



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2211</b>		DATE: <b>2/15/2024</b>	
COMMITTEE: <b>Crime Prevention and Public Safety</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>DAN SALYER</b>		PHONE NUMBER: <b>573-729-6604</b>	
BUSINESS/ORGANIZATION NAME: <b>PHIL-MART LLC, THE GAS STATION LLC</b>		TITLE: <b>MANAGER</b>	
ADDRESS: <b>500 S MAIN ST</b>			
CITY: <b>SALEM</b>		STATE: <b>MO</b>	ZIP: <b>65560</b>
EMAIL: <b>daniel@philmartsalem.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/14/2024 2:00 PM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

**I believe Missouri should implement a vapor product directory:• First, it will help ensure that retailers, like me, know what products can be sold.• Second, it will help remove illicit products from the market.• And last, but certainly not least, it will help support underage tobacco prevention efforts.**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DAVID SAMUEL OVERFELT</b>		PHONE NUMBER: <b>573-230-6006</b>	
REPRESENTING: <b>MISSOURI RETAILERS ASSOCIATION</b>		TITLE: <b>PRESIDENT</b>	
ADDRESS: <b>PO 1336, 618 E CAPITOL</b>			
CITY: <b>JEFFERSON CITY/MO/65101</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>dave@moretailers.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/14/2024 12:06 PM</b>	

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The Missouri Retailers Association supports HB 2211. Testimony attached: The Missouri legislature has discussed and acted upon proposals to ban foreign ownership of agricultural lands as well as prohibit our public pensions from investing in foreign adversary owned companies, but we still allow the Communist China Tobacco monopoly to sell Bubble Gum Juicy Bar vapes to anyone they please in Missouri. I understand that China has banned the sale of all flavored e-cigarettes and all online sales to protect its own citizens but still profits on these sales in the US in defiance of our laws; even going as far to mislabel their vapor products as "batteries" to evade importation enforcement. <https://www.reuters.com/world/china/china-e-cigarette-titan-behind-elf-bar-floods-us-with-illegal-vapes-2023-12-06/>



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<b>WITNESS NAME</b>		
<b>REGISTERED LOBBYIST:</b>		
WITNESS NAME: <b>HEIDI GEISBUHLER SUTHERLAND</b>		PHONE NUMBER:
REPRESENTING: <b>MISSOURI CHAMBER OF COMMERCE AND INDUSTRY</b>		TITLE:
ADDRESS: <b>428 EAST CAPITOL AVENUE</b>		
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>
		ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>JENNIFER BACH</b>		PHONE NUMBER: <b>573-876-0453</b>	
BUSINESS/ORGANIZATION NAME: <b>MFA PETROLEUM COMPANY DBA BREAK TIME CONVENIENCE STORES</b>		TITLE: <b>VICE PRESIDENT BREAK TIME OPERATIONS, MFA OIL</b>	
ADDRESS: <b>1 RAY YOUNG DRIVE</b>			
CITY: <b>COLUMBIA</b>		STATE: <b>MO</b>	ZIP: <b>65201</b>
EMAIL: <b>jbach@mfaoil.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/14/2024 10:40 AM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

Underage Prevention/Responsibility Chairman and respected committee members, my name is Jennifer Bach and I'm the Vice President of Break Time Convenience stores in Missouri. First, let me start by saying thank you for the opportunity to provide written testimony and for your leadership and dedication to do what is best for the state of Missouri. Break Time is owned by MFA Oil Company, a farmer co-op that has been in business since 1928. We own 74 stores throughout the state of Missouri. MFA Oil has been in the convenience store industry since 1985. Break Time employees 700 people all in the state of Missouri. Retailers, like Break Time, are the first line of defense when it comes to preventing kids from purchasing tobacco products. We take this responsibility very seriously. That is why I feel it is important to provide testimony in support of HB2211. Retailers and wholesalers need help determining which vapor products are legal to be sold. Vapor is the second largest tobacco product category in the United States, and it is currently in disarray. The vapor market has been flooded with flavored products that are brazenly violating FDA rules and guidelines. These products were not in the market before the FDA's deadline, did not file timely PMTA applications, and do not receive any active FDA oversight. Noncompliant and illegal flavored disposable vapor products are contributing to underage vapor use. In the 2023 National Youth Tobacco Survey, the vapor products that were most frequently used by youth were noncompliant. Since 2020, licensed wholesalers and retailers have been asking the FDA to help them comply. They have asked the FDA to disclose what products had filed timely applications and were legal for continued sale. The FDA has said it lacks the authority to disclose this information. We do not want to sell noncompliant vapor products. However, there is no clear way for retailers like us to understand which products are legal to be sold and which products aren't. That is why I am here today asking for your help. A directory would make it possible for Missouri retailers and wholesalers to know which vapor products are compliant to be sold and which are not. Product directories are not new concepts. Cigarette directories exist in almost all 50 states. They have for decades. A vapor directory should be modeled off this framework. We should require manufacturers to register with Missouri and certify the products they are selling in our state comply with federal regulation. Please vote in favor of HB2211 and further support retailer and wholesalers with our underage prevention efforts by weeding out illegal products from the market. Thank you.



