

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177
96TH GENERAL ASSEMBLY

1178L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 144.030, 192.300, 630.053, 630.095, and 630.167, RSMo, and to enact in lieu thereof fourteen new sections relating to public health policies, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 144.030, 192.300, 630.053, 630.095, and 630.167, RSMo, are
2 repealed and fourteen new sections enacted in lieu thereof, to be known as sections 144.030,
3 191.1100, 191.1102, 191.1104, 191.1106, 191.1108, 191.1110, 191.1112, 192.300, 208.240,
4 208.247, 630.053, 630.095, and 630.167, to read as follows:

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
50 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
51 within a manufacturing process or the use of a product previously recovered. The material

52 recovery processing plant shall qualify under the provisions of this section regardless of
53 ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

59 (6) Tangible personal property which is used exclusively in the manufacturing,
60 processing, modification or assembling of products sold to the United States government or to
61 any agency of the United States government;

62 (7) Animals or poultry used for breeding or feeding purposes;

63 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
64 other machinery, equipment, replacement parts and supplies used in producing newspapers
65 published for dissemination of news to the general public;

66 (9) The rentals of films, records or any type of sound or picture transcriptions for public
67 commercial display;

68 (10) Pumping machinery and equipment used to propel products delivered by pipelines
69 engaged as common carriers;

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
73 persons or property;

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200. There
81 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
82 automobiles contain at least twenty-five percent recovered materials. For purposes of this
83 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
84 materials to transform and reduce them to a different state or thing, including treatment necessary
85 to maintain or preserve such processing by the producer at the production facility;

86 (13) Anodes which are used or consumed in manufacturing, processing, compounding,
87 mining, producing or fabricating and which have a useful life of less than one year;

88 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
89 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
90 solely required for the installation, construction or reconstruction of such machinery, equipment,
91 appliances and devices;

92 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
93 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
94 solely required for the installation, construction or reconstruction of such machinery, equipment,
95 appliances and devices;

96 (16) Tangible personal property purchased by a rural water district;

97 (17) All amounts paid or charged for admission or participation or other fees paid by or
98 other charges to individuals in or for any place of amusement, entertainment or recreation, games
99 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
100 municipality or other political subdivision where all the proceeds derived therefrom benefit the
101 municipality or other political subdivision and do not inure to any private person, firm, or
102 corporation;

103 (18) All sales of insulin, **diabetic accessories and supplies including, but not limited**
104 **to, blood sugar testing monitors and test strips, lancet devices, lancets, and blood sugar**
105 **control solutions**, and prosthetic or orthopedic devices as defined on January 1, 1980, by the
106 federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including
107 the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids
108 and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed
109 pharmacist only upon a lawful prescription of a practitioner licensed to administer those items,
110 including samples and materials used to manufacture samples which may be dispensed by a
111 practitioner authorized to dispense such samples and all sales **or rental** of medical oxygen, home
112 respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all
113 sales **or rental** of manual and powered wheelchairs, stairway lifts, Braille writers, electronic
114 Braille equipment and, if purchased **or rented** by or on behalf of a person with one or more
115 physical or mental disabilities to enable them to function more independently, all sales **or rental**
116 of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative
117 and augmentative communication devices, and items used solely to modify motor vehicles to
118 permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter
119 or nonprescription drugs [to individuals with disabilities] **as prescribed by a practitioner, or**
120 **any medical equipment, supplies, or devices that are provided to a person on or by the**
121 **order of a physician, or that are otherwise paid for by a third-party health insurer,**
122 **Medicare, or Medicaid;**

123 (19) All sales made by or to religious and charitable organizations and institutions in
124 their religious, charitable or educational functions and activities and all sales made by or to all
125 elementary and secondary schools operated at public expense in their educational functions and
126 activities;

