

HB 2028 -- Tobacco Master Settlement Agreement

Sponsor: Diehl

This bill changes the laws regarding the Master Settlement Agreement. In its main provisions, the bill:

(1) Incorporates provisions of the model complementary enforcement legislation for the agreement between various tobacco companies, the State of Missouri and 45 other states, the District of Columbia, and five United States territories by establishing certain requirements for participating tobacco manufacturers and nonparticipating tobacco manufacturers;

(2) Requires all tobacco manufacturers whose cigarettes are sold in Missouri to report and certify to the Director of the Department of Revenue by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute in Section 196.1003, RSMo, including all required quarterly installment payments;

(3) Requires participating manufacturers to include in its certification a list of its brand families;

(4) Requires nonparticipating manufacturers to submit a list of their brand families, the number of units sold for each brand family at any time during the preceding year, the name and address of any other manufacturer of their brand families for the preceding or current calendar year, as well as other information required to verify compliance with the model statute;

(5) Requires each nonparticipating manufacturer to also certify that it is registered to do business in the state or maintains an agent within the state for the purpose of service of process relating to the enforcement of the provisions of the bill and to provide other specified information;

(6) Requires a tobacco manufacturer to update its list of brand families 30 days prior to any addition to or modification of its brand families through a supplemental certification to the department director;

(7) Requires tobacco product manufacturers to maintain all invoices and documentation of sales and other information relied upon for certification for five years, unless otherwise required by law to maintain the records longer;

(8) Requires, by July 1, 2010, the department director to develop and make available for public inspection or publish on the department's web site a list of all tobacco product

manufacturers that have satisfied the certification requirements established in the bill;

(9) Requires every licensed wholesaler to provide and update as necessary an e-mail address to the department director for the receipt of any required notification and to submit various reports and documents as required by the department; and

(10) Establishes various penalties and actions that the Attorney General and the department may impose and take for failure to comply with the requirements of the bill.

The bill contains an emergency clause.