

# JOURNAL OF THE HOUSE

First Regular Session, 100th GENERAL ASSEMBLY

SIXTY-NINTH DAY, TUESDAY, MAY 14, 2019

The House met pursuant to adjournment.

Representative Basye in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

*My presence shall go with you, and I will give you rest. (Exodus 33:14)*

O God in heaven and on earth, who has given us life and the promise of life eternal, on every hand we see evidence of Your spirit and of Your goodness to us. For the beauty of the earth, for the glory of the skies, for the love which from our birth over and around us lies, Lord of all, to You we raise this our prayer of grateful praise.

We thank You for Your presence in our hearts making us strong, giving us confidence, and helping us to live in good will with our fellow citizens. We thank You for our great state. May we now and always play our full part in keeping the flag of freedom forever flying over our state.

We thank You for these men and women in this House for their devotion to our state and their dedication to You. May Your presence go with us all the day long.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Angela Patterson.

The Journal of the sixty-eighth day was approved as printed by the following vote:

AYES: 129

Anderson	Andrews	Appelbaum	Baringer	Barnes
Basye	Beck	Billington	Black 137	Black 7
Bondon	Bromley	Brown 27	Burnett	Burns
Busick	Butz	Carter	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Deaton	DeGroot
Dinkins	Dogan	Dohrman	Eggleston	Ellebracht
Eslinger	Evans	Falkner III	Fishel	Fitzwater
Francis	Franks Jr.	Gannon	Green	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner
Hannegan	Hansen	Helms	Henderson	Hill
Houx	Hovis	Hudson	Hurst	Ingle
Justus	Kelley 127	Kendrick	Kidd	Knight
Kolkmeyer	Lovasco	Love	Lynch	Mackey

Mayhew	McCreery	McGaugh	McGill	Miller
Mitten	Morgan	Morris 140	Morse 151	Mosley
Muntzel	Murphy	O'Donnell	Patterson	Pfautsch
Pierson Jr.	Pietzman	Pike	Plocher	Pogue
Pollitt 52	Pollock 123	Porter	Quade	Razer
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roberts 77	Rogers	Rone
Ross	Runions	Ruth	Sauls	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Simmons	Smith	Solon	Sommer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Veit	Walsh	Wiemann	Wilson
Windham	Wood	Wright	Mr. Speaker	

NOES: 007

Ellington	Gray	Merideth	Moon	Rowland
Sain	Unsicker			

PRESENT: 000

ABSENT WITH LEAVE: 024

Allred	Bailey	Baker	Bangert	Bland Manlove
Bosley	Brown 70	Carpenter	Chappelle-Nadal	Hicks
Kelly 141	Lavender	McDaniel	Messenger	Neely
Price	Proudie	Roden	Roeber	Shull 16
Spencer	Vescovo	Walker	Washington	

VACANCIES: 003

Speaker Haahr assumed the Chair.

## HOUSE RESOLUTIONS

Representative Washington offered House Resolution No. 3287.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SS SCS HCS HB 397, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Anderson, Baringer, Burnett, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (0)

Absent (1): Gregory

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#4 SB 224**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Anderson, Baringer, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (1): Burnett

Absent (1): Gregory

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SS SCS SB 230, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Anderson, Baringer, Burnett, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (0)

Absent (1): Gregory

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 282**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Anderson, Baringer, Burnett, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (0)

Absent (1): Gregory

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 333**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Anderson, Baringer, Burnett, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (0)

Absent (1): Gregory

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 514**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Anderson, Baringer, Burnett, Deaton, Houx, Morgan, Walsh, Wiemann and Wood

Noes (0)

Absent (1): Gregory

## **BILLS IN CONFERENCE**

**CCR SS SCS HCS HB 397, as amended**, relating to the protection of children, was taken up by Representative Coleman (97).

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allred	Anderson	Andrews	Bailey	Baker
Billington	Black 137	Black 7	Bromley	Busick
Chipman	Christofanelli	Coleman 32	Coleman 97	Deaton
DeGroot	Dinkins	Dohrman	Eggleston	Eslinger
Evans	Falkner III	Fishel	Fitzwater	Francis
Gannon	Gregory	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Houx	Hovis	Hudson	Hurst	Justus
Kelley 127	Kelly 141	Kidd	Knight	Kolkmeier
Lovasco	Lynch	Mayhew	McGaugh	McGill
Miller	Moon	Morris 140	Morse 151	Murphy
O'Donnell	Patterson	Pfautsch	Pietzman	Pike
Plocher	Pogue	Pollitt 52	Pollock 123	Porter
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roden	Rone	Ross
Ruth	Schnelting	Schroer	Sharpe	Shawan
Shields	Simmons	Smith	Solon	Stephens 128
Swan	Taylor	Trent	Veit	Vescovo
Walsh	Wiemann	Wilson	Wood	Wright
Mr. Speaker				

NOES: 039

Appelbaum	Baringer	Barnes	Beck	Bland Manlove
Brown 27	Burnett	Burns	Butz	Carpenter
Carter	Clemens	Ellebracht	Ellington	Franks Jr.
Gray	Green	Ingle	Kendrick	Lavender
Mackey	McCreery	Merideth	Mitten	Morgan
Mosley	Pierson Jr.	Price	Proudie	Quade
Razer	Roberts 77	Rogers	Rowland	Runions
Sain	Stevens 46	Unsicker	Walker	

PRESENT: 000

ABSENT WITH LEAVE: 025

Bangert	Basye	Bondon	Bosley	Brown 70
Chappelle-Nadal	Dogan	Grier	Hicks	Hill
Love	McDaniel	Messenger	Muntzel	Neely
Roeber	Sauls	Shaul 113	Shull 16	Sommer
Spencer	Stacy	Tate	Washington	Windham

VACANCIES: 003

On motion of Representative Coleman (97), **CCR SS SCS HCS HB 397 as amended**, was adopted by the following vote:

AYES: 138

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Baringer	Barnes	Basye	Beck
Billington	Black 137	Black 7	Bland Manlove	Bondon
Bromley	Brown 27	Burnett	Burns	Busick

Butz	Carter	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Deaton	DeGroot	Dinkins
Dogan	Dohrman	Eggleston	Ellebracht	Eslinger
Evans	Falkner III	Fishel	Fitzwater	Francis
Franks Jr.	Gannon	Gray	Green	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner
Hannegan	Hansen	Helms	Henderson	Hicks
Hill	Houx	Hovis	Hudson	Ingle
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeyer	Love	Lynch	Mackey	Mayhew
McCreery	McGaugh	McGill	Miller	Mitten
Morgan	Morris 140	Morse 151	Mosley	Muntzel
Murphy	O'Donnell	Patterson	Pfautsch	Pierson Jr.
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Price	Proudie	Quade	Razer
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roberts 77	Roden	Rogers
Rone	Ross	Rowland	Runions	Ruth
Sain	Sauls	Schnelting	Schroer	Sharpe
Shaul 113	Shawan	Shields	Simmons	Smith
Solon	Sommer	Stephens 128	Stevens 46	Swan
Tate	Taylor	Trent	Unsicker	Veit
Vescovo	Walker	Walsh	Wiemann	Wilson
Wood	Wright	Mr. Speaker		

NOES: 006

Carpenter	Hurst	Lovasco	Merideth	Moon
Pogue				

PRESENT: 000

ABSENT WITH LEAVE: 016

Bangert	Bosley	Brown 70	Chappelle-Nadal	Ellington
Knight	Lavender	McDaniel	Messenger	Neely
Roeber	Shull 16	Spencer	Stacy	Washington
Windham				

VACANCIES: 003

On motion of Representative Coleman (97), **CCS SS SCS HCS HB 397**, was read the third time and passed by the following vote:

AYES: 133

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Baringer	Barnes	Basye	Beck
Billington	Black 137	Black 7	Bland Manlove	Bondon
Bromley	Brown 27	Burnett	Burns	Busick
Butz	Carter	Christofanelli	Clemens	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Eslinger	Evans	Falkner III
Fishel	Fitzwater	Francis	Franks Jr.	Gray
Green	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson

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Hicks	Hill	Houx	Hovis	Hudson
Ingle	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Knight	Kolkmeier	Lavender	Love
Lynch	Mackey	Mayhew	McCreery	McGaugh
McGill	Miller	Mitten	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Murphy	O'Donnell
Pfautsch	Pierson Jr.	Pietzman	Pike	Plocher
Pollitt 52	Porter	Price	Proudie	Quade
Razer	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roberts 77	Roden
Rogers	Rone	Ross	Runions	Ruth
Sain	Schnelting	Schroer	Sharpe	Shaul 113
Shawan	Shields	Simmons	Smith	Solon
Sommer	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Veit	Vescovo
Walker	Walsh	Wiemann	Wilson	Windham
Wood	Wright	Mr. Speaker		

NOES: 006

Carpenter	Hurst	Lovasco	Merideth	Moon
Pogue				

PRESENT: 000

ABSENT WITH LEAVE: 021

Bangert	Bosley	Brown 70	Chappelle-Nadal	Chipman
Ellebracht	Ellington	Gannon	Gregory	McDaniel
Messenger	Neely	Patterson	Pollock 123	Roeber
Rowland	Sauls	Shull 16	Spencer	Stacy
Washington				

VACANCIES: 003

Speaker Haahr declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 136

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Beck	Billington	Black 137	Black 7	Bondon
Bromley	Brown 27	Burnett	Burns	Busick
Butz	Carpenter	Carter	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Deaton	DeGroot
Dinkins	Dogan	Dohrman	Eggleston	Ellebracht
Evans	Falkner III	Fishel	Fitzwater	Francis
Franks Jr.	Gannon	Green	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Houx
Hovis	Hudson	Ingle	Justus	Kelley 127
Kelly 141	Kendrick	Kidd	Knight	Kolkmeier
Lavender	Love	Lynch	Mackey	Mayhew
McCreery	McGaugh	McGill	Merideth	Miller
Mitten	Morgan	Morris 140	Morse 151	Mosley

Murphy	O'Donnell	Patterson	Pfautsch	Pierson Jr.
Pietzman	Pike	Pollitt 52	Porter	Price
Proudie	Quade	Razer	Reedy	Rehder
Toalson Reisch	Remole	Richey	Riggs	Roberts 161
Roberts 77	Roden	Rogers	Rone	Ross
Runions	Ruth	Sain	Sauls	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Simmons	Smith	Solon	Sommer	Spencer
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Veit	Vescovo	Walker	Walsh
Wiemann	Wilson	Windham	Wood	Wright
Mr. Speaker				

NOES: 005

Ellington	Hurst	Lovasco	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 019

Bland Manlove	Bosley	Brown 70	Chappelle-Nadal	Eslinger
Gray	Hill	McDaniel	Messenger	Muntzel
Neely	Plocher	Pollock 123	Roeber	Rowland
Shull 16	Stacy	Unsicker	Washington	

VACANCIES: 003

### THIRD READING OF SENATE BILLS

**SS#3 SCS SB 29, HCS SS SCS SB 108, SS SB 213, HCS SB 275, HCS SCS SB 6, HCS SB 21, SS SCS SB 34, HCS SCS SB 60, HCS SB 71, SCS SB 330, SS SB 414, SB 373, HCS SB 72, HCS SB 297, SB 397, SS SB 391, HCS SCS SB 1, HCS SCS SB 203, HCS SB 11, HCS SB 204, SB 138, HCS SCS SB 363, HCS SS SCS SBs 70 & 128 and HCS SB 468** were placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS - INFORMAL

**SS SB 391**, relating to agricultural operations, was taken up by Representative Haffner.

On motion of Representative Haffner, the title of **SS SB 391** was agreed to.

Representative Anderson assumed the Chair.

Speaker Haahr resumed the Chair.

Representative Eggleston assumed the Chair.

Representative McCreery offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Substitute for Senate Bill No. 391, Page 3, Section 192.300, Line 13, by inserting after the word "chapters" the following:

**", unless such order, ordinance, rule, or regulation is submitted by the governing body of the county to the qualified voters of the county for approval at the next general election. If a majority of the votes cast on the question by the qualified voters of the county voting thereon are in favor of such question, the order, ordinance, rule, or regulation shall take effect when so approved";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Beck offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND Senate Substitute for Senate Bill No. 391, Page 4, Section 192.300, Line 35, by inserting after all of said section and line the following:

"442.571. 1. Except as provided in sections 442.586 and 442.591, ~~[no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser]~~ **beginning August 28, 2019, no alien or foreign business shall acquire by grant, purchase, devise, descent, or otherwise any agricultural land in this state. Any alien or foreign business who acquired any agricultural land in this state prior to August 28, 2019, shall not grant, sell, or otherwise transfer such agricultural land to any other alien or foreign business on or after August 28, 2019.** No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she holds an interest in the land, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

3. Subject to the provisions of subsection 1 of this section, ~~[such]~~ **all proposed [acquisitions] transfers on or after August 28, 2019,** by grant, purchase, devise, descent, or otherwise of **any interest in agricultural land held by any alien or foreign business** in this state shall be submitted to the department of agriculture to determine whether such ~~[acquisition] transfer~~ of agricultural land is conveyed in accordance with the ~~[one percent restriction on the total aggregate]~~ **prohibition on alien and foreign ownership of agricultural land in this state under this section.** The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Haahr resumed the Chair.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Anderson	Andrews	Bailey	Baker	Basye
Billington	Black 137	Black 7	Bondon	Bromley
Busick	Chipman	Christofanelli	Coleman 32	Coleman 97
Deaton	Dinkins	Dogan	Dohrman	Eggleston
Eslinger	Evans	Falkner III	Fishel	Fitzwater
Francis	Gannon	Gregory	Griesheimer	Griffith
Haden	Haffner	Hannegan	Hansen	Henderson
Hicks	Hill	Houx	Hudson	Hurst
Justus	Kelley 127	Kelly 141	Kidd	Knight
Kolkmeier	Lovasco	Love	Lynch	Mayhew
McDaniel	McGaugh	McGill	Miller	Moon
Morris 140	Morse 151	Muntzel	Murphy	O'Donnell
Patterson	Pfausch	Pietzman	Pike	Plocher
Pogue	Pollitt 52	Pollock 123	Porter	Reedy
Rehder	Toalson Reisch	Remole	Richey	Riggs
Roberts 161	Rone	Ross	Ruth	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Simmons	Smith	Solon	Sommer	Spencer
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Veit	Vescovo	Walsh	Wiemann
Wilson	Wood	Wright	Mr. Speaker	

NOES: 042

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Burnett	Burns
Butz	Carpenter	Carter	Clemens	Ellebracht
Ellington	Franks Jr.	Green	Ingle	Kendrick
Lavender	Mackey	McCreery	Merideth	Mitten
Morgan	Mosley	Pierson Jr.	Price	Proudie
Quade	Razer	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Stevens 46	Unsicker
Walker	Washington			

PRESENT: 001

Roden

ABSENT WITH LEAVE: 013

Allred	Brown 70	Chappelle-Nadal	DeGroot	Gray
Grier	Helms	Hovis	Messenger	Neely
Roeber	Shull 16	Windham		

VACANCIES: 003

Representative Beck moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Beck:

AYES: 048

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Burnett	Burns
Butz	Carpenter	Carter	Clemens	Coleman 97
Ellebracht	Franks Jr.	Gray	Green	Hurst
Ingle	Kendrick	Lavender	Mackey	McCreery
McDaniel	Merideth	Mitten	Moon	Morgan
Mosley	Pierson Jr.	Pogue	Price	Proudie
Quade	Razer	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Stevens 46	Unsicker
Walker	Washington	Windham		

NOES: 101

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Busick	Chipman	Christofanelli	Coleman 32
Deaton	Dinkins	Dogan	Dohrman	Eggleston
Ellington	Eslinger	Evans	Falkner III	Fishel
Fitzwater	Francis	Gannon	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Justus	Kelley 127
Kelly 141	Knight	Kolkmeyer	Lovasco	Love
Lynch	Mayhew	McGaugh	McGirl	Miller
Morris 140	Morse 151	Muntzel	Murphy	O'Donnell
Patterson	Pfautsch	Pietzman	Pike	Pollitt 52
Pollock 123	Porter	Reedy	Rehder	Toalson Reisch
Remole	Richey	Riggs	Roberts 161	Rone
Ross	Ruth	Schnelting	Sharpe	Shaul 113
Shawan	Shields	Simmons	Smith	Solon
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Veit	Vescovo
Walsh	Wiemann	Wilson	Wood	Wright
Mr. Speaker				