127 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
128 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
129 including fraternal organizations which have been declared tax-exempt organizations pursuant
130 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
131 charitable functions and activities and all sales made to eleemosynary and penal institutions and
132 industries of the state, and all sales made to any private not-for-profit institution of higher
133 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
134 institution of higher education supported by public funds, and all sales made to a state relief
135 agency in the exercise of relief functions and activities;

136 (21) All ticket sales made by benevolent, scientific and educational associations which
137 are formed to foster, encourage, and promote progress and improvement in the science of
138 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
139 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
140 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
141 fair conducted by a county agricultural and mechanical society organized and operated pursuant
142 to sections 262.290 to 262.530;

143 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
144 of feed additives, medications or vaccines administered to livestock or poultry in the production
145 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
146 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
147 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
148 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
149 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
150 generation cooperative or an eligible new generation processing entity as defined in section
151 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
152 trailers. As used in this subdivision, the term "feed additives" means tangible personal property
153 which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock
154 or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop
155 oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance
156 the effect of a pesticide and the foam used to mark the application of pesticides and herbicides
157 for the production of crops, livestock or poultry. As used in this subdivision, the term "farm
158 machinery and equipment" means new or used farm tractors and such other new or used farm

159 machinery and equipment and repair or replacement parts thereon, and supplies and lubricants
160 used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish,
161 poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field
162 drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

163 (a) Used exclusively for agricultural purposes;

164 (b) Used on land owned or leased for the purpose of producing farm products; and

165 (c) Used directly in producing farm products to be sold ultimately in processed form or
166 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
167 ultimately in processed form at retail;

168 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
169 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
170 for domestic use and in any city not within a county, all sales of metered or unmetered water
171 service for domestic use:

172 (a) "Domestic use" means that portion of metered water service, electricity, electrical
173 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
174 within a county, metered or unmetered water service, which an individual occupant of a
175 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
176 service through a single or master meter for residential apartments or condominiums, including
177 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
178 Each seller shall establish and maintain a system whereby individual purchases are determined
179 as exempt or nonexempt;

180 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
181 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
182 with and approved by the Missouri public service commission. Sales and purchases made
183 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
184 of the occupants of residential apartments or condominiums through a single or master meter,
185 including service for common areas and facilities and vacant units, shall be considered as sales
186 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
187 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
188 service rate classification and the provision of service thereunder shall be conclusive as to
189 whether or not the utility must charge sales tax;

190 (c) Each person making domestic use purchases of services or property and who uses any
191 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
192 of the fourth month following the year of purchase, and without assessment, notice or demand,
193 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
194 nondomestic purchases of services or property and who uses any portion of the services or

195 property so purchased for domestic use, and each person making domestic purchases on behalf
196 of occupants of residential apartments or condominiums through a single or master meter,
197 including service for common areas and facilities and vacant units, under a nonresidential utility
198 service rate classification may, between the first day of the first month and the fifteenth day of
199 the fourth month following the year of purchase, apply for credit or refund to the director of
200 revenue and the director shall give credit or make refund for taxes paid on the domestic use
201 portion of the purchase. The person making such purchases on behalf of occupants of residential
202 apartments or condominiums shall have standing to apply to the director of revenue for such
203 credit or refund;

204 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or
205 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
206 sales do not constitute a majority of the annual gross income of the seller;

207 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
208 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
209 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes
210 on such excise taxes;

211 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
212 vessels which are used primarily in or for the transportation of property or cargo, or the
213 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
214 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
215 it is afloat upon such river;

216 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
217 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such
218 agency as provided pursuant to the compact;

219 (28) Computers, computer software and computer security systems purchased for use
220 by architectural or engineering firms headquartered in this state. For the purposes of this
221 subdivision, "headquartered in this state" means the office for the administrative management
222 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

223 (29) All livestock sales when either the seller is engaged in the growing, producing or
224 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
225 or leasing of such livestock;

226 (30) All sales of barges which are to be used primarily in the transportation of property
227 or cargo on interstate waterways;

228 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
229 utilities which are ultimately consumed in connection with the manufacturing of cellular glass

