

SECOND REGULAR SESSION

SENATE BILL NO. 661

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3096S.011

AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to smoking prevention and cessation.

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

Section A. Chapter 196, RSMo, is amended by adding thereto two new sections, to be known as sections 196.1013 and 196.1016, to read as follows:

196.1013. There is hereby established in the state treasury the "Comprehensive Tobacco Control Trust Fund" to be held separate from all other public moneys and funds of the state. The attorney general shall deposit into the fund all moneys received from the strategic contribution payments received from the account provided under subsection IX(c)(2) of the master settlement agreement, as defined in section 196.1000, beginning in fiscal year 2011 and in perpetuity thereafter. Notwithstanding the provisions of section 33.080, to the contrary, the moneys in the fund shall not revert to the credit of general revenue at the end of the biennium. Moneys in the fund shall not be subject to appropriation for purposes other than those of evidence-based prevention and cessation programs designated by the commission for comprehensive tobacco control established in section 196.1016. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the comprehensive tobacco control trust fund shall be credited by the state treasurer to the fund.

196.1016. 1. There is hereby created the "Commission for Comprehensive Tobacco Control", which shall be established in the department of health and senior services. The commission shall consist

4 of the following thirteen members or their designees:

5 (1) One member from an organization representing cancer
6 treatment and prevention programs, appointed by the governor;

7 (2) One member from an organization representing heart disease
8 treatment and prevention programs, appointed by the governor;

9 (3) One member from an organization representing lung disease
10 treatment and prevention programs, appointed by the governor;

11 (4) A representative from the Missouri State Medical Association,
12 appointed by the governor;

13 (5) A representative from the nursing profession recommended
14 by the Missouri Nurses' Association, appointed by the governor;

15 (6) A representative from a smoking prevention advocacy
16 organization, appointed by the governor;

17 (7) One member from a local medical society representing the
18 Kansas City area, appointed by the governor;

19 (8) One member from a local medical society representing the St.
20 Louis area, appointed by the governor;

21 (9) One member from a local medical society representing the
22 Greene county area, appointed by the governor;

23 (10) The director of the Missouri department of health and senior
24 services;

25 (11) The director of the Missouri department of mental health;

26 (12) The president pro tempore of the Missouri senate; and

27 (13) The speaker of the Missouri house of representatives.

28 The members appointed by the governor shall be approved with the
29 advice and consent of the senate.

30 2. Members of the commission appointed by the governor shall
31 serve two-year terms, subject to reappointment. Of the members
32 initially appointed by the governor, half shall be for a one-year
33 term. Service shall be voluntary, with reasonable reimbursement for
34 expenses incurred by members who are not employees of the state of
35 Missouri.

36 3. The commission shall designate moneys from the
37 comprehensive tobacco control trust fund for programs described
38 under this section consistent with best practices and guidelines for
39 state tobacco control programs. No member of the commission may be
40 an employee of or have any financial interest in any tobacco company

41 or any company or private organization with any financial ties to any
42 tobacco company.

43 4. The commission shall submit a report by December 15, 2010,
44 to the governor, the speaker of the house of representatives, and the
45 president pro tem of the senate that includes information regarding the
46 commission's recommendations for program guidelines and
47 administration. No later than December fifteenth of each following
48 year, the commission shall submit a report to the governor, the speaker
49 of the house of representatives, and the president pro tem of the senate,
50 which shall include information regarding the number of program
51 applicants and evaluation of programs currently being funded based on
52 accountability standards set by the commission.

53 5. Any rule or portion of a rule, as that term is defined in section
54 536.010, that is created under the authority delegated in this section
55 shall become effective only if it complies with and is subject to all of
56 the provisions of chapter 536, and, if applicable, section 536.028. This
57 section and chapter 536, are nonseverable and if any of the powers
58 vested with the general assembly pursuant to chapter 536, to review, to
59 delay the effective date, or to disapprove and annul a rule are
60 subsequently held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28, 2010, shall
62 be invalid and void.

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