PRESENT: 002

Kidd	Roden
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ABSENT WITH LEAVE: 009

Brown 70	Chappelle-Nadal	DeGroot	Messenger	Neely
Plocher	Roerber	Schroer	Shull 16	

VACANCIES: 003

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allred	Anderson	Andrews	Bailey	Baker
Billington	Black 137	Black 7	Bondon	Bromley
Busick	Chipman	Christofanelli	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Eslinger	Evans	Falkner III	Fishel
Fitzwater	Francis	Franks Jr.	Gannon	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner
Hannegan	Hansen	Helms	Henderson	Hicks
Houx	Hovis	Hudson	Hurst	Justus
Kelley 127	Kelly 141	Kidd	Kolkmeier	Lovasco
Love	Lynch	Mayhew	McDaniel	McGaugh
McGill	Miller	Moon	Morris 140	Morse 151
Muntzel	Murphy	O'Donnell	Patterson	Pfautsch
Pietzman	Pike	Plocher	Pogue	Pollitt 52
Pollock 123	Porter	Reedy	Rehder	Toalson Reisch
Remole	Richey	Riggs	Roberts 161	Roden
Rone	Ross	Ruth	Schnelting	Schroer
Sharpe	Shaul 113	Shawan	Shields	Simmons
Smith	Solon	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Veit	Vescovo	Walsh	Wiemann	Wilson
Wood	Wright	Mr. Speaker		

NOES: 041

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Burnett	Burns
Butz	Carpenter	Carter	Clemens	Ellebracht
Ellington	Gray	Green	Ingle	Kendrick
Mackey	McCreery	Merideth	Morgan	Mosley
Pierson Jr.	Price	Proudie	Quade	Razer
Roberts 77	Rogers	Rowland	Runions	Sain
Sauls	Stevens 46	Unsicker	Walker	Washington
Windham				

PRESENT: 000

ABSENT WITH LEAVE: 011

Basye	Brown 70	Chappelle-Nadal	Hill	Knight
Lavender	Messenger	Mitten	Neely	Roeber
Shull 16				

VACANCIES: 003

Representative McCreery moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Speaker Pro Tem Wiemann assumed the Chair.

Speaker Haahr resumed the Chair.

Representative Anderson resumed the Chair.

On motion of Representative Haffner, **SS SB 391** was truly agreed to and finally passed by the following vote:

AYES: 103

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Eslinger	Evans	Falkner III
Fishel	Fitzwater	Francis	Gannon	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner
Hannegan	Hansen	Helms	Henderson	Hicks
Houx	Hovis	Hudson	Justus	Kelley 127
Kelly 141	Knight	Kolkmeier	Lovasco	Love
Lynch	Mayhew	McDaniel	McGaugh	McGill
Morris 140	Morse 151	Muntzel	Murphy	O'Donnell
Patterson	Pfautsch	Pietzman	Pike	Plocher
Pollitt 52	Porter	Reedy	Rehder	Toalson Reisch
Remole	Richey	Riggs	Roberts 161	Roden
Rone	Ross	Ruth	Schnelting	Schroer
Sharpe	Shaul 113	Shawan	Shields	Simmons
Smith	Solon	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Veit	Vescovo	Walsh	Wiemann	Wilson
Wood	Wright	Mr. Speaker		

NOES: 044

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Burnett	Burns
Butz	Carpenter	Carter	Clemens	Ellebracht
Ellington	Franks Jr.	Gray	Green	Hurst
Ingle	Kendrick	Lavender	Mackey	McCreery
Merideth	Mitten	Moon	Morgan	Mosley
Pierson Jr.	Pogue	Quade	Razer	Roberts 77
Rogers	Rowland	Runions	Sain	Sauls
Stevens 46	Unsicker	Washington	Windham	

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 70	Chappelle-Nadal	Hill	Kidd	Messenger
Miller	Neely	Pollock 123	Price	Proudie
Roeber	Shull 16	Walker		

VACANCIES: 003

Representative Anderson declared the bill passed.

On motion of Representative Vescovo, the House recessed until 3:30 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Haahr.

**THIRD READING OF SENATE BILLS - INFORMAL**

**SCS SB 101**, relating to a statewide hearing aid distribution program, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), the title of **SCS SB 101** was agreed to.

Representative Unsicker offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 101, Page 2, Section 209.245, Line 44, by inserting after said section and line the following:

~~"[537.170. It shall hereafter be lawful for any blind person over the age of eighteen years to agree to and with his or her employer to waive his or her right to damages or compensation for any personal injury arising out of or in the course of his or her employment for which injury such blindness was the direct or contributory cause and any such agreement shall be valid and binding upon the parties thereto.]"~~; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Christofanelli raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Kelley (127), **SCS SB 101** was truly agreed to and finally passed by the following vote:

AYES: 131

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Beck	Billington	Black 137	Bland Manlove	Bondon
Bromley	Brown 27	Burnett	Burns	Busick
Butz	Carpenter	Carter	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Deaton	Dinkins
Dogan	Dohrman	Eggleston	Ellebracht	Eslinger
Evans	Falkner III	Fishel	Fitzwater	Franks Jr.
Gannon	Gray	Gregory	Grier	Griesheimer
Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hill	Houx	Hovis
Hudson	Ingle	Justus	Kelley 127	Kendrick
Kidd	Knight	Kolkmeier	Lavender	Love
Lynch	Mackey	Mayhew	McCreery	McGaugh
McGirl	Merideth	Miller	Morgan	Morse 151
Mosley	Muntzel	Murphy	O'Donnell	Patterson

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Pfautsch	Pierson Jr.	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Price	Proudie	Quade
Razer	Reedy	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roberts 77	Rogers	Rone
Ross	Rowland	Runions	Ruth	Sain
Sauls	Schnelting	Sharpe	Shaul 113	Shawan
Shields	Smith	Solon	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Taylor
Trent	Unsicker	Veit	Vescovo	Walsh
Washington	Wiemann	Wilson	Wood	Wright
Mr. Speaker				

NOES: 005

Hurst	Lovasco	Moon	Pogue	Simmons
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PRESENT: 000

ABSENT WITH LEAVE: 024

Black 7	Bosley	Brown 70	Chappelle-Nadal	DeGroot
Ellington	Francis	Green	Hicks	Kelly 141
McDaniel	Messenger	Mitten	Morris 140	Neely
Pietzman	Rehder	Roden	Roeber	Schroer
Shull 16	Tate	Walker	Windham	

VACANCIES: 003

Speaker Haahr declared the bill passed.

**HCS SCS SB 1**, relating to criminal offenders, was taken up by Representative Smith.

On motion of Representative Smith, the title of **HCS SCS SB 1** was agreed to.

Representative Roden offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 10, Section 610.140, Line 190, by inserting after said section and line the following:

**"Section 1. The criminal code of Missouri is hereby deleted and replaced with the following offenses, for which punishment shall be determined by the sentencing judge:**

- (1) Murder;**
- (2) Involuntary manslaughter;**
- (3) Stealing; and**
- (4) Sexual assault.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hicks assumed the Chair.

**House Amendment No. 1** was withdrawn.

Representative Smith moved that **HCS SCS SB 1** be adopted.

Which motion was defeated.

On motion of Representative Smith, the title of **SCS SB 1**, relating to expungement of certain criminal records, was agreed to.

On motion of Representative Smith, **SCS SB 1** was truly agreed to and finally passed by the following vote:

AYES: 141

Allred	Anderson	Andrews	Appelbaum	Baker
Bangert	Baringer	Barnes	Basye	Beck
Billington	Black 137	Black 7	Bland Manlove	Bondon
Bromley	Brown 27	Burnett	Burns	Busick
Butz	Carpenter	Carter	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	DeGroot	Dinkins
Dogan	Eggleston	Ellebracht	Eslinger	Evans
Falkner III	Fishel	Fitzwater	Francis	Franks Jr.
Gannon	Gray	Green	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Ingle	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Knight
Kolkmeier	Lavender	Lovasco	Love	Lynch
Mackey	McCreery	McGaugh	McGill	Merideth
Miller	Mitten	Moon	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Murphy	O'Donnell
Patterson	Pfautsch	Pierson Jr.	Pietzman	Pike
Pollitt 52	Pollock 123	Porter	Proudie	Quade
Razer	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roberts 77	Roden
Rogers	Rone	Ross	Rowland	Runions
Ruth	Sain	Sauls	Schnelting	Schroer
Sharpe	Shaul 113	Shawan	Shields	Simmons
Smith	Solon	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Veit	Vescovo	Walsh
Washington	Wiemann	Wilson	Wood	Wright

NOES: 004

Dohrman	Hurst	Mayhew	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 015

Bailey	Bosley	Brown 70	Chappelle-Nadal	Deaton
Ellington	McDaniel	Messenger	Neely	Plocher
Price	Roeber	Shull 16	Walker	Windham

VACANCIES: 003

Representative Hicks declared the bill passed.

Speaker Haahr resumed the Chair.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SS SCS HCS HB 220, as amended**, relating to the taxation of companies regulated by the public service commission, was taken up by Representative Andrews.

On motion of Representative Andrews, **SS SCS HCS HB 220, as amended**, was adopted by the following vote:

AYES: 144

Allred	Anderson	Andrews	Bangert	Baringer
Barnes	Basye	Beck	Black 137	Black 7
Bland Manlove	Bondon	Bosley	Bromley	Brown 27
Burnett	Burns	Busick	Butz	Carpenter
Carter	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Ellebracht	Eslinger	Evans
Falkner III	Fishel	Fitzwater	Francis	Franks Jr.
Gannon	Gray	Green	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Ingle	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Knight
Kolkmeier	Lavender	Lovasco	Love	Lynch
Mackey	Mayhew	McCreery	McGaugh	McGill
Merideth	Miller	Mitten	Moon	Morgan
Morris 140	Morse 151	Mosley	Muntzel	Murphy
O'Donnell	Patterson	Pfautsch	Pierson Jr.	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Price	Proudie	Quade	Razer	Reedy
Rehder	Toalson Reisch	Remole	Richey	Riggs
Roberts 161	Roberts 77	Roden	Rogers	Rone
Ross	Rowland	Runions	Ruth	Sain
Sauls	Schnelting	Schroer	Sharpe	Shaul 113
Shawan	Shields	Simmons	Smith	Solon
Sommer	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Unsicker
Veit	Vescovo	Walsh	Washington	Wiemann
Wilson	Wood	Wright	Mr. Speaker	

NOES: 002

Hurst Pogue

PRESENT: 000

ABSENT WITH LEAVE: 014

Appelbaum	Bailey	Baker	Billington	Brown 70
Chappelle-Nadal	Ellington	McDaniel	Messenger	Neely
Roeber	Shull 16	Walker	Windham	

VACANCIES: 003

On motion of Representative Andrews, **SS SCS HCS HB 220, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 141

Allred	Anderson	Andrews	Bangert	Baringer
Barnes	Basye	Beck	Billington	Black 137
Black 7	Bland Manlove	Bondon	Bosley	Bromley
Brown 27	Burnett	Busick	Butz	Carpenter
Carter	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Ellebracht	Eslinger	Evans
Falkner III	Fishel	Fitzwater	Francis	Franks Jr.
Gannon	Gray	Green	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Ingle	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Knight
Kolkmeyer	Lavender	Lovasco	Love	Lynch
Mackey	Mayhew	McCreery	McGaugh	McGill
Merideth	Miller	Mitten	Morgan	Morris 140
Morse 151	Mosley	Muntzel	O'Donnell	Patterson
Pfautsch	Pierson Jr.	Pietzman	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Price	Proudie
Quade	Razer	Reedy	Rehder	Toalson Reisch
Remole	Richey	Riggs	Roberts 161	Roberts 77
Rogers	Rone	Ross	Rowland	Runions
Ruth	Sain	Sauls	Schnelting	Schroer
Sharpe	Shaul 113	Shawan	Shields	Simmons
Smith	Solon	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Veit	Vescovo	Walsh
Washington	Wiemann	Wilson	Wood	Wright
Mr. Speaker				

NOES: 003

Hurst	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 016

Appelbaum	Bailey	Baker	Brown 70	Burns
Chappelle-Nadal	Ellington	McDaniel	Messenger	Murphy
Neely	Roden	Roerber	Shull 16	Walker
Windham				

VACANCIES: 003

Speaker Haahr declared the bill passed.

### THIRD READING OF SENATE BILLS - INFORMAL

**HCS SB 204**, relating to professional licensure, was taken up by Representative Ross.

Representative Ross moved that the title of **HCS SB 204** be agreed to.

Representative Schroer offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, In the Title, Line 5, by deleting the word "licensure" and inserting in lieu thereof the word "services"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Sain raised a point of order that **House Amendment No. 1** is in violation of Article III, Section 23 of the Constitution.

The Chair ruled the point of order not well taken.

On motion of Representative Schroer, **House Amendment No. 1** was adopted.

Representative Ross offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 204, Page 46, Section 337.050, Line 96, by inserting after all of said section and line the following:

"337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513 **or who has been ordered to be evaluated under chapter 552** and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2019, by an individual who has been ordered to be evaluated under chapter 552** that did not result in the board filing an action pursuant to subsection 2 of section 337.035, the board and the division of professional registration, shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) Notify any other licensing board in another state or any national registry regarding the board's actions if they have been previously notified of the complaint; and

(3) Send a letter to the licensee that clearly states that the board found the complaint to be unsubstantiated, that the board has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions."; and

Further amend said bill, Page 49, Section 338.010, Line 103, by inserting after all of said section and line the following:

"339.190. 1. A real estate licensee shall be immune from liability for statements made by engineers, land surveyors, geologists, environmental hazard experts, wood-destroying inspection and control experts, termite inspectors, mortgage brokers, home inspectors, or other home inspection experts unless:

(1) The statement was made by a person employed by the licensee or the broker with whom the licensee is associated;

(2) The person making the statement was selected by and engaged by the licensee. For purposes of this section, the ordering of a report or inspection alone shall not constitute selecting or engaging a person; or

(3) The licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

2. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for any information contained in a seller's disclosure for residential, commercial, industrial, farm, or vacant real estate furnished to a buyer, unless the real estate licensee is a signatory to such or the licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

3. A real estate licensee acting as a courier of documents referenced in this section shall not be considered to be making the statements contained in such documents.

**4. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property if the real estate licensee obtains the information from a third party and the licensee discloses the source of the information prior to an offer to purchase being transmitted to the seller, unless the real estate licensee knew the information was false at the time the real estate licensee transmitted or published the information or the licensee acted with reckless disregard as to whether such information was true or false.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ross, **House Amendment No. 2** was adopted.

Representative Schroer offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

**"324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the "Missouri Statewide Mechanical Contractor Licensing Act".**

**2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the following terms shall mean:**

**(1) "Division", the division of professional registration within the department of insurance, financial institutions and professional registration;**

**(2) "License holder", any person who is granted a statewide license by the division;**

**(3) "Local license", a valid business or occupational license issued by a Missouri political subdivision;**

**(4) "Mechanical contractor", a company engaged in mechanical contracting work per the International Code Council (ICC) and NFPA 54, including the design, installation, maintenance, construction, alteration, repair, and inspection of any:**

**(a) HVAC system;**

**(b) HVAC duct system;**

**(c) Exhaust systems;**

**(d) Combustion air or make up air;**

**(e) Chimneys and vents;**

**(f) Hydronic piping systems that are part of an HVAC system;**

- (g) Boilers, water heaters, and pressure vessels;
- (h) Process piping systems under one hundred fifty PSI;
- (i) Fuel gas distribution piping;
- (j) Fuel gas-fired, fuel oil-fired, and solid fuel appliances;
- (k) Fuel oil piping and storage vessels;
- (l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems;
- (m) Equipment and appliances intended to utilize solar energy for space heating or cooling;
- (n) Domestic hot water heating, swimming pool heating, or process heating; and
- (o) Refrigeration systems, including all equipment and components thereof.

