

SECOND REGULAR SESSION

HOUSE BILL NO. 1580

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor) AND MEADOWS (Co-sponsor).

Read 1st time January 9, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4043L.02I

AN ACT

To repeal section 407.934, RSMo, and to enact in lieu thereof one new section relating to tobacco products.

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

Section A. Section 407.934, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.934, to read as follows:

407.934. 1. No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license **and a retail sales license as defined in subsection 7 of this section.**

2. Beginning January 1, 2002, the department of revenue shall permit persons to designate through the Internet or by including a place on all sales tax license applications for the applicant to designate himself or herself as a seller of tobacco products and to provide a list of all locations where the applicant sells such products.

3. On or before July first of each year, the department of revenue shall make available to the division of liquor control and the department of mental health a complete list of every establishment which sells cigarettes and other tobacco products in this state.

4. The division of liquor control shall have the authority to inspect stores and tobacco outlets for compliance with all laws related to access of tobacco products to minors. The division may employ a person seventeen years of age, with parental consent, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

5. The supervisor of the division of liquor control shall not use minors to enforce the provisions of this chapter unless the supervisor promulgates rules that establish standards for the

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.

16 use of minors. The supervisor shall establish mandatory guidelines for the use of minors in
17 investigations by a state, county, municipal or other local law enforcement authority which shall
18 be followed by such authority and which shall, at a minimum, provide for the following:

19 (1) The minor shall be seventeen years of age;

20 (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have
21 facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive
22 jewelry;

23 (3) The state, county, municipal or other local law enforcement agency shall obtain the
24 consent of the minor's parent or legal guardian before the use of such minor on a form approved
25 by the supervisor;

26 (4) The state, county, municipal or other local law enforcement agency shall make a
27 photocopy of the minor's valid identification showing the minor's correct date of birth;

28 (5) Any attempt by such minor to purchase tobacco products shall be videotaped or
29 audiotaped with equipment sufficient to record all statements made by the minor and the seller
30 of the tobacco product;

31 (6) The minor shall carry his or her own identification showing the minor's correct date
32 of birth and shall, upon request, produce such identification to the seller of the tobacco product;

33 (7) The minor shall answer truthfully any questions about his or her age and shall not
34 remain silent when asked questions regarding his or her age;

35 (8) The minor shall not lie to the seller of the tobacco product to induce a sale of tobacco
36 products;

37 (9) The minor shall not be employed by the state, county, municipal or other local law
38 enforcement agency on an incentive or quota basis;

39 (10) The state, county, municipal or other local law enforcement agency shall, within
40 forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the
41 establishment if a violation occurs;

42 (11) The state, county, municipal or other local law enforcement agency shall maintain
43 records of each visit to an establishment where a minor is used by the state, county, municipal
44 or other local law enforcement agency for a period of at least one year following the incident,
45 regardless of whether a violation occurs at each visit, and such records shall, at a minimum,
46 include the following information:

47 (a) The signed consent form of the minor's parent or legal guardian;

48 (b) A Polaroid photograph of the minor;

49 (c) A photocopy of the minor's valid identification, showing the minor's correct date of
50 birth;

51 (d) An information sheet completed by the minor on a form approved by the supervisor;
52 and

53 (e) The name of each establishment visited by the minor, and the date and time of each
54 visit.

55 6. If the state, county, municipal or other local law enforcement authority uses minors
56 in investigations or in enforcing or determining violations of this chapter or any local ordinance
57 and does not comply with the mandatory guidelines established by the supervisor of liquor
58 control in subsection 5 of this section, the supervisor of liquor control shall not take any
59 disciplinary action against the establishment or seller pursuant to this chapter based on an alleged
60 violation discovered when using a minor and shall not cooperate in any way with the state,
61 county, municipal or other local law enforcement authority in prosecuting any alleged violation
62 discovered when using a minor.

63 **7. Every retailer of cigarettes or tobacco products, as defined in section 149.011,**
64 **RSMo, located in this state shall, as a condition of carrying on such business, annually, on**
65 **or before May first of each year, secure a written license from the supervisor of the division**
66 **of alcohol and tobacco control and pay an annual fee of twenty-five dollars for the twelve-**
67 **month period beginning May first of each year. The license shall be kept on public display**
68 **in the retailer's place of business at all times.**

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