

SENATE BILL NO. 201

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0976S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 67.308, 167.181, 210.003, and 213.055, RSMo, and to enact in lieu thereof five new sections relating to COVID-19 vaccination mandates, with an emergency clause.

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

Section A. Sections 67.308, 167.181, 210.003, and
2 213.055, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 67.308, 167.181, 174.336,
4 210.003, and 213.055, to read as follows:

67.308. No [county, city, town or village] **public or**
2 **private entity** in this state receiving public funds **or any**
3 **other public accommodation** shall require documentation of an
4 individual having received a vaccination against COVID-19 in
5 order for the individual to access transportation systems
6 [or], **facilities**, services, or any other public
7 accommodations. **As used in this section, public**
8 **accommodation shall have the same meaning as "places of**
9 **public accommodation" in section 213.010.**

167.181. 1. The department of health and senior
2 services, after consultation with the department of
3 elementary and secondary education, shall promulgate rules
4 and regulations governing the immunization against
5 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
6 diphtheria, and hepatitis B, to be required of children
7 attending public, private, parochial or parish schools.
8 Such rules and regulations may modify the immunizations that

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 are required of children in this subsection. The
10 immunizations required and the manner and frequency of their
11 administration shall conform to recognized standards of
12 medical practice. The department of health and senior
13 services shall supervise and secure the enforcement of the
14 required immunization program.

15 2. It is unlawful for any student to attend school
16 unless he has been immunized as required under the rules and
17 regulations of the department of health and senior services,
18 and can provide satisfactory evidence of such immunization;
19 except that if he produces satisfactory evidence of having
20 begun the process of immunization, he may continue to attend
21 school as long as the immunization process is being
22 accomplished in the prescribed manner. It is unlawful for
23 any parent or guardian to refuse or neglect to have his
24 child immunized as required by this section, unless the
25 child is properly exempted.

26 3. This section shall not apply to any child if one
27 parent or guardian objects in writing to his school
28 administrator against the immunization of the child, because
29 of religious beliefs or medical contraindications. In cases
30 where any such objection is for reasons of medical
31 contraindications, a statement from a duly licensed
32 physician must also be provided to the school administrator.

33 4. Each school superintendent, whether of a public,
34 private, parochial or parish school, shall cause to be
35 prepared a record showing the immunization status of every
36 child enrolled in or attending a school under his
37 jurisdiction. The name of any parent or guardian who
38 neglects or refuses to permit a nonexempted child to be
39 immunized against diseases as required by the rules and
40 regulations promulgated pursuant to the provisions of this

41 section shall be reported by the school superintendent to
42 the department of health and senior services.

43 5. The immunization required may be done by any duly
44 licensed physician or by someone under his direction. If
45 the parent or guardian is unable to pay, the child shall be
46 immunized at public expense by a physician or nurse at or
47 from the county, district, city public health center or a
48 school nurse or by a nurse or physician in the private
49 office or clinic of the child's personal physician with the
50 costs of immunization paid through the state Medicaid
51 program, private insurance or in a manner to be determined
52 by the department of health and senior services subject to
53 state and federal appropriations, and after consultation
54 with the school superintendent and the advisory committee
55 established in section 192.630. When a child receives his
56 or her immunization, the treating physician may also
57 administer the appropriate fluoride treatment to the child's
58 teeth.

59 6. Funds for the administration of this section and
60 for the purchase of vaccines for children of families unable
61 to afford them shall be appropriated to the department of
62 health and senior services from general revenue or from
63 federal funds if available.

64 **7. No student shall be required, as a condition of**
65 **school attendance or participation in school-sponsored**
66 **extracurricular activities, to be immunized against COVID-**
67 **19. No school shall require students to undergo COVID-19**
68 **diagnostic testing as an alternative to receiving a COVID-19**
69 **vaccination. This subsection shall expire on December 31,**
70 **2028.**

71 8. No rule or portion of a rule promulgated under the
72 authority of this section shall become effective unless it

73 has been promulgated pursuant to the provisions of chapter
74 536. Any rule or portion of a rule, as that term is defined
75 in section 536.010, that is created under the authority
76 delegated in this section shall become effective only if it
77 complies with and is subject to all of the provisions of
78 chapter 536 and, if applicable, section 536.028. This
79 section and chapter 536 are nonseverable and if any of the
80 powers vested with the general assembly pursuant to chapter
81 536 to review, to delay the effective date or to disapprove
82 and annul a rule are subsequently held unconstitutional,
83 then the grant of rulemaking authority and any rule proposed
84 or adopted after August 28, 2001, shall be invalid and void.

