

SS SCS SB 884 -- TOBACCO REGULATIONS

This bill changes the laws regarding tobacco regulations. In its main provisions, the bill:

(1) Requires every tobacco product manufacturer whose cigarettes are sold in Missouri to certify to the Director of the Department of Revenue by April 30 of each year that it is in compliance with the Tobacco Master Settlement Agreement. A participating tobacco manufacturer must include in its certification a list of its brand families and update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must include in its certification a list of all of its brand families and the number of units sold for each brand family that was sold in the state during the preceding calendar year indicating any brand family that is no longer being sold in the state as of the date of the certification and the name and address of any other manufacturer of the brand families in the preceding or current year. The nonparticipating manufacturer must update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must also certify that it is registered to do business in the state or has appointed an agent within the state for the service of process regarding the enforcement of the provisions of the bill, that it is in full compliance with the provisions regarding the master agreement, and that it has established and continues to maintain a qualified escrow fund and other specified information regarding its financial transactions;

(2) Requires, on or after January 1, 2011, the department director to issue, maintain, update when necessary, make available for public inspection, and publish on its web site a list of all tobacco product manufacturers that have provided current and accurate certifications in compliance with the requirements of the bill and all brand families listed in the certifications with certain specified exceptions;

(3) Requires the department director to disclose to the Attorney General any information received under the provisions of the master agreement that is requested to determine compliance with and to enforce the provisions of the agreement. The department director and the Attorney General must share with each other certain specified information;

(4) Allows the Attorney General, on behalf of the department director, to seek an injunction to restrain a threatened or actual violation of certain provisions;

(5) Requires a stamping agent, who affixes tax stamps to

cigarette packages, to submit an electronic mail address to the department director for the receipt of required notifications;

(6) Allows the seizure and forfeiture of cigarettes deemed by a court of competent jurisdiction to have been sold, offered for sale, or possessed for sale in violation of the provisions of the bill. The state may also recover the costs of investigating and litigating a violation; and

(7) Specifies the penalties for a violation of the provisions of the bill including suspension of the license of a stamping agent and a class A misdemeanor offense for a violation of various transactions involving contraband cigarettes. Monetary penalties will be deposited into the newly created Tobacco Control Special Fund to be used to enforce the provisions of the bill.

The bill contains an emergency clause.