

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 12, 20, 21, 31, 56, 67 & 68

AN ACT

To repeal sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, and to enact in lieu thereof eleven new sections relating to public health, with existing penalty provisions and an emergency clause.

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

Section A. Sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 44.103, 67.265, 77.530, 79.380, 139.305, 192.300, 192.320, 192.321, 197.145, 205.031, and 210.067, to read as follows:

44.103. Notwithstanding section 1.302 to the contrary, the state, any state agency, political subdivision, county commission, county health board, or person shall not enact, adopt, maintain, or enforce any order, ordinance, rule, regulation, policy, or other similar measure that imposes any restrictions, directly or indirectly, on the free exercise of religion, including attendance or participation in any prayer, service, meeting, or similar religious activity, or use of a building or premises owned or operated for the purpose of religious activity, during a declared state of emergency.

67.265. 1. Any public health order issued by a political subdivision, including by a health officer, local public health agency, or the political subdivision's executive, as such term is defined in section 67.750, shall not remain in effect for longer than fifteen calendar days

6 in a one hundred eighty-day period, including the cumulative
7 duration of similar orders issued concurrently,
8 consecutively, or successively, and shall automatically
9 expire at the end of the fifteen days or as specified in the
10 order, whichever is shorter, unless so authorized as follows:

11 (1) For a second period not to exceed an additional
12 fifteen calendar days in the same one hundred eighty-day
13 period, upon a two-thirds vote of the political
14 subdivision's governing body to extend such order or approve
15 a similar order;

16 (2) For a third period not to exceed an additional
17 seven calendar days in the same one hundred eighty-day
18 period, upon a two-thirds vote of the political
19 subdivision's governing body to extend such order or approve
20 a similar order;

21 (3) For a fourth period not to exceed an additional
22 seven calendar days in the same one hundred eighty-day
23 period, upon a two-thirds vote of the political
24 subdivision's governing body to extend such order or approve
25 a similar order; and

26 (4) For any period of time in excess of the extensions
27 approved by the political subdivision's governing body under
28 subdivisions (1) to (3) of this subsection, upon approval of
29 the general assembly, by concurrent resolution, authorizing
30 all political subdivisions of this state to make and
31 promulgate such orders for a specified duration.

32 2. The governing bodies of the political subdivisions
33 issuing orders under subsection 1 of this section shall at
34 all times have the authority to terminate an order issued or
35 extended under this section upon a simple majority vote of
36 the body.

37 3. Any public health order issued shall be accompanied
38 by a report addressing:

- 39 (1) The public health concern addressed by the order;
40 (2) The persons or entities affected;
41 (3) The facts and findings that demonstrate the
42 necessity of the order;
43 (4) The ways in which the order issued addresses the
44 public health concern; and
45 (5) The manner in which the order shall be terminated.

46 The report shall be made publicly available, including on
47 the political subdivision's website.

48 4. In the case of local public health agencies created
49 through an agreement by multiple counties under chapter 70,
50 two-thirds vote of all participating counties' governing
51 bodies shall be required to approve, or a simple majority
52 vote shall be required to terminate, public health orders in
53 accordance with the provisions of this section.

54 5. No political subdivision of this state shall make
55 or modify any orders, ordinances, rules, or regulations that
56 have the effect, directly or indirectly, of a prohibited
57 order, ordinance, rule, or regulation under this section.

58 6. No political subdivision of this state shall make
59 and promulgate any orders, ordinances, rules, or regulations
60 during a state of emergency relating to public health and
61 pertaining to such emergency governing the number of persons
62 gathering or residing on private residential property.

63 7. For purposes of this section, the term "public
64 health order" or "order" shall mean a public health order,
65 ordinance, rule, or regulation issued that directly or
66 indirectly closes, partially closes, or places restrictions
67 on the opening of, operation of, or access to business
68 organizations, churches, schools, or other places of public
69 or private gathering or assembly, including any order,
70 ordinance, rule, or regulation that prohibits or otherwise
71 limits attendance at any public or private gatherings.

77.530. The council may make regulations and pass
2 ordinances for the prevention of the introduction of
3 contagious diseases into the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; provided, that any such
6 regulation or ordinance made and passed shall comply with
7 the provisions of section 67.265. The council may purchase
8 or condemn and hold for the city, within or without the city
9 limits, within ten miles therefrom, all necessary lands for
10 hospital purposes, waterworks, sewer carriage and outfall,
11 and erect, establish and regulate hospitals, workhouses,
12 poorhouses, police stations, fire stations and provide for
13 the government and support of the same, and make regulations
14 to secure the general health of the city, and to prevent and
15 remove nuisances; provided, however, that the condemnation
16 of any property outside of the city limits shall be
17 regulated in all respects as the condemnation of property or
18 railroad purposes is regulated by law; and provided further,
19 that the police jurisdiction of the city shall extend over
20 such lands and property to the same extent as over public
21 cemeteries, as provided in this chapter.

