

SECOND REGULAR SESSION

# HOUSE BILL NO. 1709

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SATER (Sponsor), NANCE, FUNDERBURK, WETER, MOORE,  
DOUGHERTY AND OXFORD (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4234L.02I

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### 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.

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*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  
2 known as section 196.1200, to read as follows:

3       **196.1200. 1. There is hereby established in the state treasury the "Tobacco Use**  
4 **Prevention, Cessation, and Enforcement Trust Fund" to be held separate and apart from**  
5 **all other public moneys and funds of the state, including but not limited to the tobacco**  
6 **securitization settlement trust fund established in section 8.550, RSMo. The state treasurer**  
7 **shall deposit into the fund all moneys received from the strategic contribution payments**  
8 **received from the account provided under subsection IX(c)(2) of the master settlement**  
9 **agreement, as defined in section 196.1000, beginning in fiscal year 2009 and in perpetuity**  
10 **thereafter. All moneys in the fund shall be used for the purposes of this section only.**  
11 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the**  
12 **fund shall not revert to the credit of general revenue at the end of the biennium.**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **3. Moneys shall be allocated consistently with the Center for Disease Control and**  
16 **Prevention, or its successor agency's, best practices and guidelines for state tobacco control**  
17 **programs and as determined by the department of health and senior services.**

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

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