**174.336. No public institution of higher education in
2 this state shall require any student, whether residing on
3 campus or not, to have received a COVID-19 vaccine in order
4 to access educational and other services, including, but not
5 limited to, in-class attendance, school-sponsored
6 extracurricular activities, and access to school buildings
7 and facilities. No public institution of higher education
8 in this state shall require any student to undergo COVID-19
9 diagnostic testing as an alternative to receiving a COVID-19
10 vaccination. This section shall expire on December 31, 2028.**

210.003. 1. No child shall be permitted to enroll in
2 or attend any public, private or parochial day care center,
3 preschool or nursery school caring for ten or more children
4 unless such child has been adequately immunized against
5 vaccine-preventable childhood illnesses specified by the
6 department of health and senior services in accordance with
7 recommendations of the Centers for Disease Control and
8 Prevention Advisory Committee on Immunization Practices
9 (ACIP), **but until December 31, 2028, not including COVID-**

10 **19.** The parent or guardian of such child shall provide
11 satisfactory evidence of the required immunizations.

12 2. A child who has not completed all immunizations
13 appropriate for his or her age may enroll, if:

14 (1) Satisfactory evidence is produced that such child
15 has begun the process of immunization. The child may
16 continue to attend as long as the immunization process is
17 being accomplished according to the ACIP/Missouri department
18 of health and senior services recommended schedule;

19 (2) The parent or guardian has signed and placed on
20 file with the day care administrator a statement of
21 exemption which may be either of the following:

22 (a) A medical exemption, by which a child shall be
23 exempted from the requirements of this section upon
24 certification by a licensed physician that such immunization
25 would seriously endanger the child's health or life; or

26 (b) A parent or guardian exemption, by which a child
27 shall be exempted from the requirements of this section if
28 one parent or guardian files a written objection to
29 immunization with the day care administrator; or

30 (3) The child is homeless or in the custody of the
31 children's division and cannot provide satisfactory evidence
32 of the required immunizations. Satisfactory evidence shall
33 be presented within thirty days of enrollment and shall
34 confirm either that the child has completed all
35 immunizations appropriate for his or her age or has begun
36 the process of immunization. If the child has begun the
37 process of immunization, he or she may continue to attend as
38 long as the process is being accomplished according to the
39 schedule recommended by the department of health and senior
40 services.

41 Exemptions shall be accepted by the day care administrator
42 when the necessary information as determined by the
43 department of health and senior services is filed with the
44 day care administrator by the parent or guardian. Exemption
45 forms shall be provided by the department of health and
46 senior services.

47 3. In the event of an outbreak or suspected outbreak
48 of a vaccine-preventable disease within a particular
49 facility, the administrator of the facility shall follow the
50 control measures instituted by the local health authority or
51 the department of health and senior services or both the
52 local health authority and the department of health and
53 senior services, as established in Rule 19 CSR 20-20.040,
54 "Measures for the Control of Communicable, Environmental and
55 Occupational Diseases".

56 4. The administrator of each public, private or
57 parochial day care center, preschool or nursery school shall
58 cause to be prepared a record of immunization of every child
59 enrolled in or attending a facility under his or her
60 jurisdiction. An annual summary report shall be made by
61 January fifteenth showing the immunization status of each
62 child enrolled, using forms provided for this purpose by the
63 department of health and senior services. The immunization
64 records shall be available for review by department of
65 health and senior services personnel upon request.

66 5. For purposes of this section, "satisfactory
67 evidence of immunization" means a statement, certificate or
68 record from a physician or other recognized health facility
69 or personnel, stating that the required immunizations have
70 been given to the child and verifying the type of vaccine
71 and the month, day and year of administration.

72 6. Nothing in this section shall preclude any
73 political subdivision from adopting more stringent rules
74 regarding the immunization of preschool children.

75 7. All public, private, and parochial day care
76 centers, preschools, and nursery schools shall notify the
77 parent or guardian of each child at the time of initial
78 enrollment in or attendance at the facility that the parent
79 or guardian may request notice of whether there are children
80 currently enrolled in or attending the facility for whom an
81 immunization exemption has been filed. Beginning December
82 1, 2015, all public, private, and parochial day care
83 centers, preschools, and nursery schools shall notify the
84 parent or guardian of each child currently enrolled in or
85 attending the facility that the parent or guardian may
86 request notice of whether there are children currently
87 enrolled in or attending the facility for whom an
88 immunization exemption has been filed. Any public, private,
89 or parochial day care center, preschool, or nursery school
90 shall notify the parent or guardian of a child enrolled in
91 or attending the facility, upon request, of whether there
92 are children currently enrolled in or attending the facility
93 for whom an immunization exemption has been filed.

 213.055. 1. It shall be an unlawful employment
2 practice:

3 (1) For an employer, because of the race, color,
4 religion, national origin, sex, ancestry, age or disability
5 of any individual:

6 (a) To fail or refuse to hire or to discharge any
7 individual, or otherwise to discriminate against any
8 individual with respect to his compensation, terms,
9 conditions, or privileges of employment, because of such

10 individual's race, color, religion, national origin, sex,
11 ancestry, age or disability;

12 (b) To limit, segregate, or classify his employees or
13 his employment applicants in any way which would deprive or
14 tend to deprive any individual of employment opportunities
15 or otherwise adversely affect his status as an employee,
16 because of such individual's race, color, religion, national
17 origin, sex, ancestry, age or disability;

