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June 6, 2016

OPINION LETTER NO. 122-2016

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

Dear Secretary Kander:

This opinion letter responds to your request dated May 27, 2016, for our review under § 116.025, RSMo, of a proposed fair ballot language statement for the initiative petition submitted by Chuck Hatfield, version 2, relating to an amendment to Chapter 149, Revised Statutes of Missouri (2016-080). The proposed fair ballot language statement is as follows:

A **“yes”** vote will amend Missouri law to increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20. This amendment also increases the tax paid by sellers on other tobacco products by 5 percent of manufacturer’s invoice price. This amendment further provides that the funds generated by these taxes shall be used exclusively to fund transportation infrastructure projects. These taxes are repealed if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot.

A **“no”** vote will not amend Missouri law relating to taxes on cigarettes and other tobacco products.

OP-2016-0120

If passed, this measure will increase taxes on cigarettes and other tobacco products.

Pursuant to § 116.025, RSMo, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,



**CHRIS KOSTER**  
Attorney General