230 products or in any material recovery processing plant as defined in subdivision (4) of this
231 subsection;

232 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
233 herbicides used in the production of crops, aquaculture, livestock or poultry;

234 (33) Tangible personal property and utilities purchased for use or consumption directly
235 or exclusively in the research and development of agricultural/biotechnology and plant genomics
236 products and prescription pharmaceuticals consumed by humans or animals;

237 (34) All sales of grain bins for storage of grain for resale;

238 (35) All sales of feed which are developed for and used in the feeding of pets owned by
239 a commercial breeder when such sales are made to a commercial breeder, as defined in section
240 273.325, and licensed pursuant to sections 273.325 to 273.357;

241 (36) All purchases by a contractor on behalf of an entity located in another state,
242 provided that the entity is authorized to issue a certificate of exemption for purchases to a
243 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
244 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
245 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
246 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
247 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
248 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
249 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
250 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
251 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
252 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
253 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
254 or remodeling facilities for the following:

255 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
256 project exemption certificates in accordance with the provisions of section 144.062; or

257 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
258 an exemption certificate to contractors in accordance with the provisions of that state's law and
259 the applicable provisions of this section;

260 (37) All sales or other transfers of tangible personal property to a lessor who leases the
261 property under a lease of one year or longer executed or in effect at the time of the sale or other
262 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
263 238.010 to 238.100;

264 (38) Sales of tickets to any collegiate athletic championship event that is held in a facility
265 owned or operated by a governmental authority or commission, a quasi-governmental agency,

266 a state university or college or by the state or any political subdivision thereof, including a
267 municipality, and that is played on a neutral site and may reasonably be played at a site located
268 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
269 is not located on the campus of a conference member institution participating in the event;

270 (39) All purchases by a sports complex authority created under section 64.920, and all
271 sales of utilities by such authority at the authority's cost that are consumed in connection with
272 the operation of a sports complex leased to a professional sports team;

273 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
274 parts, and equipment purchased for use directly upon, and for the modification, replacement,
275 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

276 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
277 similar places of business for use in the normal course of business and money received by a
278 shooting range or similar places of business from patrons and held by a shooting range or similar
279 place of business for redistribution to patrons at the conclusion of a shooting event.

191.1100. 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the
2 **"Volunteer Health Services Act".**

3 **2. As used in sections 191.1100 to 191.1112, the following terms shall mean:**

4 **(1) "Health care provider", any physician, surgeon, dentist, nurse, optometrist,**
5 **mental health professional, or other practitioner of a health care discipline, the**
6 **professional practice of which requires licensure or certification under state law or under**
7 **comparable laws of another state, territory, district, or possession of the United States;**

8 **(2) "Licensed health care provider", any health care provider holding a current**
9 **license or certificate issued under:**

10 **(a) Missouri state law;**

11 **(b) Comparable laws of another state, territory, district, or possession of the United**
12 **States;**

13 **(3) "Regularly practice", to practice more than sixty days within any ninety-day**
14 **period;**

15 **(4) "Sponsoring organization", any organization that organizes or arranges for the**
16 **voluntary provision of health care services and registers with the department of health and**
17 **senior services as a sponsoring organization in accordance with section 191.1106, and**
18 **charges clients on a sliding scale based on income;**

19 **(5) "Voluntary provision of health care services", the providing of professional**
20 **health care services by a health care provider without charge to a recipient of the services**
21 **or a third party.**

191.1102. 1. Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required by state law is necessary for the voluntary provision of health care services by any person who:

(1) Is a licensed health care provider;

(2) Lawfully practices under an exception to the licensure or certification requirements of any state, territory, district, or possession of the United States; provided that the person does not and will not regularly practice in the state of Missouri.

2. The provisions of subsection 1 of this section shall not apply to:

(1) Any person whose license or certificate is suspended or revoked under disciplinary proceedings in any jurisdiction; or

(2) A licensed health care provider who renders services outside the scope of practice authorized by the provider's licensure, certification, or exception to such licensure or certification.

