

FIRST REGULAR SESSION

SENATE BILL NO. 609

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

2074S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 191.226, 191.653, 191.656, 191.657, 191.658, 191.659, 191.662, 191.663, 191.671, 191.674, 191.680, 191.683, 191.689, 191.692, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 545.940, 567.020, 567.120, and 595.226, RSMo, and to enact in lieu thereof thirteen new sections relating to the human immunodeficiency virus, with penalty provisions.

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

Section A. Sections 191.226, 191.653, 191.656, 191.657, 191.658, 191.659, 191.662, 191.663, 191.671, 191.674, 191.680, 191.683, 191.689, 191.692, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 545.940, 567.020, 567.120, and 595.226, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 191.226, 191.663, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 567.020, and 595.226, to read as follows:

191.226. The department of health and senior services shall pay for the cost of conducting [HIV] testing **for sexually transmitted infections or diseases** for a victim of the crime of rape as defined in section 556.030, or of the crime of sodomy as defined in section 566.060, or of the crime of incest as defined in section 568.020[, if a person who is convicted of such crime is determined to be infected with HIV based upon HIV testing conducted upon delivery of the person to the department of corrections pursuant to

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

10 section 191.659. Such testing shall be limited to not more
11 than two enzyme-linked immunosorbent assay (ELISA) tests per
12 year and such cost of such tests shall not be paid by the
13 department of health and senior services for more than five
14 years after the date the crime was committed. HIV
15 testing]. **Such testing shall be limited to two rounds of**
16 **testing and shall follow the best medical guidance for each**
17 **infection or disease being screened. Testing** conducted
18 pursuant to this section shall be performed by the public
19 health laboratory of the department of health and senior
20 services.

191.663. 1. As used in this section [and section
2 191.659], the term ["HIV testing" means serological test or
3 other test upon a biological specimen to determine the
4 presence of the human immunodeficiency virus that causes
5 acquired immunodeficiency syndrome or its antibodies in the
6 specimen] **"testing" means the current medically recommended**
7 **set of tests to screen for sexually transmitted infections**
8 **or diseases.**

9 2. Any person who is convicted or who pleads guilty or
10 nolo contendere to any sexual offense defined in chapter 566
11 or any juvenile who is adjudicated pursuant to subsection 3
12 of section 211.181 for an offense which would have been a
13 sexual offense defined in chapter 566 if committed by an
14 adult, which includes, in accordance with subsection (f) of
15 42 U.S.C. 3756, a sexual act as defined in subparagraphs (A)
16 and (B) of paragraph (2) of 18 U.S.C. 2245 as an element of
17 the offense, shall be ordered by the court to undergo [HIV]
18 testing prior to incarceration without the right of refusal.

19 3. Costs of such [HIV] testing shall be taxed to the
20 defendant as costs in the criminal proceeding **unless**
21 **otherwise prohibited by law.** Such testing costs may be

22 retained by the court from the bond filed by the defendant
23 pursuant to subsection 4 of this section. Costs of such
24 [HIV] testing for juveniles [may be collected as provided
25 for in section 211.281] **shall be paid for by the county in**
26 **which the offense occurred.**

27 4. Any defendant charged in a court of general
28 jurisdiction with a sexual offense defined in chapter 566
29 which includes, in accordance with subsection (f) of 42
30 U.S.C. 3756, a sexual act as defined in subparagraphs (A)
31 and (B) of paragraph (2) of 18 U.S.C. 2245 as an element of
32 the crime, shall be required to post a minimum bond amount
33 for his or her release prior to trial. The minimum bond
34 amount shall be sufficient to cover the cost of any post-
35 trial [HIV] testing ordered by the court.

36 5. Notwithstanding any provision of [section 191.656,
37 or any other] law to the contrary, the victim of any crime
38 defined in chapter 566 which includes, in accordance with
39 subsection (f) of 42 U.S.C. 3756, a sexual act as defined in
40 subparagraphs (A) and (B) of paragraph (2) of 18 U.S.C. 2245
41 as an element, shall have a right to access to the results
42 of any [HIV] testing performed pursuant to the provisions of
43 this section, and the victim shall be informed of any
44 confirmed positive results of the [HIV] testing. If the
45 victim is an unemancipated minor, the minor's parents or
46 custodian, if any, shall also be informed. The
47 administrator of the jail or correctional facility in which
48 the defendant is confined shall also have access to the test
49 results.

191.694. 1. All health care professionals and health
2 care facilities shall adhere to universal precautions, as
3 defined by the Centers for Disease Control of the United
4 States Public Health Service, including the appropriate use

5 of hand washing, protective barriers, and care in the use
6 and disposal of needles and other sharp instruments, to
7 minimize the risk of transmission of [HIV, HBV and other
8 blood-borne infections] **serious infectious or communicable**
9 **disease** to patients. Health care professionals and health
10 care facilities shall comply with current guidelines,
11 established by the Centers for Disease Control, for
12 disinfection and sterilization of reusable devices used in
13 invasive procedures.

14 2. Health care professionals who have exudative
15 lesions or weeping dermatitis of the hands, forearms, or
16 other locations that may contact patients, particularly on
17 exposed areas such as hands or forearms, shall refrain from
18 performing all invasive procedures, and from handling
19 patient-care equipment and devices used in performing
20 invasive procedures until the condition resolves.

21 3. As a condition for renewal of a certificate of
22 registration or authority, permit, or license, all health
23 care facilities shall provide satisfactory evidence that
24 periodic training in infection control procedures, including
25 universal precautions, is provided to all personnel who
26 perform patient care services at or from such facilities.
27 Regulations for such training shall be promulgated by the
28 state regulatory authorities or bodies responsible for
29 licensing the respective health care facilities.

30 4. All health care professionals who perform invasive
31 procedures shall receive training on infection control
32 procedures relevant to [HIV and related] **serious infectious**
33 **or communicable** diseases, including universal precautions
34 and prevention of percutaneous injuries, appropriate for
35 their specialty and approved by the department of health and
36 senior services. The department of health and senior

37 services, in cooperation with appropriate state regulatory
38 authorities responsible for licensing the respective health
39 care professionals and in cooperation with professional
40 societies, shall develop regulations for such training. The
41 requirements set forth in this subsection shall be deemed
42 satisfied if the health care professional completes the
43 training provided in accordance with the provisions of
44 subsection 3 of this section.

191.695. No rule or portion of a rule promulgated
2 under the authority of sections 191.650 to [191.700] **191.703**
3 shall become effective unless it has been promulgated
4 pursuant to the provisions of section 536.024.

191.699. Any health care professional who, after
2 disclosure has been made by a patient of [HIV infection] **a**
3 **serious infectious or communicable disease**, discriminates
4 against the patient on the basis of that [HIV infection]
5 **serious infectious or communicable disease** or who, prior to
6 such disclosure, makes [HIV] testing **for serious infectious**
7 **or communicable disease** a condition of treatment shall be
8 subject to administrative disciplinary action for violation
9 of a professional trust or confidence or the commission of
10 an act of unprofessional conduct as those terms are used in
11 sections 330.160, 332.321, 334.100, and 335.066.

