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February 8, 2012

OPINION LETTER NO. 104-2012

The Honorable Robin Carnahan  
Missouri Secretary of State  
James C. Kirkpatrick State Information Center  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 3, 2012, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Robert Hess regarding a proposed amendment to amend Chapters 149 and 196, Revised Statutes of Missouri (version H). The proposed summary statement is as follows:

Shall Missouri law be amended to:

- create the Health and Education Trust Fund with proceeds of a tax of \$0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products;
- use Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding; and
- increase the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before

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any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,



**CHRIS KOSTER**  
Attorney General