

2013 Legislative Session Recap

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Overview

Friday, May 17th the final bell rang and the 2013 Missouri legislative session came to a close. The preceding five months of activity was monitored closely by our partners, trained advocates and volunteers. Having a presence at the state capitol is essential in providing legislators with accurate information about the dangers of secondhand smoke and the importance of smokefree air.

- Tobacco Control Wins & Losses:
 - Win: With your assistance, we have successfully thwarted attempts to pass preemptive language through another legislative session! **We could not do it without the support and quick action of volunteers and partners.**
 - Loss: Despite our efforts to educate our legislators on the most effective policy solutions to reduce tobacco use, there was no legislative action to increase the price of tobacco products, allocate funding for comprehensive tobacco control programs, provide sustained funding for the Quitline or protect Missourians from secondhand smoke by creating a statewide comprehensive policy.

Below you will find a listing of tobacco related legislation that was drafted, heard in House/Senate committees, and potentially passed out of committee. For a full list of all bills signed into law by Missouri Governor Jay Nixon, visit <http://governor.mo.gov/actions/>.

Table 1 – 2013 Missouri Legislative Session, Tobacco Related Bills

Bill Topic of Focus (# of bills/topic)		Action Taken (#of bills/action)	
1	Casinos	20	TOTAL introduced
2	Clean Indoor Air	14	Assigned to committee
1	Correctional Facilities	10	Heard in committee
6	Local Control	6	Reported out
2	Master Settlement Agreement escrow	2	Brought to floor vote
4	Tobacco Tax	2	Passed
2	Tobacco-derived & Vapor	2	Passed by both houses
2	Youth	n/a	Signed by governor

Cause for Concern

Specific language considered by the 2013 Missouri legislature is cause for concern for Missouri tobacco control advocates. In particular, members of the Missouri House of Representatives introduced laws attempting to limit local control and discourage city and county councils from enacting smokefree ordinances. The tobacco industry also played a role influencing Missouri lawmakers. The industry developed language under the guise of limiting youth access to new tobacco products i.e. e-cigarettes. In actuality, these laws asked for special definitions and exclusion from regulations for other tobacco products. The industry used this tactic in several states to confuse and delay the ability for state and federal government regulation of certain products through special classifications.

Not *all* legislative action regarding tobacco attempted to impede the smokefree movement. The Senate attempted to close the loophole in the Master Settlement Agreement that exempts small tobacco companies from paying into the escrow account. Representatives Schupp (D-82) and Chappelle-Nadal (D-18) worked to introduce laws that would expand smokefree environments in Missouri. We applaud these efforts and continue to provide support to those elected officials that serve as champions for public health.

Make Your Voice Heard

Tobacco Free Missouri encourages all advocates to make their voices heard to their legislators. Elected officials are most impacted when they hear personal stories from their constituents. When session ends, legislators return to their home districts where they are a part of your community. Take this opportunity to talk with them about why smokefree policies matter to you. Educate your officials about the importance of protecting employees from exposure to secondhand smoke and most importantly their potential to impact the public health of all Missourians. We are thankful for our elected officials and acknowledge the difficult decisions they face. Provide your expertise and take the guesswork out of the tobacco control policy movement at the statewide level.

For more information, please contact us at info@tobaccofreemissouri.org or visit us at www.tobaccofreemo.org

Appendix A: Full Listing of Tobacco Related Bills

Casinos

HB 509 – Otto (D-70 St Charles) Prohibits a casino from being subject to more restrictive smoking laws than any other excursion gambling boat within a 125 mile radius. Hearing before General Laws Committee.

Clean Indoor Air

SB 201 – Chappelle-Nadal (D-18 St Louis County) Amends current state CIA law to remove exemptions. Not assigned to a committee.

HB 523 – Schupp (D-82 Creve Couer) Perennial bill based on Americans for Nonsmokers' Rights model. Not assigned to a committee.

Correctional Facilities

HB 560 – Molendorp (R-123 Belton) Perennial bill to prohibit use of tobacco products in any area or grounds of a state correctional facility. Not assigned to a committee.

Local Control

SB 58 – Romine (R-3 Farmington) Companion bill to HB 61 – Allows Farmington city council to place an ordinance on a city ballot for voters to decide. It was acknowledged by the sponsor this was for a “smoking ban”. Passed by both houses and sent to the Governor.

HB 61 – Engler (R-116 Farmington) Companion bill to SB 61 - Allows Farmington city council to place an ordinance on a city ballot for voters to decide. It was acknowledged by the sponsor this was for a “smoking ban”. Passed by House Local Government Committee and sent to the Governor.

HB 1021 – Conway (R-104 St Charles) Diverts local property and county sales tax to school district for those businesses that would have been smoking-allowed if not for local smokefree ordinances. Passed by House Local Government Committee.

Master Settlement Agreement

SB 97 – Kurt Schaefer (R-19 Columbia) Companion the HB 978 – Perennial bill to close loophole where Master Settlement Agreement non-participating manufacturers no longer receive refunds of escrow payments. Failure to pass this bill could reduce MSA payments from Big Tobacco companies. Missouri is the only MSA state to not close this loophole. Assigned to General Laws, no hearing.

HB 978 – Kelly (D-45 Columbia) Companion to SB 97 – To close loophole in MSA for non-participating manufacturers. Not assigned to a committee.

Tax

SB 31 – Lamping (R-24 Ladue) Increases cigarette tax from 17¢ per pack to 43¢ per pack, new revenue to general revenue fund. Additional new tax is eliminated immediately whenever the Secretary of State certifies any ballot issue that would increase any cigarette tax.

Bill also would enact a flat 4% income tax and increase the state sales/use tax by ½% to be used for Interstate 70.

Bill was combined with SB 11 and SB 26 with cigarette tax provision deleted.

SB 200 – Lamping (R-24 Ladue) Incremental increases for cigarette tax from 17¢ to 22¢ January 2015; to 27¢ January 2017; and to 30¢ January 2019. The new tax would not be collected if another tobacco tax of fee would appear on a local or state ballot.

Bill also would modify income tax.

Hearing held by Ways & Means

HB 456 – Ellinger (D-86 University City) Increases cigarette tax from 17 cents by 4 cents per pack per year for four years until the excise tax on cigarettes reaches 33 cents per pack. New revenue to General Revenue. Not assigned to a committee.

HB 864 – Carpenter (D-15 Kansas City) Increases cigarette tax from 17¢ to 45¢ with revenue to General Revenue; changes individual income tax rates; provides business income deduction; and decreases federal income tax liability. Not assigned to a committee.

Tobacco-Derived & Vapor Products

SB 337 – Sater (R-29 Cassville) Companion to HB 751 – On face value would prohibit sale of tobacco-derived and vapor products to minors. The underlying intent is to create distinctly different definitions for these products separate from that of tobacco products. This could serve to confuse and nullify FDA testing for new tobacco products. This bill is promoted by Reynolds American in a number of states. Assigned to General Laws, but not heard.

HB 751 – Molendorp (R-56 Belton) Companion to SB 337 above. Heard by Insurance Policy, not reported out.

Youth

SB 467 – Schaefer (R-19 Columbia) Requires legislature to consider statistics regarding youth smoking as reported by the Missouri youth tobacco survey when appropriating money in the Life Sciences Research Trust fund. Assigned to General Laws, no hearing.

HB 35 – Higdon (R-11 Platte/Buchanan) Creates an Alcohol & Tobacco Control Trust Fund to be used for the administration of liquor and tobacco laws. Passed by Crime Prevention & Public Safety committee.