

FIRST REGULAR SESSION

SENATE BILL NO. 159

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0723S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 161 and 173, RSMo, by adding thereto two new sections relating to medical mandates in educational institutions, with penalty provisions.

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

Section A. Chapters 161 and 173, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 161.581
3 and 173.581, to read as follows:

161.581. 1. As used in this section, the following
2 terms mean:

3 (1) "COVID-19", any disease or health condition caused
4 by the novel coronavirus named "SARS-CoV-2", the
5 international outbreak of respiratory disease named
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate
9 the production of antibodies and provide protection against
10 COVID-19, prepared from the causative agent of COVID-19, its
11 products, or a synthetic substitute, and treated to act as
12 an antigen without inducing a COVID-19 infection;

13 (3) "Public school", the same definition as in section
14 160.011;

15 (4) "School district", the same definition as in
16 section 160.011;

17 (5) "School employee", any teacher, substitute
18 teacher, supervisor, principal, supervising principal,

19 superintendent, assistant superintendent, or other
20 individual who is employed by a school district or a public
21 school.

22 2. Beginning in the 2023-24 school year and for each
23 subsequent school year, no school district, public school,
24 or school employee shall require any school employee or any
25 student of such school district or public school to:

26 (1) Receive any COVID-19 vaccine or gene therapy
27 treatment before being physically present at any of the
28 school district's or public school's events, premises, or
29 facilities;

30 (2) Receive any COVID-19 vaccine or gene therapy
31 treatment before being accepted for employment by the school
32 district or public school or as a condition of acceptance as
33 a student in the school district's public schools; or

34 (3) Submit to any testing for COVID-19 without the
35 express written consent of the school employee or, in the
36 case of a student, all parents, guardians, or other persons
37 having control and custody over the student.

38 3. (1) The department of elementary and secondary
39 education shall investigate any report of a violation of
40 this section. If the department determines that any school
41 district, public school, or school employee has violated
42 this section, the department shall notify the violator of
43 the violation and order the violator to immediately cease
44 and desist any further activity in violation of this section.

45 (2) If a school employee violates this section and
46 such school employee possesses a certificate of license to
47 teach in the public schools of this state, the department
48 shall fine such employee in an amount not to exceed five
49 thousand dollars for each violation. The department may

50 suspend or revoke such school employee's certificate of
51 license under chapter 168.

52 (3) Any student, parent or guardian of such student,
53 other family member of such student, or school employee may
54 bring a civil action against a violator of this section for
55 appropriate injunctive relief or actual damages, or both,
56 for any physical, mental, or emotional injuries sustained by
57 such individual as a result of a school district's, public
58 school's, or school employee's violation of this section.
59 Such action shall be brought in the county where the
60 violation occurred, and the court shall award damages and
61 court costs to a prevailing plaintiff.

173.581. 1. As used in this section, the following
2 terms mean:

3 (1) "COVID-19", any disease or health condition caused
4 by the novel coronavirus named "SARS-CoV-2", the
5 international outbreak of respiratory disease named
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate
9 the production of antibodies and provide protection against
10 COVID-19, prepared from the causative agent of COVID-19, its
11 products, or a synthetic substitute, and treated to act as
12 an antigen without inducing a COVID-19 infection;

13 (3) "Employee", any individual who is employed by an
14 institution of higher education;

15 (4) "Institution of higher education", any institution
16 of postsecondary education that receives any public funding
17 and is subject to any governance or regulation by the
18 coordinating board of higher education under state law.

19 2. Beginning in the 2023-24 academic year and for each
20 subsequent academic year, no institution of higher education
21 or employee shall require any employee or student to:

22 (1) Receive any COVID-19 vaccine or gene therapy
23 treatment before being physically present at any of the
24 institution's events, premises, or facilities;

25 (2) Receive any COVID-19 vaccine or gene therapy
26 treatment before being accepted for employment by the
27 institution or as a condition of acceptance as a student at
28 the institution; or

29 (3) Submit to any testing for COVID-19 without the
30 express written consent of the employee or student.

31 3. (1) The department of higher education and
32 workforce development shall investigate any report of a
33 violation of this section. If the department determines
34 that any institution of higher education or employee has
35 violated this section, the department shall notify the
36 violator of the violation and order the violator to
37 immediately cease and desist any further activity in
38 violation of this section.

39 (2) If an employee violates this section and such
40 school employee possesses a license issued by any department
41 of this state, the department shall fine such employee in an
42 amount not to exceed five thousand dollars for each
43 violation. The department may suspend or revoke such
44 employee's license under state law.

45 (3) Any student, parent or guardian of such student,
46 other family member of such student, or employee may bring a
47 civil action against a violator of this section for
48 appropriate injunctive relief or actual damages, or both,
49 for any physical, mental, or emotional injuries sustained by
50 such individual as a result of a violation of this section

51 by an institution of higher education or an employee. Such
52 action shall be brought in the county where the violation
53 occurred, and the court shall award damages and court costs
54 to a prevailing plaintiff.

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