

FIRST REGULAR SESSION

HOUSE BILL NO. 910

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHUPP (Sponsor), MEADOWS, OXFORD, TALBOY, HOLSMAN, JONES (63), BROWN (73), WILDBERGER, TODD, SHIVELY, QUINN, NASHEED, CALLOWAY, LeBLANC, HUGHES, KIRKTON, McNEIL, WALTON GRAY, PACE, ROORDA, ATKINS, MORRIS, SCAVUZZO AND FISCHER (107) (Sponsors).

1978L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 191.769, RSMo, and to enact in lieu thereof two new sections relating to the Missouri healthy heart fund.

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

Section A. Section 191.769, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.769 and 1, to read as follows:

191.769. The following areas are not considered a public place:

- (1) An entire room or hall which is used for private social functions, provided that the seating arrangements are under the control of the sponsor of the function and not of the proprietor or other person in charge;
- (2) Limousines for hire and taxicabs, where the driver and all passengers agree to smoking in such vehicle;
- (3) Performers on the stage, provided that the smoking is part of the production;
- (4) [A place where more than fifty percent of the volume of trade or business carried on is that of the blending of tobaccos or sale of tobaccos, cigarettes, pipes, cigars or smoking sundries;
- (5)] Bars, taverns, **and** restaurants that seat less than fifty people, [bowling alleys and billiard parlors,] which conspicuously post signs stating that "Nonsmoking Areas are Unavailable";
- [(6)] (5) Private residences; and

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.

15 [(7)] (6) Any enclosed indoor arena, stadium or other facility which may be used for
16 sporting events and which has a seating capacity of more than fifteen thousand persons.

**Section 1. 1. (1) There is hereby created in the state treasury the "Missouri
2 Healthy Heart Fund", which shall consist of all surcharges collected under this section,
3 federal grants, private donations, and any other moneys designated for this fund. The state
4 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
5 RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the
6 fund shall be used by the department of health and senior services for the purpose of
7 treating persons with myocardial infarction.**

8 (2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
9 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
10 the general revenue fund.

11 (3) The state treasurer shall invest moneys in the fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such investments shall be credited
13 to the fund.

14 2. (1) All entities conducting business in the state of Missouri which are not smoke-
15 free shall be assessed a surcharge in an amount equal to one-tenth of one percent of the
16 entity's Missouri taxable income under chapter 143, RSMo. Such surcharge shall be
17 deposited in the Missouri healthy heart fund.

18 (2) Any such entity which is exempt from Missouri income taxation shall be
19 assessed a surcharge in an amount equal to two hundred dollars. Such surcharge shall be
20 deposited in the Missouri healthy heart fund.

21 (3) Any such entity that is not considered a public place under subdivision (1), (4),
22 or (6) of section 191.769, RSMo, which meets the criteria set forth in section 191.767,
23 RSMo, shall be assessed a reduced surcharge in an amount equal to two-hundredths of one
24 percent of the entity's Missouri taxable income under chapter 143, RSMo, or two hundred
25 dollars, whichever is greater. Such surcharge shall be deposited in the Missouri healthy
26 heart fund.

27 (4) Any entity with a designated outdoor smoking area fifty feet or greater distance
28 from any building entrance and with a no smoking policy may submit a signed affidavit
29 and shall be exempt from any surcharge assessed under this subsection.

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