191.700. 1. [The current assessment by the Centers
2 for Disease Control of the risk that infected health care
3 professionals will transmit HIV or HBV to patients during
4 invasive procedures does not justify mandatory testing to
5 detect infection with those viruses. Health care
6 professionals who perform invasive procedures are advised,
7 however, to know their HIV antibody status and their
8 hepatitis B antigen status.]

9 2.] (1) The department of health and senior services
10 shall establish and oversee a voluntary evaluation process
11 for health care professionals infected with [HIV or HBV] a
12 **serious infectious or communicable disease** who perform
13 invasive procedures. This evaluation process may be
14 accessed directly by an infected health care professional,
15 or by the director of a health care facility with the
16 consent of the infected health care professional and after
17 consultation with his private physician.

18 (2) The confidential and individualized evaluation
19 shall be conducted by an expert review panel appointed by
20 the department of health and senior services. Each panel
21 shall include at least such individuals as:

22 (a) The health care professional's private physician;

23 (b) An infectious disease specialist with expertise in
24 the epidemiology of [HIV and HBV] **serious infectious or**
25 **communicable disease** transmission who is not involved in the
26 care of the health care professional;

27 (c) A health care professional with expertise in the
28 procedures performed by the infected health care
29 professional; and

30 (d) A state or local public health official.

31 (3) The department of health and senior services, in
32 cooperation with appropriate state regulatory authorities or
33 bodies responsible for licensing the respective health care
34 professionals and with professional societies, shall develop
35 uniform evaluation criteria which shall be used in
36 determining whether, and under what circumstances, any
37 restrictions or limitations should be placed on an
38 individual health care professional's medical practice.
39 These criteria shall, consistent with guidelines from the

40 Centers for Disease Control, include at least the following
41 inquiries:

42 (a) Whether the health care professional performs
43 procedures in which injury could result in that individual's
44 blood contamination of a patient's body cavity, subcutaneous
45 tissues, or mucous membranes;

46 (b) The nature of the invasive procedures performed by
47 the health care professional and the techniques used, skill
48 and experience, and compliance with infection control
49 practices demonstrated by that individual; and

50 (c) Whether the presence of physical or mental
51 impairments may interfere with the health care
52 professional's ability to perform such invasive procedures
53 safely.

54 (4) (a) The individualized evaluation and the
55 recommendations of the panel shall be based on the premise
56 that **[HIV or HBV infection] a serious infectious or**
57 **communicable disease** alone does not justify limiting the
58 health care professional's duties.

59 (b) The panel may determine which procedures the
60 health care professional may or may not perform, or perform
61 with modifications. If the panel is uncertain about whether
62 a procedure may pose some risk of **[HIV or HBV] serious**
63 **infectious or communicable disease** transmission, it may
64 recommend that such procedures be performed only after the
65 patients have been informed of the health care
66 professional's infection status.

67 (5) (a) Information obtained during the evaluation
68 process shall be confidential and shall not be disclosed
69 except to health care facilities where the health care
70 professional provides patient care. The department of
71 health and senior services may only notify or disclose to

72 such facilities the practice restrictions and limitations
73 imposed on the health care professional. Such restrictions
74 and limitations shall be disclosed only to those employed by
75 such health care facilities who have a reasonable need to
76 know the information.

77 (b) Practice restrictions or limitations recommended
78 by the department of health and senior services shall be
79 monitored by the health care facilities in which the
80 infected health care professional is employed. If practice
81 restrictions or limitations are placed on community based
82 health care professionals, periodic monitoring to ensure
83 compliance shall be performed by the department of health
84 and senior services.

85 (c) Health care professionals whose practices are
86 restricted or limited because of their [HIV or HBV] **serious**
87 **infectious or communicable disease** infection status shall,
88 whenever possible, be provided opportunities to continue
89 appropriate patient care activities.

90 (d) Health care facilities regulated under sections
91 197.010 to 197.120 may maintain or establish peer review
92 panels that operate under the regulations developed by the
93 department of health and senior services and the
94 recommendations of the Centers for Disease Control of the
95 United States Public Health Service.

96 (e) Any violation of practice restrictions or
97 limitations by a health care professional shall constitute
98 either an act violative of professional trust and
99 confidence, or failure or refusal to properly guard against
100 contagious infections or communicable diseases or the spread
101 thereof, or both, as these terms are used in sections
102 330.160, 332.321, 334.100, and 335.066. Complaints of
103 possible violations of practice restrictions or limitations

104 may be made to the appropriate state board, as provided
105 under chapter 330, chapter 332, chapter 334, or chapter 335.

106 [3.] 2. The department of health and senior services
107 shall, from time to time, review established standards for
108 preventing the transmission of [HIV or HBV] **serious**
109 **infectious or communicable diseases** from health care
110 professionals to patients and, consistent with current
111 medical knowledge and revised or updated guidelines from the
112 Centers for Disease Control, modify existing standards and
113 require additional minimum standards, as appropriate.

114 [4.] 3. Notwithstanding the provisions of sections
115 191.650 to 191.698, the department of health and senior
116 services may exercise the general authority and power under
117 section 192.020 to intervene in instances where there is
118 reason to believe that a health care professional is
119 practicing in a manner that creates a grave and
120 unjustifiable risk of injury to others.

191.703. A licensed health care facility that treats a
2 patient having [HIV or HBV infection] **a serious infectious**
3 **or communicable disease** or any other reportable infectious
4 or contagious disease as defined by the department of health
5 and senior services shall notify the funeral establishment
6 personnel, coroner or medical examiner involved of such
7 disease prior to the removal of the patient, when deceased,
8 from the licensed health care facility. Notification shall
9 be conducted in a manner that protects the confidentiality
10 of the deceased patient.

338.010. 1. The "practice of pharmacy" includes:

2 (1) The interpretation, implementation, and evaluation
3 of medical prescription orders, including any legend drugs
4 under 21 U.S.C. Section 353, and the receipt, transmission,

5 or handling of such orders or facilitating the dispensing of
6 such orders;

7 (2) The designing, initiating, implementing, and
8 monitoring of a medication therapeutic plan in accordance
9 with the provisions of this section;

10 (3) The compounding, dispensing, labeling, and
11 administration of drugs and devices pursuant to medical
12 prescription orders;

13 (4) The ordering and administration of vaccines
14 approved or authorized by the U.S. Food and Drug
15 Administration, excluding vaccines for cholera, monkeypox,
16 Japanese encephalitis, typhoid, rabies, yellow fever, tick-
17 borne encephalitis, anthrax, tuberculosis, dengue, Hib,
18 polio, rotavirus, smallpox, and any vaccine approved after
19 January 1, 2023, to persons at least seven years of age or
20 the age recommended by the Centers for Disease Control and
21 Prevention, whichever is older, pursuant to joint
22 promulgation of rules established by the board of pharmacy
23 and the state board of registration for the healing arts
24 unless rules are established under a state of emergency as
25 described in section 44.100;

26 (5) The participation in drug selection according to
27 state law and participation in drug utilization reviews;

28 (6) The proper and safe storage of drugs and devices
29 and the maintenance of proper records thereof;

30 (7) Consultation with patients and other health care
31 practitioners, and veterinarians and their clients about
32 legend drugs, about the safe and effective use of drugs and
33 devices;

34 (8) The prescribing and dispensing of any nicotine
35 replacement therapy product under section 338.665;

36 (9) The dispensing of HIV **preexposure and** postexposure
37 prophylaxis pursuant to section 338.730; and

38 (10) The offering or performing of those acts,
39 services, operations, or transactions necessary in the
40 conduct, operation, management and control of a pharmacy.

