

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.