

SECOND REGULAR SESSION

HOUSE BILL NO. 1162

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEEKEN (Sponsor), SKAGGS, WILSON (119),
COOPER (155) AND WILDBERGER (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3527L.02I

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
2 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
2 problems" includes but is not limited to:**

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

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

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

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

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

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

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.

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

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.

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