

COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4843-01  
Bill No.: HB 2053  
Subject: Children and Minors; Public Safety Department; Tobacco.  
Type: Original  
Date: March 11, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Department of Public Safety - Liquor Control, Department of Conservation, Department of Natural Resources, Office of the State Public Defender, Department of Revenue** and the **Department of Health and Senior Services** each state this proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator (CTS)** state that depending on the degree of enforcement, there could be an increase in the number of cases filed, but CTS would not expect a significant impact on the workload of the courts.

Officials from the **Department of Corrections (DOC)** state that currently, they cannot predict the number of new commitments which may result from the creation of the offenses outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender, per day or an annual cost of \$1,219 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety - Division of Liquor Control's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 16 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 24 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal are estimated to be \$984, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

ASSUMPTION (continued)

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations

related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal may impact small businesses that sell tobacco products.

DESCRIPTION

This proposal makes several changes regarding the sale of tobacco to minors. The proposal:

- (1) Clarifies that any peace officer may enforce laws regarding the sale of tobacco;
- (2) Requires persons who sell tobacco to register with the Department of Revenue beginning January 1, 2003 (was January 1, 2002). The proposal also creates a penalty (Class A. Misc.) for not registering;
- (3) Clarifies the penalty for registered sellers who do not display a sign requiring purchasers of tobacco to be at least 18 years old;

DESCRIPTION (continued)

- (4) Creates a penalty (infraction) for registered sellers who do not sell tobacco in a machine or do not keep tobacco products behind the check-out counter or within the sight of the check-out clerk;

- (5) Changes the penalty to an infraction for registered sellers who sell tobacco products to minors;
- (6) Creates administrative penalties by the Division of Liquor Control for registered sellers for failure to comply with laws regarding the sale of tobacco;
- (7) Clarifies the authority of the division to enforce laws related to the sale of tobacco; and
- (8) Makes several technical changes.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Liquor Control  
Department of Health and Senior Services  
Department of Revenue  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the Secretary of State  
Department of Natural Resources  
Department of Corrections  
Department of Conservation

**NOT RESPONDING:      Office of Prosecution Services**



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