41 2. No person shall engage in the practice of pharmacy
42 unless he or she is licensed under the provisions of this
43 chapter.

44 3. This chapter shall not be construed to prohibit the
45 use of auxiliary personnel under the direct supervision of a
46 pharmacist from assisting the pharmacist in any of his or
47 her duties. This assistance in no way is intended to
48 relieve the pharmacist from his or her responsibilities for
49 compliance with this chapter and he or she will be
50 responsible for the actions of the auxiliary personnel
51 acting in his or her assistance.

52 4. This chapter shall not be construed to prohibit or
53 interfere with any legally registered practitioner of
54 medicine, dentistry, or podiatry, or veterinary medicine
55 only for use in animals, or the practice of optometry in
56 accordance with and as provided in sections 195.070 and
57 336.220 in the compounding, administering, prescribing, or
58 dispensing of his or her own prescriptions.

59 5. A pharmacist with a certificate of medication
60 therapeutic plan authority may provide medication therapy
61 services pursuant to a written protocol from a physician
62 licensed under chapter 334 to patients who have established
63 a physician-patient relationship, as described in
64 subdivision (1) of subsection 1 of section 191.1146, with
65 the protocol physician. The written protocol authorized by
66 this section shall come only from the physician and shall
67 not come from a nurse engaged in a collaborative practice

68 arrangement under section 334.104, or from a physician
69 assistant engaged in a collaborative practice arrangement
70 under section 334.735.

71 6. Nothing in this section shall be construed as to
72 prevent any person, firm or corporation from owning a
73 pharmacy regulated by sections 338.210 to 338.315, provided
74 that a licensed pharmacist is in charge of such pharmacy.

75 7. Nothing in this section shall be construed to apply
76 to or interfere with the sale of nonprescription drugs and
77 the ordinary household remedies and such drugs or medicines
78 as are normally sold by those engaged in the sale of general
79 merchandise.

80 8. No health carrier as defined in chapter 376 shall
81 require any physician with which they contract to enter into
82 a written protocol with a pharmacist for medication
83 therapeutic services.

84 9. This section shall not be construed to allow a
85 pharmacist to diagnose or independently prescribe
86 pharmaceuticals.

87 10. The state board of registration for the healing
88 arts, under section 334.125, and the state board of
89 pharmacy, under section 338.140, shall jointly promulgate
90 rules regulating the use of protocols for medication therapy
91 services. Such rules shall require protocols to include
92 provisions allowing for timely communication between the
93 pharmacist and the protocol physician or similar body
94 authorized by this section, and any other patient protection
95 provisions deemed appropriate by both boards. In order to
96 take effect, such rules shall be approved by a majority vote
97 of a quorum of each board. Neither board shall separately
98 promulgate rules regulating the use of protocols for
99 medication therapy services. Any rule or portion of a rule,

100 as that term is defined in section 536.010, that is created
101 under the authority delegated in this section shall become
102 effective only if it complies with and is subject to all of
103 the provisions of chapter 536 and, if applicable, section
104 536.028. This section and chapter 536 are nonseverable and
105 if any of the powers vested with the general assembly
106 pursuant to chapter 536 to review, to delay the effective
107 date, or to disapprove and annul a rule are subsequently
108 held unconstitutional, then the grant of rulemaking
109 authority and any rule proposed or adopted after August 28,
110 2007, shall be invalid and void.

111 11. The state board of pharmacy may grant a
112 certificate of medication therapeutic plan authority to a
113 licensed pharmacist who submits proof of successful
114 completion of a board-approved course of academic clinical
115 study beyond a bachelor of science in pharmacy, including
116 but not limited to clinical assessment skills, from a
117 nationally accredited college or university, or a
118 certification of equivalence issued by a nationally
119 recognized professional organization and approved by the
120 board of pharmacy.

121 12. Any pharmacist who has received a certificate of
122 medication therapeutic plan authority may engage in the
123 designing, initiating, implementing, and monitoring of a
124 medication therapeutic plan as defined by a written protocol
125 from a physician that may be specific to each patient for
126 care by a pharmacist.

127 13. Nothing in this section shall be construed to
128 allow a pharmacist to make a therapeutic substitution of a
129 pharmaceutical prescribed by a physician unless authorized
130 by the written protocol or the physician's prescription
131 order.

132 14. "Veterinarian", "doctor of veterinary medicine",
133 "practitioner of veterinary medicine", "DVM", "VMD", "BVSe",
134 "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
135 equivalent title means a person who has received a doctor's
136 degree in veterinary medicine from an accredited school of
137 veterinary medicine or holds an Educational Commission for
138 Foreign Veterinary Graduates (EDFVG) certificate issued by
139 the American Veterinary Medical Association (AVMA).

140 15. In addition to other requirements established by
141 the joint promulgation of rules by the board of pharmacy and
142 the state board of registration for the healing arts:

143 (1) A pharmacist shall administer vaccines by protocol
144 in accordance with treatment guidelines established by the
145 Centers for Disease Control and Prevention (CDC);

146 (2) A pharmacist who is administering a vaccine shall
147 request a patient to remain in the pharmacy a safe amount of
148 time after administering the vaccine to observe any adverse
149 reactions. Such pharmacist shall have adopted emergency
150 treatment protocols.

151 16. In addition to other requirements by the board, a
152 pharmacist shall receive additional training as required by
153 the board and evidenced by receiving a certificate from the
154 board upon completion, and shall display the certification
155 in his or her pharmacy where vaccines are delivered.

156 17. A pharmacist shall inform the patient that the
157 administration of a vaccine will be entered into the
158 ShowMeVax system, as administered by the department of
159 health and senior services. The patient shall attest to the
160 inclusion of such information in the system by signing a
161 form provided by the pharmacist. If the patient indicates
162 that he or she does not want such information entered into
163 the ShowMeVax system, the pharmacist shall provide a written

164 report within fourteen days of administration of a vaccine
165 to the patient's health care provider, if provided by the
166 patient, containing:

- 167 (1) The identity of the patient;
- 168 (2) The identity of the vaccine or vaccines
169 administered;
- 170 (3) The route of administration;
- 171 (4) The anatomic site of the administration;
- 172 (5) The dose administered; and
- 173 (6) The date of administration.

