

FIRST REGULAR SESSION

SENATE BILL NO. 287

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1008S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof two 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Section A. Section 192.300, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 192.295 and 192.300, to read as follows:

**192.295. Notwithstanding any other provision of law to
2 the contrary, the general assembly hereby occupies and
3 preempts the entire field of legislation concerning the
4 protection of the people of this state from infectious,
5 contagious, communicable, or dangerous diseases to the
6 complete exclusion of any order, ordinance, or regulation by
7 any political subdivision of this state not enacted or
8 implemented under specific authority granted by the general
9 assembly.**

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 **upon specific authorization under state law consistent with**
6 **the provisions of section 192.295,** prevent the entrance of
7 infectious, contagious, communicable or dangerous diseases
8 into such county, but any orders, ordinances, rules or
9 regulations shall not:

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

14 (2) Impose standards or requirements on an
15 agricultural operation and its appurtenances, as such term
16 is defined in section 537.295, that are inconsistent with,
17 in addition to, different from, or more stringent than any
18 provision of this chapter or chapters 260, 640, 643, and
19 644, or any rule or regulation promulgated under such
20 chapters.

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

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

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

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

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

✓