

SECOND REGULAR SESSION

HOUSE BILL NO. 1601

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

5051H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 407.925, RSMo, and to enact in lieu thereof two new sections relating to tobacco products.

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

Section A. Section 407.925, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 407.923 and 407.925, to read as follows:

407.923. No state agency, department, division, or other political subdivision shall enforce any federal law, regulation, or rule penalizing the possession, distribution, sale, trade, traffic, or profit from cigarettes, cigars, or rolling papers as that term is defined in section 407.925 by classifying such actions as the manufacture of cigarettes or cigars or any state or federal law, regulation, or rule that increases the state tax for tobacco products without the authorization of the general assembly.

407.925. As used in sections [407.925] **407.923** to 407.932, the following terms mean:

(1) "Center of youth activities", any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes;

(2) "Distribute", a conveyance to the public by sale, barter, gift or sample;

(3) "Minor", a person under the age of eighteen;

(4) "Municipality", the city, village or town within which tobacco products are sold or distributed or, in the case of tobacco products that are not sold or distributed within a city, village or town, the county in which they are sold or distributed;

(5) "Person", an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency,

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.

12 board, department or bureau of the state or federal government, or any other legal entity which
13 is recognized by law as the subject of rights and duties;

14 (6) "Proof of age", a driver's license or other generally accepted means of identification
15 that contains a picture of the individual and appears on its face to be valid;

16 (7) "Rolling papers", paper designed, manufactured, marketed, or sold for use primarily
17 as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a
18 smokable cigarette;

19 (8) "Sample", a tobacco product distributed to members of the general public at no cost
20 or at nominal cost for product promotional purposes;

21 (9) "Sampling", the distribution to members of the general public of tobacco product
22 samples;

23 (10) "Tobacco products", any substance containing tobacco leaf, including, but not
24 limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco;

25 (11) "Vending machine", any mechanical electric or electronic, self-service device
26 which, upon insertion of money, tokens or any other form of payment, dispenses tobacco
27 products.

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