

AN ACT

To repeal sections 44.100, 77.530, 79.380, 192.006, 192.020, 192.300, and 192.320, RSMo, and to enact in lieu thereof thirteen new sections relating to public health, with an existing penalty provision and an emergency clause.

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

Section A. Sections 44.100, 77.530, 79.380, 192.006, 192.020, 192.300, and 192.320, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 44.100, 44.103, 67.265, 77.530, 79.380, 139.305, 192.006, 192.020, 192.300, 192.320, 192.321, 197.145, and 210.067, to read as follows:

44.100. 1. The emergency powers of the governor shall be as follows:

(1) The provisions of this section shall be operative only during the existence of a state of emergency (referred to in this section as "emergency"). The existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section;

(2) Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency;

(3) During the period that the state of emergency exists or continues, the governor shall:

(a) Enforce and put into operation all plans, rules and regulations relating to disasters and emergency management of resources adopted under this law and to assume direct operational control of all emergency forces and volunteers in the state;

(b) Take action and give directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this law and with the orders, rules and regulations made pursuant thereof;

(c) Seize, take or requisition to the extent necessary to bring about the most effective protection of the public:

a. Any means of transportation, other than railroads and railroad equipment and fuel, and all fuel necessary for the propulsion thereof;

b. Any communication system or part thereof necessary to the prompt and efficient functioning of the emergency management of the state;

c. All stocks of fuel;

d. Facilities for housing, feeding and hospitalization of persons, including buildings and plants;

(d) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods or services;

(e) Prescribe and direct activities in connection with but not limited to use, conservation, salvage and prevention of waste of materials, services and facilities, including production, transportation, power and communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private

facilities, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs;

(f) Use or distribute all or any of this property among the inhabitants of the state in any area adversely affected by a natural or man-made disaster and to account to the state treasurer for any funds received thereof;

(g) Waive or suspend the operation of any statutory requirement or administrative rule regarding the licensing, certification or issuance of permits evidencing professional, mechanical or other skills;

(h) Waive or suspend the operation of any statutory requirement or administrative rule prescribing procedures for conducting state business, where strict compliance with such requirements and rules would prevent, hinder, or delay necessary action by the department of health and senior services to respond to a declared emergency or increased health threat to the population;

(i) In accordance with rules or regulations, provide that all law enforcement authorities and other emergency response workers and agencies of other states who may be within this state at the request of the governor or pursuant to state or local mutual-aid agreements or compacts shall have the same authority and possess the same powers, duties, rights, privileges and immunities as are possessed by like law enforcement authorities and emergency response workers and agencies of this state;

(j) Perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population;

(k) Authorize the director of finance and the director of credit unions to waive or suspend the operation of any statutory requirement or administrative rule applicable to

the division of finance, banking, financial services, or the division of credit unions and take action and give direction to banks, credit unions, and financial institutions, including coordinating actions with emergency responders, federal agencies, and state banking and credit union associations as may be reasonable and necessary to preserve the safety and soundness of banks, credit unions, and financial institutions; and facilitate disaster response and recovery efforts to serve essential civil needs and protect the public interest.

2. When any property is seized, taken or requisitioned under this section, the circuit court of the county in which the property was taken may on the application of the owner thereof or on the application of the governor in cases where numerous claims may be filed, appoint three disinterested commissioners in the manner provided by section 523.040 to assess the damages which the owners may have sustained by reason of the appropriation thereof. Upon the application the amount due because of the seizure of property shall be determined in the manner provided in chapter 523 for the determination of damages in case of the exercise of the power of eminent domain.

3. No authority granted to the governor under this section, or any law enforcement officers and agencies or state agencies empowered under this section, shall be interpreted to authorize any orders, plans, rules, or regulations governing the number of persons gathering or residing on private residential property during a state of emergency declared under this section.

44.103. Notwithstanding section 1.302 to the contrary, the state, any state agency, political subdivision, county commission, county health board, or person shall not enact, adopt, maintain, or enforce any order, ordinance, rule,

regulation, policy, or other similar measure that imposes any restrictions, directly or indirectly, on the free exercise of religion, including attendance or participation in any prayer, service, meeting, or similar religious activity, or use of a building or premises owned or operated for the purpose of religious activity, during a declared state of emergency.