Additional certification may be required by the division for a particular scope of mechanical work;

- (5) "Office", the office of mechanical contractors within the division of professional registration;
- (6) "Person", an individual, corporation, partnership, association, or other legal entity;
- (7) "Statewide mechanical contractor license", a valid license issued by the division that allows the mechanical contractor and any of its employees or manufacturers' representatives or subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements. Political subdivisions cannot require any member of the work force of a licensed statewide mechanical contractor to obtain an individual occupational license.

324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

2. For the purpose of sections 324.950 to 324.983, the division shall:

- (1) Establish all applicable fees, set at an amount which shall not substantially exceed the cost of administering sections 324.950 to 324.983; and
- (2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund.

324.956. There is hereby created the "Office of Mechanical Contractors" to be housed within the division of professional registration. The division shall:

- (1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out the provisions of sections 324.950 to 324.983, including both administrative and professional staff and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division on technical matters related to mechanical contracting;
- (2) Exercise all budgeting, purchasing, reporting, and related management functions;
- (3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and
- (4) File suit in its own name on behalf of the office to enforce the provisions of sections 324.950 to 324.983.

324.959. 1. The applicant for a statewide mechanical license shall satisfy the following requirements:

- (1) Be at least twenty-one years of age;
- (2) Provide proof of liability insurance in the amount of five hundred thousand dollars and post bond with each political subdivision in which he or she will perform work as required by that political subdivision;
- (3) Pass one of the following standardized and nationally offered mechanical assessment tests:
  - (a) International Code Council;
  - (b) Prometric; or

(c) North American Technician Excellence (NATE) certification; or a similar test that is administered by an independent professional testing agency not affiliated with any political subdivision or the state of Missouri and is approved by the division. The applicant shall pay for all costs associated with the examinations;

(4) Complete the application form provided by the division and pay any applicable application fees; and

(5) Have completed seven thousand five hundred hours of verifiable field experience in the mechanical industry or a bachelor's or further advanced degree in mechanical or civil engineering from an accredited college or university with a minimum of three years verifiable experience directing and supervising at least one field employee.

2. Any applicant for licensure who holds a local license as defined in section 324.950, or other license authorizing him or her to engage in mechanical contracting, who has seven thousand five hundred hours of verifiable field experience in the mechanical industry, and who is otherwise eligible for licensure shall be issued a statewide mechanical license, therefore becoming a statewide mechanical license holder. The provisions of this subsection shall apply only to licenses issued by a political subdivision with the legal authority to issue such licenses.

3. If a corporation, firm, institution, organization, company, or representative thereof desires to engage in mechanical contracting licensed under sections 324.950 to 324.985, it shall have in its employ at least one license holder who possesses a statewide license in accordance with sections 324.950 to 324.983. A statewide licensed mechanical license holder shall represent only one corporation, firm, institution, organization, or company at one time.

4. The division may issue a mechanical contractor license to any person who holds a current and active license to engage in the practice of a mechanical contractor or as a master pipefitter or master plumber issued by any other state, the District of Columbia, or territories of the United States that require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.950 to 324.983.

324.962. 1. Political subdivisions shall not be prohibited from establishing their own local mechanical contractor's license but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the employees of a statewide licensed mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeyman licenses, apprentice licenses, or occupation licenses that require passing any examination or any special requirements to assess proficiency or mastery of the mechanical trade. The workforce of a statewide licensee shall be deemed eligible to perform mechanical contracting work and to obtain permits to perform such work from any political subdivision within the state of Missouri.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, a statewide mechanical contractor licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with this section. If after thirty days the political subdivision still does not recognize a statewide license, the division shall notify the director of the department of revenue, who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue, who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any code or law contained in this section;
- (2) Requiring a business license to perform mechanical contracting work;
- (3) Issuing mechanical contracting permits;
- (4) Enforcing codes of the political subdivision; and

(5) Inspecting the work of a statewide mechanical contractor.

4. Political subdivisions that do not have the authority to issue or require mechanical contractor licenses prior to August 28, 2019, shall not be granted such authority under the provisions of this section.

324.965. There is hereby created in the state treasury the "Missouri Mechanical Contractor Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.968. 1. Licenses shall expire on a renewal date established by the division. The term of licensure shall be twenty-four months. The division shall mail a renewal notice to the last known address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure to provide the division with the information required for renewal or to pay the required fee after such notice shall result in the license being declared inactive. The licensee shall not practice until he or she applies for reinstatement and pays the required fees. The license shall be restored if the application for reinstatement is received within two years of the renewal date.

2. In addition to other requirements provided by sections 324.950 to 324.983 and established by the division, in order to renew such license under this section, the person shall have at least sixteen contact hours of industry-related training.

324.971. Any person operating as a mechanical contractor in a political subdivision that does not require the mechanical contractor to hold a local license, or who operates as a mechanical contractor in a political subdivision that requires a local license possessed by that person, shall not be required to possess a statewide license under sections 324.950 to 324.983 to operate as a mechanical contractor in such political subdivision.

324.977. The statewide license shall be regulated by the division of professional registration and not a state-appointed licensing board.

324.980. 1. The division may refuse to issue any certificate of registration or authority, permit, or license required under sections 324.950 to 324.983 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by sections 324.950 to 324.983, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 324.950 to 324.983;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983 or in obtaining permission to take any examination given or required under sections 324.950 to 324.983;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 324.950 to 324.983;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.950 to 324.983 who is not licensed or registered and currently eligible to practice thereunder;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to maintain liability coverage as required for initial licensure;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(15) Failure to post bond as required by any local jurisdiction.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983.

4. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under sections 324.950 to 324.983. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the applicant for the first time.

5. The division may file suit to enforce compliance, including the authority to seek injunctions and restraining orders to enjoin any person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit, or license;

(2) Engaging in the practice of business authorized by a license issued under a building trades contractor law upon a showing that the license holder presents a substantial probability of serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real property within this state; or

(3) Refusing to recognize a statewide license as a valid license within any political subdivision, or requiring journeymen or apprentices to be individually licensed or requiring subcontractors and manufacturer's representatives, or other members of the contractor's workforce to be licensed.

6. The division may assess fines for violations of any of the provisions of sections 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or administrative finding of violation of law.

7. The division may compel the production of documents, things, or persons by subpoena.

8. The division may refer any violations of the provisions of any state law or local ordinance relating to the work performed by a licensee to the appropriate state or local official.

324.983. 1. Any person that knowingly violates any provision of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

2. Any officer or agent of a corporation or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of sections 324.950 to 324.983."; and

Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and line the following:

"335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

- (1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;
- (2) "Advanced practice registered nurse" or "APRN", a ~~[nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"]~~ **person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;**
- (3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;
- (4) "Board" or "state board", the state board of nursing;
- (5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;
- (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;
- (7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;
- (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the ~~[Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists,]~~ **National Board of Certification and Recertification for Nurse Anesthetists** or other nationally recognized certifying body approved by the board of nursing;
- (9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;
- (10) "Inactive nurse", as defined by rule pursuant to section 335.061;
- (11) "Lapsed license status", as defined by rule under section 335.061;
- (12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;
- (13) "Licensure", the issuing of a license **to a person who has met specified requirements authorizing the person to practice advanced practice**, professional, or practical nursing ~~[to candidates who have met the specified requirements]~~ and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional, or practical nursing;
- (14) "**Practice of practical nursing**", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;
- (15) "**Practice of professional nursing**", the performance for compensation of any act **or action** which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, **behavioral** and nursing sciences, including, but not limited to:
  - (a) Responsibility for the **promotion and** teaching of health care and the prevention of illness to the patient and his or her family;

- (b) Assessment, **data collection**, nursing diagnosis, nursing care, **evaluation**, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;
- (c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;
- (d) The coordination, **initiation, performance**, and assistance in the **determination and** delivery of a plan of health care with all members of a health team;
- (e) The teaching and supervision of other persons in the performance of any of the foregoing;
- (16) [A] "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;
- (17) "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon refusal of the board to allow any applicant to ~~sit for~~ **take** either the registered professional nurses' examination or the licensed practical nurses' examination, ~~as the case may be,~~ **or upon refusal to issue an advanced practice registered nurse license**, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

4. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

**335.047. 1. The Missouri state board of nursing may promulgate rules under chapter 536 establishing the licensure, renewal procedures, fees, and the discipline of advanced practice registered nurses. An application for licensure may be denied or the license of an advanced practice registered nurse may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 335.066, or such other standards of conduct set by the board by rule.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**3. Nothing in this section shall prohibit a certified advance practice registered nurse from continuing to practice with a certification before such licensing rules are established by the board.**

**4. Nothing in this section shall prohibit a certified registered nurse anesthetist as defined in section 335.016 from providing anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available, if needed, pursuant to subsection (7) of section 334.104.**

335.051. 1. The board shall issue a license to practice nursing as either a registered professional nurse or a licensed practical nurse without examination to an applicant who has duly become licensed as a registered nurse or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of registered nurses or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as either a registered professional nurse or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his **or her** qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

**4. The board may issue a license by endorsement to an advanced practice registered nurse licensed under the laws of another state if, in the opinion of the board, the applicant meets the qualifications for licensure in this jurisdiction. An advanced practice registered nurse licensed under this subsection shall practice in accordance with the laws of this state.**

335.056. 1. The license of every person licensed under the provisions of [~~sections 335.011 to 335.096~~] **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse**, a registered professional nurse, or [~~as~~] a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to [~~335.096~~] **335.099.**

**2. A licensee's advanced practice registered nursing license and his or her professional nursing license shall be treated as one license for the purpose of discipline, renewal, and assessment of renewal fees.**

335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation "R.N.". No other person shall use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation [~~"L.P.N."~~] **"LPN"**. No other person shall use the title "Licensed Practical Nurse" or the abbreviation [~~"L.P.N."~~] **"LPN"**. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license ~~[or recognition]~~ to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", **the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner",** and the ~~[abbreviation]~~ **abbreviations "APRN",** ~~[and any other title designations appearing on his or her license]~~ **"CRNA", "CNM", "CNS", and "NP", respectively.** No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title "Christian Science nurse", so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice ~~[professional or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice ~~[professional nursing or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** unless duly licensed to do so under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(5) Practice ~~[professional nursing or practical]~~ nursing during the time his **or her** license issued under the provisions of sections 335.011 to ~~[335.096]~~ **335.099** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Anderson	Andrews	Basye	Billington	Black 137
Black 7	Bondon	Bromley	Busick	Coleman 32
Coleman 97	Deaton	DeGroot	Dogan	Eggleston
Evans	Falkner III	Fishel	Fitzwater	Francis
Gannon	Gregory	Grier	Griesheimer	Griffith
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Hovis	Hudson	Hurst
Justus	Kelley 127	Kelly 141	Kidd	Knight
Lovasco	Love	Lynch	Mayhew	McGaugh
McGill	Miller	Morris 140	Morse 151	Muntzel

Murphy	O'Donnell	Patterson	Pfautsch	Pietzman
Pike	Plocher	Pogue	Pollitt 52	Pollock 123
Porter	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roden	Ross
Schnelting	Schroer	Sharpe	Shaul 113	Shawan
Shields	Simmons	Solon	Sommer	Spencer
Stephens 128	Swan	Tate	Taylor	Veit
Vescovo	Walsh	Wilson	Wood	Wright
Mr. Speaker				

NOES: 036

Bangert	Baringer	Barnes	Bland Manlove	Brown 27
Burnett	Burns	Butz	Carpenter	Carter
Clemens	Ellebracht	Gray	Green	Ingle
Kendrick	Lavender	Mackey	McCreery	Merideth
Mitten	Morgan	Mosley	Pierson Jr.	Proudie
Quade	Razer	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Stevens 46	Unsicker
Washington				

PRESENT: 000

ABSENT WITH LEAVE: 033

Allred	Appelbaum	Bailey	Baker	Beck
Bosley	Brown 70	Chappelle-Nadal	Chipman	Christofanelli
Dinkins	Dohrman	Ellington	Eslinger	Franks Jr.
Haden	Houx	Kolkmeier	McDaniel	Messenger
Moon	Neely	Price	Roeber	Rone
Ruth	Shull 16	Smith	Stacy	Trent
Walker	Wiemann	Windham		

VACANCIES: 003

On motion of Representative Schroer, **House Amendment No. 3** was adopted.

Representative Kelly (141) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

- "135.630. 1. As used in this section, the following terms mean:
- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
  - (2) "Director", the director of the department of social services;
  - (3) "Pregnancy resource center", a nonresidential facility located in this state:
    - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
    - (b) Where childbirths are not performed; and
    - (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
    - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

- (e) Which provides its services at no cost to its clients; and
  - (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
  - (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;
- (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, **and ending on or before December 31, 2019**, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center. **For all tax years beginning on or after January 1, 2020, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy resource center.**

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's tax year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. ~~[The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.]~~

7. ~~[The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this~~

~~predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.~~

~~8.] Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.~~

~~[9. Under section 23.253 of the Missouri sunset act:~~

~~(1) The provisions of the program authorized under this section shall automatically sunset on December thirty first six years after August 28, 2018, unless reauthorized by an act of the general assembly;~~

~~(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty first six years after the effective date of the reauthorization of this section;~~

~~(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and~~

~~(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.]~~

**8. The provisions of section 23.253 shall not apply to this section.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Anderson	Andrews	Basye	Billington	Black 137
Bondon	Bromley	Busick	Coleman 97	Deaton
DeGroot	Dinkins	Dogan	Eggleston	Evans
Falkner III	Fishel	Fitzwater	Francis	Gannon
Gregory	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Hovis	Hudson	Hurst
Justus	Kelley 127	Kelly 141	Kidd	Knight
Lovasco	Love	Lynch	Mayhew	McGaugh
McGill	Miller	Morris 140	Morse 151	Muntzel
Murphy	Patterson	Pfautsch	Pietzman	Pike
Plocher	Pogue	Pollitt 52	Pollock 123	Porter
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roden	Rone	Ross
Schnelting	Schroer	Sharpe	Shaul 113	Shields
Simmons	Solon	Sommer	Spencer	Stephens 128
Swan	Taylor	Veit	Vescovo	Walsh
Wiemann	Wilson	Wright	Mr. Speaker	

NOES: 032

Appelbaum	Bangert	Baringer	Barnes	Beck
Burnett	Burns	Butz	Carpenter	Carter
Clemens	Ellebracht	Green	Ingle	Kendrick
Lavender	Mackey	McCreery	Merideth	Morgan
Pierson Jr.	Proudie	Quade	Razer	Roberts 77
Rogers	Runions	Sain	Sauls	Stevens 46
Unsicker	Washington			

PRESENT: 000

ABSENT WITH LEAVE: 039

Allred	Bailey	Baker	Black 7	Bland Manlove
Bosley	Brown 27	Brown 70	Chappelle-Nadal	Chipman
Christofanelli	Coleman 32	Dohrman	Ellington	Eslinger
Franks Jr.	Gray	Houx	Kolkmeyer	McDaniel
Messenger	Mitten	Moon	Mosley	Neely
O'Donnell	Price	Roeber	Rowland	Ruth
Shawan	Shull 16	Smith	Stacy	Tate
Trent	Walker	Windham	Wood	

VACANCIES: 003

On motion of Representative Kelly (141), **House Amendment No. 4** was adopted by the following vote, the ayes and noes having been demanded by Representative Kelly (141):

AYES: 090

Allred	Anderson	Andrews	Baker	Basye
Billington	Black 137	Bondon	Bromley	Busick
Coleman 32	Coleman 97	Deaton	DeGroot	Dinkins
Dohrman	Eggleston	Ellebracht	Eslinger	Falkner III
Fishel	Fitzwater	Francis	Gannon	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner
Hannegan	Helms	Henderson	Hicks	Hill
Hovis	Hudson	Justus	Kelley 127	Kelly 141
Knight	Lynch	Mayhew	McGaugh	McGill
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## Representative Miller offered **House Amendment No. 5.**

### *House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

"327.401. 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or professional landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required;

**3. The provisions of subsection 2 of this section requiring corporations to obtain a certificate of authority shall not apply to any rural electrical cooperative organized under the provisions of chapter 394 or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under cooperative business plan, as described in subsection 2 of section 393.110.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Mayhew offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after said section and line the following:

"327.041. 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration ~~[or certificates of authority]~~ provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or professional landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and professional landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly ~~[pursuant to]~~ **under** chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board ~~[pursuant to]~~ **under** sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources ~~[pursuant to]~~ **under** chapter 60.