191.1104. With regard to a person who voluntarily provides health care services and who is covered by the provisions of subsection 1 of section 191.1102, all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

191.1106. 1. Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health and senior services by submitting a registration fee of fifty dollars and filing a registration form. The registration fee shall not apply to any sponsoring organization when providing volunteer health care services in cases of natural or manmade disasters. Such registration form shall contain:

(1) The name of the sponsoring organization;

(2) The name of the principal individual or individuals who are the officer's or organization's officials responsible for the operation of the sponsoring organization;

(3) The address, including street, city, zip code, and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in subdivision (2) of this subsection;

(4) Telephone numbers for the principal office of the sponsoring agency and each principal or official listed in subdivision (2) of this subsection; and

(5) Such additional information as the department shall require.

Upon any change in the information required under this subsection, the sponsoring organization shall notify the department in writing of such change within thirty days of its occurrence.

19 **2. The sponsoring organization shall file a quarterly voluntary services report with**
20 **the department during the current quarter that lists all licensed health care providers who**
21 **provided voluntary health care services during the preceding quarter. The sponsoring**
22 **organization shall maintain on file for five years following the date of service additional**
23 **information, including the date, place, and type of services provided.**

24 **3. Each sponsoring organization shall maintain a list of health care providers**
25 **associated with its provision of voluntary health services. For each such health care**
26 **provider, the organization shall maintain a copy of a current license, certificate, or**
27 **statement of exemption from licensure or certification, or in the event that the health care**
28 **provider is currently licensed in the state of Missouri, a copy of the health care provider's**
29 **license verification obtained from a state-sponsored website, if available.**

30 **4. The sponsoring organization shall maintain such records for a period of at least**
31 **five years following the provision of health care services and shall furnish such records**
32 **upon request to any regulatory board of any healing arts profession established under state**
33 **law.**

34 **5. Compliance with subsections 1 and 2 of this section shall be prima facie evidence**
35 **that the sponsoring organization has exercised due care in its selection of health care**
36 **providers.**

37 **6. The department may revoke the registration of any sponsoring organization that**
38 **fails to comply with the requirements of this section.**

191.1108. No contract of professional liability insurance covering a health care
2 **provider in this state, issued or renewed on or after August 28, 2011, shall exclude coverage**
3 **to any provider who engages in the voluntary provision of health care services; provided**
4 **that the sponsoring organization and the health care provider comply with the**
5 **requirements of sections 191.1100 to 191.1112.**

191.1110. 1. (1) No person who is licensed, certified, or authorized by the board
2 **of any of the professions of the healing arts and who engages in the voluntary provision of**
3 **health care services within the limits of the person's license, certificate, or authorization**
4 **to any patient of a sponsoring organization shall be liable for any civil damages for any act**
5 **or omission resulting from the rendering of such services, unless the act or omission was**
6 **the result of such person's gross negligence or willful misconduct.**

7 **(2) The volunteer licensee who is providing free care shall not receive compensation**
8 **of any type, directly or indirectly, or any benefits of any type whatsoever, or any**
9 **consideration of any nature, from any person for the free care. Nor shall such service be**
10 **a part of the provider's training or assignment.**

11 (3) The volunteer licensee shall be acting within the scope of such license,
12 certification, or authority.

13 (4) A health care licensee providing free health care shall not engage in activities
14 at a clinic, or at the health care licensee's office, if the activities are performed on behalf
15 of the sponsoring organization, unless such activities are authorized by the appropriate
16 authorities to be performed at the clinic or office and the clinic or office is in compliance
17 with all applicable regulations.

18 2. For purposes of this section, any commissioned or contract medical officer or
19 dentist serving on active duty in the United States Armed Forces and assigned to duty as
20 a practicing, commissioned, or contract medical officer or dentist at any military hospital
21 or medical facility owned and operated by the United States government shall be deemed
22 to be licensed.

