

FIRST REGULAR SESSION

SENATE BILL NO. 430

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1599S.02I

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 34.650, to read as
3 follows:

34.650. 1. A public entity shall not enter into a
2 contract with a company to acquire or dispose of services,
3 supplies, information technology, or construction unless the
4 contract includes a written certification that the company
5 is not currently engaged in and shall not, for the duration
6 of the contract, engage in any kind of economic boycott.
7 This section shall not apply to contracts with a total
8 potential value of less than one hundred thousand dollars or
9 to contractors with fewer than ten employees.

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

12 (1) "Company", any for-profit or not-for-profit
13 organization, association, corporation, partnership, joint
14 venture, limited partnership, limited liability partnership,
15 limited liability company, or other entity or business
16 association, including all wholly owned subsidiaries,
17 majority-owned subsidiaries, parent companies, or affiliates
18 of those entities or business associations;

19 (2) "Economic boycott", refusing to deal with,
20 terminating business activities with, or otherwise taking
21 any commercial action that is intended to penalize, inflict
22 economic harm on, limit commercial relations with, or change
23 or limit the activities of a company because the company,
24 without violating controlling federal or state law:

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

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

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

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

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

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

47 (3) "Public entity", the state of Missouri or any
48 political subdivision thereof, including all boards,
49 commissions, agencies, institutions, authorities, and bodies

50 politic and corporate of the state created by or in
51 accordance with state law or regulations.

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

55 4. (1) This section, or any contract subject to this
56 section, may be enforced by the attorney general.

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

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

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

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

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

75 (3) In addition to any other remedies available at law
76 or equity, a company that enters into a contract with a
77 public entity that is subject to this section and engages in
78 any economic boycott during the term of the contract shall
79 be obligated to pay damages to the state in an amount equal
80 to three times all monies paid to the company under the
81 contract.

82 5. (1) Any person injured as a result of any
83 violation or threatened violation of this section shall have
84 a cause of action in Cole County circuit court and shall be
85 entitled to injunctive relief against any and all violators
86 or persons threatening violations.

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

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

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