327.075. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration ~~[or authority]~~, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration ~~[or authority]~~, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration ~~[or authority]~~, permit or license issued ~~[pursuant to]~~ **under** this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought ~~[pursuant to]~~ **under** this section shall be in addition to and not in lieu of any remedy provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

327.076. 1. Any person who practices architecture, engineering, land surveying, or landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or herself out as able to practice such profession and who is not the holder of a currently valid license ~~[or certificate of authority]~~ in Missouri, and who is not exempt from holding such a license ~~[or certificate]~~, is guilty of a class A misdemeanor. As used in this chapter, "practice" shall not include the rendering of opinions or giving of testimony in a civil or criminal proceeding by a licensed professional.

2. The board may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to render or engage in the practice of architecture, professional engineering, professional land surveying, or professional landscape architecture;

(2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed ~~[or holds a certificate of authority]~~ to practice architecture, professional engineering, professional land surveying, or professional landscape architecture;

(3) Presents or attempts to use another person's license~~;~~ ~~or seal;~~ ~~or certificate of authority]~~ as his or her own;

(4) Attempts to use an expired, suspended, revoked, or nonexistent license ~~[or certificate of authority]~~;

(5) Affixes his or her or another architect's, professional engineer's, professional land surveyor's, or professional landscape architect's seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person's immediate personal supervision care;

(6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against the person named in the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed persons, the board may issue an order imposing a civil penalty. Such penalty shall not be imposed until the findings of fact and conclusions of law by the administrative hearing commission have been delivered to the board in accordance with section 621.110. Further, no civil penalty shall commence until a formal meeting and vote by the board has been taken to impose such a penalty.

2. A civil penalty imposed under this section shall not exceed five thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the board may consider any of the following:

(1) Whether the amount imposed will be a substantial deterrent to the violation;

(2) The circumstances leading to the violation;

(3) The severity of the violation and the risk of harm to the public;

(4) The economic benefits gained by the violator as a result of noncompliance;

(5) The interest of the public.

3. Any final order imposing a civil penalty is subject to judicial review upon the filing of a petition under section 536.100 by any person subject to the penalty.

4. Payment of a civil penalty shall be made within sixty days of filing the order, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board. If the penalty is not timely paid, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

5. An action to enforce an order under this section may be joined with an action for an injunction.

6. Any offer of settlement to resolve a civil penalty under this section shall be in writing, state that an action for imposition of a civil penalty may be initiated by the attorney general representing the board under this section, and identify any dollar amount as an offer of settlement, which shall be negotiated in good faith through conference, conciliation, and persuasion.

7. Failure to pay a civil penalty by any person licensed under this chapter shall be grounds for refusing to renew or denying reinstatement of a license ~~[or certificate of authority]~~.

8. Penalties collected under this section shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution. Such penalties shall not be considered a charitable contribution for tax purposes.

327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license ~~[or a certificate of authority]~~ certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid license as an architect ~~[or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter;]~~ and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect ~~[pursuant to]~~ **under** this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license ~~[or certificate of authority]~~ as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or

(d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

327.171. 1. The professional license, issued to every architect in Missouri ~~[including certificates of authority issued to corporations as provided in section 327.401]~~, shall be renewed on or before the ~~[certificate]~~ **license** renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect ~~[or the certificate of authority issued to any corporation]~~ which is not renewed by the ~~[certificate]~~ renewal date shall expire on the renewal date and be void and the holder of such expired ~~[certificate]~~ **license** shall have no rights or privileges under such license ~~[or certificate]~~; but any person ~~[or corporation]~~ whose ~~[certificate]~~ **license** has expired as provided in this section may within three months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's ~~[or such corporation's]~~ original license number.

2. Each application for the renewal of a license ~~[or of a certificate of authority]~~ shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any architect over the age of seventy-five.

327.191. No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license ~~[or a certificate of authority]~~ certifying that such person has been duly licensed as a professional engineer ~~[or authorized]~~ to practice engineering in Missouri, and unless such license ~~[or certificate]~~ has been renewed as provided in section 327.261; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer ~~[or who is an employee of a person holding a currently valid certificate of authority pursuant to]~~ **under** this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer ~~[pursuant to]~~ **under** this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license ~~[or certificate of authority]~~ as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business.

327.261. 1. The professional license issued to every professional engineer in Missouri ~~[-including certificates of authority issued to corporations as hereinafter provided,]~~ shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer ~~[or the certificate of authority of any such corporation]~~ which is not renewed by the ~~[certificate]~~ **license** renewal date shall expire on the renewal date and be void and the holder of the expired license ~~[or certificate]~~ shall have no rights or privileges under such license ~~[or certificate]~~; but any person ~~[or corporation]~~ whose license ~~[or certificate]~~ has expired as aforesaid may within three months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's ~~[or such corporation's]~~ original license number.

2. Each application for the renewal of a license ~~[or of a certificate of authority]~~ shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional engineer over the age of seventy-five.

327.281. No person, including any duly elected county surveyor, shall practice as a professional land surveyor in Missouri as defined in section 327.272 unless and until there is issued to such person a license ~~[or a certificate of authority]~~ certifying that such person has been duly licensed as a professional land surveyor in Missouri, and unless such license ~~[or certificate]~~ has been renewed as provided in section 327.351.

327.351. 1. The professional license issued to every professional land surveyor in Missouri ~~[-including certificates of authority issued to corporations as provided in section 327.401,]~~ shall be renewed on or before the license ~~[or certificate]~~ renewal date provided that the required fee is paid. The license of any professional land surveyor ~~[or the certificate of authority of any such corporation]~~ which is not renewed by the renewal date shall expire on the renewal date and be void and the holder of such expired license ~~[or certificate]~~ shall have no rights or privileges thereunder, but any person ~~[or corporation]~~ whose license ~~[or certificate]~~ has expired may, within three months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board and upon payment of the required fee, be renewed, reregistered, or relicensed under such person's ~~[or corporation's]~~ original license number.

2. Each application for the renewal of a license ~~[or of a certificate of authority]~~ shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. As a condition for renewal of a license issued ~~[pursuant to]~~ **under** section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by

the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements ~~pursuant to~~ **under** subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board. Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors within this state, but may continue to use the title "professional land surveyor" or the initials "PLS" after such person's name. If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of land surveying as a condition of reactivation.

7. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

8. Exemption to the required professional development units shall be granted to licensees during periods of serving honorably on full-time active duty in the military service.

9. At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements ~~pursuant to~~ **under** subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.401. ~~[1.]~~ The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

~~[2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or professional landscape architectural services in this state if:~~

~~(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to~~

practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and

(2) ~~The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and~~

(3) ~~The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.]~~

327.441. 1. The board may refuse to issue any license ~~[or certificate of authority]~~ required ~~[pursuant to]~~ **under** this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license ~~[or certificate of authority]~~ required by this chapter or any person who has failed to renew or has surrendered such person's license ~~[or certificate of authority]~~, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license ~~[or certificate of authority]~~ issued ~~[pursuant to]~~ **under** this chapter or in obtaining permission to take any examination given or required ~~[pursuant to]~~ **under** this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted ~~[pursuant to]~~ **under** this chapter;

(7) Impersonation of any person holding a license ~~[or certificate of authority]~~, or allowing any person to use his or her license ~~[or certificate of authority]~~ or diploma from any school;

(8) Disciplinary action against the holder of a license ~~[or a certificate of authority]~~ or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice ~~[pursuant to]~~ **under** this chapter;

(11) Issuance of a professional license ~~[or a certificate of authority]~~ based upon a material mistake of fact;

(12) Failure to display a valid license ~~[or certificate of authority]~~ if so required by this chapter or any rule promulgated ~~[pursuant to]~~ **under** this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or revoke the license ~~[or certificate of authority]~~ of the person named in the complaint.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure ~~[or authority]~~, has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution ~~[pursuant to]~~ **under** the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee ~~[pursuant to]~~ **under** this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and professional landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license ~~[or certificate]~~.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and professional landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

327.451. 1. Any person who believes that an architect or a professional engineer or a professional land surveyor or a professional landscape architect has acted or failed to act so that his or her license ~~[or certificate of authority]~~ should, ~~[pursuant to]~~ **under** the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a license ~~[or certificate of authority pursuant to]~~ **under** the provisions of this chapter is not entitled to a license ~~[or a certificate of authority]~~, may file a written affidavit with the executive director of the board which the affiant shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge or charges that the license ~~[or certificate]~~ of an architect or professional engineer or professional land surveyor or professional landscape architect should be suspended or revoked or not renewed or that a license ~~[or certificate]~~ should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, ~~[pursuant to]~~ **under** the provisions of this chapter, suspension or revocation of the accused's license ~~[or certificate]~~, or does not contain statements of fact which if true would authorize, ~~[pursuant to]~~ **under** the provisions of this chapter, the refusal of the renewal of an existing license ~~[or certificate]~~ or the refusal of a license ~~[or certificate]~~ to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize ~~[pursuant to]~~ **under** the provisions of this chapter the revocation or suspension of an accused's license ~~[or certificate]~~, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license ~~[or certificate of authority]~~ should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which ~~[pursuant to]~~ **under** the provisions of this chapter an accused's license ~~[or certificate of authority]~~ should not be renewed or a cause or causes for which ~~[pursuant to]~~ **under** the provisions of this chapter a ~~[certificate]~~ **license** should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license ~~[or certificate of authority]~~, as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

327.465. 1. As used in this section, the following terms shall mean:

(1) "Design-build", a project for which the design and construction services are furnished under one contract;

(2) "Design-build contract", a contract between the owner, owner's agent, tenant, or other party and a design-build contractor to furnish the architecture, engineering, and related design services, and the labor, materials, and other construction services required for a specific public or private construction project;

(3) "Design-build contractor", any individual, partnership, joint venture, corporation, or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts.

2. Any design-build contractor that enters into a design-build contract for public or private construction shall be exempt from the requirement that such person or entity hold a certificate of registration ~~or such corporation hold a certificate of authority~~ if the architectural, engineering, or land surveying services to be performed under the contract are performed through subcontracts with[-

~~—(1)—] persons who hold a certificate of registration for the appropriate profession[- or~~

~~—(2) Corporations that hold current certificates of authority from the board for the appropriate profession].~~

3. Nothing in this chapter shall prohibit the enforcement of a design-build contract by a design-build contractor who only furnishes, but does not directly or through its employees perform the architectural, engineering, or surveying required by the contract and who does not hold itself out as able to perform such services.

327.621. 1. The professional license issued to every professional landscape architect in Missouri ~~and certificates of authority issued to corporations under section 327.401,~~ shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional landscape architect, provided that the board shall not require more than thirty such hours. The license of a professional landscape architect ~~or the certificate of authority issued to any corporation~~ which is not renewed by the renewal date shall expire on the renewal date and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person ~~or corporation~~ whose license has expired under this section may within three months of the ~~certificate~~ license renewal date or at the discretion of the board, upon payment of the fee, be renewed, relicensed, or reauthorized under such person's ~~or such corporation's~~ original license number.

2. Each application for the renewal of a license shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any professional landscape architect over the age of seventy-five.

327.629. No person shall practice as a professional landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license ~~or certificate of authority~~ certifying that he or she has been duly licensed as a professional landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed to require licensing of a person ~~or corporation~~ who is offering, but not performing or rendering, landscape architectural services if the person ~~or corporation~~ is licensed to practice landscape architecture in the state or country of residence or principal place of business. No person shall hold themselves out to be a professional landscape architect unless licensed ~~pursuant to~~ **under** the provisions of sections 327.600 to 327.635."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Mayhew, **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted.

Representative Hannegan offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

"329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Accredited school of cosmetology or school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, Sections 600.1 and 600.2;

- (2) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a licensed cosmetologist or instructor;
- (3) "Board", the state board of cosmetology and barber examiners;
- (4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision (5) of this section;
- (5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:
  - (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, ~~cleansing,~~ cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;
  - (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;
  - (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;
  - (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;
- (6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering cosmetology services;
- (7) "Cross-over license", a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;
- (8) "Hair braider", any person who, for compensation, engages in the practice of hair braiding;
- (9) "Hair braiding", in accordance with the requirements of section 329.275, the use of techniques that result in tension on hair strands or roots by twisting, wrapping, waving, extending, locking, or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair;
- (10) "Hairdresser", any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision (5) of this section;
- (11) "Instructor", any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;
- (12) "Manicurist", any person who, for compensation, engages in any or all of the practices in paragraph (b) of subdivision (5) of this section;
- (13) "Parental consent", the written informed consent of a minor's parent or legal guardian that must be obtained prior to providing body waxing on or near the genitalia;
- (14) "School of cosmetology" or "school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hannegan, **House Amendment No. 6** was adopted.

Representative Patterson offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 204, Page 49, Section 341.170, Line 30, by inserting after all of said section and line the following:

"374.500. As used in sections 374.500 to 374.515, the following terms mean:

(1) "Certificate", a certificate of registration granted by the department of insurance, financial institutions and professional registration to a utilization review agent;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Enrollee", an individual who has contracted for or who participates in coverage under a health insurance policy, an employee welfare benefit plan, a health services corporation plan or any other benefit program providing payment, reimbursement or indemnification for health care costs for himself or eligible dependents or both himself and eligible dependents. The term "enrollee" shall not include an individual who has health care coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(4) "Provider of record", the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment and services rendered to an enrollee;

(5) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, ~~prospective~~ **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(6) "Utilization review agent", any person or entity performing utilization review, except:

(a) An agency of the federal government;

(b) An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government; or

(c) Any individual person employed or used by a utilization review agent for the purpose of performing utilization review services, including, but not limited to, individual nurses and physicians, unless such individuals are providing utilization review services to the applicable benefit plan, pursuant to a direct contractual relationship with the benefit plan;

(d) An employee health benefit plan that is self-insured and qualified pursuant to the federal Employee Retirement Income Security Act of 1974, as amended;

(e) A property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer;

(f) A health carrier, as defined in section 376.1350, that is performing a review of its own health plan;

(7) "Utilization review plan", a summary of the utilization review procedures of a utilization review agent.

376.690. 1. As used in this section, the following terms shall mean:

(1) "Emergency medical condition", the same meaning given to such term in section 376.1350;

(2) "Facility", the same meaning given to such term in section 376.1350;

(3) "Health care professional", the same meaning given to such term in section 376.1350;

(4) "Health carrier", the same meaning given to such term in section 376.1350;

(5) "Unanticipated out-of-network care", health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals ~~may~~ **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;
- (4) The circumstances and complexity of the particular case, including the time and place the services were provided; and
- (5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. ~~This section shall take effect on January 1, 2019.~~

—10.] The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

376.1040. 1. No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

2. **A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan in violation of section 376.1040 by an agent, agency or broker shall constitute a violation of section 375.141.

