

HB 733 -- GOLD AND SILVER

SPONSOR: Whaley

Beginning January 1, 2026, the portion of capital gain on the sale or exchange of gold and silver must be subtracted from a taxpayer's federal adjusted gross income.

Currently, silver coins are declared to be legal tender at their par value, and must be receivable in payment for debts, provided that no person will have the right to pay dimes and half dimes exceeding certain amounts. This bill repeals these provisions.

This bill creates the "Constitutional Money Act" which will allow specie legal tender and electronic currency, as defined in the bill, to be accepted as payment for all public debts and to be received as payment for all private debts contracted for in the State of Missouri, at the discretion of the receiving entity.

Methods of acceptance of specie legal tender as payment for any debt, tax, fee, or obligation owed will be promulgated by the Department of Revenue. Costs incurred in the course of verifying weight and purity of any specie legal tender must be borne by the receiving party.

No person will be required to use specie legal tender or electronic currency in the payment of any debt, and nothing will prohibit the use of federal reserve notes in payment of any debt.

Any entity doing business in the State of Missouri can, upon request, compensate its employees, in full or in part, in specie legal tender, in electronic or transfer form. If an entity chooses to compensate employees in specie legal tender, such entity will be responsible for verifying the weight and purity of the specie legal tender.

The State of Missouri must not:

- (1) Seize any specie legal tender or electronic currency, except in situations of criminal forfeiture. If seizer of the specie legal tender or currency occurs, the person must have a cause of action;

- (2) Enforce any law, order, rule, or regulation that might infringe upon the right of a person to keep and use specie legal tender and electronic currency;

(3) Restrict a person or financial institution from acquiring specie legal tender or electronic currency or use such items in transactions; or

(4) Enact any law discriminating or favoring one means of legal tender over another in a transaction.

This bill is similar to SB 25 (2025).