191.1112. 1. For purposes of this section, the following terms shall mean:

2 (1) "Crisis intervention", a session at which crisis response services are rendered
3 by a critical incident stress management team member or qualified mental health
4 professional during or after a crisis or disaster;

5 (2) "Crisis response services", consultation, risk assessment, referral, and crisis
6 intervention services provided by a critical incident stress management team or qualified
7 mental health professional or paraprofessional trained within the Federal Emergency
8 Management Agency (FEMA) Crisis Counseling Program or in psychological first aid to
9 individuals affected by crisis or disaster;

10 (3) "Critical incident stress management team member" or "team member", an
11 individual specially trained to provide crisis response services as a member of an organized
12 community or local crisis response team that holds membership in a registered critical
13 incident stress management team;

14 (4) "Registered team", a team formally registered with a recognized training
15 agency. For purposes of this section, a recognized training agency shall include the
16 International Critical Incident Stress Foundation, the National Organization for Victim
17 Assistance, the National Red Cross, the Missouri department of mental health, and other
18 such organizations;

19 (5) "Training session", a session providing crisis response training by a qualified
20 trained trainer utilizing the standards established by the accrediting agencies set out in
21 subdivision (4) of this subsection;

22 (6) "Volunteer", a person who serves and receives no remuneration for services
23 except reimbursement for actual expenses.

24 **2. (1) Any volunteer crisis response team member who participates in a crisis**
 25 **intervention shall not be liable in tort for any personal injuries or infliction of emotional**
 26 **distress of any participant to the crisis intervention that is caused by the act or omission**
 27 **of a crisis response team member during the course of a crisis intervention.**

28 **(2) Subdivision (1) of this subsection shall not apply unless the intervention or**
 29 **training is conducted within generally accepted protocols of a registered team, as defined**
 30 **by a nationally recognized accrediting agency.**

31 **3. The tort immunity in subsection 2 of this section shall not apply if:**

32 **(1) The team member acted with actual malice or willful intent to injure the**
 33 **subject;**

34 **(2) The team member acted outside the scope of assigned duties;**

35 **(3) The team member acted without team coordination and dispatch;**

36 **(4) The action involved the commission of a crime;**

37 **(5) The action involved sexual harassment, or sexual or physical abuse;**

38 **(6) The actions involved any form of moral turpitude or moral misconduct within**
 39 **the normally accepted community standards; or**

40 **(7) If damages resulted from gross negligence of the team member.**

192.300. **1. Except as otherwise provided in subsection 2 of this section,** the county
 2 commissions and the county health center boards of the several counties may make and
 3 promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the
 4 public health and prevent the entrance of infectious, contagious, communicable or dangerous
 5 diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict
 6 with any rules or regulations authorized and made by the department of health and senior
 7 services in accordance with this chapter or by the department of social services under chapter
 8 198. The county commissions and the county health center boards of the several counties may
 9 establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances,
 10 rules or regulations, however, the establishment of such fees shall not deny personal health
 11 services to those individuals who are unable to pay such fees or impede the prevention or control
 12 of communicable disease. Fees generated shall be deposited in the county treasury. All fees
 13 generated under the provisions of this section shall be used to support the public health activities
 14 for which they were generated. After the promulgation [and] , adoption, **and approval if**
 15 **required under subsection 2 of this section,** of such orders, ordinances, rules or regulations by
 16 such county commission or county health board, such commission or county health board shall
 17 make and enter an order or record declaring such orders, ordinances, rules or regulations to be
 18 printed and available for distribution to the public in the office of the county clerk, and shall
 19 require a copy of such order to be published in some newspaper in the county in three successive

20 weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any
21 person, firm, corporation or association which violates any of the orders or ordinances adopted,
22 promulgated and published by such county commission is guilty of a misdemeanor and shall be
23 prosecuted, tried and fined as otherwise provided by law. The county commission or county
24 health board of any such county has full power and authority to initiate the prosecution of any
25 action under this section.

