

FIRST REGULAR SESSION

SENATE BILL NO. 61

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0063S.02I

AN ACT

To amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

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

Section A. Chapter 196, RSMo, is amended by adding thereto three new sections, to be known as sections 196.1010, 196.1013, and 196.1016, to read as follows:

196.1010. As used in sections 196.1010 to 196.1016, the following terms mean:

- (1) "Commission", commission for youth smoking prevention;**
- (2) "Master settlement agreement", as defined in section 196.1000;**
- (3) "Participating manufacturer", as defined in section II of the master settlement agreement;**
- (4) "Subsequent participating manufacturer", as defined in section II of the master settlement agreement.**

196.1013. There is hereby established in the state treasury the "Youth Smoking Prevention Trust Fund" to be held separate from all other public moneys and funds of the state. The attorney general shall deposit into the fund all moneys received from subsequent participating manufacturers under the master settlement agreement beginning in fiscal year 2010 and in perpetuity thereafter. Moneys in the fund shall not be subject to appropriation for purposes other than those of evidence-based youth smoking prevention programs designated by the commission for youth smoking prevention established in section 196.1016. 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. The state treasurer shall

13 invest moneys in the fund in the same manner as other funds are
14 invested. All yield, interest, income, increment, or gain received from
15 time deposit of moneys in the state treasury to the youth smoking
16 prevention trust fund shall be credited by the state treasurer to the
17 fund.

196.1016. 1. There is hereby created the "Commission for Youth
2 Smoking Prevention", which shall be established in the department of
3 health and senior services. The commission shall consist of the
4 following thirteen members or their designees:

5 (1) One member from an organization representing cancer
6 treatment and prevention programs, appointed by the governor;

7 (2) One member from an organization representing heart disease
8 treatment and prevention programs, appointed by the governor;

9 (3) One member from an organization representing lung disease
10 treatment and prevention programs, appointed by the governor;

11 (4) A representative from the Missouri State Medical Association,
12 appointed by the governor;

13 (5) A representative from the nursing profession recommended
14 by the Missouri Nurses' Association and appointed by the governor;

15 (6) A representative from a smoking prevention advocacy
16 organization, appointed by the governor;

17 (7) One member from a local medical society representing the
18 Kansas City area, appointed by the governor;

19 (8) One member from a local medical society representing the St.
20 Louis area, appointed by the governor;

21 (9) One member from a local medical society representing the
22 Greene county area, appointed by the governor;

23 (10) The director of the Missouri department of health and senior
24 services;

25 (11) The director of the Missouri department of mental health;

26 (12) The president pro tempore of the Missouri senate;

27 (13) The speaker of the Missouri house of representatives.

28 2. Members of the commission appointed by the governor shall
29 serve two-year terms, subject to reappointment. Service shall be
30 voluntary, with reasonable reimbursement for expenses incurred by
31 members who are not employees of the state of Missouri.

32 3. The commission shall designate moneys from the youth

33 smoking prevention trust fund for youth smoking prevention
34 programs. All such programs funded by the commission shall be
35 modeled upon evidence-based programs proven to reduce youth
36 smoking in one or more jurisdictions within the United States. No
37 program shall be funded by the commission that is sponsored by or has
38 any connection with any tobacco company or any entity whatsoever
39 with any financial ties to any tobacco company. No member of the
40 commission may be an employee of or have any financial interest in any
41 tobacco company or any company or private organization with any
42 financial tie to any tobacco company.

43 4. The commission shall submit a report by December 15, 2009,
44 to the governor, the speaker of the house of representatives, and the
45 president pro tem of the senate that includes information regarding the
46 commission's recommendations for program guidelines and
47 administration. No later than December fifteenth of each following
48 year, the commission shall submit a report to the governor, the speaker
49 of the house of representatives, and the president pro tem of the senate,
50 which shall include information regarding the number of program
51 applicants and evaluation of programs currently being funded based on
52 accountability standards set by the commission.

53 5. Any rule or portion of a rule, as that term is defined in section
54 536.010, RSMo, that is created under the authority delegated in this
55 section shall become effective only if it complies with and is subject to
56 all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
58 and if any of the powers vested with the general assembly pursuant to
59 chapter 536, RSMo, to review, to delay the effective date, or to
60 disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2009, shall be invalid and void.

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