 provisions of this section. Any rule or portion of a rule, as that term is
26 defined in section 536.010, RSMo, that is created under the authority
27 delegated in this section shall become effective only if it complies with
28 and is subject to all of the provisions of chapter 536, RSMo, and, if
29 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
30 are nonseverable and if any of the powers vested with the general
31 assembly pursuant to chapter 536, RSMo, to review, to delay the
32 effective date, or to disapprove and annul a rule are subsequently held
33 unconstitutional, then the grant of rulemaking authority and any rule
34 proposed or adopted after August 28, 2008, shall be invalid and void.

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Bill

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