

HB 268 -- Tobacco Master Settlement Agreement

Sponsor: Goodman

This bill modifies the release of certain funds placed in escrow by tobacco product manufacturers in compliance with the 1998 Master Settlement Agreement. The number of units sold in Missouri is allowed to be taken into consideration for the release of the funds.

Certain requirements are established for participating tobacco manufacturers and for nonparticipating tobacco manufacturers relating to the agreement between various tobacco companies and the State of Missouri, 45 other states, the District of Columbia, and five U. S. territories.

All tobacco manufacturers whose cigarettes are sold in Missouri are required to report and certify to the Department of Revenue and the Attorney General's office by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law.

In addition to the certification, participating manufacturers must also provide a list of "brand families" of cigarette types. Nonparticipating manufacturers must submit their brand families, the number of units sold for each family at any time during the year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute. Each nonresident or foreign nonparticipating manufacturer must be registered to do business in the state or maintain an agent within the state for the purpose of service of process relating to the enforcement of the bill.

By June 1, 2006, the Director of the Department of Revenue must make available for public inspection or publish on the department's web site a list of all tobacco product manufacturers that have provided the certification requirements established in the bill.

Stamping agents (persons authorized to affix cigarette tax stamps to cigarette packages) are required to submit to the director an e-mail address for the receipt of notifications as required by the bill and to submit various reports and documents as required by the department.

Various penalties and actions for failure to comply with the requirements of the bill are included.

The bill contains an emergency clause.