

FIRST REGULAR SESSION

HOUSE BILL NO. 184

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEEKEN (Sponsor) AND SKAGGS (Co-sponsor).

Read 1st time January 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0832L.011

AN ACT

To amend chapter 311, RSMo, by adding thereto two new sections relating to the reduction of alcohol-related problems, with a referendum clause.

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

Section A. Chapter 311, RSMo, is amended by adding thereto two new sections, to be known as sections 311.551 and 311.552, to read as follows:

311.551. 1. As used in this section and section 311.552, the term "alcohol-related problems" includes but is not limited to:

(1) Fetal alcohol syndrome and fetal alcohol effects and consequences for neonatal care, disabilities, and human development;

(2) Health care costs attributed to the abuse of and addiction to intoxicating beverages;

(3) Burden on the workplace and on employers as the result of alcohol abuse and addiction;

(4) Effects of underage drinking on school climate, safety, discipline, and health resources at middle school, high school, and college levels;

(5) Effects of alcohol on academic performance and high school drop-out rates;

(6) Effects of parental alcohol abuse and addiction on child abuse, neglect, and out-of-home placements;

(7) Effects of alcohol-impaired driving on highway safety and resources devoted to maintaining safety on the state's highways and dealing with fatalities, injuries, property damage, and compensation of victims;

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.

17 **(8) Effects of alcohol-impaired boating and operation of vessels on the state's**
18 **waterways, including resources for enforcement of laws;**

19 **(9) Effects of alcohol on law enforcement resources devoted to domestic violence,**
20 **violent crimes, and other public safety offenses;**

21 **(10) Biomedical consequences of alcohol abuse and addiction, including medical**
22 **complications of multiple drug abuse or addiction, and other conditions requiring**
23 **emergency care and hospitalization;**

24 **(11) Trauma care resulting from alcohol-involved accidents and violent crimes;**

25 **(12) Burden on the correctional system of offenders whose crimes were committed**
26 **while intoxicated or whose crimes are otherwise related to alcohol abuse and addiction;**

27 **(13) Burden on specialized treatment program for the treatment, rehabilitation,**
28 **and support for recovery from alcohol dependence or addiction, including financing and**
29 **reimbursement for services.**

30 **2. There is hereby created in the state treasury a special trust fund, to be known**
31 **as the "Fund for the Reduction of Alcohol-Related Problems and Underage Drinking".**
32 **The state treasurer shall credit to and deposit in the fund for reduction of alcohol-related**
33 **problems and underage drinking all amounts received pursuant to this section and section**
34 **311.552.**

35 **3. The state treasurer shall invest moneys in the fund for the reduction of alcohol-**
36 **related problems and underage drinking in the same manner as surplus state funds are**
37 **invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of**
38 **moneys in the fund shall be credited to the fund.**

39 **4. Funds appropriated by the general assembly from the fund for the reduction of**
40 **alcohol-related problems and underage drinking shall be used only for the purposes**
41 **authorized pursuant to this section and shall not be used to supplant any existing program**
42 **or service. To ensure a balanced approach, the moneys appropriated from the fund shall,**
43 **to the extent practicable, constitute one-half of the total for prevention and law**
44 **enforcement, and one-half of the total for treatment and recovery support.**

45 **5. Appropriation of funds by the general assembly pursuant to this section, shall**
46 **be guided by the following considerations:**

47 **(1) The effects of alcoholic beverages on the health, safety, and welfare of the people**
48 **of Missouri;**

49 **(2) Demonstrated need for well-coordinated programs and services toward the**
50 **reduction of alcohol-related problems and underage drinking at the community level;**

51 **(3) Demonstrated readiness to develop, implement, and evaluate programs and**
52 **services as components of a comprehensive plan to reduce alcohol-related problems and**

- 53 **underage drinking, such programs and services to include but not limited to:**
- 54 **(a) Public awareness, education, and consultation;**
- 55 **(b) Community-based and school-based prevention and remediation;**
- 56 **(c) Workplace-related employee assistance programs;**
- 57 **(d) Screening and assessment;**
- 58 **(e) Early intervention;**
- 59 **(f) Diversion or alternatives to criminal justice sanctions and incarceration;**
- 60 **(g) Treatment and rehabilitation for alcoholism, alcohol dependence, or addiction;**
- 61 **(h) Recovery support programs for alcoholism, alcohol dependence, or addiction;**
- 62 **(i) Community networks designed to overcome the obstacles to recovery;**
- 63 **(j) Operation of adult and adolescent drug courts;**
- 64 **(k) Resources devoted to enforcement of alcohol-related laws; and**
- 65 **(l) Comprehensive community approaches to reduction of alcohol problems.**
- 66 **(4) Support for programs and services pursuant to the drug-free schools act**
- 67 **provided in chapter 161, RSMo;**
- 68 **(5) Support for a community grants program, pursuant to section 191.835, or**
- 69 **successor statute;**
- 70 **(6) Support for rehabilitative alcohol and drug abuse services, including preventive,**
- 71 **diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals**
- 72 **in an individual or group setting pursuant to section 208.152, RSMo;**
- 73 **(7) Demonstrated need for resources to address the reduction of alcohol-related**
- 74 **problems in institutions of elementary and secondary education, alternate schools, and**
- 75 **juvenile treatment facilities, pursuant to chapters 210 and 211, RSMo, as well as**
- 76 **institutions of higher education;**
- 77 **(8) Support for correctional programs for the monitoring, control, and treatment**
- 78 **of certain substance abuse offenders and placement on parole with supervision pursuant**
- 79 **to section 217.364, RSMo, and section 559.607, RSMo;**
- 80 **(9) Support for treatment programs that qualify as a substance abuse traffic**
- 81 **offender program, programs to provide education or rehabilitation services, including**
- 82 **individuals determined to be prior or persistent offenders of alcohol-related traffic**
- 83 **offender laws, pursuant to section 302.540, RSMo, and section 577.049, RSMo;**
- 84 **(10) Support for enforcement of laws dealing with liquor control, with special**
- 85 **emphasis on sale of alcoholic beverages to persons under the age of twenty-one, pursuant**
- 86 **to this chapter and chapter 312, RSMo;**
- 87 **(11) Support for alternatives for the judicial system to dispose of cases which stem**
- 88 **from alcohol or substance abuse, combining judicial supervision, drug testing and**

