

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:

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

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