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>JOHN CONNOLLY</b>		PHONE NUMBER: <b>518-281-7766</b>	
BUSINESS/ORGANIZATION NAME: <b>ALTRIA</b>		TITLE: <b>CONSULTANT ALTRIA</b>	
ADDRESS: <b>18 OLD HICKORY ROAD</b>			
CITY: <b>TROY</b>		STATE: <b>NY</b>	ZIP: <b>12180</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>JOHN L. MARSHALL, JR.</b>		PHONE NUMBER: <b>804-335-2587</b>	
BUSINESS/ORGANIZATION NAME: <b>ALTRIA CLIENT SERVICES</b>		TITLE: <b>SENIOR DIRECTOR, REGULATORY AFFAIRS</b>	
ADDRESS: <b>601 EAST JACKSON STREET</b>			
CITY: <b>RICHMOND</b>		STATE: <b>VA</b>	ZIP: <b>23219</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>RANDY OLIVER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: <b>2/15/2024 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>RAY MCCARTY</b>		PHONE NUMBER: <b>573-634-2246</b>	
BUSINESS/ORGANIZATION NAME: <b>ASSOCIATED INDUSTRIES OF MISSOURI</b>		TITLE: <b>PRESIDENT/CEO</b>	
ADDRESS: <b>3234 W TRUMAN BLVD</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL: <b>rmccarty@aimo.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/15/2024 6:59 AM</b>	

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**Associated Industries of Missouri supports the spirit of the bill. We understand the need to do something because the FDA has failed to do their job in approving or rejecting products and other federal agencies have failed to stop the import of illegal Chinese products that may be dangerous for consumers. We look forward to working with the sponsor as the bill progresses through the process.**





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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>SAM WILES</b>		PHONE NUMBER: <b>573-680-5761</b>	
REPRESENTING: <b>MISSOURI WHOLESALER DISTRIBUTORS</b>		TITLE:	
ADDRESS: <b>323 WASHINGTON STREET</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SCOTT A. MERCER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: <b>2/15/2024 12:00 AM</b>
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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:                  ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/15/2024 12:42 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

**I am Opposed to this Bill. This Bill grows our State Government, Creates even more Regulations and Red-Tape. I do not agree with Government interfering in private business as the trade shall self regulate themselves. This Legislation if passed may hurt our State's Reputation and Economic Development.**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>CHARLES ANDY ARNOLD</b>		PHONE NUMBER: <b>314-971-1000</b>	
REPRESENTING: <b>HUB, INC.; WARE BRANDS, INC</b>		TITLE: <b>LOBBYIST</b>	
ADDRESS: <b>POB 161</b>			
CITY: <b>WRIGHT CITY</b>		STATE: <b>MO</b>	ZIP: <b>62290</b>
EMAIL: <b>caarnold@arnoldlobby.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/14/2024 6:14 PM</b>	

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**Oppose any state mandate and price increases to the consumer resulting from state imposed regulations. Also oppose putting the state in the position of policing federal policy.**



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>EMILY KALMER</b>		PHONE NUMBER: <b>314-455-8657</b>	
BUSINESS/ORGANIZATION NAME: <b>AMERICAN CANCER SOCIETY CANCER ACTION NETWORK</b>		TITLE: <b>MISSOURI GOVERNMENT RELATIONS DIRECTOR</b>	
ADDRESS: <b>1001 CRAIG RD, SUITE 350</b>			
CITY: <b>CREVE COEUR</b>		STATE: <b>MO</b>	ZIP: <b>63146</b>
EMAIL: <b>emily.kalmer@cancer.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/14/2024 4:58 PM</b>	
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**On behalf of the American Cancer Society Cancer Action Network, we oppose as this is not a proven public health policy.**