67.265. 1. No political subdivision of this state shall make and promulgate any public health orders, ordinances, rules, or regulations during a declared state of emergency and pertaining to such state of emergency for a cumulative period longer than fourteen days in a two year period, unless so authorized by a concurrent resolution of the general assembly permitting any political subdivision of this state to make and promulgate such orders, ordinances, rules, or regulations for longer durations; provided that such concurrent resolution shall be for a limited period of time, apply statewide, and be specific to the declared state of emergency.

2. No political subdivision of this state shall make and promulgate any orders, ordinances, rules, or regulations during a declared state of emergency and pertaining to such state of emergency governing the number of persons gathering or residing on private residential property.

3. No political subdivision of this state shall make or modify any orders, ordinances, rules, or regulations during a declared state of emergency that have the effect, directly or indirectly, of a prohibited order, ordinance, rule, or regulation under this section.

77.530. The council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the city, and for the abatement of the same, and may make quarantine laws and enforce the same

within five miles of the city; provided, that no such regulation or ordinance made and passed during a declared state of emergency and pertaining to such state of emergency shall be issued for a cumulative period longer than fourteen days in a two year period, unless so authorized by a concurrent resolution of the general assembly permitting any political subdivision of this state to make and promulgate such orders, ordinances, rules, or regulations for longer durations; provided that such concurrent resolution shall be for a limited period of time, apply statewide, and be specific to the declared state of emergency. Additionally, no such regulation or ordinance made and passed during a declared state of emergency pertaining to such state of emergency shall be issued governing the number of persons gathering or residing on private residential property. The council may purchase or condemn and hold for the city, within or without the city limits, within ten miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish and regulate hospitals, workhouses, poorhouses, police stations, fire stations and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances; provided, however, that the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property or railroad purposes is regulated by law; and provided further, that the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries, as provided in this chapter.

79.380. The board of aldermen may make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of

the same, and may make quarantine laws and enforce the same within five miles of the city; provided, that no such regulation or ordinance made and passed during a declared state of emergency and pertaining to such state of emergency shall be issued for a cumulative period longer than fourteen days in a two year period, unless so authorized by a concurrent resolution of the general assembly permitting any political subdivision of this state to make and promulgate such orders, ordinances, rules, or regulations for longer durations; provided that such concurrent resolution shall be for a limited period of time, apply statewide, and be specific to the declared state of emergency. Additionally, no such regulation or ordinance made and passed during a declared state of emergency pertaining to such state of emergency shall be issued governing the number of persons gathering or residing on private residential property. They may purchase or condemn and hold for the city, within or without the city limits, or within ten miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish and regulate hospitals, workhouses, poorhouses, airports and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances; except that the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law. The police jurisdiction of the city shall extend over such land and property to the same extent as over other city property, as provided in this chapter.

139.305. 1. Notwithstanding any provision of law to the contrary, beginning January 1, 2021, any taxpayer who is a resident of a city or county that imposes any city-wide or

county-wide ordinance or order prohibiting or otherwise restricting the use of such taxpayer's real property, including, but not limited to, occupancy restrictions, shall receive a credit on property taxes owed on such affected real property.

2. The amount of the credit authorized by this section shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the taxpayer was subject to restrictions on the use of his or her real property.

3. Any city or county imposing a city-wide or county-wide ordinance or order as described in this section shall adjust its tax bills to reflect any credit authorized by this section.

4. The provisions of this section shall only apply to real property tax liabilities owed to a city or county imposing any city-wide or county-wide ordinance or order prohibiting or otherwise restricting the use of a taxpayer's real property, and shall not apply to property tax liabilities owed to any other taxing jurisdiction or to property tax liabilities owed on tangible personal property.

192.006. The department of health and senior services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536. The department of health and senior services may be permitted, pursuant to an executive order issued in a declared state of emergency under chapter 44, to delegate the power and authority to promulgate rules; provided that such delegation shall be limited to county commissions, county councils, or county health boards of trustees. No rule or portion of a rule promulgated under the authority of

this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

192.020. 1. It shall be the general duty and responsibility of the department of health and senior services to safeguard the health of the people in the state and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the prevalence of such diseases within the state. It shall have power and authority, with approval of the director of the department, to make such orders, findings, rules and regulations as will prevent the entrance of infectious, contagious and communicable diseases into the state.