174 18. A pharmacist licensed under this chapter may order
175 and administer vaccines approved or authorized by the U.S.
176 Food and Drug Administration to address a public health
177 need, as lawfully authorized by the state or federal
178 government, or a department or agency thereof, during a
179 state or federally declared public health emergency.

338.730. 1. Notwithstanding any other law to the
2 contrary, a pharmacist may dispense HIV **preexposure and**
3 postexposure prophylaxis in accordance with this section.
4 Such prophylaxis shall be dispensed only if the pharmacist
5 follows a written protocol authorized by a licensed
6 physician.

7 2. For purposes of this section, "**preexposure and**
8 postexposure prophylaxis" shall mean any drug approved by
9 the Food and Drug Administration that meets the same
10 clinical eligibility recommendations provided in CDC
11 guidelines **for either preexposure prophylaxis or**
12 **postexposure prophylaxis.**

13 3. For purposes of this section, "CDC guidelines"
14 shall mean the current HIV guidelines published by the
15 federal Centers for Disease Control and Prevention.

16 4. The state board of registration for the healing
17 arts and the state board of pharmacy shall jointly
18 promulgate rules and regulations for the administration of
19 this section. Neither board shall separately promulgate
20 rules governing a pharmacist's authority to dispense HIV
21 **preexposure and** postexposure prophylaxis under this section.

22 5. Any rule or portion of a rule, as that term is
23 defined in section 536.010, that is created under the
24 authority delegated in this section shall become effective
25 only if it complies with and is subject to all of the
26 provisions of chapter 536 and, if applicable, section
27 536.028. This section and chapter 536 are nonseverable and
28 if any of the powers vested with the general assembly
29 pursuant to chapter 536 to review, to delay the effective
30 date, or to disapprove and annul a rule are subsequently
31 held unconstitutional, then the grant of rulemaking
32 authority and any rule proposed or adopted after August 28,
33 2021, shall be invalid and void.

 375.1300. When used in sections 375.1300 to 375.1312,
2 the following terms mean:

3 (1) "Consultant", an individual, partnership or
4 corporation who, for a fee, holds himself or itself out to
5 the public as engaged in the business of offering any
6 advice, counsel, opinion or service with respect to the
7 benefits, advantages or disadvantages promised under any
8 policy of insurance that could be issued in this state;

9 (2) "Director", the director of the department of
10 commerce and insurance of this state;

11 (3) "Genetic information", the results of a genetic
12 test. Genetic information shall not include family history,
13 the results of routine physical measurements, or the results
14 of chemical, blood, urine analysis, or the results of tests

15 for drugs or the presence of the human immunodeficiency
16 virus, or from results of any other tests commonly accepted
17 in clinical practice at the time;

18 (4) "Genetic test", a laboratory test of human
19 deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) used
20 to identify the presence or absence of inherited alterations
21 in the DNA or RNA which cause predisposition to disease or
22 illness. The term does not include routine physical
23 measurements and examinations, routine tests performed as a
24 part of a physical examination, chemical, blood or urine
25 analysis, cholesterol tests, tests for the presence of [the
26 human immunodeficiency virus] **infection or disease**, a test
27 for drugs, or tests commonly accepted in clinical practice
28 at the time;

29 (5) "Insurer", any person, reciprocal exchange,
30 interinsurer, Lloyds insurer, fraternal benefit society, and
31 any other legal entity engaged in the business of insurance,
32 including agents, brokers, adjusters and third-party
33 administrators. "Insurer" also includes health services
34 corporations, health maintenance organizations, prepaid
35 limited health care service plans, dental, optometry and
36 other similar health service plans. For purposes of
37 sections 375.930 to 375.948, such entities shall be deemed
38 to be engaged in the business of insurance. "Insurer" shall
39 also include all companies organized, incorporated or doing
40 business pursuant to the provisions of chapters 325, 375,
41 376, 377, 378, 379, 381 and 383;

42 (6) "Person", any natural or artificial entity,
43 including, but not limited to, individuals, partnerships,
44 associations, trusts or corporations;

45 (7) "Policy", "certificate" or "contract" includes any
46 contract of insurance, indemnity, medical, health or

47 hospital service, suretyship, or annuity issued, proposed
48 for issuance, or intended for issuance by any insurer.

442.600. 1. The fact that a parcel of real property,
2 or any building or structure thereon, may be a
3 psychologically impacted real property, or may be in close
4 proximity to a psychologically impacted real property shall
5 not be a material or substantial fact that is required to be
6 disclosed in a sale, exchange or other transfer of real
7 estate.

8 2. "Psychologically impacted real property" is defined
9 to include:

10 (1) Real property in which an occupant is, or was at
11 any time, infected [with human immunodeficiency virus] or
12 diagnosed with [acquired immune deficiency syndrome, or
13 with] any [other] disease which has been determined by
14 medical evidence to be highly unlikely to be transmitted
15 through the occupancy of a dwelling place; or

16 (2) Real property which was the site of a homicide or
17 other felony, or of a suicide.

18 3. No cause of action shall arise nor may any action
19 be brought against any real estate agent or broker for the
20 failure to disclose to a buyer or other transferee of real
21 estate that the transferred real property was a
22 psychologically impacted real property.

567.020. 1. A person commits the offense of
2 prostitution if he or she engages in or offers or agrees to
3 engage in sexual conduct with another person in return for
4 something of value to be received by any person.

5 2. The offense of prostitution is a class B
6 misdemeanor [unless the person knew prior to performing the
7 act of prostitution that he or she was infected with HIV in

8 which case prostitution is a class B felony. The use of
9 condoms is not a defense to this offense].

10 3. [As used in this section, "HIV" means the human
11 immunodeficiency virus that causes acquired immunodeficiency
12 syndrome.

13 4.] The judge may order a drug and alcohol abuse
14 treatment program for any person found guilty of
15 prostitution, either after trial or upon a plea of guilty,
16 before sentencing. [For the class B misdemeanor offense,]
17 Upon the successful completion of such program by the
18 defendant, the court may at its discretion allow the
19 defendant to withdraw the plea of guilty or reverse the
20 verdict and enter a judgment of not guilty. [For the class
21 B felony offense, the court shall not allow the defendant to
22 withdraw the plea of guilty or reverse the verdict and enter
23 a judgment of not guilty. The judge, however, has
24 discretion to take into consideration successful completion
25 of a drug or alcohol treatment program in determining the
26 defendant's sentence.

