

HOUSE BILL NO. 2659

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

4796H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 407.934, RSMo, and to enact in lieu thereof one new section relating to tobacco products.

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

Section A. Section 407.934, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.934, to read as follows:

407.934. 1. No person shall sell cigarettes, tobacco products, alternative nicotine products, or vapor products unless the person has a retail sales tax license.

2. (1) The department of revenue shall permit persons to designate through the internet or by including a place on all sales tax license applications for the applicant to designate himself or herself as a seller of tobacco products, alternative nicotine products, or vapor products and to provide a list of all locations where the applicant sells such products.

(2) **Beginning August 28, 2022, all persons and establishments selling tobacco products, alternative nicotine products, or vapor products shall report to the division of alcohol and tobacco control the following:**

(a) **The name, address, and contact information of the establishment;**

(b) **The type of establishment;**

(c) **The date the operation or sales began;**

(d) **The establishment's owner and his or her contact information;**

(e) **The date of any inspections;**

(f) **The number of employees; and**

(g) **Any additional information the division requests.**

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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 **Any new establishment that begins selling tobacco products, alternative nicotine**
19 **products, or vapor products after August 28, 2022, shall comply with the provisions of**
20 **this subdivision within thirty days of beginning operation or commencing retail sales.**
21 **The division of alcohol and tobacco control shall keep a record of all persons and**
22 **establishments licensed to sell tobacco products, alternative nicotine products, or vapor**
23 **products and the additional information reported.**

24 3. On or before July first of each year, the department of revenue shall make available
25 to the division of [~~liquor~~] **alcohol and tobacco** control and the department of mental health a
26 complete list of every establishment which sells cigarettes, other tobacco products, alternative
27 nicotine products, or vapor products in this state.

28 4. The division of [~~liquor~~] **alcohol and tobacco** control shall have the authority to
29 inspect stores and tobacco outlets for compliance with all laws related to access of tobacco
30 products, alternative nicotine products, or vapor products to minors. The division may
31 employ a person seventeen years of age, with parental consent, to attempt to purchase tobacco
32 for the purpose of inspection or enforcement of tobacco laws.

33 5. The supervisor of the division of [~~liquor~~] **alcohol and tobacco** control shall not use
34 minors to enforce the provisions of this chapter unless the supervisor promulgates rules that
35 establish standards for the use of minors. The supervisor shall establish mandatory guidelines
36 for the use of minors in investigations by a state, county, municipal or other local law
37 enforcement authority which shall be followed by such authority and which shall, at a
38 minimum, provide for the following:

39 (1) The minor shall be seventeen years of age;

40 (2) The minor shall have a youthful appearance, and the minor, if a male, shall not
41 have facial hair or a receding hairline and if a female, shall not wear excessive makeup or
42 excessive jewelry;

43 (3) The state, county, municipal or other local law enforcement agency shall obtain
44 the consent of the minor's parent or legal guardian before the use of such minor on a form
45 approved by the supervisor;

46 (4) The state, county, municipal or other local law enforcement agency shall make a
47 photocopy of the minor's valid identification showing the minor's correct date of birth;

48 (5) Any attempt by such minor to purchase tobacco products, alternative nicotine
49 products, or vapor products shall be videotaped or audiotaped with equipment sufficient to
50 record all statements made by the minor and the seller of the tobacco product;

51 (6) The minor shall carry his or her own identification showing the minor's correct
52 date of birth and shall, upon request, produce such identification to the seller of the tobacco
53 product, alternative nicotine product, or vapor product;

54 (7) The minor shall answer truthfully any questions about his or her age and shall not
55 remain silent when asked questions regarding his or her age;

56 (8) The minor shall not lie to the seller of the tobacco product, alternative nicotine
57 product, or vapor product to induce a sale of tobacco products;

58 (9) The minor shall not be employed by the state, county, municipal or other local law
59 enforcement agency on an incentive or quota basis;

60 (10) The state, county, municipal or other local law enforcement agency shall, within
61 forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the
62 establishment if a violation occurs;

63 (11) The state, county, municipal or other local law enforcement agency shall
64 maintain records of each visit to an establishment where a minor is used by the state, county,
65 municipal or other local law enforcement agency for a period of at least one year following
66 the incident, regardless of whether a violation occurs at each visit, and such records shall, at a
67 minimum, include the following information:

68 (a) The signed consent form of the minor's parent or legal guardian;

69 (b) A Polaroid photograph of the minor;

70 (c) A photocopy of the minor's valid identification, showing the minor's correct date
71 of birth;

72 (d) An information sheet completed by the minor on a form approved by the
73 supervisor; and

74 (e) The name of each establishment visited by the minor, and the date and time of
75 each visit.

76 6. If the state, county, municipal or other local law enforcement authority uses minors
77 in investigations or in enforcing or determining violations of this chapter or any local
78 ordinance and does not comply with the mandatory guidelines established by the supervisor
79 of ~~[liquor]~~ **alcohol and tobacco** control in subsection 5 of this section, the supervisor of
80 ~~[liquor]~~ **alcohol and tobacco** control shall not take any disciplinary action against the
81 establishment or seller pursuant to this chapter based on an alleged violation discovered when
82 using a minor and shall not cooperate in any way with the state, county, municipal or other
83 local law enforcement authority in prosecuting any alleged violation discovered when using a
84 minor.

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