26 **2. In any county of the third classification with a township form of government and**
27 **with more than twenty-one thousand nine hundred fifty but fewer than twenty-two**
28 **thousand nine hundred fifty inhabitants, any order, ordinance, rule or regulation made**
29 **and promulgated by a county health center board must be approved by the county**
30 **commission.**

208.240. The MO HealthNet division within the department of social services may
2 **implement a statewide dental delivery system to ensure participation of and access to**
3 **providers in all areas of the state. The MO HealthNet division may administer the system**
4 **or may seek a third party experienced in the administration of dental benefits to**
5 **administer the program under the supervision of the division.**

208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d),
2 **an individual who has pled guilty to or is found guilty under federal or state law of a felony**
3 **involving possession or use of a controlled substance shall be exempt from the prohibition**
4 **contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits**
5 **for such convictions, if such person, as determined by the department:**

6 **(1) Is currently successfully participating in a substance abuse treatment program**
7 **approved by the division of alcohol and drug abuse within the department of mental**
8 **health;**

9 **(2) Is currently accepted for treatment in and participating in a substance abuse**
10 **treatment program approved by the division of alcohol and drug abuse, but is subject to**
11 **a waiting list to receive available treatment, and the individual remains enrolled in the**
12 **treatment program and enters the treatment program at the first available opportunity;**

13 **(3) Has satisfactorily completed a substance abuse treatment program approved**
14 **by the division of alcohol and drug abuse;**

15 **(4) Is determined by a division of alcohol and drug abuse certified treatment**
16 **provider not to need substance abuse treatment; or**

17 **(5) Is successfully complying with, or has already complied with, all obligations**
18 **imposed by the court, the division of alcohol and drug abuse and the division of probation**
19 **and parole.**

20 **2. Eligibility based upon the factors in subsection 1 of this section shall be based**
21 **upon documentary or other evidence satisfactory to the department of social services, and**
22 **the applicant must meet all other factors for program eligibility.**

23 **3. The department of social services, in consultation with the division of alcohol and**
24 **drug abuse, shall promulgate rules to carry out the provisions of this section, including**
25 **specifying criteria for determining active participation in and completion of a substance**
26 **abuse treatment program.**

630.053. 1. There is hereby created in the state treasury a fund to be known as the
2 "Mental Health Earnings Fund". The state treasurer shall credit to the fund any interest earned
3 from investing the moneys in the fund. Notwithstanding the provisions of section 33.080, money
4 in the mental health earnings fund shall not be transferred and placed to the credit of general
5 revenue at the end of the biennium.

6 2. Fees received pursuant to the substance abuse traffic offenders program shall be
7 deposited in the mental health earnings fund. Such fees shall not be used for personal services,
8 expenses and equipment or for any demonstration or other program. No other federal or state
9 funds shall be deposited in the fund, except for the purposes provided in subsections 3 [and 4]
10 **to 5** of this section. The moneys received from such fees shall be appropriated solely for
11 assistance in securing alcohol and drug rehabilitation services for persons who are unable to pay
12 for the services they receive.

13 3. The mental health earnings fund may be used for the deposit of revenue received for
14 the provision of services under a managed care agreement entered into by the department of
15 mental health. Subject to the approval through the appropriation process, such revenues may be
16 expended for the purposes of providing such services pursuant to the managed care agreement
17 and for no other purpose and shall be accounted for separately from all other revenues deposited
18 in the fund.

19 4. The mental health earnings fund may, if approved through the appropriation process,
20 be used for the deposit of revenue received pursuant to an agreement entered into by the
21 department of mental health and an alcohol and drug abuse counselor certification board for the
22 purpose of providing oversight of counselor certification. Such revenue shall be accounted for
23 separately from all other revenues deposited in the fund.

24 **5. The mental health earnings fund may be used for the deposit of revenue received**
25 **from proceeds of any sales and services from Mental Health First Aid USA. Subject to**
26 **approval through the appropriations process, such proceeds shall be used for the purpose**
27 **of funding Mental Health First Aid USA activities and shall be accounted for separately**
28 **from all other revenues deposited in the fund.**

29 **6.** The department of mental health shall promulgate rules and regulations to implement
30 and administer the provisions of this section. No rule or portion of a rule promulgated pursuant
31 to the authority of this chapter shall become effective unless it has been promulgated pursuant
32 to the provisions of section 536.024.