27 5.] 4. A person shall not be certified as an adult or
28 adjudicated as a delinquent for the offense of prostitution
29 under this section if the person was under the age of
30 eighteen at the time the offense occurred. In such cases
31 where the person was under the age of eighteen, the person
32 shall be classified as a victim of abuse, as defined under
33 section 210.110, and such abuse shall be reported
34 immediately to the children's division, as required under
35 section 210.115 and to the juvenile officer for appropriate
36 services, treatment, investigation, and other proceedings as
37 provided under chapters 207, 210, and 211. Upon request,
38 the local law enforcement agency and the prosecuting

39 attorney shall assist the children's division and the
40 juvenile officer in conducting the investigation.

595.226. 1. After August 28, 2007, any information
2 contained in any court record, whether written or published
3 on the internet, including any visual or aural recordings
4 that could be used to identify or locate any victim of an
5 offense under chapter 566 or a victim of domestic assault or
6 stalking shall be closed and redacted from such record prior
7 to disclosure to the public. Identifying information shall
8 include, but shall not be limited to, the name, home or
9 temporary address, personal email address, telephone number,
10 Social Security number, birth date, place of employment, any
11 health information, [including human immunodeficiency virus
12 (HIV) status,] any information from a forensic testing
13 report, or physical characteristics, including an
14 unobstructed visual image of the victim's face or body.

15 2. Any person who is requesting identifying
16 information of a victim and who has a legitimate interest in
17 obtaining such information may petition the court for an in
18 camera inspection of the records. If the court determines
19 the person is entitled to all or any part of such records,
20 the court may order production and disclosure of the
21 records, but only if the court determines that the
22 disclosure to the person or entity would not compromise the
23 welfare or safety of the victim, and only after providing
24 reasonable notice to the victim and after allowing the
25 victim the right to respond to such request.

26 3. Notwithstanding the provisions of subsection 1 of
27 this section, the judge presiding over a case under chapter
28 566 or a case of domestic assault or stalking shall have the
29 discretion to publicly disclose identifying information
30 regarding the defendant which could be used to identify or

31 locate the victim of the crime. The victim may provide a
32 statement to the court regarding whether he or she desires
33 such information to remain closed. When making the decision
34 to disclose such information, the judge shall consider the
35 welfare and safety of the victim and any statement to the
36 court received from the victim regarding the disclosure.

2 [191.653. 1. No person shall perform or
3 conduct HIV testing except physicians,
4 hospitals, and those persons authorized by the
5 department of health and senior services. No
6 person shall be authorized by the department of
7 health and senior services to perform or conduct
8 HIV testing unless such person provides suitable
9 verification to the department that such testing
10 shall be performed in accordance with
11 departmental regulations governing the types of
12 tests performed and the manner in which they are
13 administered. The department may monitor the
14 continued compliance of such persons with
15 departmental regulations. Hospitals licensed
16 pursuant to chapter 197 shall be deemed to be in
17 compliance with departmental regulations
18 governing HIV testing.

19 2. All HIV testing shall be performed in
20 accordance with the department rules governing
21 HIV testing procedures.

22 3. Except as provided in sections 191.671
23 and 191.686, all physicians, hospitals, or other
24 persons authorized by the department of health
25 and senior services who perform or conduct HIV
26 sampling shall provide consultation with the
27 subject prior to taking the specimen and during
28 the reporting of the test results and shall
29 report to the department of health and senior
30 services the identity of any individual
31 confirmed to be infected with HIV.]

2 [191.656. 1. (1) All information known
3 to, and records containing any information held
4 or maintained by, any person, or by any agency,
5 department, or political subdivision of the
6 state concerning an individual's HIV infection

6 status or the results of any individual's HIV
7 testing shall be strictly confidential and shall
8 not be disclosed except to:

9 (a) Public employees within the agency,
10 department, or political subdivision who need to
11 know to perform their public duties;

12 (b) Public employees of other agencies,
13 departments, or political subdivisions who need
14 to know to perform their public duties;

15 (c) Peace officers, as defined in section
16 590.100, the attorney general or any assistant
17 attorneys general acting on his or her behalf,
18 as defined in chapter 27, and prosecuting
19 attorneys or circuit attorneys as defined in
20 chapter 56 and pursuant to section 191.657;

21 (d) Prosecuting attorneys or circuit
22 attorneys as defined in chapter 56 to prosecute
23 cases pursuant to section 191.677 or 567.020.
24 Prosecuting attorneys or circuit attorneys may
25 obtain from the department of health and senior
26 services the contact information and test
27 results of individuals with whom the HIV-
28 infected individual has had sexual intercourse
29 or deviate sexual intercourse. Any prosecuting
30 attorney or circuit attorney who receives
31 information from the department of health and
32 senior services pursuant to the provisions of
33 this section shall use such information only for
34 investigative and prosecutorial purposes and
35 such information shall be considered strictly
36 confidential and shall only be released as
37 authorized by this section;

38 (e) Persons other than public employees who
39 are entrusted with the regular care of those
40 under the care and custody of a state agency,
41 including but not limited to operators of day
42 care facilities, group homes, residential care
43 facilities and adoptive or foster parents;

44 (f) As authorized by subsection 2 of this
45 section;

46 (g) Victims of any sexual offense defined
47 in chapter 566, which includes sexual
48 intercourse or deviate sexual intercourse, as an
49 element of the crime or to a victim of a section

50 545.940 offense, in which the court, for good
51 cause shown, orders the defendant to be tested
52 for HIV, hepatitis B, hepatitis C, syphilis,
53 gonorrhea, or chlamydia, once the charge is
54 filed. Prosecuting attorneys or circuit
55 attorneys, or the department of health and
56 senior services may release information to such
57 victims;

58 (h) Any individual who has tested positive
59 or false positive to HIV, hepatitis B, hepatitis
60 C, syphilis, gonorrhea, or chlamydia, may
61 request copies of any and all test results
62 relating to said infections.

63 (2) Further disclosure by public employees
64 shall be governed by subsections 2 and 3 of this
65 section;

66 (3) Disclosure by a public employee or any
67 other person in violation of this section may be
68 subject to civil actions brought under
69 subsection 6 of this section, unless otherwise
70 required by chapter 330, 332, 334, or 335,
71 pursuant to discipline taken by a state
72 licensing board.

