

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 271, Page 1, Section title, Line 5,

2 by inserting after "provision" the following: ", with an  
3 emergency clause for a certain section"; and

4 Further amend said bill, page 7, section 59.100, line  
5 15, by inserting after all of said line the following:

6 "67.265. 1. For purposes of this section, the term  
7 "order" shall mean a public health order, ordinance, rule,  
8 or regulation issued by a political subdivision, including  
9 by a health officer, local public health agency, public  
10 health authority, or the political subdivision's executive,  
11 as such term is defined in section 67.750, in response to an  
12 actual or perceived threat to public health for the purpose  
13 of preventing the spread of a contagious disease.

14 Notwithstanding any other provision of law to the contrary:

15 (1) Any order issued during and related to an  
16 emergency declared pursuant to chapter 44 that directly or  
17 indirectly closes, partially closes, or places restrictions  
18 on the opening of or access to any one or more business  
19 organizations, churches, schools, or other places of public  
20 or private gathering or assembly, including any order,  
21 ordinance, rule, or regulation of general applicability or  
22 that prohibits or otherwise limits attendance at any public  
23 or private gatherings, shall not remain in effect for longer  
24 than thirty calendar days in a one hundred eighty-day  
25 period, including the cumulative duration of similar orders  
26 issued concurrently, consecutively, or successively, and

27 shall automatically expire at the end of the thirty days or  
28 as specified in the order, whichever is shorter, unless so  
29 authorized by a simple majority vote of the political  
30 subdivision's governing body to extend such order or approve  
31 a similar order; provided that such extension or approval of  
32 similar orders shall not exceed thirty calendar days in  
33 duration and any order may be extended more than once; and

34 (2) Any order of general applicability issued at a  
35 time other than an emergency declared pursuant to chapter 44  
36 that directly or indirectly closes an entire classification  
37 of business organizations, churches, schools, or other  
38 places of public or private gathering or assembly shall not  
39 remain in effect for longer than twenty-one calendar days in  
40 a one hundred eighty-day period, including the cumulative  
41 duration of similar orders issued concurrently,  
42 consecutively, or successively, and shall automatically  
43 expire at the end of the twenty-one days or as specified in  
44 the order, whichever is shorter, unless so authorized by a  
45 two-thirds majority vote of the political subdivision's  
46 governing body to extend such order or approve a similar  
47 order; provided that such extension or approval of similar  
48 orders may be extended more than once.

49 2. The governing bodies of the political subdivisions  
50 issuing orders under this section shall at all times have  
51 the authority to terminate an order issued or extended under  
52 this section upon a simple majority vote of the body.

53 3. In the case of local public health agencies created  
54 through an agreement by multiple counties under chapter 70,  
55 all of the participating counties' governing bodies shall be  
56 required to approve or terminate orders in accordance with  
57 the provisions of this section.

58 4. Prior to or concurrent with the issuance or  
59 extension of any order under subdivisions (1) and (2) of

60 subsection 1 of this section, the health officer, local  
61 public health agency, public health authority, or executive  
62 shall provide a report to the governing body containing  
63 information supporting the need for such order.

64 5. No political subdivision of this state shall make  
65 or modify any orders that have the effect, directly or  
66 indirectly, of a prohibited order under this section.

67 6. No rule or regulation issued by the department of  
68 health and senior services shall authorize a local health  
69 official, health officer, local public health agency, or  
70 public health authority to create or enforce any order,  
71 ordinance, rule, or regulation described in section 192.300  
72 or this section that is inconsistent with the provisions of  
73 this section.

74 192.300. 1. The county commissions and the county  
75 health center boards of the several counties may make and  
76 promulgate orders, ordinances, rules or regulations,  
77 respectively as will tend to enhance the public health and  
78 prevent the entrance of infectious, contagious, communicable  
79 or dangerous diseases into such county, but any orders,  
80 ordinances, rules or regulations shall not:

81 (1) Be in conflict with any rules or regulations  
82 authorized and made by the department of health and senior  
83 services in accordance with this chapter or by the  
84 department of social services under chapter 198; or

85 (2) Impose standards or requirements on an  
86 agricultural operation and its appurtenances, as such term  
87 is defined in section 537.295, that are inconsistent with or  
88 more stringent than any provision of this chapter or  
89 chapters 260, 640, 643, and 644, or any rule or regulation  
90 promulgated under such chapters.

91 2. The county commissions and the county health center  
92 boards of the several counties may establish reasonable fees

93 to pay for any costs incurred in carrying out such orders,  
94 ordinances, rules or regulations, however, the establishment  
95 of such fees shall not deny personal health services to  
96 those individuals who are unable to pay such fees or impede  
97 the prevention or control of communicable disease. Fees  
98 generated shall be deposited in the county treasury. All  
99 fees generated under the provisions of this section shall be  
100 used to support the public health activities for which they  
101 were generated.

102 3. After the promulgation and adoption of such orders,  
103 ordinances, rules or regulations by such county commission  
104 or county health board, such commission or county health  
105 board shall make and enter an order or record declaring such  
106 orders, ordinances, rules or regulations to be printed and  
107 available for distribution to the public in the office of  
108 the county clerk, and shall require a copy of such order to  
109 be published in some newspaper in the county in three  
110 successive weeks, not later than thirty days after the entry  
111 of such order, ordinance, rule or regulation.

112 4. Any person, firm, corporation or association which  
113 violates any of the orders or ordinances adopted,  
114 promulgated and published by such county commission is  
115 guilty of a misdemeanor and shall be prosecuted, tried and  
116 fined as otherwise provided by law. The county commission  
117 or county health board of any such county has full power and  
118 authority to initiate the prosecution of any action under  
119 this section.

120 5. Any orders, ordinances, rules, or regulations made  
121 and promulgated under the authority in this section shall  
122 comply with the provisions of section 67.265."; and

123 Further amend said bill, page 10, section 451.040, line  
124 103, by inserting after all of said line the following:

125           "Section B. Because of the threat of government  
126 overreach to the residents of Missouri, the enactment of  
127 section 67.265 and the repeal and reenactment of section  
128 192.300 of this act is deemed necessary for the immediate  
129 preservation of the public health, welfare, peace, and  
130 safety, and is hereby declared to be an emergency act within  
131 the meaning of the constitution, and the enactment of  
132 section 67.265 and the repeal and reenactment of section  
133 192.300 of this act shall be in full force and effect upon  
134 its passage and approval."; and  
135           Further amend the title and enacting clause accordingly.