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>GREGORY CONLEY</b>		PHONE NUMBER: <b>609-947-8059</b>	
BUSINESS/ORGANIZATION NAME: <b>AMERICAN VAPOR MANUFACTURERS, INC.</b>		TITLE: <b>DIRECTOR OF LEGISLATIVE &amp; EXTERNAL AFFAIRS</b>	
ADDRESS: <b>231 CHURCH ROAD</b>			
CITY: <b>MEDFORD</b>		STATE: <b>NJ</b>	ZIP: <b>08055</b>
EMAIL: <b>gconley@theavm.org</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/14/2024 9:53 PM</b>

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

Chairman Roberts and members of the House Crime Prevention and Public Safety Committee, On behalf of the American Vapor Manufacturers (AVM), a trade group representing a broad spectrum of small business owners within the nicotine vaping industry, I am writing to urge you to reject HB 2211. The Biden Administration's Food & Drug Administration has consistently let down the American populace, and adopting their flawed vaping regulations in Missouri is bad policy. This bill would lead to the closure of small businesses and a severe adverse effect on Missouri's nearly 400,000 adult vapers (8.1% of the state's adult population). Overview of House Bill 2211 HB 2211 proposes an effective prohibition on all vaping products introduced in the past eight years by establishing a Pre-Market Tobacco Application (PMTA) registry exclusive to manufacturers who submitted a PMTA to the FDA by September 9, 2020, and are awaiting or have received authorization. The corporate proponents of the September 2020 deadline deliberately chose it in a bid to sideline non-tobacco nicotine products, the manufacturers of which were not required to submit their PMTAs until mid-2022. Consequently, over 9,000 non-tobacco nicotine products under FDA review today will be ineligible for inclusion in the directory. The end effect of HB 2211 will be to eliminate over 95% of nicotine vaping products available at Missouri specialty retailers. This will disproportionately benefit large, out-of-state tobacco companies by decimating their competition. Implications for Small Businesses Imagine attempting to operate a cell phone store restricted to selling iPhone models introduced in the mid-2010s; this analogy mirrors the predicament nicotine vaping businesses would face under HB 2211. The Biden Administration's FDA has aggressively targeted small businesses. Month-by-month, they are progressively narrowing the list of products that are under review or have been authorized. This bill threatens the viability of genuine Missouri enterprises and the livelihoods of their employees. Simply put, you cannot run a successful business if you are not selling products consumers want. Unfunded Enforcement Mandate The proposed \$200 per SKU fee falls far short of what would be necessary to create even the appearance of enforcement. Despite processing approximately 26 million PMTAs over three years, the FDA under President Biden has approved only 3 brands and 23 products (all from large tobacco companies and limited to tobacco flavors). More than 99% of these products have been denied, leaving less than 1% still pending. The FDA has pledged to complete these reviews by the end of June. Of the 23 products approved thus far, 3 products were so unpopular they've been discontinued. By the time 2025 arrives, the list may contain a mere 20 SKUs, translating to an annual fee revenue of \$4,000. This is starkly inadequate compared to the State of Washington's estimated enforcement cost of at least \$2.5 million for a PMTA registry. Consequences for Public Health and Consumer Choice There is a reason why Altria—America's largest cigarette company—is such a fervent advocate for PMTA registries. Last October, they blamed disposable vaping products for causing their

cigarette sales to decline faster than anticipated. Altria's advocacy suggests a strategic interest in making quality vaping products less accessible, potentially driving adults back to smoking cigarettes. Moreover, HB 2211's restrictive product registry could push consumers toward unregulated markets, heightening public health risks and fostering crime, including cartel involvement. No State Has Successfully Implemented a PMTA Registry To date, no state has successfully implemented a PMTA registry. Legal challenges and enforcement difficulties have plagued these efforts, underscoring the impracticality and inefficacy of such regulations. For instance, a county judge put enforcement of Louisiana's PMTA registry on hold last month. Prior to the Louisiana law being enjoined, we received disturbing reports of vaping products being sold out of car trunks in the parking lots of tobacco shops. That is in addition to the easy availability of these products through social media channels like TikTok and Snapchat. Youth Vaping Has Plummeted as Adult Use Has Grown Contrary to the narrative of a vaping epidemic, the rate of youth vaping has plummeted by 60% since 2019, while usage of vaping by adults has surged by over 25%. This growth is predominantly attributed to adults opting for flavored disposable vaping products, highlighting a shift towards safer alternatives to smoking. Inappropriate Marketing Does Not Justify Broad Bans In hearings across the country, proponents of PMTA registries have displayed photos of inappropriately marketed vaping products to suggest that action is needed. We support targeted legislation to eliminate market outliers. However, we believe this can be accomplished without resorting to overreaching measures that harm responsible businesses and consumers. Questions for Proponents: (1) If disposables are indeed impacting cigarette sales negatively, isn't it logical to infer that Altria anticipates a rebound in cigarette sales should PMTA registries be enacted and enforced vigorously? (2) If the FDA denies the remaining pending PMTAs, how is enforcement going to work with just \$4,000 in annual fees? (3) Have any states successfully curtailed illicit sales via social media platforms? (4) With about 1 in 12 adults in Missouri vaping, how will constituents respond to being told they can buy cigarettes, but not a fruit-flavored vape? Conclusion The American Vapor Manufacturers and Missouri's small businesses are eager to engage in meaningful discussions to devise fair and effective regulatory frameworks for vaping products. We firmly oppose HB 2211 and kindly request your support in defeating this bill. Thank you for considering our testimony. Sincerely, Gregory Conley, JD, MBA President, American Vapor Manufacturers 231 Church Road, Medford, NJ 08055 (609) 947 – 8059 gconley@theavm.org