18 (2) For a labor organization to exclude or to expel
19 from its membership any individual or to discriminate in any
20 way against any of its members or against any employer or
21 any individual employed by an employer because of race,
22 color, religion, national origin, sex, ancestry, age or
23 disability of any individual; or to limit, segregate, or
24 classify its membership, or to classify or fail or refuse to
25 refer for employment any individual, in any way which would
26 deprive or tend to deprive any individual of employment
27 opportunities, or would limit such employment opportunities
28 or otherwise adversely affect his status as an employee or
29 as an applicant for employment, because of such individual's
30 race, color, religion, national origin, sex, ancestry, age
31 or disability; or for any employer, labor organization, or
32 joint labor-management committee controlling apprenticeship
33 or other training or retraining, including on-the-job
34 training programs to discriminate against any individual
35 because of his race, color, religion, national origin, sex,
36 ancestry, age or disability in admission to, or employment
37 in, any program established to provide apprenticeship or
38 other training;

39 (3) For any employer or employment agency to print or
40 circulate or cause to be printed or circulated any
41 statement, advertisement or publication, or to use any form

42 of application for employment or to make any inquiry in
43 connection with prospective employment, which expresses,
44 directly or indirectly, any limitation, specification, or
45 discrimination, because of race, color, religion, national
46 origin, sex, ancestry, age or disability unless based upon a
47 bona fide occupational qualification or for an employment
48 agency to fail or refuse to refer for employment, or
49 otherwise to discriminate against, any individual because of
50 his or her race, color, religion, national origin, sex,
51 ancestry, age as it relates to employment, or disability, or
52 to classify or refer for employment any individual because
53 of his or her race, color, religion, national origin, sex,
54 ancestry, age or disability;

55 **(4) (a) For an employer to require an employee to**
56 **receive COVID-19 vaccination as a condition of employment**
57 **without permitting the employee to be exempted from such**
58 **vaccination requirements because of the employee's**
59 **religious, moral, ethical, or philosophical beliefs, medical**
60 **condition, including pregnancy or future pregnancies, or**
61 **previous exposure to and recovery from COVID-19.**

62 **(b) The employer may require the employee seeking the**
63 **exemption to provide such request in writing. No employer**
64 **shall require the employee to explain, prove, defend, or**
65 **otherwise substantiate his or her religious, moral, ethical,**
66 **or philosophical beliefs or medical conditions relating to**
67 **requesting the vaccination exemption.**

68 **(c) The commission shall develop a form and make such**
69 **form available to employers and employees to utilize in**
70 **requesting a vaccination exemption.**

71 **(d) No employer shall require an employee who has**
72 **requested or received a vaccination exemption to undergo**
73 **COVID-19 diagnostic testing in place of a vaccination.**

74 **(e) In the case of a public employer, any record of**
75 **vaccinations, exemptions, testing, or other related employee**
76 **information containing identifying information of the**
77 **employee shall be considered a closed record under chapter**
78 **610.**

79 **(f) The provisions of this subdivision shall expire**
80 **December 31, 2028.**

81 2. Notwithstanding any other provision of this
82 chapter, it shall not be an unlawful employment practice for
83 an employer to apply different standards of compensation, or
84 different terms, conditions or privileges of employment
85 pursuant to a bona fide seniority or merit system, or a
86 system which measures earnings by quantity or quality of
87 production or to employees who work in different locations,
88 provided that such differences or such systems are not the
89 result of an intention or a design to discriminate, and are
90 not used to discriminate, because of race, color, religion,
91 sex, national origin, ancestry, age or disability, nor shall
92 it be an unlawful employment practice for an employer to
93 give and to act upon the results of any professionally
94 developed ability test, provided that such test, its
95 administration, or action upon the results thereof, is not
96 designed, intended or used to discriminate because of race,
97 color, religion, national origin, sex, ancestry, age or
98 disability.

99 3. Nothing contained in this chapter shall be
100 interpreted to require any employer, employment agency,
101 labor organization, or joint labor-management committee
102 subject to this chapter to grant preferential treatment to
103 any individual or to any group because of the race, color,
104 religion, national origin, sex, ancestry, age or disability
105 of such individual or group on account of an imbalance which

106 may exist with respect to the total number or percentage of
107 persons of any race, color, religion, national origin, sex,
108 ancestry, age or disability employed by any employer,
109 referred or classified for employment by any employment
110 agency or labor organization, admitted to membership or
111 classified by any labor organization, or admitted to or
112 employed in any apprenticeship or other training program, in
113 comparison with the total number or percentage of persons of
114 such race, color, religion, national origin, sex, ancestry,
115 age or disability in any community, state, section, or other
116 area, or in the available workforce in any community, state,
117 section, or other area.

118 4. Notwithstanding any other provision of this
119 chapter, it shall not be an unlawful employment practice for
120 the state or any political subdivision of the state to
121 comply with the provisions of 29 U.S.C. Section 623 relating
122 to employment as firefighters or law enforcement officers.

Section B. Because of the need to secure the rights of
2 Missourians relating to COVID-19 vaccination requirements,
3 Section A 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.

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