376.1345. 1. **As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.**

2. **No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.**

3. **If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:**

(1) **Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and**

(2) **In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.**

4. **A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.**

5. **Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.**

376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) "Adverse determination", a determination by a health carrier or [its designee] a utilization review [organization] **entity** that an admission, availability of care, continued stay or other health care service **furnished or proposed to be furnished to an enrollee** has been reviewed and, based upon the information provided, does not meet the **utilization review entity** or health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, **or are experimental or investigational**, and the payment for the requested service is therefore denied, reduced or terminated;

(2) "Ambulatory review", utilization review of health care services performed or provided in an outpatient setting;

(3) "Case management", a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) "Certification", a determination by a health carrier or [its designee] a utilization review [organization] **entity** that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness, **and that payment will be made for that health care service provided the patient is an enrollee of the health benefit plan at the time the service is provided;**

(5) "Clinical peer", a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) "Clinical review criteria", the **written policies**, written screening procedures, **drug formularies or lists of covered drugs, determination rules**, decision abstracts, clinical protocols ~~and~~, **medical protocols**, practice guidelines, **and any other criteria or rationale** used by the health carrier or **utilization review entity** to determine the necessity and appropriateness of health care services;

(7) "Concurrent review", utilization review conducted during a patient's hospital stay or course of treatment;

(8) "Covered benefit" or "benefit", a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) "Director", the director of the department of insurance, financial institutions and professional registration;

(10) "Discharge planning", the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) "Drug", any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) "Emergency service", a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(14) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) "FDA", the federal Food and Drug Administration;

(16) "Facility", an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) "Grievance", a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) "Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) "Health care professional", a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) "Health care provider" or "provider", a health care professional or a facility;

(21) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease, **including but not limited to the provision of drugs or durable medical equipment**;

(22) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) "Health indemnity plan", a health benefit plan that is not a managed care plan;

(24) "Managed care plan", a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) "Participating provider", a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) "Peer-reviewed medical literature", a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act (**42 U.S.C. 1395x**), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) "Person", an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) "**Prior authorization**", a certification made pursuant to a prior authorization review, or notice as required by a health carrier or utilization review entity prior to the provision of health care services;

(29) "~~[Prospective review]~~ **Prior authorization review**", utilization review conducted prior to an admission or a course of treatment, **including but not limited to pre-admission review, pre-treatment review, utilization review, and case management**;

~~[(29)]~~ (30) "Retrospective review", utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

~~[(30)]~~ (31) "Second opinion", an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

~~[(31)]~~ (32) "Stabilize", with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

~~[(32)]~~ (33) "Standard reference compendia":

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

~~[(33)]~~ (34) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, ~~[prospective]~~ **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

~~[(34)]~~ (35) "Utilization review ~~[organization]~~ **entity**", a utilization review agent as defined in section 374.500, **or an individual or entity that performs prior authorization reviews for a health carrier or health care provider. A health carrier or health care provider is a utilization review entity if it performs prior authorization review.**

376.1356. Whenever a health carrier contracts to have a utilization review ~~[organization or other]~~ entity perform the utilization review functions required by sections 376.1350 to 376.1390 or applicable rules and regulations, the health carrier shall be responsible for monitoring the activities of the utilization review ~~[organization or]~~ entity with which the health carrier contracts and for ensuring that the requirements of sections 376.1350 to 376.1390 and applicable rules and regulations are met.

376.1363. 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, "enrollee" includes the representative of an enrollee.

2. For ~~initial~~ determinations, a health carrier shall make the determination within thirty-six hours, which shall include one working day, of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the ~~initial~~ certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the ~~initial~~ certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier's determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, **including the clinical rationale, and** the instructions for initiating an appeal or reconsideration of the determination~~], and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination].~~ A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, **to the health care provider and to any party who received notice of the adverse determination** ~~and who requests such information].~~

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. **These procedures shall be made available to health care providers on the health carrier's website or provider portal.** In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

**7. Provided the patient is an enrollee of the health benefit plan, no utilization review entity shall revoke, limit, condition, or otherwise restrict a prior authorization within forty-five working days of the date the health care provider receives the prior authorization.**

**8. Provided the patient is an enrollee of the health benefit plan at the time the service is provided, no health carrier, utilization review entity, or health care provider shall bill an enrollee for any health care service for which a prior authorization was in effect at the time the health care service was provided, except as consistent with cost-sharing requirements applicable to a covered benefit under the enrollee's health benefit plan. Such cost-sharing shall be subject to and applied toward any in-network deductible or out-of-pocket maximum applicable to the enrollee's health benefit plan.**

**376.1364. 1. Any utilization review entity performing prior authorization review shall provide a unique confirmation number to a provider upon receipt from that provider of a request for prior authorization. Except as otherwise requested by the provider in writing, unique confirmation numbers shall be transmitted or otherwise communicated through the same medium through which the requests for prior authorization were made.**

**2. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of drug benefits through a secure electronic transmission using the National Council for**

**Prescription Drugs SCRIPT Standard Version 2017071 or a backwards-compatible successor adopted by the United States Department of Health and Human Services. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**3. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of health care services and mental health services electronically. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**4. No later than January 1, 2021, each health carrier utilizing prior authorization review shall develop a single secure electronic prior authorization cover page for all of its health benefit plans utilizing prior authorization review, which the carrier or its utilization review entity shall use to accept and respond to, and which providers shall use to submit, requests for prior authorization. Such cover page shall include, but not be limited to, fields for patient or enrollee information, referring or requesting provider information, rendering or attending provider information, and required clinical information, and shall be supplemented by additional clinical information as required by the health carrier or utilization review entity.**

376.1372. 1. In the certificate of coverage and the member handbook provided to enrollees, a health carrier shall include a clear and comprehensive description of its utilization review procedures, including the procedures for obtaining review of adverse determinations, and a statement of rights and responsibilities of enrollees with respect to those procedures.

2. A health carrier shall include a summary of its utilization review procedures in material intended for prospective enrollees.

3. A health carrier shall print on its membership cards a toll-free telephone number to call for utilization review decisions.

**4. (1) A health carrier or utilization review entity shall make any current prior authorization requirements or restrictions, including written clinical review criteria, readily accessible on its website or provider portal. Requirements and restrictions, including step therapy protocols as such term is defined in section 376.2030, shall be described in detail.**

**(2) No health carrier or utilization review entity shall amend or implement a new prior authorization requirement or restriction prior to the change being reflected on the carrier or utilization review entity's website or provider portal as specified in subdivision (1) of this subsection.**

**(3) Health carriers and utilization review entities shall provide participating providers with written or electronic notice of the new or amended requirement not less than sixty days prior to implementing the requirement or restriction.**

376.1385. 1. Upon receipt of a request for second-level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:

(1) Other enrollees;

(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance; and

(3) Where the grievance involves an adverse determination, a majority of persons that are ~~appropriate~~ clinical peers **licensed to practice** in the same or similar specialty as would typically manage the case being reviewed that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance.

2. Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the enrollee's or the health carrier's or plan sponsor's rights to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Coleman (97) offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1*  
to  
*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 204, Page 3, Line 43, by inserting after said line the following:

**"376.1212. 1. This section shall apply to any health benefit plan, as defined in section 376.1350, which is delivered, issued for delivery, continued, or renewed on or after January 1, 2020, which is written inside the state of Missouri or written outside the state of Missouri but covering Missouri residents, and in which a person may only enroll in such plan during an initial, open, or special enrollment period.**

**2. Notwithstanding any other provision of law to the contrary, such health benefit plan shall permit enrollment of a pregnant person at any time after the commencement of her pregnancy, if such person would be otherwise eligible to enroll in such plan during such initial, open, or special enrollment period.**

**3. Such health benefit plan may require that such pregnancy be certified by a health care practitioner licensed in this state and acting within the scope of his or her practice.**

**4. Coverage shall be effective as of the first day of the month such pregnancy was certified, or if no certification is required, as of the first day of the month self-attestation of pregnancy was made by the person."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Coleman (97) moved that **House Amendment No. 1 to House Amendment No. 7** be adopted.

Which motion was defeated.

On motion of Representative Patterson, **House Amendment No. 7** was adopted.

Representative McGirl offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

**"143.980. 1. This section shall be known as the "Taxpayer Protection Act".**

**2. For the purposes of this section, the following terms shall mean:**

**(1) "Department", the Missouri department of revenue;**

**(2) "Paid tax return preparer", a person who prepares for compensation, or who employs one or more persons to prepare for compensation, any income tax return or claim for refund required to be filed under this chapter. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of such return or claim for refund. A paid tax return preparer shall not include any certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm or an enrolled agent enrolled to practice before the federal Internal Revenue Service pursuant to 31 C.F.R. Section 10.4;**

**(3) "Willful or reckless conduct", the same meaning as defined under 26 U.S.C. Section 6694;**

**3. For all tax years beginning on or after January 1, 2020, any income tax return or claim for refund prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer's Internal Revenue Service preparer tax identification number. Any person who is the paid tax return preparer with respect to any income tax return or claim for refund and who fails to sign the return or claim for refund, or who fails to provide his or her preparer tax identification number, shall**

pay a penalty of fifty dollars for each such failure, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The aggregate penalty that may be imposed by the department on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed twenty-five thousand dollars per paid tax return preparer.

4. (1) In a court of competent jurisdiction, the director of revenue may commence suit to enjoin any paid tax return preparer from further engaging in any conduct described in subdivision (2) of this subsection, or from further action as a paid tax return preparer.

(2) In any action under subdivision (1) of this subsection, if the court finds that injunctive relief is appropriate to prevent the recurrence of willful or reckless conduct, the court may enjoin the paid tax return preparer from further engaging in any conduct specified in the action. The court may enjoin conduct when a paid tax return preparer has done any of the following:

(a) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. For purposes of this subdivision, the term "unreasonable position" shall have the same meaning as defined under 26 U.S.C. Section 6694;

(b) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct;

(c) Where required, failed to sign an income tax return or claim for refund;

(d) Where required, failed to furnish his or her preparer tax identification number;

(e) Where required, failed to retain a copy of an income tax return;

(f) Where required by due diligence requirements imposed by department rules and regulations, failed to be diligent in determining a taxpayer's eligibility for tax benefits;

(g) Negotiated a check issued to a taxpayer by the department without the permission of the taxpayer;

(h) Engaged in any conduct subject to any criminal penalty provided under chapters 135 to 155;

(i) Misrepresented to the department the paid tax return preparer's eligibility to practice or otherwise misrepresented the paid tax return preparer's experience or education;

(j) Guaranteed the payment of any income tax refund or the allowance of any income tax credit; or

(k) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the laws of this state.

(3) (a) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described in subdivision (2) of this subsection and that an injunction prohibiting the conduct would not be sufficient to prevent the paid tax return preparer's interference with the proper administration of the laws of this state, the court may enjoin the paid tax return preparer from acting as a paid tax return preparer in Missouri.

(b) Being enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction under this section shall establish a prima facie case for an injunction to be issued under this section. For purposes of this paragraph, the term "state" shall mean a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States."; and

Further amend said bill, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

"326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

(1) The following shall hold a permit issued under this chapter:

(a) Any firm with an office in this state, as defined by the board by rule, offering or performing attest or compilation services; or

(b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

(2) Any firm that does not have an office in this state may offer or perform attest or compilation services in this state without a valid permit only if it meets each of the following requirements:

(a) It complies with the qualifications described in subdivision (1) of subsection 4 of this section;

(b) It complies with the requirements of peer review as set forth in this chapter and the board's promulgated regulations;

(c) It performs such services through an individual with practice privileges under section 326.283; and

(d) It can lawfully do so in the state where said individual with the privilege to practice has his or her principal place of business.

(3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform other nonattest or noncompilation services while using the title "CPA" or "CPA firm" in this state without a permit issued under this section only if it:

(a) Performs such services through an individual with the privilege to practice under section 326.283; and

(b) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.

(4) (a) All firms practicing public accounting in this state shall register with the secretary of state.

(b) Firms which may be exempt from this requirement include:

a. Sole proprietorships;

b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or 326.286;

c. General partnerships not operating as a limited liability partnership; or

d. Foreign professional corporations which do not meet criteria of chapter 356 due to name or ownership, shall obtain a certificate of authority as a general corporation. Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of authority to a foreign professional corporation which does not meet the criteria of chapter 356 due to name or ownership, if the corporation meets the requirements of this section and the rules of the board.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(1) A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees under section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees provided that:

(a) The firm designates a licensee of this state, or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283, who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) All owners are of good moral character; and

(d) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading as to:

(1) The legal form of the firm;

(2) The persons who are partners, officers, members, managers or shareholders of the firm; or

(3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual

who is not a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit under this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

(1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required under this subsection;

(2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight. **Notwithstanding any other provision in this section, the board may obtain the following information regarding peer review from any approved American Institute for Certified Public Accountants peer review program:**

(1) **The firm's name and address;**

(2) **The firm's dates of enrollment in the program;**

(3) **The date of acceptance and the period covered by the firm's most recently accepted peer review;**

**and**

(4) **If applicable, whether the firm's enrollment in the program has been dropped or terminated.**

11. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

12. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 11 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any

findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGirl, **House Amendment No. 8** was adopted.

Representative Muntzel offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 204, Page 49, Section 341.170, Line 30, by inserting after all of said line the following:

"382.010. As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) "Control", "controlling", "controlled by", or "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) "Director", the director of the department of insurance, financial institutions and professional registration, his or her deputies, or the department of insurance, financial institutions and professional registration, as appropriate;

(4) "Enterprise risk", any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;

(5) **"Group-wide supervisor", the regulatory official authorized to engage in conducting and coordinating group-wide supervisory activities who is determined or acknowledged by the director, under section 382.227, to have sufficient significant contacts with the internationally active insurance group;**

(6) "Insurance holding company system", two or more affiliated persons, one or more of which is an insurer;

~~(6)~~ (7) "Insurer", an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of insurance, financial institutions and professional registration of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under chapter 377, 378, or 380, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

~~(7)~~ (8) **"Internationally active insurance group", an insurance holding company system that includes an insurer registered under sections 382.100 to 382.180, and meets the following criteria:**

(a) **Premiums written in at least three countries;**

(b) **The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system's total gross written premiums; and**

**(c) Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars, or the total gross written premiums of the insurance holding company system are at least ten billion dollars;**

(9) "Person", an individual, corporation, limited liability company, partnership, association, joint stock company, trust, unincorporated organization, or any similar entity, or any combination of the foregoing acting in concert, but shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property;

~~[(8)]~~ (10) A "securityholder" of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

~~[(9)]~~ (11) A "subsidiary" of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

~~[(10)]~~ (12) The term "voting security" includes any security convertible into or evidencing a right to acquire a voting security.

**382.227. 1. The director is authorized to act as the group-wide supervisor for any internationally active insurance group in accordance with the provisions of this section. However, the director may otherwise acknowledge another regulatory official as the group-wide supervisor if the internationally active insurance group:**

**(1) Does not have substantial insurance operations in the United States;**

**(2) Has substantial insurance operations in the United States but not in this state; or**

**(3) Has substantial insurance operations in the United States and in this state but the director has determined, pursuant to the factors set forth in subsections 3 and 9 of this section, that another regulatory official is the appropriate group-wide supervisor.**

**2. An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the director make a determination or acknowledgment as to a group-wide supervisor pursuant to this section.**

**3. In cooperation with other state, federal, and international regulatory agencies, the director shall identify a single group-wide supervisor for an internationally active insurance group. The director may determine that the director is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this state. However, the director may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. The director shall consider the following factors when making a determination or acknowledgment under this subsection:**

**(1) The domicile of the insurers within the internationally active insurance group that hold the largest share of the internationally active insurance group's written premiums, assets, or liabilities;**

**(2) The domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group;**

**(3) The location of the executive offices or largest operational offices of the internationally active insurance group;**

**(4) Whether another regulatory official is acting as or is seeking to act as the group-wide supervisor under a regulatory system that the director determines to be:**

**(a) Substantially similar to the system of regulation provided under the laws of this state; or**

**(b) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials; and**

**(5) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the director with reasonably reciprocal recognition and cooperation.**

**4. A director identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor shall be made after consideration of the factors listed in subdivisions (1) to (5) of subsection 3 of this section, and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.**

**5. Notwithstanding any other provision of the law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the director shall acknowledge that regulatory official as the group-wide supervisor, subject to subsection 6 of this section. In the event of a**

material change in the internationally active insurance group that results in either the internationally active insurance group's insurers domiciled in this state holding the largest share of the internationally active insurance group's premiums, assets, or liabilities, or this state being the domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the director shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group under subsections 3 and 4 of this section.