89 treatment as provided by a drug court established by any circuit court, pursuant to section
90 478.001, RSMo;

91 (12) Support for enforcement of laws dealing with alcohol-related traffic safety and
92 other public safety offenses pursuant to chapter 577, RSMo;

93 (13) Support for programs and services required for completion of a substance
94 abuse traffic offender program for any person under the age of twenty-one determined to
95 have violated a state, county, or municipal law involving the possession or use of alcohol
96 pursuant to section 577.525, RSMo;

97 (14) Support for programs and services for alcohol-related crime prevention
98 provided under contract with local law enforcement or prevention-related organizations,
99 including programs provided in schools pursuant to section 589.310, RSMo;

100 (15) Support for programs ensuring that alcohol and drug abuse prevention,
101 evaluation, treatment, and rehabilitation services are accessible, wherever possible,
102 including residential facilities, day programs, and specialized services pursuant to section
103 631.010, RSMo;

104 (16) Support for plans and recommendations made by the Missouri advisory
105 council on alcohol and drug abuse, on the prevention, treatment, and rehabilitation for
106 persons affected by alcohol and drug abuse, including evaluation, care, technologies,
107 preparation, training, retraining, and distribution of resources, methods, means, and
108 procedures to improve and upgrade the service delivery system for citizens of this state
109 pursuant to section 631.020, RSMo, and support for the recommendations of regional
110 advisory councils, based on assessment of needs, including any special target populations
111 of unserved, underserved, or inappropriately served persons pursuant to section 631.045,
112 RSMo.

113 6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

114 (1) The provisions of the new program authorized under this section shall
115 automatically sunset six years after the effective date of this section unless reauthorized by
116 an act of the general assembly; and

117 (2) If such program is reauthorized, the program authorized under this section
118 shall automatically sunset twelve years after the effective date of the reauthorization of this
119 section; and

120 (3) This section shall terminate on September first of the calendar year immediately
121 following the calendar year in which the program authorized under this section is sunset.

311.552. 1. In addition to the charges imposed in section 311.520, the director of
2 revenue shall collect an additional charge of eighteen cents per gallon or fraction thereof
3 for the privilege of selling malt liquors containing alcohol in excess of three and two-tenths

4 percent by weight. The additional charge shall be paid and collected in the same manner
5 and at the same time as the charges imposed by section 311.520.

6 **2. In addition to the charges collected by section 312.230, RSMo, the director of**
7 **revenue shall collect an additional charge of eighteen cents per gallon or fraction thereof**
8 **for the privilege of selling nonintoxicating beer. The additional charge shall be paid and**
9 **collected in the same manner and at the same time as the charges imposed by section**
10 **311.520.**

11 **3. In addition to the charges imposed by subdivision (1) of subsection 1 of section**
12 **311.550, the director of revenue shall collect an additional charge of two dollars per gallon**
13 **or fraction thereof for the privilege of selling spirituous liquors, including brandy, rum,**
14 **whiskey, and gin, and other spirituous liquors and alcohol for beverage purposes. The**
15 **additional charge shall be paid and collected in the same manner and at the same time as**
16 **the charges imposed by subdivision (1) of subsection 1 of section 311.550.**

17 **4. In addition to the charges collected by subdivision (2) of subsection 1 of section**
18 **311.550 and section 311.554, the director of revenue shall collect an additional charge of**
19 **thirty-six cents per gallon or fraction thereof for the privilege of selling wines. The**
20 **additional charge shall be paid and collected in the same manner and at the same time as**
21 **the charges imposed by subdivision (2) of subsection 1 of section 311.550 and section**
22 **311.554.**

23 **5. The moneys derived from the additional charges imposed by subsections 1 to 4**
24 **of this section shall be deposited by the state treasurer to the credit of the fund for the**
25 **reduction of alcohol-related problems and underage drinking, established in section**
26 **311.551. The money in the fund shall be appropriated annually by the general assembly**
27 **solely for the reduction of alcohol-related problems and underage drinking as provided in**
28 **section 311.551.**

29 **6. Beginning July 1, 2012, and every fifth year thereafter, the charges collected for**
30 **intoxicating beverages pursuant to sections 311.520, 311.550, 311.552, 311.554, and 312.230,**
31 **RSMo, shall be adjusted, based on the rate of inflation indicated by the consumer price**
32 **index, as defined in section 104.010, RSMo. The increase in charges shall first be**
33 **determined in January of 2010 and each five-year period thereafter, based on the**
34 **cumulative percentage increase in the consumer price index in the five preceding years.**

35 **7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

36 **(1) The provisions of the new program authorized under this section shall**
37 **automatically sunset six years after the effective date of this section unless reauthorized by**
38 **an act of the general assembly; and**

39 **(2) If such program is reauthorized, the program authorized under this section**

40 shall automatically sunset twelve years after the effective date of the reauthorization of this
41 section; and

42 (3) This section shall terminate on September first of the calendar year immediately
43 following the calendar year in which the program authorized under this section is sunset.

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and
3 conducted on the Tuesday immediately following the first Monday in November, 2006, or at a
4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and it shall become effective when approved by a
7 majority of the votes cast thereon at such election and not otherwise.