73 2. (1) Unless the person acted in bad
74 faith or with conscious disregard, no person
75 shall be liable for violating any duty or right
76 of confidentiality established by law for
77 disclosing the results of an individual's HIV
78 testing:

79 (a) To the department of health and senior
80 services;

81 (b) To health care personnel working
82 directly with the infected individual who have a
83 reasonable need to know the results for the
84 purpose of providing direct patient health care;

85 (c) Pursuant to the written authorization
86 of the subject of the test result or results;

87 (d) To the spouse of the subject of the
88 test result or results;

89 (e) To the subject of the test result or
90 results;

91 (f) To the parent or legal guardian or
92 custodian of the subject of the testing, if he
93 is an unemancipated minor;

94 (g) To the victim of any sexual offense
95 defined in chapter 566, which includes sexual
96 intercourse or deviate sexual intercourse, as an
97 element of the crime or to a victim of a section
98 545.940 offense, in which the court, for good
99 cause shown, orders the defendant to be tested
100 for HIV, hepatitis B, hepatitis C, syphilis,
101 gonorrhea, or chlamydia, once the charge is
102 filed;

103 (h) To employees of a state licensing
104 board in the execution of their duties under
105 chapter 330, 332, 334, or 335 pursuant to
106 discipline taken by a state licensing board;
107 The department of health and senior services and
108 its employees shall not be held liable for
109 disclosing an HIV-infected person's HIV status
110 to individuals with whom that person had sexual
111 intercourse or deviate sexual intercourse;

112 (2) Paragraphs (b) and (d) of subdivision
113 (1) of this subsection shall not be construed in
114 any court to impose any duty on a person to
115 disclose the results of an individual's HIV
116 testing to a spouse or health care professional
117 or other potentially exposed person, parent or
118 guardian;

119 (3) No person to whom the results of an
120 individual's HIV testing has been disclosed
121 pursuant to paragraphs (b) and (c) of
122 subdivision (1) of this subsection shall further
123 disclose such results; except that prosecuting
124 attorneys or circuit attorneys may disclose such
125 information to defense attorneys defending
126 actions pursuant to section 191.677 or 567.020
127 under the rules of discovery, or jurors or court
128 personnel hearing cases pursuant to section
129 191.677 or 567.020. Such information shall not
130 be used or disclosed for any other purpose;

131 (4) When the results of HIV testing,
132 disclosed pursuant to paragraph (b) of
133 subdivision (1) of this subsection, are included
134 in the medical record of the patient who is
135 subject to the test, the inclusion is not a
136 disclosure for purposes of such paragraph so
137 long as such medical record is afforded the same

138 confidentiality protection afforded other
139 medical records.

140 3. All communications between the subject
141 of HIV testing and a physician, hospital, or
142 other person authorized by the department of
143 health and senior services who performs or
144 conducts HIV sampling shall be privileged
145 communications.

146 4. The identity of any individual
147 participating in a research project approved by
148 an institutional review board shall not be
149 reported to the department of health and senior
150 services by the physician conducting the
151 research project.

152 5. The subject of HIV testing who is found
153 to have HIV infection and is aware of his or her
154 HIV status shall disclose such information to
155 any health care professional from whom such
156 person receives health care services. Said
157 notification shall be made prior to receiving
158 services from such health care professional if
159 the HIV-infected person is medically capable of
160 conveying that information or as soon as he or
161 she becomes capable of conveying that
162 information.

163 6. Any individual aggrieved by a violation
164 of this section or regulations promulgated by
165 the department of health and senior services may
166 bring a civil action for damages. If it is
167 found in a civil action that:

168 (1) A person has negligently violated this
169 section, the person is liable, for each
170 violation, for:

171 (a) The greater of actual damages or
172 liquidated damages of one thousand dollars; and

173 (b) Court costs and reasonable attorney's
174 fees incurred by the person bringing the action;
175 and

176 (c) Such other relief, including
177 injunctive relief, as the court may deem
178 appropriate; or

179 (2) A person has willfully or
180 intentionally or recklessly violated this

181 section, the person is liable, for each
182 violation, for:

183 (a) The greater of actual damages or
184 liquidated damages of five thousand dollars; and

185 (b) Exemplary damages; and

186 (c) Court costs and reasonable attorney's
187 fees incurred by the person bringing the action;
188 and

189 (d) Such other relief, including
190 injunctive relief, as the court may deem
191 appropriate.

192 7. No civil liability shall accrue to any
193 health care provider as a result of making a
194 good faith report to the department of health
195 and senior services about a person reasonably
196 believed to be infected with HIV, or cooperating
197 in good faith with the department in an
198 investigation determining whether a court order
199 directing an individual to undergo HIV testing
200 will be sought, or in participating in good
201 faith in any judicial proceeding resulting from
202 such a report or investigations; and any person
203 making such a report, or cooperating with such
204 an investigation or participating in such a
205 judicial proceeding, shall be immune from civil
206 liability as a result of such actions so long as
207 taken in good faith.]

2 [191.657. 1. No court shall issue an
3 order for the disclosure of confidential HIV-
4 related information, except a court of record of
5 competent jurisdiction in accordance with the
6 provisions of this section.

7 2. Pursuant to section 191.656, a court
8 may grant an order for disclosure of
9 confidential HIV-related information to peace
10 officers, the attorney general or any assistant
11 attorneys general acting on his or her behalf,
12 and prosecuting attorneys upon an application
13 showing:

14 (1) A compelling need for disclosure of
15 the information for the adjudication of a
criminal or civil proceeding;

16 (2) A clear and imminent danger to an
17 individual whose life or health may unknowingly
18 be at significant risk as a result of contact
19 with the individual to whom the information
20 pertains;

21 (3) Upon application of a state, county or
22 local health officer, a clear and imminent
23 danger to the public health; or

24 (4) That the applicant is lawfully
25 entitled to the disclosure and the disclosure is
26 consistent with the provisions of this section.

27 3. Upon receiving an application for an
28 order authorizing disclosure pursuant to this
29 section, the court shall enter an order
30 directing that all pleadings, papers,
31 affidavits, judgments, orders of the court,
32 briefs and memoranda of law which are part of
33 the application or the decision thereon, be
34 sealed and not made available to any person,
35 except to the extent necessary to conduct any
36 proceedings in connection with the determination
37 of whether to grant or deny the application,
38 including any appeal. Such an order shall
39 further direct that all subsequent proceedings
40 in connection with the application shall be
41 conducted in camera, and, where appropriate to
42 prevent the unauthorized disclosure of
43 confidential HIV-related information, that any
44 pleadings, papers, affidavits, judgments, orders
45 of the court, briefs and memoranda of law which
46 are part of the application or the decision
47 thereon not state the name of the individual
48 concerning whom confidential HIV-related
49 information is sought.

50 4. (1) The individual concerning whom
51 confidential HIV-related information is sought
52 and any person holding records concerning
53 confidential HIV-related information from whom
54 disclosure is sought shall be given adequate
55 notice of such application in a manner which
56 will not disclose to any other person the
57 identity of the individual, and shall be
58 afforded an opportunity to file a written
59 response to the application, or to appear in

60 person for the limited purpose of providing
61 evidence on the statutory criteria for the
62 issuance of an order pursuant to this section.

63 (2) The court may grant an order without
64 such notice and opportunity to be heard, where
65 an ex parte application by a state, county, or
66 local health officer shows that a clear and
67 imminent danger to an individual, whose life or
68 health may unknowingly be at risk, requires an
69 immediate order.

70 (3) Service of a subpoena shall not be
71 subject to this subdivision.

72 5. In assessing compelling need and clear
73 and imminent danger, the court shall provide
74 written findings of fact, including scientific
75 or medical findings, citing specific evidence in
76 the record which supports each finding, and
77 shall weigh the need for disclosure against the
78 privacy interest of the protected individual and
79 the public interest which may be disserved by
80 disclosure which deters future testing or
81 treatment or which may lead to discrimination.