79.380. The board of aldermen may make regulations and
2 pass ordinances for the prevention of the introduction of
3 contagious diseases in the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; provided, that any such
6 regulation or ordinance made and passed shall comply with
7 the provisions of section 67.265. They may purchase or
8 condemn and hold for the city, within or without the city
9 limits, or within ten miles therefrom, all necessary lands
10 for hospital purposes, waterworks, sewer carriage and
11 outfall, and erect, establish and regulate hospitals,
12 workhouses, poorhouses, airports and provide for the

13 government and support of the same, and make regulations to
14 secure the general health of the city, and to prevent and
15 remove nuisances; except that the condemnation of any
16 property outside of the city limits shall be regulated in
17 all respects as the condemnation of property for railroad
18 purposes is regulated by law. The police jurisdiction of
19 the city shall extend over such land and property to the
20 same extent as over other city property, as provided in this
21 chapter.

139.305. 1. Notwithstanding any provision of law to
2 the contrary, beginning January 1, 2021, any taxpayer who is
3 a resident of a city or county that imposes any public
4 health order in violation of section 67.265 that has the
5 result of prohibiting or otherwise restricting the use of
6 such taxpayer's real property, including, but not limited
7 to, occupancy restrictions, shall receive a credit on
8 property taxes owed on such affected real property.

9 2. The amount of the credit authorized by this section
10 shall be a percentage of the property tax liability that is
11 equal to the percentage of the calendar year that the
12 taxpayer was subject to restrictions on the use of his or
13 her real property.

14 3. A taxpayer eligible for a credit pursuant to this
15 section shall timely pay all property tax owed prior to any
16 credit applied pursuant to this section, and shall, no later
17 than December thirty-first, submit a written statement to
18 the city or county requesting the amount of property tax
19 owed to such taxpayer. The city or county shall, by no
20 later than thirty days following the receipt of such a
21 statement, issue a refund to the taxpayer for the amount of
22 property tax owed to such taxpayer pursuant to this section.

23 4. The provisions of this section shall only apply to
24 real property tax liabilities owed to a city or county

25 imposing any public health order in violation of section
26 67.265 prohibiting or otherwise restricting the use of a
27 taxpayer's real property, and shall not apply to property
28 tax liabilities owed to any other taxing jurisdiction or to
29 property tax liabilities owed on tangible personal property.

192.300. 1. The county commissions and the county
2 health center boards of the several counties may make and
3 promulgate orders, ordinances, rules or regulations,
4 respectively as will tend to enhance the public health and
5 prevent the entrance of infectious, contagious, communicable
6 or dangerous diseases into such county, but any orders,
7 ordinances, rules or regulations shall not:

8 (1) Be in conflict with any rules or regulations
9 authorized and made by the department of health and senior
10 services in accordance with this chapter or by the
11 department of social services under chapter 198; or

12 (2) Impose standards or requirements on an
13 agricultural operation and its appurtenances, as such term
14 is defined in section 537.295, that are inconsistent with or
15 more stringent than any provision of this chapter or
16 chapters 260, 640, 643, and 644, or any rule or regulation
17 promulgated under such chapters.

18 2. The county commissions and the county health center
19 boards of the several counties may establish reasonable fees
20 to pay for any costs incurred in carrying out such orders,
21 ordinances, rules or regulations, however, the establishment
22 of such fees shall not deny personal health services to
23 those individuals who are unable to pay such fees or impede
24 the prevention or control of communicable disease. Fees
25 generated shall be deposited in the county treasury. All
26 fees generated under the provisions of this section shall be
27 used to support the public health activities for which they
28 were generated.

29 3. After the promulgation and adoption of such orders,
30 ordinances, rules or regulations by such county commission
31 or county health board, such commission or county health
32 board shall make and enter an order or record declaring such
33 orders, ordinances, rules or regulations to be printed and
34 available for distribution to the public in the office of
35 the county clerk, and shall require a copy of such order to
36 be published in some newspaper in the county in three
37 successive weeks, not later than thirty days after the entry
38 of such order, ordinance, rule or regulation.