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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>JOHN BURNS</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: <b>MISSOURI SMOKE FREE</b>		TITLE:
ADDRESS: <b>830 HILLSBORO ROAD</b>		
CITY: <b>HIGH RIDGE</b>		STATE: <b>MO</b>
		ZIP: <b>63049</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>LAURA TURNER</b>		PHONE NUMBER: <b>314-449-9145</b>	
REPRESENTING: <b>AMERICAN LUNG ASSOCIATION</b>		TITLE: <b>DIRECTOR, ADVOCACY</b>	
ADDRESS: <b>211 N. BROADWAY, STE. 2035</b>			
CITY: <b>ST. LOUIS</b>		STATE: <b>MO</b>	ZIP: <b>63102</b>
EMAIL: <b>laura.turner@lung.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/15/2024 12:08 PM</b>	

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The American Lung Association is concerned about HB 2211, which would establish a nicotine vapor product “registry” that is tied to the U.S. Food and Drug Administration’s Premarket Tobacco Product Application (PMTA) process. While we appreciate the intent of legislators to address the youth e-cigarette epidemic, this bill will not reduce youth use of e-cigarette and nicotine products. Indeed, “registry” bills are currently being pushed in many states by the major tobacco companies as a way to cut out their competitors and increase their market shares while distracting legislators from enacting policies with proven public health benefits, such as higher tobacco taxes, licensing of nicotine and tobacco retailers, and restricting flavored tobacco products. Passing proven policies to reduce tobacco use is critical in Missouri. The American Lung Association’s recent “State of Tobacco” report gave Missouri mostly failing grades on efforts to prevent and reduce tobacco use, which is the leading cause of preventable death in our state. Further: • “Registry” bills are unnecessary and a waste of state resources; FDA already has a list of authorized e-cigarette products on its website. • The registry can never be accurate, as FDA does not make public a list of companies that are going through the PMTA process (so knowing what products are going through the process and able to remain on the registry is impossible). • There is a process in place for anyone, including tobacco and e-cigarette companies, to file complaints with the FDA about products that should not be on the market. •

Of the three states that have adopted registries – Alabama, Louisiana and Oklahoma – all are having to amend existing language for the confusion and cost these laws have caused. None of these registries are working as they were intended. • Legislators are often mistaking these registries for retailer licensing; they are not licensing bills and do not contain proven provisions of a strong retailer licensing bill. • Registry bills will have little to no public health benefit or impact and instead will cause confusion and the scarcity of resources in Missouri. • The PMTA process at FDA has been undeniably slow but remains the most reliable way to remove products from the market. The need to protect youth from all tobacco products, including e-cigarettes and vapor products, is more important than ever. The American Lung Association strongly urges this committee to oppose HB 2211. We stand ready to work with you on proven tobacco control policies to achieve that goal. Respectfully submitted, Laura Turner Director



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2211</b>		DATE: <b>2/15/2024</b>	
COMMITTEE: <b>Crime Prevention and Public Safety</b>			
<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MICHAEL R. GIBBONS</b>		PHONE NUMBER: <b>573-635-4430</b>	
REPRESENTING: <b>VAPOR TECHNOLOGY ASSOCIATION</b>		TITLE:	
ADDRESS: <b>115 EAST HIGH STREET</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>	
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<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input checked="" type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>REGISTERED LOBBYIST:</b>		
WITNESS NAME: <b>RON LEONE</b>		PHONE NUMBER: <b>573-864-5189</b>
REPRESENTING: <b>MISSOURI PETROLEUM AND CONVENIENCE ASSOCIATION</b>		TITLE:
ADDRESS: <b>205 E. CAPITOL AVENUE</b>		
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>
		ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/15/2024 12:00 AM</b>
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