82 6. An order authorizing disclosure of
83 confidential HIV-related information shall:

84 (1) Limit disclosure to that information
85 which is necessary to fulfill the purpose for
86 which the order is granted; and

87 (2) Limit disclosure to those persons
88 whose need for the information is the basis for
89 the order, and specifically prohibit
90 redisclosure by such persons to any other
91 persons, whether or not they are parties to the
92 action; and

93 (3) To the extent possible consistent with
94 this section, conform to the provisions of this
95 section; and

96 (4) Include such other measures as the
97 court deems necessary to limit any disclosures
98 not authorized by its order.]

2 [191.658. 1. As used in this section, the
following terms shall mean:

3 (1) "Disclose", to disclose, release,
4 transfer, disseminate or otherwise communicate

5 all or any part of any record orally, in writing
6 or by electronic means to any person or entity;

7 (2) "Health care practitioner", any
8 licensed physician, nurse practitioner or
9 physician's assistant;

10 (3) "HIV", the human immunodeficiency
11 virus that causes acquired immunodeficiency
12 syndrome;

13 (4) "HIV infection", the pathological
14 state of the human body in response to HIV;

15 (5) "Medically significant exposure", a
16 puncture through or laceration of the skin, or
17 contact of mucous membrane or nonintact skin
18 with blood, tissue, wound exudate or other body
19 fluids, including semen, vaginal secretions,
20 cerebrospinal fluid, synovial fluid, pleural
21 fluid, peritoneal fluid, pericardial fluid,
22 amniotic fluid or any body fluid containing
23 visible blood, or contact of intact skin with
24 any such body fluids when the duration of
25 contact is prolonged or involves an extensive
26 area of skin;

27 (6) "Person", private individuals, private
28 or public bodies politic, and corporations,
29 partnerships, trusts, and unincorporated
30 associations and their officers, directors,
31 agents or employees;

32 (7) "Source individual", the person who is
33 the source of the blood or other body fluids to
34 which medically significant exposure occurred.

35 2. A health care practitioner providing
36 medical treatment for a health care worker or
37 law enforcement officer because of a medically
38 significant exposure to blood or other body
39 fluids that occurred in the course of the
40 worker's or officer's employment may request
41 from the department of health and senior
42 services information regarding the HIV infection
43 status of the source individual. The department
44 of health and senior services may disclose to
45 the health care practitioner the HIV infection
46 status of the source individual if such
47 information is on file with the department.

48 3. The health care practitioner shall
49 disclose the HIV infection status of the source
50 individual to the exposed health care worker or
51 law enforcement officer if, in the professional
52 judgment of the health care practitioner, such
53 disclosure is necessary to assure adherence to a
54 prescribed treatment regimen.

55 4. No person to whom information about an
56 individual's HIV infection has been disclosed
57 pursuant to this section shall further disclose
58 such results.

59 5. Any person who knowingly releases
60 information in violation of this section is
61 guilty of a class A misdemeanor.]

 [191.659. 1. Except as provided in
2 subsection 2 of this section, all individuals
3 who are delivered to the department of
4 corrections and all individuals who are released
5 or discharged from any correctional facility
6 operated by the department of corrections,
7 before such individuals are released or
8 discharged, shall undergo HIV and tuberculosis
9 testing without the right of refusal. In
10 addition, the department of corrections may
11 perform or conduct infectious disease testing on
12 offenders without the right of refusal.

13 2. The department of corrections shall not
14 perform HIV testing on an individual delivered
15 to the department if similar HIV testing has
16 been performed on the individual subsequent to
17 trial and if the department is able to obtain
18 the results of the prior HIV test.

19 3. The department shall inform the victim
20 of any sexual offense defined in chapter 566,
21 which includes sexual intercourse or deviate
22 sexual intercourse as an element of the crime,
23 of any confirmed positive results of HIV testing
24 performed on an offender within the custody of
25 the department. If the victim is an
26 unemancipated minor, the department shall also
27 inform the minor's parents or custodian, if any.]

2 [191.662. 1. The department of mental
3 health may perform or conduct HIV testing or HIV
4 sampling without the right of refusal on:

5 (1) Any individual participating in a
6 methadone treatment program for the treatment of
7 intravenous drug abuse and who has refused to
8 undergo such testing whenever there are
9 reasonable grounds to believe that the
10 individual is infected with HIV and is a
11 reasonable health threat to others;

12 (2) Any individual under the care and
13 custody of the department of mental health who
14 has refused to undergo testing whenever there
15 are reasonable grounds to believe that the
16 individual is infected with HIV and is a
17 reasonable health threat to others, unless such
18 testing is otherwise prohibited by law.

19 2. The department of mental health shall
20 not report to the department of health and
21 senior services the identity of any individual
22 for whom HIV testing pursuant to this section
23 confirms HIV infection if such reporting is
prohibited by federal law or regulation.]

[191.671. 1. No other section of this act
2 shall apply to any insurer, health services
3 corporation, or health maintenance organization
4 licensed by the department of commerce and
5 insurance which conducts HIV testing only for
6 the purposes of assessing a person's fitness for
7 insurance coverage offered by such insurer,
8 health services corporation, or health
9 maintenance corporation, except that nothing in
10 this section shall be construed to exempt any
11 insurer, health services corporation or health
12 maintenance organization in their capacity as
13 employers from the provisions of section 191.665
14 relating to employment practices.

15 2. Upon renewal of any individual or group
16 insurance policy, subscriber contractor health
17 maintenance organization contract covering
18 medical expenses, no insurer, health services
19 corporation or health maintenance organization
20 shall deny or alter coverage to any previously

21 covered individual who has been diagnosed as
22 having HIV infection or any HIV-related
23 condition during the previous policy or contract
24 period only because of such diagnosis, nor shall
25 any such insurer, health services corporation or
26 health maintenance organization exclude coverage
27 for treatment of such infection or condition
28 with respect to any such individual.

29 3. The director of the department of
30 commerce and insurance shall establish by
31 regulation standards for the use of HIV testing
32 by insurers, health services corporations and
33 health maintenance organizations.

34 4. A laboratory certified by the U.S.
35 Department of Health and Human Services under
36 the Clinical Laboratory Improvement Act of 1967,
37 permitting testing of specimens obtained in
38 interstate commerce, and which subjects itself
39 to ongoing proficiency testing by the College of
40 American Pathologists, the American Association
41 of Bio Analysts, or an equivalent program
42 approved by the Centers for Disease Control
43 shall be authorized to perform or conduct HIV
44 testing for an insurer, health services
45 corporation or health maintenance organization
46 pursuant to this section.

