

FIRST REGULAR SESSION

SENATE BILL NO. 462

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Read 1st time February 7, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1833S.02I

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to tobacco products that can be lawfully sold in Missouri.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1017, to read as follows:

196.1017. 1. Notwithstanding any law or rule to the contrary, any person licensed and required under chapter 149, to affix a tax stamp on cigarette packages or any retailer, who in good faith offers for sale or sells cigarettes that do not comply with state law, shall not be subject to any administrative, civil, or criminal seizures, forfeitures, suspensions, fines, or punishments for offering for sale or selling the noncompliant cigarette. The provisions of this section shall not relieve a wholesaler or retailer from any penalty imposed by law for the sale of cigarettes where a tax stamp has not been lawfully applied in accordance with this chapter.

2. In the event a cigarette is declared to be not in compliance with state law, cigarette wholesalers are prohibited from making further purchases from manufacturers of the noncompliant cigarette, but cigarette wholesalers may lawfully stamp and sell to retailers any inventory of the noncompliant cigarettes for thirty days from the declaration date, and retailers have sixty days from the declaration date to purchase from wholesalers and sell lawfully any of the noncompliant cigarette.

3. The declaration that a cigarette does not comply with state law shall be published immediately and conspicuously posted on the website of both the attorney general and the department of

22 revenue. The director of the department of revenue shall also directly
23 notify all wholesalers in writing, sent via United States mail, of the
24 manufacturers and cigarette brands that are no longer lawful to sell in
25 this state and, within five days of such notification, the wholesaler shall
26 provide the director with a count of said manufacturer's cigarette
27 brands that the wholesaler is holding in inventory for sale in this state.

28 4. The definition of the terms "cigarette", "manufacturer", "tax
29 stamp", and "wholesaler" are contained in section 149.011.

Unofficial

Bill

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