 630.095. The department may copyright or obtain a trademark for any instructional,
2 training and informational audio-visual materials, manuals and documents which are prepared
3 by department personnel or by persons who receive department funding to prepare such material.
4 If the material is sold directly or for distribution, the department shall pay the proceeds of the
5 sales to the director of revenue for deposit to the general revenue fund, **except for proceeds**
6 **received under subsection 5 of section 630.053.**

 630.167. 1. Upon receipt of a report, the department or the department of health and
2 senior services, if such facility or program is licensed pursuant to chapter 197, shall initiate an
3 investigation within twenty-four hours.

4 2. If the investigation indicates possible abuse or neglect of a patient, resident or client,
5 the investigator shall refer the complaint together with the investigator's report to the department
6 director for appropriate action. If, during the investigation or at its completion, the department
7 has reasonable cause to believe that immediate removal from a facility not operated or funded
8 by the department is necessary to protect the residents from abuse or neglect, the department or
9 the local prosecuting attorney may, or the attorney general upon request of the department shall,
10 file a petition for temporary care and protection of the residents in a circuit court of competent
11 jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to
12 issue an ex parte order granting the department authority for the temporary care and protection
13 of the resident for a period not to exceed thirty days.

14 3. (1) Except as otherwise provided in this section, reports referred to in section 630.165
15 and the investigative reports referred to in this section shall be confidential, shall not be deemed
16 a public record, and shall not be subject to the provisions of section 109.180 or chapter 610.
17 Investigative reports pertaining to abuse and neglect shall remain confidential until a final report
18 is complete, subject to the conditions contained in this section. Final reports of substantiated
19 abuse or neglect issued on or after August 28, 2007, are open and shall be available for release
20 in accordance with chapter 610. The names and all other identifying information in such final
21 substantiated reports, including diagnosis and treatment information about the patient, resident,
22 or client who is the subject of such report, shall be confidential and may only be released to the
23 patient, resident, or client who has not been adjudged incapacitated under chapter 475, the
24 custodial parent or guardian parent, or other guardian of the patient, resident or client. The
25 names and other descriptive information of the complainant, witnesses, or other persons for
26 whom findings are not made against in the final substantiated report shall be confidential and not

27 deemed a public record. Final reports of unsubstantiated allegations of abuse and neglect shall
28 remain closed records and shall only be released to the parents or other guardian of the patient,
29 resident, or client who is the subject of such report, patient, resident, or client and the department
30 vendor, provider, agent, or facility where the patient, resident, or client was receiving department
31 services at the time of the unsubstantiated allegations of abuse and neglect, but the names and
32 any other descriptive information of the complainant or any other person mentioned in the
33 reports shall not be disclosed unless such complainant or person specifically consents to such
34 disclosure. Requests for final reports of substantiated or unsubstantiated abuse or neglect from
35 a patient, resident or client who has not been adjudged incapacitated under chapter 475 may be
36 denied or withheld if the director of the department or his or her designee determines that such
37 release would jeopardize the person's therapeutic care, treatment, habilitation, or rehabilitation,
38 or the safety of others and provided that the reasons for such denial or withholding are submitted
39 in writing to the patient, resident or client who has not been adjudged incapacitated under chapter
40 475. All reports referred to in this section shall be admissible in any judicial proceedings or
41 hearing in accordance with section [36.390] **621.075** or any administrative hearing before the
42 director of the department of mental health, or the director's designee. All such reports may be
43 disclosed by the department of mental health to law enforcement officers and public health
44 officers, but only to the extent necessary to carry out the responsibilities of their offices, and to
45 the department of social services, and the department of health and senior services, and to boards
46 appointed pursuant to sections 205.968 to 205.990 that are providing services to the patient,
47 resident or client as necessary to report or have investigated abuse, neglect, or rights violations
48 of patients, residents or clients provided that all such law enforcement officers, public health
49 officers, department of social services' officers, department of health and senior services' officers,
50 and boards shall be obligated to keep such information confidential.

