AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from entering into contracts with companies engaged in economic boycotts.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.650, to read as follows:

34.650. 1. A public entity shall not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in any kind of economic boycott.

This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

2. As used in this section, the following terms and phrases mean:

(1) "Company", any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations;
(2) "Economic boycott", refusing to deal with, terminating business activities with, or otherwise taking any commercial action that is intended to penalize, inflict economic harm on, limit commercial relations with, or change or limit the activities of a company because the company, without violating controlling federal or state law:

(a) Engages in the exploration, production, utilization, transportation, sale, or manufacturing of, fossil fuel-based energy, timber, mining, or agriculture;

(b) Engages in, facilitates, or supports the manufacture, import, distribution, marketing or advertising, sale, or lawful use of firearms, ammunition or component parts and accessories of firearms or ammunition;

(c) Does not meet, is not expected to meet, or does not commit to meet environmental standards or disclosure criteria, in particular to eliminate, reduce, offset, or disclose greenhouse gas emissions;

(d) Does not meet, is not expected to meet, or does not commit to meet any specified criteria with respect to the compensation and composition of the company's corporate board and the employees of the company;

(e) Does not facilitate, is not expected to facilitate, or does not commit to facilitate access to abortion, sex or gender change, or transgender surgery or medical treatments; or

(f) Does business with a company that engages in or does not meet one or more of the criteria listed in paragraphs (a) to (e) of this subdivision.

(3) "Public entity", the state of Missouri or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies
politic and corporate of the state created by or in accordance with state law or regulations.

3. Any contract that fails to comply with the provisions of this section shall be void against public policy.

4. (1) This section, or any contract subject to this section, may be enforced by the attorney general.

(2) If the attorney general has reasonable cause to believe that a person has engaged in, is engaging in, or is about to engage in, a violation of this section, he or she may:

   (a) Require such person to file on such forms as the attorney general prescribes a statement or report in writing, under oath, as to all the facts and circumstances concerning the violation, and such other data and information as deemed necessary;

   (b) Examine under oath any person in connection with the violation;

   (c) Examine any record, book, document, account or paper as deemed necessary; and

   (d) Pursuant to an order of a circuit court, impound any record, book, document, account, paper, or sample or material relating to such practice and retain the same in his or her possession until the completion of all proceedings undertaken under this section or in the courts.

(3) In addition to any other remedies available at law or equity, a company that enters into a contract with a public entity that is subject to this section and engages in any economic boycott during the term of the contract shall be obligated to pay damages to the state in an amount equal to three times all monies paid to the company under the contract.
5. (1) Any person injured as a result of any violation or threatened violation of this section shall have a cause of action in Cole County circuit court and shall be entitled to injunctive relief against any and all violators or persons threatening violations.

(2) Any person injured as a result of any violation or threatened violation of this section may recover any and all damages of any character resulting from such violation or threatened violation including costs and reasonable attorney fees. Such remedies shall be independent of and in addition to the other penalties and remedies prescribed under this section.

6. The commissioner of administration or his or her designee may promulgate regulations to implement the provisions of this section, so long as they are consistent with this section and do not create any exceptions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority of this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.