

SECOND REGULAR SESSION

HOUSE BILL NO. 2432

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), WALSH, GEORGE, DARROUGH,
OXFORD, WILDBERGER AND DOUGHERTY (Co-sponsors).

Read 1st time March 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5482L.01I

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
2 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:

2 (1) "Commission", commission for youth smoking prevention;

3 (2) "Master settlement agreement", as defined in section 196.1000;

4 (3) "Participating manufacturer", as defined in section II of the master settlement
5 agreement;

6 (4) "Subsequent participating manufacturer", as defined in section II of the master
7 settlement agreement.

**196.1013. There is hereby established in the state treasury the "Youth Smoking
2 Prevention Trust Fund" to be held separate from all other public moneys and funds of the
3 state. The attorney general shall deposit into the fund all moneys received from subsequent
4 participating manufacturers under the master settlement agreement beginning in fiscal
5 year 2009 and in perpetuity thereafter. Moneys in the fund shall not be subject to
6 appropriation for purposes other than those of evidence-based youth smoking prevention
7 programs designated by the commission for youth smoking prevention established in
8 section 196.1016. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,**

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.

9 the moneys in the fund shall not revert to the credit of general revenue at the end of the
10 biennium. The state treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. All yield, interest, income, increment, or gain received from time
12 deposit of moneys in the state treasury to the youth smoking prevention trust fund shall
13 be credited by the state treasurer to the fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 3. The commission shall designate moneys from the youth smoking prevention trust
31 fund for youth smoking prevention programs. All such programs funded by the

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

39 4. The commission shall submit a report by December 15, 2008, to the governor, the
40 speaker of the house of representatives, and the president pro tem of the senate that
41 includes information regarding the commission's recommendations for program guidelines
42 and administration. No later than December 15 of each following year, the commission
43 shall submit a report to the governor, the speaker of the house of representatives, and the
44 president pro tem of the senate, which shall include information regarding the number of
45 program applicants and evaluation of programs currently being funded based on
46 accountability standards set by the commission.

47 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
48 is created under the authority delegated in this section shall become effective only if it complies
49 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
50 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
51 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
52 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
53 grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be
54 invalid and void.

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