6. In the event of a dispute as to the proper regulatory official to act as group-wide supervisor, a determination by the director not to acknowledge the current group-wide supervisor shall be made only after notice and a public hearing, and such determination shall be accompanied by specific findings of fact and conclusions of law including, but not limited to, application of the factors listed in subdivisions (1) to (5) of subsection 3 of this section.

7. Under section 382.220, the director is authorized to collect from any insurer registered under sections 382.100 to 382.180 all information necessary to determine whether the director may act as the group-wide supervisor of an internationally active insurance group or if the director may acknowledge another regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group-wide supervision by the director, the director shall notify the insurer registered under sections 382.100 to 382.180 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have not less than thirty days to provide the director with additional information pertinent to the pending determination. The director shall publish on the department's website the identity of internationally active insurance groups that the director has determined are subject to group-wide supervision by the director.

8. If the director is the group-wide supervisor for an internationally active insurance group, the director is authorized to engage in any of the following group-wide supervisory activities:

- (1) Assess the enterprise risks within the internationally active insurance group to ensure that:
  - (a) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and
  - (b) Reasonable and effective mitigation measures are in place;
- (2) Request, from any member of an internationally active insurance group subject to the director's supervision, information necessary and appropriate to assess enterprise risk including, but not limited to, information about the members of the internationally active insurance group regarding:
  - (a) Governance, risk assessment, and management;
  - (b) Capital adequacy; and
  - (c) Material intercompany transactions;
- (3) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of such internationally active insurance group that are engaged in the business of insurance;
- (4) Communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of section 382.230, through supervisory colleges as set forth in section 382.226 or otherwise;
- (5) Enter into agreements with or obtain documentation from any insurer registered under sections 382.100 to 382.180, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the director's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state; and
- (6) Other group-wide supervision activities, consistent with the authorities and purposes enumerated in this subsection, as considered necessary by the director.

9. If the director acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is the group-wide supervisor, the director is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that:

(1) The director's cooperation is in compliance with the laws of this state; and  
(2) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the director's activities as a group-wide supervisor for other internationally active insurance groups where applicable. Where such recognition and cooperation are not reasonably reciprocal, the director is authorized to refuse recognition and cooperation.

10. The director is authorized to enter into agreements with, or obtain documentation from, any insurer registered under sections 382.100 to 382.180, any affiliate of the insurer, and other state, federal, and international regulatory agencies, regarding members of the internationally active insurance group, which provides the basis for or otherwise clarifies a regulatory official's role as group-wide supervisor.

11. The director may promulgate regulations necessary for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

12. An insurer registered under sections 382.100 to 382.180 and subject to this section shall be liable for and shall pay the reasonable expenses of the director's participation in the administration of this section, including the engagements of attorneys, actuaries, and any other professionals and all reasonable travel expenses.

382.230. 1. All information, documents and copies thereof in the possession or control of the director that are obtained by or disclosed to the director or any other person in the course of an examination or investigation made under section 382.220 and all information reported **or provided to the director** under subdivisions (13) and (14) of subsection 1 of section 382.050 ~~and~~, sections 382.100 to 382.210, **and section 382.227** shall be given confidential treatment and privileges; shall not be subject to the provisions of chapter 610; shall not be subject to subpoena; shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event the director may publish all or any part thereof in such manner as he or she may deem appropriate.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection 1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators;

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioners' use of such information is subject to the direction of the director;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300.

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Muntzel, **House Amendment No. 9** was adopted.

Representative Stephens (128) offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after said section and line the following:

**"21.790. 1. There is hereby established the "Task Force on Substance Abuse Prevention and Treatment". The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The task force shall:**

(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;

(2) Explore solutions to substance abuse issues; and

(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.

4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.

5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.

191.1164. 1. Sections 191.1164 to 191.1168 shall be known and may be cited as the "Ensuring Access to High Quality Care for the Treatment of Substance Use Disorders Act".

2. As used in sections 191.1164 to 191.1168, the following terms shall mean:

(1) "Behavioral therapy", an individual, family, or group therapy designed to help patients engage in the treatment process, modify their attitudes and behaviors related to substance use, and increase healthy life skills;

(2) "Department of insurance", the department that has jurisdiction regulating health insurers;

(3) "Financial requirements", deductibles, co-payments, coinsurance, or out-of-pocket maximums;

(4) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;

(5) "Health insurance plan", an individual or group plan that provides, or pays the cost of, health care items or services;

(6) "Health insurer", any person or entity that issues, offers, delivers, or administers a health insurance plan;

(7) "Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)", the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 found at 42 U.S.C. 300gg-26 and its implementing and related regulations found at 45 CFR 146.136, 45 CFR 147.160, and 45 CFR 156.115;

(8) "Nonquantitative treatment limitation" or "NQTL", any limitation on the scope or duration of treatment that is not expressed numerically;

(9) "Pharmacologic therapy", a prescribed course of treatment that may include methadone, buprenorphine, naltrexone, or other FDA-approved or evidence-based medications for the treatment of substance use disorder;

(10) "Pharmacy benefits manager", an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state;

(11) "Prior authorization", the process by which the health insurer or the pharmacy benefits manager determines the medical necessity of otherwise covered health care services prior to the rendering of such health care services. "Prior authorization" also includes any health insurer's or utilization review entity's requirement that a subscriber or health care provider notify the health insurer or utilization review entity prior to receiving or providing a health care service;

(12) "Quantitative treatment limitation" or "QTL", numerical limits on the scope or duration of treatment, which include annual, episode, and lifetime day and visit limits;

(13) "Step therapy", a protocol or program that establishes the specific sequence in which prescription drugs for a medical condition that are medically appropriate for a particular patient are authorized by a health insurer or prescription drug management company;

(14) "Urgent health care service", a health care service with respect to which the application of the time period for making a non-expedited prior authorization, in the opinion of a physician with knowledge of the enrollee's medical condition:

(a) Could seriously jeopardize the life or health of the subscriber or the ability of the enrollee to regain maximum function; or

(b) Could subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.

3. For the purpose of this section, "urgent health care service" shall include services provided for the treatment of substance use disorders.

**191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:**

- (1) Buprenorphine tablets;**
- (2) Methadone;**
- (3) Naloxone;**
- (4) Extended-release injectable naltrexone; and**
- (5) Buprenorphine/naloxone combination.**

**2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.**

**3. MAT medications provided for in this section shall not be subject to any of the following:**

- (1) Any annual or lifetime dollar limitations;**
- (2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);**
- (3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and**
- (4) Prior authorization for MAT medications as specified in this section.**

**4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.**

**5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.**

**6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.**

**7. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.**

**8. Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.**

**191.1167. Any contract provision, written policy, or written procedure in violation of sections 191.1164 to 191.1168 shall be deemed to be unenforceable and shall be null and void.**

**191.1168. If any provision of sections 191.1164 to 191.1168 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 191.1164 to 191.1168 which may be given effect without the invalid provision or application, and to that end the provisions of sections 191.1164 to 191.1168 are severable."; and**

Further amend said bill, Page 2, Section 193.015, Line 42, by inserting after said section and line the following:

"195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same, **except for electronic prescriptions**. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is

prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 4 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.

3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.

4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

5. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services."; and

Further amend said bill, Page 3, Section 195.100, Line 26, by inserting after all of said section and line the following:

**"195.550. 1. Notwithstanding any other provision of this section or any other law to the contrary, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substance unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, except for prescriptions:**

**(1) Issued by veterinarians;**

**(2) Issued in circumstances where electronic prescribing is not available due to temporary technological or electrical failure;**

**(3) Issued by a practitioner to be dispensed by a pharmacy located outside the state;**

**(4) Issued when the prescriber and dispenser are the same entity;**

**(5) Issued that include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;**

**(6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic processing;**

**(7) Issued by a practitioner allowing for the dispensing of a nonpatient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;**

**(8) Issued by a practitioner prescribing a drug under a research protocol;**

**(9) Issued by practitioners who have received an annual waiver, or a renewal thereof, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the department of health and senior services, due to economic hardship, technological limitations, or other exceptional circumstances demonstrated by the practitioner;**

**(10) Issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or**

**(11) Issued where the patient specifically requests a written prescription.**

**2. A pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions from the requirement to electronically prescribe.**

**Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with state and federal laws and regulations.**

**3. An individual who violates the provisions of this section may be subject to discipline by his or her professional licensing board.**

196.100. 1. Any manufacturer, packer, distributor or seller of drugs or devices in this state shall comply with the current federal labeling requirements contained in the Federal Food, Drug and Cosmetic Act, as amended, and any federal regulations promulgated thereunder. Any drug or device which contains labeling that is not in compliance with the provisions of this section shall be deemed misbranded.

2. A drug dispensed on **an electronic prescription** or a written prescription signed by a licensed physician, dentist, or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to a diagnosis by mail, shall be exempt from the requirements of this section if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.

3. The department is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of sections 196.010 to 196.120, drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling, or repacking establishment.

208.790. 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard.

~~[The provisions of this subsection shall only apply to Medicaid dual eligible individuals.]~~

4. The department shall promulgate rules outlining standards for documenting proof of household income.

221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term "correctional center" is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written **or electronic** prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail."; and

Further amend said bill, Page 8, Section 329.050, Line 79, by inserting after said section and line the following:

"332.361. 1. **For purposes of this section, the following terms shall mean:**

(1) **"Acute pain", shall have the same meaning as in section 195.010;**

(2) **"Long-acting or extended-release opioids", formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.**

2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription

of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

[2-] 3. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

**4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the long-acting or extended-release opioid.**

**5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.";** and

Further amend said bill, Page 46, Section 338.010, Lines 16 - 17, by inserting after the words "use of drugs and devices" the following:

**"the prescribing and dispensing of any nicotine replacement therapy product under section 338.665";**  
and

Further amend said bill, page, and section, Line 19, by inserting after the words "unless he" the following:

**"or she";** and

Further amend said bill and section, Page 49, Line 103, by inserting after the said section and line the following:

"338.015. 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient's freedom of choice to obtain prescription services from any licensed pharmacist. However, nothing in sections 338.010 to 338.315 abrogates the patient's ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice **or to have an electronic prescription transmitted to the facility of their choice.**

338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written, **electronic**, or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.056. 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless:

- (1) The patient requests a brand name drug or biological product; or
- (2) The prescribing practitioner indicates that substitution is prohibited or displays "brand medically necessary", "dispense as written", "do not substitute", "DAW", or words of similar import on the prescription.

3. No prescription shall be valid without the signature of the prescriber, **except an electronic prescription.**

4. If an oral prescription is involved, the practitioner or the practitioner's agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

5. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

6. Violations of this section are infractions.

338.095. 1. The terms "prescription" and "prescription drug order" are hereby defined as a lawful order for medications or devices issued and signed by an authorized prescriber within the scope of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. The terms "prescription" and "drug order" do not include an order for medication requiring a prescription to be dispensed, which is provided for the immediate administration to the ultimate user or recipient.

2. The term "telephone prescription" is defined as an order for medications or devices transmitted to a pharmacist by telephone or similar electronic medium by an authorized prescriber or his authorized agent acting in the course of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. A telephone prescription shall be promptly

reduced to written or electronic medium by the pharmacist and shall comply with all laws governing prescriptions and record keeping.

3. A licensed pharmacist may lawfully provide prescription or medical information to a licensed health care provider or his agent who is legally qualified to administer medications and treatments and who is involved in the treatment of the patient. The information may be derived by direct contact with the prescriber or through a written protocol approved by the prescriber. Such information shall authorize the provider to administer appropriate medications and treatments.

4. Nothing in this section shall be construed to limit the authority of other licensed health care providers to prescribe, administer, or dispense medications and treatments within the scope of their professional practice.

5. It shall be an unauthorized practice of pharmacy and hence unlawful for any person other than a **board licensee or registrant**, the patient, or the patient's authorized representative to accept a prescription presented to be dispensed unless that person is located on a premises licensed by the board as a pharmacy.

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. **Alternatively, at the discretion of the board, the board may enter into a voluntary compliance agreement with a licensee, permit holder, or registrant to ensure or promote compliance with this chapter and the rules of the board, in lieu of board discipline. The agreement shall be a public record. The time limitation identified in section 324.043 for commencing a disciplinary proceeding shall be tolled while an agreement authorized by this section is in effect.**

338.143. 1. For purposes of this section, the following terms shall mean:

(1) "Remote medication dispensing", dispensing or assisting in the dispensing of medication outside of a licensed pharmacy;

(2) "Technology assisted verification", the verification of medication or prescription information using a combination of scanning technology and visual confirmation by a pharmacist.

2. The board of pharmacy may approve, modify, and establish requirements for pharmacy pilot or demonstration research projects related to technology assisted verification or remote medication dispensing that are designed to enhance patient care or safety, improve patient outcomes, or expand access to pharmacy services.

3. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by chapter 338, be under the supervision of a Missouri licensed pharmacist, and comply with applicable compliance and reporting as established by the board by rule, including any staff training or education requirements. Board approval shall be limited to a period of up to eighteen months, provided the board grant an additional six month extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient. The board may rescind approval of a pilot project at any time if deemed necessary or appropriate in the interest of patient safety.

4. The provisions of this subsection shall expire on August 28, 2023. The board shall provide a final report on approved projects and related data or findings to the general assembly on or before December 31, 2022. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.

338.665. 1. For the purposes of this chapter, "nicotine replacement therapy product" means any drug or product, regardless of whether it is available over-the-counter, that delivers small doses of nicotine to

a person and that is approved by the federal Food and Drug Administration for the sole purpose of aiding in tobacco cessation or smoking cessation.

2. The board of pharmacy and the board of healing arts shall jointly promulgate rules governing a pharmacist's authority to prescribe and dispense nicotine replacement therapy products. Neither board shall separately promulgate rules governing a pharmacist's authority to prescribe and dispense nicotine replacement therapy products under this subsection.

3. Nothing in this section shall be construed to require third party payment for services described in this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stephens (128), **House Amendment No. 10** was adopted.

Representative Swan offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"191.603. As used in sections 191.600 to 191.615, the following terms shall mean:

- (1) "Areas of defined need", areas designated by the department pursuant to section 191.605, when services of a physician, **including a psychiatrist**, chiropractor, or dentist are needed to improve the patient-health professional ratio in the area, to contribute health care professional services to an area of economic impact, or to contribute health care professional services to an area suffering from the effects of a natural disaster;
- (2) "Chiropractor", a person licensed and registered pursuant to chapter 331;
- (3) "Department", the department of health and senior services;
- (4) "General dentist", dentists licensed and registered pursuant to chapter 332 engaged in general dentistry and who are providing such services to the general population;
- (5) "Primary care physician", physicians licensed and registered pursuant to chapter 334 engaged in general or family practice, internal medicine, pediatrics or obstetrics and gynecology as their primary specialties, and who are providing such primary care services to the general population;
- (6) "**Psychiatrist**", the same meaning as in section 632.005.

191.605. The department shall designate counties, communities, or sections of urban areas as areas of defined need for medical, **psychiatric**, chiropractic, or dental services when such county, community or section of an urban area has been designated as a primary care health professional shortage area, **a mental health care professional shortage area**, or a dental health care professional shortage area by the federal Department of Health and Human Services, or has been determined by the director of the department of health and senior services to have an extraordinary need for health care professional services, without a corresponding supply of such professionals.

191.607. The department shall adopt and promulgate regulations establishing standards for determining eligible persons for loan repayment pursuant to sections 191.600 to 191.615. These standards shall include, but are not limited to the following:

- (1) Citizenship or permanent residency in the United States;
- (2) Residence in the state of Missouri;
- (3) Enrollment as a full-time medical student in the final year of a course of study offered by an approved educational institution or licensed to practice medicine or osteopathy pursuant to chapter 334, **including psychiatrists**;

(4) Enrollment as a full-time dental student in the final year of course study offered by an approved educational institution or licensed to practice general dentistry pursuant to chapter 332;

(5) Enrollment as a full-time chiropractic student in the final year of course study offered by an approved educational institution or licensed to practice chiropractic medicine pursuant to chapter 331;

(6) Application for loan repayment.