39 4. Any person, firm, corporation or association which
40 violates any of the orders or ordinances adopted,
41 promulgated and published by such county commission is
42 guilty of a misdemeanor and shall be prosecuted, tried and
43 fined as otherwise provided by law. The county commission
44 or county health board of any such county has full power and
45 authority to initiate the prosecution of any action under
46 this section.

47 5. Any orders, ordinances, rules, or regulations made
48 and promulgated under the authority in this section shall
49 comply with the provisions of section 67.265.

 192.320. Any person or persons violating any of the
2 provisions of sections 192.010, 192.020 to 192.490, 192.600
3 to 192.620 or who shall leave any pesthouse, or isolation
4 hospital, or quarantined house or place without the consent
5 of the health officer having jurisdiction, or who evades or
6 breaks quarantine or knowingly conceals a case of
7 contagious, infectious, or communicable disease, or who
8 removes, destroys, obstructs from view, or tears down any
9 quarantine card, cloth or notice posted by the attending
10 physician or by the health officer, or by direction of a
11 proper health officer, shall be deemed guilty of a class A
12 misdemeanor; provided, that no quarantine order shall

13 require, under penalty of law, that a person subject to
14 quarantine isolate himself or herself from members of the
15 same physical household.

192.321. No public health order issued by any
2 political subdivision, county health board, or state agency
3 during a state of emergency involving the entrance of
4 infectious, contagious, communicable, or dangerous diseases
5 and pertaining to such state of emergency shall infringe on
6 the parental rights of an individual, including, but not
7 limited to, decisions on the minor child's care and custody,
8 upbringing, education, religious instruction, place of
9 habitation, and physical and mental health care. Nothing in
10 this subsection shall be interpreted to limit the ability of
11 such political subdivision or state agency to protect a
12 child from a child abuse or neglect as otherwise provided
13 for under state law.

197.145. No hospital shall adopt, nor any political
2 subdivision impose, any policy restricting the presence of
3 or visitation by, in accordance with the hospital's
4 established regular visitation hours and security protocols,
5 the following:

6 (1) One visitor if requested by pregnant and new
7 mother patients during pregnancy, intrapartum, or postpartum
8 care;

9 (2) One member of the clergy or one person ordained
10 for religious or pastoral duties if requested by the patient
11 or the patient's family; and

12 (3) A parent or guardian of a minor child; provided
13 that such parent or guardian has either legal custody with
14 no protective orders under chapter 455 or unsupervised
15 visitation privileges with the child.

205.031. 1. The county governing body shall appoint
2 five trustees chosen from the citizens at large with

3 reference to their fitness for such office, all voters of
4 the county, not more than three of the trustees to be
5 residents of the city, town or village in which the county
6 health center is to be located, who shall constitute a board
7 of trustees for the county health center.

8 2. The trustees shall hold their offices until the
9 next following municipal election, when five health center
10 trustees shall be elected who shall hold their offices,
11 three for two years and two for four years. The county
12 governing body shall by order of record specify the terms of
13 the trustees.

14 3. At each subsequent municipal election the offices
15 of the trustees whose terms of office are about to expire
16 shall be filled by the election of health center trustees
17 who each shall serve for a term of four years and
18 notwithstanding any other law of this state to the contrary
19 all elective officers in each city of the fourth class with
20 a population of at least thirty thousand but no more than
21 thirty-three thousand, and which is located within a county
22 of the first class having a charter form of government and
23 containing the greater part of a city with a population of
24 four hundred fifty thousand or more inhabitants, beginning
25 with the first election after January 1, 1987, shall be
26 elected every four years.

27 4. Any vacancy in the board of trustees occasioned by
28 removal, resignation or otherwise shall be reported to the
29 county governing body and be filled in like manner as
30 original appointments, the appointee to hold office until
31 the next following municipal election, when such vacancy
32 shall be filled by election of a trustee to serve during the
33 remainder of the term of his predecessor.

34 5. No trustee shall have a personal pecuniary
35 interest, either directly or indirectly, in the purchase of

any supplies for the health center, unless the same are purchased by competitive bidding.

6. The filing and withdrawal of candidates shall be governed by the provisions of chapter 115[, except that if the number of candidates is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected].

210.067. A test result indicating the presence of severe acute respiratory syndrome coronavirus 2, otherwise known as COVID-19, in a child or in a parent or guardian of a child shall not be a sole or determining cause for removal of a child, temporary or otherwise, from the care and custody of such parent or guardian.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.