

FIRST REGULAR SESSION

HOUSE BILL NO. 212

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEEKEN (Sponsor) AND McGHEE (Co-sponsor).

0693L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to the reduction of alcohol-related problems.

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

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be known as section 311.551, to read as follows:

311.551. 1. As used in this section the term "alcohol-related problems" includes but is not limited to:

- (1) Fetal alcohol spectrum disorder and fetal alcohol effects and consequences for neonatal care, disabilities, and human development;**
- (2) Health care costs attributed to the abuse of and addiction to intoxicating beverages;**
- (3) Burden on the workplace and on employers as the result of alcohol abuse and addiction;**
- (4) Effects of underage drinking on school climate, safety, discipline, and health resources at middle school, high school, and college levels;**
- (5) Effects of alcohol on academic performance and high school drop-out rates;**
- (6) Effects of parental alcohol abuse and addiction on child abuse, neglect, and out-of-home placements;**
- (7) Effects of alcohol-impaired driving on highway safety and resources devoted to maintaining safety on the state's highways and dealing with fatalities, injuries, property damage, and compensation of victims;**

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.

17 (8) Effects of alcohol-impaired boating and operation of vessels on the state's
18 waterways, including resources for enforcement of laws;

19 (9) Effects of alcohol on law enforcement resources devoted to domestic violence,
20 violent crimes, and other public safety offenses;

21 (10) Biomedical consequences of alcohol abuse and addiction, including medical
22 complications of multiple drug abuse or addiction, and other conditions requiring
23 emergency care and hospitalization;

24 (11) Trauma care resulting from alcohol-involved accidents and violent crimes;

25 (12) Burden on the correctional system of offenders whose crimes were committed
26 while intoxicated or whose crimes are otherwise related to alcohol abuse and addiction;

27 (13) Burden on specialized treatment programs for the treatment, rehabilitation,
28 and support for recovery from alcohol dependence or addiction, including financing and
29 reimbursement for services.

30 2. There is hereby created in the state treasury a special trust fund, to be known
31 as the "Fund for the Reduction of Alcohol-Related Problems and Underage Drinking"
32 which shall consist of money appropriated by the general assembly, any private donations
33 made in the form of gifts, donations, bequests or grants, and tax revenues received under
34 this chapter and chapter 312, RSMo, from the sale of alcohol as specified in subsection 7
35 of this section. The funds shall be implemented over a three-year period and the state
36 treasurer shall credit to and deposit in the fund for reduction of alcohol-related problems
37 and underage drinking all amounts received under this section as follows:

38 (1) For fiscal year 2011, one-third of the amounts received shall be deposited into
39 the fund established under this subsection;

40 (2) For fiscal year 2012, two-thirds of the amounts received shall be deposited into
41 the fund established under this subsection;

42 (3) For fiscal year 2013 and each fiscal year thereafter, all amounts received shall
43 be deposited into the fund established under this subsection.

44 3. The state treasurer shall invest moneys in the fund for the reduction of alcohol-
45 related problems and underage drinking in the same manner as surplus state funds are
46 invested under section 30.260, RSMo. All earnings resulting from the investment of
47 moneys in the fund shall be credited to the fund.

48 4. Funds appropriated by the general assembly from the fund for the reduction of
49 alcohol-related problems and underage drinking shall be used only for the purposes
50 authorized under this section and shall not be used to supplant any existing program or
51 service. To ensure a balanced approach, the moneys appropriated from the fund shall, to

52 the extent practicable, constitute one-half of the total for prevention and law enforcement,
53 and one-half of the total for treatment and recovery support.