47 5. The result or results of HIV testing of
48 an applicant for insurance coverage shall not be
49 disclosed by an insurer, health services
50 corporation or health maintenance organization,
51 except as specifically authorized by such
52 applicant in writing. Such result or results
53 shall, however, be disclosed to a physician
54 designated by the subject of the test. If there
55 is no physician designated, the insurer, health
56 services corporation, or health maintenance
57 organization shall disclose the identity of
58 individuals residing in Missouri having a
59 confirmed positive HIV test result to the
60 department of health and senior services.
61 Provided, further, that no such insurer, health
62 services corporation or health maintenance
63 organization shall be liable for violating any
64 duty or right of confidentiality established by

65 law for disclosing such identity of individuals
66 having a confirmed positive HIV test result to
67 the department of health and senior services.
68 Such disclosure shall be in a manner that
69 ensures confidentiality. Disclosure of test
70 results in violation of this section shall
71 constitute a violation of sections 375.930 to
72 375.948 regulating trade practices in the
73 business of insurance. Nothing in this
74 subsection shall be construed to foreclose any
75 remedies existing on June 1, 1988.]

[191.674. 1. The department of health and
2 senior services may seek in its own name in a
3 court of competent jurisdiction a court order
4 directing an individual to undergo HIV testing
5 without the right of refusal after reasonable
6 efforts have been made by the department to
7 obtain informed consent to HIV testing. The
8 court shall grant such order whenever there are
9 reasonable grounds to believe that an individual
10 is infected with HIV and there is clear and
11 convincing evidence of a serious and present
12 health threat to others posed by the individual
13 if infected.

14 2. The record of any suit filed pursuant
15 to this section shall be closed to the public
16 and, at the request of the individual, any
17 hearing shall be held in camera.]

[191.680. 1. Any person who shall erect,
2 establish, continue, maintain, use, own, or
3 lease any building, structure, or place used for
4 the purpose of lewdness, assignation, or illegal
5 purpose involving sexual or other contact
6 through which transmission of HIV infection can
7 occur is guilty of maintaining a nuisance.

8 2. The building, structure, or place, or
9 the ground itself, in or upon which any such
10 lewdness, assignation, or illegal purpose is
11 conducted, permitted, carried on, continued, or
12 exists, and the furniture, fixtures, musical
13 instruments, and movable property used in
14 conducting or maintaining such nuisance, are
15 hereby declared to be a nuisance and shall be

16 enjoined and abated as provided in subsection 3
17 of this section.

18 3. If the existence of a nuisance is
19 admitted or established in an action pursuant to
20 this section or in a criminal proceeding in any
21 court, an order of abatement shall be entered as
22 part of the judgment in the case. The order
23 shall direct the effectual closing of the
24 business for any purpose, and so keeping it
25 closed for a period of one year.

26 4. The department of health and senior
27 services, a county prosecutor, or a circuit
28 attorney shall file suit in its own name in any
29 court of competent jurisdiction to enforce the
30 provisions of this section.]

[191.683. The department of health and
2 senior services shall regularly report to the
3 appropriate committees of both houses of the
4 general assembly:

5 (1) The number of individuals with HIV
6 infection for whom a health care plan has been
7 developed detailing the form and impact of such
8 health care plans in a manner that does not
9 identify or provide identifying characteristics
10 of an individual infected with HIV;

11 (2) The nature and extent to which the
12 department has utilized judicial proceedings in
13 a manner that does not identify or provide
14 identifying characteristics of any individual
15 subject to such proceedings;

16 (3) The form and extent of the handling of
17 federal funds available to the department of
18 health and senior services for disbursement;

19 (4) The form and extent of programs and
20 efforts funded by state funds; and

21 (5) Any other information such committees
22 shall seek.]

[191.689. 1. Only after a school has
2 adopted a policy consistent with recommendations
3 of the Centers for Disease Control on school
4 children who test positive for HIV shall the
5 department of health and senior services give
6 prompt and confidential notice of the identity

7 of any child reported to the department to have
8 HIV infection and the parent or guardian of any
9 child confirmed by the department of health and
10 senior services standards to have HIV infection
11 shall also give prompt and confidential notice
12 of the identity of such child to the
13 superintendent of the school district in which
14 the child resides, and if the child attends a
15 nonpublic elementary or secondary school, to the
16 chief administrative officer of such school.

17 2. The superintendent or chief
18 administrative officer may disclose the identity
19 of an infected child to those persons:

20 (1) Who are designated by the school
21 district to determine the fitness of an
22 individual to attend school; and

23 (2) Who have a reasonable need to know the
24 identity of the child in order to provide proper
25 health care.]

[191.692. The department of health and
2 senior services may promulgate rules providing
3 for mandatory premarital HIV testing if the
4 Centers for Disease Control so indicates.]

[545.940. 1. Pursuant to a motion filed
2 by the prosecuting attorney or circuit attorney
3 with notice given to the defense attorney and
4 for good cause shown, in any criminal case in
5 which a defendant has been charged by the
6 prosecuting attorney's office or circuit
7 attorney's office with any offense under chapter
8 566 or section 565.050, assault in the first
9 degree; section 565.052 or 565.060, assault in
10 the second degree; section 565.054 or 565.070,
11 assault in the third degree; section 565.056,
12 assault in the fourth degree; section 565.072,
13 domestic assault in the first degree; section
14 565.073, domestic assault in the second degree;
15 section 565.074, domestic assault in the third
16 degree; section 565.075, assault while on school
17 property; section 565.076, domestic assault in
18 the fourth degree; section 565.081, 565.082, or
19 565.083, assault of a law enforcement officer,
20 corrections officer, emergency personnel,

21 highway worker in a construction zone or work
22 zone, utility worker, cable worker, or probation
23 and parole officer in the first, second, or
24 third degree; section 567.020, prostitution;
25 section 568.045, endangering the welfare of a
26 child in the first degree; section 568.050,
27 endangering the welfare of a child in the second
28 degree; section 568.060, abuse of a child;
29 section 575.150, resisting or interfering with
30 an arrest; or subdivision (2) or (3) of
31 subsection 2 of section 191.677, knowingly or
32 recklessly exposing a person to a serious
33 infectious or communicable disease, the court
34 may order that the defendant be conveyed to a
35 state-, city-, or county-operated HIV clinic for
36 testing for HIV, hepatitis B, hepatitis C,
37 syphilis, gonorrhea, and chlamydia. The results
38 of such tests shall be released to the victim
39 and his or her parent or legal guardian if the
40 victim is a minor. The results of such tests
41 shall also be released to the prosecuting
42 attorney or circuit attorney and the defendant's
43 attorney. The state's motion to obtain said
44 testing, the court's order of the same, and the
45 test results shall be sealed in the court file.

46 2. As used in this section, "HIV" means
47 the human immunodeficiency virus that causes
48 acquired immunodeficiency syndrome.]

[567.120. Any person arrested for a
2 prostitution-related offense, who has been found
3 guilty of a prior prostitution-related offense,
4 may, within the sound discretion of the court,
5 be required to undergo HIV testing as a
6 condition precedent to the issuance of bond for
7 the offense.]

✓