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant's employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed ~~or approved~~ by the department of health and senior services; **any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training programs shall be** ~~which is most~~ reasonably accessible to the enrollees in each class. The program may be established by ~~the~~ a skilled nursing or intermediate care facility, **unit, or hospital**; by a professional organization~~;~~; or by the department, and training shall be given by the personnel of the facility, **unit, or hospital**; by a professional organization~~;~~; by the department~~;~~; by any community college; or by the vocational education department of any high school.

2. As used in this section the term "certified nursing assistant" means an employee~~;~~ **who has completed the training required under subsection 1 of this section, who has passed the certification exam, and** ~~including a nurse's aide or an orderly,~~ who is assigned by a skilled nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335.

3. This section shall not apply to any person otherwise **regulated or** licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.

~~[3-]~~ 4. The training program ~~[after January 1, 1989, shall consist of at least the following:~~

~~———— (1) A training program consisting] requirements shall be defined in regulation by the department and shall require [of] at least seventy-five classroom hours of training [on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer's disease and related disorders,] and one hundred hours supervised and on-the-job training. **On-the-job training sites shall include supervised practical training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse. The [one hundred hours] training shall be completed within four months of employment and may consist of normal employment as nurse assistants or hospital nursing support staff under the supervision of a licensed nurse[; and**~~

~~———— (2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility].~~

~~[4-]~~ 5. **Certified nursing** ~~[Nursing]~~ assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a **certified** nursing assistant ~~[only after completing an initial twelve hours of basic orientation approved by the department]~~ and may provide direct resident care only if under the ~~[general]~~ **direct** supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

6. **The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.**

7. **Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.**

8. **The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board."**; and

Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and line the following:

"335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

~~[5. Under section 23.253 of the Missouri sunset act:~~

~~(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and~~

~~(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and~~

~~(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]; and~~

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swan, **House Amendment No. 11** was adopted.

Representative Gregory offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Line 1, by inserting after the number "204," the following:

"Page 3, Section 195.100, Line 26, by inserting after all of said section and line the following:

**"208.226. 1. No restrictions to access shall be imposed that preclude availability of any individual antipsychotic medication.**

**2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices including, but not limited to:**

**(1) Drug safety and avoidance of harmful drug interactions;**

**(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;**

**(3) Detection of patients receiving prescription drugs from multiple prescribers; and**

**(4) Detection, prevention, and treatment of substance use disorders.**

**3. The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:**

**(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;**

(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;

(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;

(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient; and

(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division may recommend a resource list with no restrictions to access.

208.227. 1. ~~[No restrictions to access shall be imposed that preclude availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression.]~~ The division shall establish a pharmaceutical case management or polypharmacy program for high risk MO HealthNet participants with numerous or multiple prescribed drugs. The division shall also establish a behavioral health pharmacy and opioid surveillance program to encourage the use of best medical evidence-supported prescription practices. The division shall communicate with providers, as such term is defined in section 208.164, whose prescribing practices deviate from or do not otherwise utilize best medical evidence-supported prescription practices. The communication may be telemetric, written, oral, or some combination thereof. These programs shall be established and administered through processes established and supported under a memorandum of understanding between the department of mental health and the department of social services, or their successor entities.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices including, but not limited to:

(1) Drug safety and avoidance of harmful drug interactions;

(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;

(3) Detection of patients receiving prescription drugs from multiple prescribers; and

(4) Detection, prevention, and treatment of substance use disorders.

3. ~~[The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:~~

~~———— (1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;~~

~~———— (2) Treatment with antipsychotic drugs should be as effective, safe, and well tolerated as supported by best medical evidence;~~

~~———— (3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;~~

~~———— (4) Treatment with antipsychotic drugs should support an improved quality of life for the patient;~~

~~———— (5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines; and~~

~~———— (6) Cost considerations in the context of best practices, efficacy, and patient response to adverse drug reactions should guide antipsychotic medication policy and selection once the preceding principles have been maximally achieved.~~

~~4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division shall adhere to the following:~~

~~———— (1) If an antipsychotic drug listed as "nonpreferred" is considered clinically appropriate for an individual patient based on the patient's previous response to the drug or other medical considerations, prior authorization procedures, as such term is defined in section 208.164, shall be simple and flexible;~~

~~———— (2) If an antipsychotic drug listed as "nonpreferred" is known or found to be safe and effective for a given individual, the division shall not restrict the patient's access to that drug. Such nonpreferred drug shall, for that patient only and if that patient has been reasonably adherent to the prescribed therapy, be considered "preferred" in order to minimize the risk of relapse and to support continuity of care for the patient;~~

~~———— (3) A patient shall not be required to change antipsychotic drugs due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and~~

~~———— (4) Patients transferring from state psychiatric hospitals to community-based settings, including patients previously found to be not guilty of a criminal offense by reason of insanity or who have previously been found to be incompetent to stand trial, shall be permitted to continue the medication regimen that aided the stability and recovery so that such patient was able to successfully transition to the community-based setting.~~

~~———— 5. The division's medication policy and clinical edits shall provide MO HealthNet participants initial access to multiple Food and Drug Administration-approved antipsychotic drugs that have substantially the same clinical differences and adverse effects that are predictable across individual patients and whose manufacturers have entered into a federal rebate agreement with the Department of Health and Human Services. Clinical differences may include, but not be limited to, weight gain, extrapyramidal side effects, sedation, susceptibility to metabolic syndrome, other substantial adverse effects, the availability of long-acting formulations, and proven efficacy in the treatment of psychosis. The available drugs for an individual patient shall include, but not be limited to, the following categories:~~

- ~~———— (1) At least one relatively weight neutral atypical antipsychotic medication;~~
- ~~———— (2) At least one long-acting injectable formulation of an atypical antipsychotic;~~
- ~~———— (3) Clozapine;~~
- ~~———— (4) At least one atypical antipsychotic medication with relatively potent sedative effects;~~
- ~~———— (5) At least one medium-potency typical antipsychotic medication;~~
- ~~———— (6) At least one long-acting injectable formulation of a high-potency typical antipsychotic medication;~~
- ~~———— (7) At least one high-potency typical antipsychotic medication; and~~
- ~~———— (8) At least one low-potency typical antipsychotic medication.~~

~~———— 6. Nothing in subsection 5 of this section shall be construed to require any of the following:~~

- ~~———— (1) Step therapy or a trial of a typical antipsychotic drug before permitting a patient access to an atypical drug or antipsychotic medication;~~
- ~~———— (2) A limit of one atypical antipsychotic drug as an open-access, first-choice agent; or~~
- ~~———— (3) A trial of one of the eight categories of drugs listed in subsection 5 of this section before having access to the other seven categories.~~

~~———— 7.] The department of social services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.~~

~~[8-] 4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.~~

~~[9-] As used in this section, the following terms mean:~~

- ~~———— (1) "Division", the MO HealthNet division of the department of social services;~~
- ~~———— (2) "Reasonably adherent", a patient's adherence to taking medication on a prescribed schedule as measured by a medication possession ratio of at least seventy-five percent;~~
- ~~———— (3) "Successfully utilized previously", a drug or drug regimen's provision of clinical stability in treating a patient's symptoms;]" and~~

"Further amend said bill,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gregory, **House Amendment No. 12** was adopted.

Representative Roden offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

**"190.256. 1. The board of registration for the healing arts shall work with certifying entities, as defined in section 334.735, to establish educational programs for an emergency medical technician-paramedic, as defined in section 190.100, to receive the education and training needed to become a physician assistant, as defined in section 334.735. The education and training programs shall be consistent with the educational requirements of the certifying entities' requirements for physician assistants. The educational and training programs shall recognize and give credit for any relevant education and training received by the emergency medical technician-paramedic.**

**2. The board shall establish the education and training programs by July 1, 2020.**

**3. The board shall allow any state university to provide the curriculum established by the board for the education and training programs.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roden, **House Amendment No. 13** was adopted.

Representative Pike offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Bill No. 204, Page 3, Line 8, by inserting the following after all of said line:

"Further amend said bill, Page 3, Section 195.100, Line 26, by inserting the following after all of said line:

**"311.020. The term "intoxicating liquor" as used in this chapter shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume. The term "intoxicating liquor" shall include "powdered alcohol", which means alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution; "powdered alcohol" shall also include gum or candy infused with powdered or other alcohol. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter[~~but subject to inspection as provided by sections 196.365 to 196.445~~]."; and"; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Pike, **House Amendment No. 14** was adopted.

Representative Grier offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Bill No. 204, Page 5, Section 324.025, Line 4, by inserting after the word "**that**" the phrase "**the United States Department of Labor deems**"; and

Further amend said bill, page, and section, Lines 18 and 19, by deleting all of said lines and inserting in lieu thereof the words "**law; and**"; and

Further amend said bill and section, Page 6, Line 39, by inserting after all of said section and line the following:

"6. The provisions of this section shall not apply to any occupation set forth in section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Sain offered **House Amendment No. 1 to House Amendment No. 15.**

*House Amendment No. 1  
to  
House Amendment No. 15*

AMEND House Amendment No. 15 to House Committee Substitute for Senate Bill No. 204, Page 1, Line 1, by inserting after "Senate Bill No. 204," the following:

"Page 3, Section 195.100, Line 26, by inserting after all of said line the following:

"213.010. As used in this chapter, the following terms shall mean:

(1) "Age", an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;

(2) "Because" or "because of", as it relates to the adverse decision or action, the protected criterion was the motivating factor;

(3) "Commission", the Missouri commission on human rights;

(4) "Complainant", a person who has filed a complaint with the commission alleging that another person has engaged in a prohibited discriminatory practice;

(5) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

(a) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

(b) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance;

(6) "Discrimination", conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, [Ø] **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing. **Discrimination includes any unfair treatment based on a person's presumed or assumed race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age as it relates to employment, disability, or familial status as it relates to housing, regardless of whether the presumption or assumption as to such characteristic is correct;**

(7) "Dwelling", any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

(8) "Employer", a person engaged in an industry affecting commerce who has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state but does not include corporations and associations owned or operated by religious or sectarian organizations. "Employer" shall not include:

- (a) The United States;
- (b) A corporation wholly owned by the government of the United States;
- (c) An individual employed by an employer;
- (d) An Indian tribe;
- (e) Any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in 5 U.S.C. Section ~~2101~~ **2102**; or
- (f) A bona fide private membership club, other than a labor organization, that is exempt from taxation under 26 U.S.C. Section 501(c);
- (9) "Employment agency" includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer;
- (10) "Executive director", the executive director of the Missouri commission on human rights;
- (11) "Familial status", one or more individuals who have not attained the age of eighteen years being domiciled with:
  - (a) A parent or another person having legal custody of such individual; or
  - (b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;
- (12) **"Gender identity", the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's assigned sex at birth;**
- (13) "Human rights fund", a fund established to receive civil penalties as required by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will be disbursed to offset additional expenses related to compliance with the Department of Housing and Urban Development regulations;
- ~~[(13)]~~ (14) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;
- ~~[(14)]~~ (15) "Local commissions", any commission or agency established prior to August 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter city, town, village, or county;
- ~~[(15)]~~ (16) "Person" includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons;
- ~~[(16)]~~ (17) "Places of public accommodation", all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:
  - (a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as ~~his~~ **the proprietor's** residence;
  - (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
  - (c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
  - (d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
  - (e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;
  - (f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;
- ~~[(17)]~~ (18) "Rent" includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;
- ~~[(18)]~~ (19) "Respondent", a person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the commission;

~~[(19)]~~ (20) “Sexual orientation”, one’s actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term “sexual orientation” includes a history of such attraction or relationship or a history of no such attraction or relationship;

(21) “The motivating factor”, the employee’s protected classification actually played a role in the adverse action or decision and had a determinative influence on the adverse decision or action;

~~[(20)]~~ (22) “Unlawful discriminatory practice”, any act that is unlawful under this chapter.

213.030. 1. The powers and duties of the commission shall be:

(1) To seek to eliminate and prevent discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing and to take other actions against discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age, disability, or familial status as provided by law; and the commission is hereby given general jurisdiction and power for such purposes;

(2) To implement the purposes of this chapter first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) To formulate policies to implement the purposes of this chapter and to make recommendations to agencies and officers of the state and political subdivisions in aid of such policies and purposes;

(4) To appoint such employees as it may deem necessary, fix their compensation within the appropriations provided and in accordance with the wage structure established for other state agencies, and prescribe their duties;

(5) To obtain upon request and utilize the services of all governmental departments and agencies to be paid from appropriations to this commission;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination in employment, housing or in places of public accommodations because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing and to require the production for examination of any books, papers, records, or other materials relating to any matter under investigation;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission;

(9) To issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination in housing, employment or in places of public accommodation because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing;

(10) To provide each year to the governor and to the general assembly a full written report of all its activities and of its recommendations;

(11) To adopt an official seal;

(12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and other federal agencies and local commissions or agencies to achieve the purposes of this chapter;

(13) To accept grants, private gifts, bequests, and establish funds to dispose of such moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the purposes of this chapter and are used to achieve the purposes of this chapter;

(14) To establish a human rights fund as defined in section 213.010, for the purposes of administering sections 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

2. 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]~~ **chapter 536**.

213.040. 1. It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons because of a particular race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available;

or

(c) Any person associated with that buyer or renter;

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available;

or

(c) Any person associated with that person.

2. For purposes of this section and sections 213.045 and 213.050, discrimination includes:

(1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

3. As used in subdivision (3) of subsection 2 of this section, the term "covered multifamily dwelling" means:

(1) Buildings consisting of four or more units if such buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four or more units.

4. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

5. Where a unit of general local government has incorporated into its laws the requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:

(1) A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subdivision (3) of subsection 2 of this section are met;

(2) The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of subdivision (3) of subsection 2 of this section;

(3) Nothing in this chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this section.

6. Nothing in this chapter shall be construed to invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.

7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050 regarding familial status apply with respect to housing for older persons.

9. As used in this section and sections 213.045 and 213.050, “housing for older persons” means housing:

(1) Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

10. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9 of this section; or

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

13. Nothing in this chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply to:

(1) The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

(a) The private individual owner does not own or have any interest in more than three single family houses at any one time; and

(b) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four-month period; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

213.045. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against ~~him~~ **such person** in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status of such person or of any person associated with ~~him~~ **such person** in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

213.050. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status.

213.055. 1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to ~~his~~ **such individual's** compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(b) To limit, segregate, or classify ~~his~~ employees or ~~his~~ employment applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect ~~his~~ **such individual's** status as an employee, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect ~~his~~ **such individual's** status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of ~~his~~ **such individual's** race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in admission to, or employment in, any program established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, **sexual orientation, gender identity**, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. Section 623 relating to employment as firefighters or law enforcement officers.

213.065. 1. All persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, or disability.

2. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in section 213.010 and this section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, or disability.

3. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in section 213.010 and this section.

213.070. 1. It shall be an unlawful discriminatory practice for an employer, employment agency, labor organization, or place of public accommodation:

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age, as it relates to employment, disability, or familial status as it relates to housing; or

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

2. This chapter, in addition to chapter 285 and chapter 287, shall provide the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship.

213.101. 1. The provisions of this chapter shall be construed to accomplish the purposes thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be

deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age, disability, or familial status.

2. The general assembly hereby expressly abrogates the case of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the necessity and appropriateness of the issuance of a business judgment instruction. In all civil actions brought under this chapter, a jury shall be given an instruction expressing the business judgment rule.

3. If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.

4. The general assembly hereby expressly abrogates by this statute the cases of *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

5. The general assembly hereby expressly abrogates by this statute the holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions brought pursuant to this chapter, and the holding in *Thomas v. McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing "but for" causation in actions brought pursuant to this chapter.

