Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section in Article X to be known as Section 26 is enacted as follows:

Section 26

1. This section shall be known as the "Voters' Right to Determine and Approve Local Tobacco Taxes Initiative."

2. Notwithstanding section 1 of this article or any other law to the contrary, local voters shall have the right to determine and approve local tobacco taxes in cities and counties.

3. Any local tobacco tax approved by local voters under this initiative shall be used solely for local health care, local public education, local job creation or other local use specifically approved by local voters.

4. As used in this initiative, the following terms have the following meanings:

(1) "Local voters" shall not mean the General Assembly nor the local governing body in a city or county, but shall only mean a majority of the qualified voters casting ballots in an election in a city or county on a local tobacco tax measure, whether submitted to local voters by the local governing body or by initiative petition.

(2) "Right to determine and approve local tobacco taxes" means the right, power and authority to determine, approve, set, control, impose, establish, levy, collect, fix, reduce, eliminate or change the rate, base or dedicated use of a city or county excise tax on cigarettes or tobacco products, or other tax on cigarettes or tobacco products, or on the selling of cigarettes or tobacco products, or on the business of selling cigarettes or tobacco products.

5. All existing local tobacco taxes in place on the effective date of this initiative shall remain in effect provided, however, that the rate, base or dedicated use of such local tobacco taxes may only be modified with the approval of local voters.

6. The provisions of this initiative are self-executing. Governing bodies in cities and counties are authorized, but not mandated, to submit measures to local voters to determine and approve local tobacco taxes at authorized elections occurring after the date this initiative is approved by voters. In addition, the people are authorized, but not mandated, to submit measures to local voters by initiative petition to determine and approve local tobacco taxes at authorized elections occurring after the date this initiative is approved by voters. The people may submit measures under local initiative petition procedures where otherwise available or, under this subsection, by submitting to the appropriate local election authority a petition signed by five percent of the qualified voters of the city or county as measured by the total number of votes cast for governor in such city or county at the last general gubernatorial election prior to the filing of the petition. For purposes of this subsection, "authorized election" means, for counties, including those recognized under Article VI, Section 31, any election day after January 1, 2015 and, for cities, any election day after July 1, 2015. However, where the people submit a measure to determine and approve local tobacco taxes through initiative petition under this subsection, the authorized election shall be, in the case of a county, including those recognized under Article VI, Section 31, the earliest election day, whether a general, primary, general municipal, or other established election day, after signatures are submitted that is after January 1, 2015, and in the case of a city, the earliest election day, whether a general, primary, general municipal, or other established election day, after signatures are submitted that is after July 1, 2015.

7. All of the provisions of this initiative are severable. If any provision of this initiative is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions shall be and remain valid.