2. The department of health and senior services shall include in its list of communicable or infectious diseases which must be reported to the department methicillin-resistant staphylococcus aureus (MRSA), carbapenem-resistant enterobacteriaceae (CRE) as specified by the department, and vancomycin-resistant enterococcus (VRE).

3. The department of health and senior services may be permitted, pursuant to an executive order issued in a declared state of emergency under chapter 44, to delegate the power and authority to promulgate rules; provided that such delegation shall be limited to county commissions, county councils, or county health boards of trustees, and no rule or portion of a rule promulgated under this authority of this subsection shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

192.300. 1. The county commissions, county council, and the county health center boards of trustees of the

several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

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

(2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters; or

(3) Be issued for a cumulative period longer than fourteen days in a two year period in cases of orders, ordinances, rules, or regulations made and promulgated during a declared state of emergency and pertaining to such state of emergency, unless so authorized by a concurrent resolution of the general assembly permitting any county health board of this state to make and promulgate such orders, ordinances, rules, or regulations for longer durations; provided that such concurrent resolution shall be for a limited period of time, apply statewide, and be specific to the declared state of emergency. Additionally, no such order, ordinance, rule, or regulation made and passed during a declared state of emergency pertaining to such state of emergency shall be issued governing the number of persons gathering or residing on private residential property.

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

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

4. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission, county council, or county health center board of trustees in compliance with the provisions of this section is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission, county council, or county health board of trustees of any such county has full power and authority to initiate the prosecution of any action under this section.

5. Before the promulgation and adoption of orders, ordinances, rules, or regulations made under subdivision (3) of subsection 1 of this section, the county commission, county health center board of trustees, or county health officer shall submit such orders, ordinances, rules, or regulations to the governing body of the county or political subdivision for approval, rejection, or modification. If the governing body fails to approve, with or without modification, such orders, ordinances, rules, or regulations within thirty days of submission, then the orders, ordinances, rules, or regulations shall be considered rejected and shall not go into effect or become operative unless resubmitted for the governing body's consideration.

6. The county health officer may submit recommended orders, ordinances, rules, or regulations to the county commission, county council, or county health center board of trustees for consideration and adoption, but shall not have the authority to enact any orders, ordinances, rules, or regulations. Such authority under this section shall be reserved for the county commissions, county councils, or county health center board of trustees.

192.320. Any person or persons violating any of the provisions of sections 192.010, 192.020 to 192.490, 192.600 to 192.620 or who shall leave any pesthouse, or isolation hospital, or quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth or notice posted by the attending physician or by the health officer, or by direction of a proper health officer, shall be deemed guilty of a class A misdemeanor; provided, that no quarantine order shall

require, under penalty of law, that a person subject to quarantine isolate himself or herself from members of the same physical household.

192.321. 1. The department shall not make and promulgate any public health orders, rules, or regulations during a declared state of emergency and pertaining to such state of emergency for a cumulative period longer than fourteen days in two year period, unless so authorized by a concurrent resolution of the general assembly permitting the department to make and promulgate such orders, rules, or regulations for longer durations; provided that such concurrent resolution shall be for a limited period of time and be specific to the declared state of emergency.

2. The department shall not make and promulgate any orders, rules, or regulations during a declared state of emergency and pertaining to such state of emergency governing the number of persons gathering or residing on private residential property.

3. No public health order issued by any political subdivision, county health board, or state agency shall infringe on the parental rights of an individual, including, but not limited to, decisions on the minor child's care and custody, upbringing, education, religious instruction, place of habitation, and physical and mental health care. Nothing in this subsection shall be interpreted to limit the ability of such political subdivision or state agency to protect a child from a clear, immediate, and substantial threat of child abuse or neglect as otherwise provided for under state law.

197.145. No hospital shall adopt, nor any political subdivision impose, any policy restricting:

(1) The presence of or visitation by one visitor if requested by pregnant and new mother patients, in accordance with the hospital's established regular visitation hours; and

(2) The presence or visitation by a parent or guardian of a minor child; provided that such parent or guardian has legal custody or visitation privileges with the child.

210.067. A test result indicating the presence of severe acute respiratory syndrome coronavirus 2, otherwise known as COVID-19, in a child or in a parent or guardian of a child shall not be a sole or determining cause for removal of a child, temporary or otherwise, from the care and custody of such parent or guardian.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.