

FIRST REGULAR SESSION

HOUSE BILL NO. 141

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HAEFNER (Sponsor) AND KELLY (45) (Co-sponsor).

0161L.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 190, RSMo, by adding thereto one new section relating to the Missouri poison center funding pool.

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

Section A. Chapter 190, RSMo, is amended by adding thereto one new section, to be known as section 190.360, to read as follows:

190.360. 1. As used in this section, the following terms shall mean:

(1) **"Department"**, the department of insurance, financial institutions and professional registration;

(2) **"Director"**, the director of the department of insurance, financial institutions and professional registration;

(3) **"Health insurance coverage"**, the same meaning as such term is defined in section 376.450;

(4) **"Health insurance issuer"**, the same meaning as such term is defined in section 376.450;

(5) **"Missouri poison center"**, the Missouri Regional Poison Information Center and the Missouri Poison Control Network established in section 190.353, or their successor organizations, serving the entire state of Missouri in a similar manner to that established by the department of health and senior services;

(6) **"Missouri poison center funding pool" or "pool"**, the sum of moneys assessed to health insurance issuers under this section for purposes of supporting the Missouri poison center.

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.

17 **2. All health insurance issuers which report sales of direct written premiums for**
18 **health insurance coverage in this state of one million dollars or more shall annually pay an**
19 **assessment of ninety-two ten thousandths of one percent of such sales.**

20 **3. The funding pool shall be adjusted annually for inflation to reflect the increase**
21 **in the St. Louis Consumer Price Index or the Kansas City Consumer Price Index if the St.**
22 **Louis Consumer Price Index is not available. Beginning January 1, 2015, and annually**
23 **thereafter, the current value of the assessment funds adjusted for inflation in accordance**
24 **with this subsection shall be calculated by the department. The department shall furnish**
25 **the calculated value to the secretary of state, who shall publish such value in the Missouri**
26 **Register as soon after January first as practicable, but the department shall otherwise be**
27 **exempt from the provisions of section 536.021 for purposes of this subsection.**

28 **4. On June first of each year, the department shall issue invoices to all health**
29 **insurance issuers with payment due July first. Payment shall be remitted to the**
30 **department of revenue.**

31 **5. On August first of each year, or as soon thereafter as the total amount of moneys**
32 **have been received from health insurance issuers under this section, the department of**
33 **revenue shall issue such moneys as have been received from health insurance issuers, to the**
34 **Missouri poison center.**

35 **6. The director shall promulgate rules as needed to implement the provisions of this**
36 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
37 **created under the authority delegated in this section shall become effective only if it**
38 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
39 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
40 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
41 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
42 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
43 **shall be invalid and void.**

44 **7. The assessments as described and required by this section shall not be subject**
45 **to premium taxes, nor with respect to foreign insurance companies, the retaliatory tax**
46 **imposed under section 375.916.**

47 **8. Any failure of a health insurance issuer to remit payment of an annual invoice**
48 **as required under this section is a level two violation under section 374.049.**

✓