51 (2) Except as otherwise provided in this section, the proceedings, findings, deliberations,
52 reports and minutes of committees of health care professionals as defined in section 537.035 or
53 mental health professionals as defined in section 632.005 who have the responsibility to evaluate,
54 maintain, or monitor the quality and utilization of mental health services are privileged and shall
55 not be subject to the discovery, subpoena or other means of legal compulsion for their release
56 to any person or entity or be admissible into evidence into any judicial or administrative action
57 for failure to provide adequate or appropriate care. Such committees may exist, either within
58 department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise
59 provided in this section, no person who was in attendance at any investigation or committee
60 proceeding shall be permitted or required to disclose any information acquired in connection
61 with or in the course of such proceeding or to disclose any opinion, recommendation or
62 evaluation of the committee or board or any member thereof; provided, however, that

63 information otherwise discoverable or admissible from original sources is not to be construed
64 as immune from discovery or use in any proceeding merely because it was presented during
65 proceedings before any committee or in the course of any investigation, nor is any member,
66 employee or agent of such committee or other person appearing before it to be prevented from
67 testifying as to matters within their personal knowledge and in accordance with the other
68 provisions of this section, but such witness cannot be questioned about the testimony or other
69 proceedings before any investigation or before any committee.

70 (3) Nothing in this section shall limit authority otherwise provided by law of a health
71 care licensing board of the state of Missouri to obtain information by subpoena or other
72 authorized process from investigation committees or to require disclosure of otherwise
73 confidential information relating to matters and investigations within the jurisdiction of such
74 health care licensing boards; provided, however, that such information, once obtained by such
75 board and associated persons, shall be governed in accordance with the provisions of this
76 subsection.

77 (4) Nothing in this section shall limit authority otherwise provided by law in
78 subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the
79 entity or agency authorized to implement a system to protect and advocate the rights of persons
80 with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044 and
81 the entity or agency authorized to implement a system to protect and advocate the rights of
82 persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this
83 section shall serve to negate assurances that have been given by the governor of Missouri to the
84 U.S. Administration on Developmental Disabilities, Office of Human Development Services,
85 Department of Health and Human Services concerning access to records by the agency
86 designated as the protection and advocacy system for the state of Missouri. However, such
87 information, once obtained by such entity or agency, shall be governed in accordance with the
88 provisions of this subsection.

89 4. Anyone who makes a report pursuant to this section or who testifies in any
90 administrative or judicial proceeding arising from the report shall be immune from any civil
91 liability for making such a report or for testifying unless such person acted in bad faith or with
92 malicious purpose.

93 5. Within five working days after a report required to be made pursuant to this section
94 is received, the person making the report shall be notified in writing of its receipt and of the
95 initiation of the investigation.

96 6. No person who directs or exercises any authority in a residential facility, day program
97 or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client
98 or employee because he or she or any member of his or her family has made a report of any

99 violation or suspected violation of laws, ordinances or regulations applying to the facility which
100 he or she has reasonable cause to believe has been committed or has occurred.

101 7. Any person who is discharged as a result of an administrative substantiation of
102 allegations contained in a report of abuse or neglect may, after exhausting administrative
103 remedies as provided in chapter 36, appeal such decision to the circuit court of the county in
104 which such person resides within ninety days of such final administrative decision. The court
105 may accept an appeal up to twenty-four months after the party filing the appeal received notice
106 of the department's determination, upon a showing that:

107 (1) Good cause exists for the untimely commencement of the request for the review;

108 (2) If the opportunity to appeal is not granted it will adversely affect the party's
109 opportunity for employment; and

110 (3) There is no other adequate remedy at law.

✓