

SECOND REGULAR SESSION

# HOUSE BILL NO. 1561

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

3525L.01I

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to an excise tax to fund the state children's health insurance program, with a referendum clause.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.641, to read as follows:

- 208.641. 1. An excise tax is hereby levied on beverages that contain five or more milligrams of caffeine per ounce at the rate of five cents per fluid ounce of such beverage. All revenue collected under this section shall be deposited in the caffeinated beverage excise tax fund created in this section, and shall be used solely for paying for health care for uninsured children under sections 208.631 to 208.657.**
- 2. The director of the department of revenue shall issue stamps to affix to such beverages to indicate payment of the tax required by this section. Sellers shall report the taxes payable at the time and on the form prescribed by the director. Upon payment of the tax, the director shall issue stamps in an amount equal to the amount of the tax paid. Taxes shall be paid and stamps shall be issued either by mail or in person.**
- 3. There is hereby created in the state treasury the "Caffeinated Beverage Excise Tax Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of this. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys**

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.

18 **in the fund in the same manner as other funds are invested. Any interest and moneys**  
19 **earned on such investments shall be credited to the fund.**

20 **4. The director of the department of revenue may promulgate rules to implement**  
21 **the provisions of this section.**

Section B. Section A of this act is hereby submitted to the qualified voters of this state  
2 for approval or rejection at an election which is hereby ordered and which shall be held and  
3 conducted on the first Tuesday in August, 2010, or at a special election to be called by the  
4 governor for that purpose, pursuant to the laws and constitutional provisions of this state  
5 applicable to general elections and the submission of referendum measures by initiative petition,  
6 and it shall become effective thirty days after approval by a majority of the votes cast thereon at  
7 such election and not otherwise.

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