

SECOND REGULAR SESSION

HOUSE BILL NO. 1950

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHARNHORST.

6207L.011

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 insurer"**, 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 funds, which shall start at five hundred thousand dollars in 2013 and be adjusted annually for inflation thereafter, 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.

18 **2. All health insurance issuers which report direct written premiums for health**
19 **insurance coverage in this state shall annually pay an assessment as determined by the**
20 **department under subsection 4 of this section.**

21 **3. The funding pool shall be adjusted annually for inflation to reflect the increase**
22 **in the St. Louis Consumer Price Index or the Kansas City Consumer Price Index if the St.**
23 **Louis Consumer Price Index is not available. Beginning January 1, 2014, and annually**
24 **thereafter, the current value of the assessment funds adjusted for inflation in accordance**
25 **with this subsection shall be calculated by the department. The department shall furnish**
26 **the calculated value to the secretary of state, who shall publish such value in the Missouri**
27 **Register as soon after January first as practicable, but the department shall otherwise be**
28 **exempt from the provisions of section 536.021 for purposes of this subsection.**

29 **4. The amount assessable to each health insurance issuer shall be determined by**
30 **the director each year. Such amount shall be calculated by taking the most current value**
31 **of the Missouri poison control funding pool that has been adjusted for inflation as required**
32 **under subsection 3 of this section and dividing it by the total number of health insurance**
33 **issuers with more than one hundred thousand dollars in direct written premiums for**
34 **health insurance coverage in Missouri at the end of the previous calendar year.**

35 **5. On June first of each year, the department shall issue invoices to all health**
36 **insurance issuers with payment due July first. Payment shall be remitted to the**
37 **department of revenue.**

38 **6. On August first of each year, or as soon thereafter as the total amount of funds**
39 **has been received from health insurance issuers, the department of revenue shall issue the**
40 **sum of five hundred thousand dollars, adjusted for inflation under this section, to the**
41 **Missouri poison center.**

42 **7. The director shall promulgate rules as needed to implement the provisions of this**
43 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
44 **created under the authority delegated in this section shall become effective only if it**
45 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
46 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
47 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
48 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
49 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**
50 **shall be invalid and void.**

51 **8. The assessments as described and required by this section shall not be subject**
52 **to premium taxes, nor with respect to foreign insurance companies, the retaliatory tax**
53 **imposed under section 375.916.**

54 **9. Any failure of a health carrier to remit payment of an annual invoice as required**
55 **under this section is a level two violation under section 374.049.**

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