54 5. Appropriation of funds by the general assembly under this section, shall be
55 guided by the following considerations:

56 (1) The effects of alcoholic beverages on the health, safety, and welfare of the people
57 of Missouri;

58 (2) Demonstrated need for well-coordinated programs and services toward the
59 reduction of alcohol-related problems and underage drinking at the community level;

60 (3) Demonstrated readiness to develop, implement, and evaluate programs and
61 services as components of a comprehensive plan to reduce alcohol-related problems and
62 underage drinking, such programs and services to include but not limited to:

63 (a) Public awareness, education, and consultation;

64 (b) Community-based and school-based prevention and remediation;

65 (c) Workplace-related employee assistance programs;

66 (d) Screening and assessment;

67 (e) Early intervention;

68 (f) Diversion or alternatives to criminal justice sanctions and incarceration;

69 (g) Treatment and rehabilitation for alcoholism, alcohol dependence, or addiction;

70 (h) Recovery support programs for alcoholism, alcohol dependence, or addiction;

71 (i) Community networks designed to overcome the obstacles to recovery;

72 (j) Operation of adult and adolescent drug courts;

73 (k) Resources devoted to enforcement of alcohol-related laws; and

74 (l) Comprehensive community approaches to reduction of alcohol problems.

75 (4) Support for programs and services under the drug-free schools act provided in
76 chapter 161, RSMo;

77 (5) Support for a community grants program, under section 191.835, RSMo, or
78 successor statute;

79 (6) Support for rehabilitative alcohol and drug abuse services, including preventive,
80 diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals
81 in an individual or group setting under section 208.152, RSMo;

82 (7) Demonstrated need for resources to address the reduction of alcohol-related
83 problems in institutions of elementary and secondary education, alternate schools, and
84 juvenile treatment facilities, under chapters 210 and 211, RSMo, as well as institutions of
85 higher education;

(8) Support for correctional programs for the monitoring, control, and treatment of certain substance abuse offenders and placement on parole with supervision under section 217.364, RSMo, and section 559.607, RSMo;

(9) Support for treatment programs that qualify as a substance abuse traffic offender program, programs to provide education or rehabilitation services, including individuals determined to be prior or persistent offenders of alcohol-related traffic offender laws, under section 302.540, RSMo, and section 577.049, RSMo;

(10) Support for enforcement of laws dealing with liquor control, with special emphasis on sale of alcoholic beverages to persons under the age of twenty-one, under this chapter and chapter 312, RSMo;

(11) Support for alternatives for the judicial system to dispose of cases which stem from alcohol or substance abuse, combining judicial supervision, drug testing and treatment as provided by a drug court established by any circuit court, under section 478.001, RSMo;

(12) Support for enforcement of laws dealing with alcohol-related traffic safety and other public safety offenses under chapter 577, RSMo;

(13) Support for programs and services required for completion of a substance abuse traffic offender program for any person under the age of twenty-one determined to have violated a state, county, or municipal law involving the possession or use of alcohol under section 577.525, RSMo;

(14) Support for programs and services for alcohol-related crime prevention provided under contract with local law enforcement or prevention-related organizations, including programs provided in schools under section 589.310, RSMo;

(15) Support for programs ensuring that alcohol and drug abuse prevention, evaluation, treatment, and rehabilitation services are accessible, wherever possible, including residential facilities, day programs, and specialized services under section 631.010, RSMo;

(16) Support for plans and recommendations made by the Missouri advisory council on alcohol and drug abuse, on the prevention, treatment, and rehabilitation for persons affected by alcohol and drug abuse, including evaluation, care, technologies, preparation, training, retraining, and distribution of resources, methods, means, and procedures to improve and upgrade the service delivery system for citizens of this state under section 631.020, RSMo, and support for the recommendations of regional advisory councils, based on assessment of needs, including any special target populations of unserved, underserved, or inappropriately served persons under section 631.045, RSMo.

6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

122 (1) The provisions of the new program authorized under this section shall
123 automatically sunset six years after the effective date of this section unless reauthorized by
124 an act of the general assembly; and

125 (2) If such program is reauthorized, the program authorized under this section
126 shall automatically sunset twelve years after the effective date of the reauthorization of this
127 section; and

128 (3) This section shall terminate on September first of the calendar year immediately
129 following the calendar year in which the program authorized under this section is sunset.

130 7. Notwithstanding any other provision of law, all state excise tax revenues
131 generated from the sale of alcohol in this state shall, beginning on the effective date of this
132 section, be deposited in the fund for the reduction of alcohol-related problems and
133 underage drinking.

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