

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

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

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*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Section A. Sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 44.103, 67.265, 77.530, 79.380, 139.305, 192.300, 192.320, 192.321, 197.145, 205.031,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. For purposes of this section, the term "public health order" or "order" shall mean a public health order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease and

6 that directly or indirectly closes, partially closes, or  
7 places restrictions on the opening of, operation of, or  
8 access to business organizations, churches, schools, or  
9 other places of public or private gathering or assembly,  
10 including any order, ordinance, rule, or regulation that  
11 prohibits or otherwise limits attendance at any public or  
12 private gatherings.

13 2. Any public health order issued by a political  
14 subdivision, including by a health officer, local public  
15 health agency, public health authority, or the political  
16 subdivision's executive, as such term is defined in section  
17 67.750, that is generally applicable to entities within the  
18 political subdivision shall not remain in effect for longer  
19 than fifteen calendar days in a one hundred eighty-day  
20 period, including the cumulative duration of similar orders  
21 issued concurrently, consecutively, or successively, and  
22 shall automatically expire at the end of the fifteen days or  
23 as specified in the order, whichever is shorter, unless  
24 authorized as follows:

25 (1) For a second period not to exceed an additional  
26 fifteen calendar days in the same one hundred eighty-day  
27 period, upon a two-thirds vote of the political  
28 subdivision's governing body to extend such order or approve  
29 a similar order; and

30 (2) For a final period not to exceed an additional  
31 fifteen calendar days in the same one hundred eighty-day  
32 period, upon a two-thirds vote of the political  
33 subdivision's governing body to extend such order or approve  
34 a similar order.

35 3. Any public health order issued by a political  
36 subdivision, including by a health officer, local public  
37 health agency, public health authority, or the political  
38 subdivision's executive, as such term is defined in section

67.750, that is directed to a specific business location or locations shall not shall not remain in effect for longer than fifteen calendar days in a one hundred eighty-day period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the fifteen days or as specified in the order, whichever is shorter, unless so authorized by a two-thirds vote of the political subdivision's governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders shall not exceed thirty calendar days in duration and any order may be extended more than once.

4. The governing bodies of the political subdivisions issuing orders under subsections 2 and 3 of this section shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

5. Prior to the extension of any public health order under subsection 3 of this section, the health officer, local public health agency, public health authority, or executive shall provide the governing body and the specific business location or locations subject to the order with a report containing the following:

- (1) The public health concern addressed by the order;
- (2) The persons or entities affected;
- (3) The facts and findings that demonstrate the necessity of the order and the extension of the order;
- (4) The ways in which the order issued and any proposed extension address the public health concern; and
- (5) The manner in which the order shall be terminated.

Such report shall be made publicly available upon the approval of any extension of the order under subsection 3 of this section.

72       6. In the case of local public health agencies created  
73 through an agreement by multiple counties under chapter 70,  
74 two-thirds vote of all participating counties' governing  
75 bodies shall be required to approve, or a simple majority  
76 vote shall be required to terminate, public health orders in  
77 accordance with the provisions of this section.

78       7. No political subdivision of this state shall make  
79 or modify any orders, ordinances, rules, or regulations that  
80 have the effect, directly or indirectly, of a prohibited  
81 order, ordinance, rule, or regulation under this section.

82       8. No rule or regulation issued by the department of  
83 health and senior services shall authorize a local health  
84 official, health officer, local public health agency, or  
85 public health authority to create or enforce any generally  
86 applicable order, ordinance, rule, or regulation described  
87 in section 192.300 or to issue any public health order  
88 inconsistent with the provisions of this section.

89       9. No political subdivision of this state shall make  
90 and promulgate any orders, ordinances, rules, or regulations  
91 restricting a person's freedom to travel interstate or  
92 intrastate, or conditioning the freedom of interstate or  
93 intrastate travel on a vaccination or state or local  
94 passport.

95       10. No political subdivision of this state shall make  
96 and promulgate any orders, ordinances, rules, or regulations  
97 limiting or restricting consumer access to residential or  
98 business electric, gas, water, or other utilities during a  
99 state of emergency relating to the entrance of infectious,  
100 contagious, communicable, or dangerous diseases.

101       11. No political subdivision of this state shall make  
102 and promulgate any orders, ordinances, rules, or regulations  
103 during a state of emergency relating to public health and

104 pertaining to such emergency governing the number of persons  
105 gathering or residing on private residential property.

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

3 (1) "Real property", any real property that is not  
4 residential property, as such term is defined in section  
5 137.016;

6 (2) "Restrictive order", any city-wide or county-wide  
7 ordinance or order imposed by a city or county that  
8 prohibits or otherwise restricts the use of a taxpayer's  
9 real property, including, but not limited to, occupancy  
10 restrictions. Such term shall not include any ordinance or  
11 order prohibiting or restricting the use of a taxpayer's  
12 real property due to a violation of a public health or  
13 safety code.

14 2. Notwithstanding any provision of law to the  
15 contrary, beginning January 1, 2021, any taxpayer who is a  
16 resident of a city or county that imposes one or more  
17 restrictive orders for a combined total in excess of fifteen  
18 days during a calendar year shall receive a credit on  
19 property taxes owed on such affected real property.

20 3. The amount of the credit authorized by this section  
21 shall be a percentage of the property tax liability that is  
22 equal to the percentage of the calendar year that the

23 taxpayer was subject to restrictions on the use of his or  
24 her real property, provided that the first fifteen total  
25 combined days that restrictive orders are in effect during a  
26 calendar year shall not count toward the calculation of the  
27 tax credit pursuant to this subsection.

28 4. A taxpayer eligible for a credit pursuant to this  
29 section shall timely pay all property tax owed prior to any  
30 credit applied pursuant to this section, and shall, no later  
31 than December thirty-first, submit a written statement to  
32 the city or county requesting the amount of property tax  
33 owed to such taxpayer. The city or county shall, by no  
34 later than thirty days following the receipt of such a  
35 statement, issue a refund to the taxpayer for the amount of  
36 property tax owed to such taxpayer pursuant to this section.

37 5. The provisions of this section shall only apply to  
38 real property tax liabilities owed to a city or county  
39 imposing a restrictive order, and shall not apply to  
40 property tax liabilities owed to any other taxing  
41 jurisdiction or to property tax liabilities owed on tangible  
42 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. No quarantine order shall require  
16 monitoring, electronic or otherwise, as part of the  
17 quarantine order or require that a quarantine occur at any  
18 location other than an individual's home or place of  
19 residence without his or her consent.

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;

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; and

16 (4) An attorney-in-fact or patient advocate duly  
17 appointed by a patient.

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

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

210.067. A test result indicating the presence of  
2 severe acute respiratory syndrome coronavirus 2, otherwise

3 known as COVID-19, in a child or in a parent or guardian of  
4 a child shall not be a sole or determining cause for removal  
5 of a child, temporary or otherwise, from the care and  
6 custody of such parent or guardian.

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