6. The general assembly hereby abrogates all Missouri-approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, ~~[2017]~~ **2019**."; and

Further amend said bill,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**House Amendment No. 15** was withdrawn.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allred	Anderson	Andrews	Bailey	Basye
Billington	Black 137	Bromley	Busick	Chipman
Coleman 32	Coleman 97	Deaton	DeGroot	Dinkins
Dogan	Dohrman	Eggleston	Eslinger	Evans
Falkner III	Fishel	Fitzwater	Francis	Gannon
Gregory	Grier	Griffith	Haden	Haffner
Hannegan	Hansen	Helms	Henderson	Hill
Houx	Hovis	Hudson	Hurst	Kelley 127
Kelly 141	Kidd	Knight	Kolkmeyer	Lovasco
Love	Lynch	Mayhew	McGaugh	McGill
Moon	Morris 140	Morse 151	Muntzel	Murphy
Neely	O'Donnell	Patterson	Pfautsch	Pietzman
Pike	Plocher	Pogue	Pollitt 52	Pollock 123
Porter	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roden	Rone
Ross	Ruth	Schnelting	Schroer	Sharpe
Shawan	Shields	Simmons	Smith	Solon
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Veit	Vescovo	Walsh
Wiemann	Wright	Mr. Speaker		

NOES: 037

Appelbaum	Barnes	Beck	Bland Manlove	Brown 27
Burnett	Burns	Butz	Carter	Clemens
Ellebracht	Franks Jr.	Gray	Green	Ingle
Kendrick	Lavender	Mackey	McCreery	Merideth
Mitten	Morgan	Mosley	Pierson Jr.	Proudie
Quade	Razer	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Stevens 46	Unsicker
Walker	Washington			

PRESENT: 000

ABSENT WITH LEAVE: 025

Baker	Bangert	Baringer	Black 7	Bondon
Bosley	Brown 70	Carpenter	Chappelle-Nadal	Christofanelli
Ellington	Griesheimer	Hicks	Justus	McDaniel
Messenger	Miller	Price	Roeber	Shaul 113
Shull 16	Trent	Wilson	Windham	Wood

VACANCIES: 003

On motion of Representative Ross, **HCS SB 204, as amended**, was adopted.

On motion of Representative Ross, **HCS SB 204, as amended**, was read the third time and passed by the following vote:

AYES: 099

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bromley
Brown 27	Busick	Chipman	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Eslinger	Evans	Falkner III	Fishel
Fitzwater	Francis	Gannon	Grier	Griesheimer
Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hill	Houx	Hovis
Hudson	Justus	Kelley 127	Kelly 141	Knight
Kolkmeyer	Lovasco	Love	Lynch	Mayhew
McGaugh	McGirl	Morris 140	Morse 151	Muntzel
Murphy	Neely	O'Donnell	Patterson	Pfautsch
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roden	Rone
Ross	Ruth	Schnelting	Schroer	Sharpe
Shaul 113	Shawan	Shields	Smith	Solon
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Veit	Vescovo	Walsh
Wiemann	Wilson	Wright	Mr. Speaker	

NOES: 045

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Burnett	Burns	Butz	Carpenter
Carter	Clemens	Ellebracht	Franks Jr.	Gray
Green	Hurst	Ingle	Kendrick	Lavender

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Mackey	McCreery	Merideth	Mitten	Moon
Morgan	Mosley	Pierson Jr.	Pogue	Proudie
Quade	Razer	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Simmons	Stevens 46
Unsicker	Walker	Washington	Windham	Wood

PRESENT: 000

ABSENT WITH LEAVE: 016

Bondon	Bosley	Brown 70	Chappelle-Nadal	Christofanelli
Ellington	Gregory	Hicks	Kidd	McDaniel
Messenger	Miller	Price	Roeber	Shull 16
Trent				

VACANCIES: 003

Speaker Haahr declared the bill passed.

**SCS SB 90**, relating to employment security, was taken up by Representative Andrews.

On motion of Representative Andrews, the title of **SCS SB 90** was agreed to.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Busick	Chipman	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Eslinger	Evans	Falkner III	Fishel
Fitzwater	Francis	Gannon	Grier	Griesheimer
Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurst	Justus	Kelley 127
Kelly 141	Kidd	Knight	Kolkmeyer	Lovasco
Love	Lynch	Mayhew	McGaugh	McGirl
Moon	Morris 140	Morse 151	Muntzel	Murphy
Neely	O'Donnell	Pfautsch	Pike	Plocher
Pogue	Pollitt 52	Porter	Reedy	Rehder
Toalson Reisch	Remole	Richey	Riggs	Roberts 161
Roden	Rone	Ross	Ruth	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Simmons	Solon	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Veit
Vescovo	Walsh	Wiemann	Wood	Wright
Mr. Speaker				

NOES: 039

Appelbaum	Bangert	Baringer	Barnes	Beck
Bosley	Brown 27	Burnett	Burns	Butz
Carpenter	Carter	Ellebracht	Gray	Green
Ingle	Kendrick	Lavender	Mackey	McCreery

Merideth	Mitten	Morgan	Pierson Jr.	Price
Proudie	Quade	Razer	Roberts 77	Rogers
Rowland	Runions	Sain	Sauls	Stevens 46
Unsicker	Walker	Washington	Windham	

PRESENT: 000

ABSENT WITH LEAVE: 020

Bland Manlove	Brown 70	Chappelle-Nadal	Christofanelli	Clemens
Ellington	Franks Jr.	Gregory	McDaniel	Messenger
Miller	Mosley	Patterson	Pietzman	Pollock 123
Roeber	Shull 16	Smith	Trent	Wilson

VACANCIES: 003

On motion of Representative Andrews, **SCS SB 90** was truly agreed to and finally passed by the following vote:

AYES: 110

Allred	Anderson	Andrews	Bailey	Baker
Barnes	Basye	Billington	Black 137	Black 7
Bondon	Bromley	Busick	Butz	Carpenter
Chipman	Coleman 32	Coleman 97	Deaton	DeGroot
Dinkins	Dogan	Dohrman	Eggleston	Eslinger
Evans	Falkner III	Fishel	Fitzwater	Francis
Gannon	Green	Gregory	Grier	Griesheimer
Griffith	Haden	Haffner	Hansen	Helms
Henderson	Hicks	Hill	Houx	Hovis
Hudson	Hurst	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Knight	Kolkmeier	Lovasco
Love	Lynch	Mayhew	McGaugh	McGill
Moon	Morris 140	Morse 151	Muntzel	Murphy
Neely	O'Donnell	Patterson	Pfautsch	Pietzman
Pike	Plocher	Pollitt 52	Porter	Reedy
Rehder	Toalson Reisch	Remole	Richey	Riggs
Roberts 161	Roberts 77	Roden	Rone	Ross
Ruth	Schnelting	Schroer	Sharpe	Shaul 113
Shawan	Shields	Simmons	Smith	Solon
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Veit	Vescovo	Walsh
Wiemann	Wilson	Wood	Wright	Mr. Speaker

NOES: 036

Appelbaum	Bangert	Baringer	Beck	Bland Manlove
Brown 27	Burnett	Burns	Carter	Clemens
Ellebracht	Gray	Hannegan	Ingle	Lavender
Mackey	McCreery	Merideth	Mitten	Morgan
Mosley	Pierson Jr.	Pogue	Proudie	Quade
Razer	Rogers	Rowland	Runions	Sain
Sauls	Stevens 46	Unsicker	Walker	Washington
Windham				

PRESENT: 000

ABSENT WITH LEAVE: 014

Bosley	Brown 70	Chappelle-Nadal	Christofanelli	Ellington
Franks Jr.	McDaniel	Messenger	Miller	Pollock 123
Price	Roeber	Shull 16	Trent	

VACANCIES: 003

Speaker Haahr declared the bill passed.

## COMMITTEE REPORTS

**Committee on Rules - Administrative Oversight**, Chairman Rehder reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 684**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Dogan, Gregory, Kelly (141), Kolkmeier, Rehder and Solon

Noes (3): Carpenter, Lavender and Mitten

Absent (1): Schroer

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SCS SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Dogan, Gregory, Kelly (141), Kolkmeier, Rehder and Solon

Noes (3): Carpenter, Lavender and Mitten

Absent (1): Schroer

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 164**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Carpenter, Dogan, Gregory, Kelly (141), Kolkmeier, Lavender, Mitten, Rehder and Solon

Noes (0)

Absent (1): Schroer

**Committee on Rules - Legislative Oversight**, Chairman Miller reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **SS#2 SCR 14**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Bondon, Fitzwater, Houx, Miller, Runions and Unsicker

Noes (1): Chipman

Absent (3): Christofanelli, Sommer and Washington

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 152**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Bondon, Fitzwater, Houx, Miller, Runions and Sommer

Noes (2): Chipman and Unsicker

Absent (2): Christofanelli and Washington

### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolution was referred to the Committee indicated:

**HR 3287** - Consent and House Procedure

### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SS#2 SCR 14** - Fiscal Review

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SS SCS SB 9** - Fiscal Review

**HCS SB 164** - Fiscal Review

### **COMMUNICATIONS**

May 14, 2019

Dana Miller, Chief Clerk  
Missouri House of Representatives  
201 W. Capitol Ave.  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Madam Clerk:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session.

I am a member of the Missouri Local Government Employees Retirement and Missouri State Employee Retirement Systems. Also, I have contributed to organizations and received the Missouri Pregnancy Resource Center Tax Credit and may do so in the future. I have disclosed these interests in the appropriate ethics or related reporting. Another interest which does not appear to require such reporting but which may be subject of the House Budget committee is the Long Term Care Insurance deduction.

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In compliance with Section 105.461, please publish this letter in the Journal of the House.

Thank you for your attention on this matter.

Very Sincerely,

/s/ John F. Black  
State Representative  
District 137

## **ADJOURNMENT**

On motion of Representative Vescovo, the House adjourned until 9:50 a.m., Wednesday, May 15, 2019, for the administrative order of business.

## **COMMITTEE HEARINGS**

### **FISCAL REVIEW**

Wednesday, May 15, 2019, 9:00 AM, House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.

### **FISCAL REVIEW**

Thursday, May 16, 2019, 9:00 AM, House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.

### **FISCAL REVIEW**

Friday, May 17, 2019, 9:00 AM, House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.

### **JOINT COMMITTEE ON CAPITOL SECURITY**

Wednesday, May 15, 2019, 9:45 AM, Joint Committee Hearing Room (117A).  
Executive session may be held on any matter referred to the committee.  
Organizational meeting.

### **JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT**

Wednesday, May 15, 2019, 9:30 AM, Joint Committee Hearing Room (117A).  
Executive session may be held on any matter referred to the committee.  
Organizational meeting.

### **RULES - ADMINISTRATIVE OVERSIGHT**

Wednesday, May 15, 2019, 2:15 PM or upon morning recess (whichever is later),  
House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.  
Members should be prepared to exec on any bill referred to the committee.  
Members should be prepared to recess and reconvene upon recess and adjournment for  
consideration of additional referrals.

**RULES - ADMINISTRATIVE OVERSIGHT**

Thursday, May 16, 2019, 9:00 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Members should be prepared to exec on any bill referred to the committee.

Members should be prepared to recess and reconvene upon recess and adjournment for consideration of additional referrals.

**RULES - LEGISLATIVE OVERSIGHT**

Wednesday, May 15, 2019, 8:00 AM, House Hearing Room 4.

Executive session will be held: HCS SS SB 3

Executive session may be held on any matter referred to the committee.

Members should be prepared to recess and reconvene upon recess and adjournment for consideration of additional referrals.

**RULES - LEGISLATIVE OVERSIGHT**

Thursday, May 16, 2019, 8:00 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Members should be prepared to exec on any bill referred to the committee.

Members should be prepared to recess and reconvene upon recess and adjournment for consideration of additional referrals.

**HOUSE CALENDAR**

SEVENTIETH DAY, WEDNESDAY, MAY 15, 2019

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 37 - Bosley

HJR 30 - Anderson

**HOUSE BILLS FOR PERFECTION**

HCS HB 37 - Walsh

HB 115 - Remole

HB 541 - Murphy

HCS HB 1023 - Mackey

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 877 - Kelly (141)

HCS#2 HB 105 - Justus

HB 1140 - Lynch

HCS#2 HB 189 - Toalson Reisch

HCS HBs 299 & 364 - Kelley (127)

HB 375 - Christofanelli

HB 791 - Griesheimer

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HB 827 - Basye  
HCS HB 900 - Roberts (161)  
HB 907 - Roden  
HCS HB 977 - Roberts (161)  
HB 1004 - Fitzwater  
HB 1010 - Ross  
HCS HB 1058 - Busick  
HB 1060 - Fitzwater  
HCS HB 1065 - Evans  
HB 1097 - Porter  
HCS HB 1134 - McGirl  
HCS HB 1211 - O'Donnell  
HCS HB 1227 - Plocher  
HB 1053 - Smith

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 17 - Messenger  
HCR 24 - Muntzel  
HCR 4 - Love

#### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 19 - Christofanelli

#### **HOUSE BILLS FOR THIRD READING**

HCS HB 656 - Carpenter

#### **HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 923 - Swan  
HCS HBs 167 & 166 - Rehder  
HCS HB 427 - Helms  
HB 940 - Roberts (161)

#### **SENATE JOINT RESOLUTIONS FOR THIRD READING**

SS SCS SJRs 14 & 9 - Shaul (113)

#### **SENATE BILLS FOR THIRD READING**

HCS SB 282 - Morris (140)  
SCS SBs 12 & 123 - Wilson  
SB 88 - Rehder  
SB 185 - Wiemann  
HCS SS#4 SB 224 - Schroer

SB 228 - Andrews  
HCS SB 333 - Wilson  
HCS SB 514 - Wood  
HCS SB 164, (Fiscal Review 5/14/19) - Ross  
HCS SS SCS SB 9, (Fiscal Review 5/14/19) - Gregory

**SENATE BILLS FOR THIRD READING - INFORMAL**

SCS SB 180 - Lynch  
SCS SB 89, as amended - Griesheimer  
SB 264 - Coleman (97)  
HCS SS SCS SB 291, E.C. - Swan  
SB 84 - Anderson  
HCS SB 87, as amended , E.C. - Swan  
HCS SB 206 - Richey  
SB 246 - Black (137)  
SB 405 - Morse (151)  
SB 358 - Swan  
SS#3 SCS SB 29 - Smith  
HCS SS SCS SB 108 - Coleman (97)  
SS SB 213 - Trent  
HCS SB 275 - Coleman (97)  
HCS SCS SB 6 - Hill  
HCS SB 21, E.C. - Rone  
SS SCS SB 34 - Houx  
HCS SCS SB 60 - Neely  
HCS SB 71 - Wiemann  
SCS SB 330 - Sharpe  
SS SB 414, E.C. - Hill  
SB 373 - Dogan  
HCS SB 72 - Andrews  
HCS SB 297 - Kelley (127)  
SB 397 - Roberts (161)  
HCS SCS SB 203 - Plocher  
HCS SB 11 - Bondon  
SB 138 - Fitzwater  
HCS SCS SB 363, E.C. - Anderson  
HCS SS SCS SBs 70 & 128 - Patterson  
HCS SB 468 - Coleman (97)

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 6 - Morris (140)  
SCR 11 - Trent  
HCS SCR 12 - Justus

SCR 17 - Muntzel  
SCR 5 - Miller  
SCR 4 - Patterson  
SCR 10 - Ross  
SCR 2 - Andrews  
SCR 3 - Wilson  
SCR 13 - Spencer  
SS#2 SCR 14, (Fiscal Review 5/14/19) - Ruth

### **HOUSE BILLS WITH SENATE AMENDMENTS**

SS HCS HB 677 - Patterson  
SS SCS HB 565, as amended - Morse (151)

### **BILLS IN CONFERENCE**

HCS SB 53, as amended - Reedy  
CCR HCS SB 133, E.C. - Shaul (113)  
CCR SB 368, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7 and HA 8 - Shawan  
CCR HCS SB 182, as amended - Coleman (32)  
SB 17, with HA 1, HA 2, HA 3, HA 4 and HA 5, E.C. - Black (7)  
CCR SS SCS SB 230, with HA 1, HA 2, HA 1 to HA 3, HA 3, as amended, HA 4, HA 5 and HA 6 - Knight  
SCS SB 83, with HA 1, HA 1 to HA 2, HA 2 to HA 2, and HA 2, as amended - Ross  
HCS SCS SB 147, as amended - Taylor  
HCS SB 202, as amended - Dinkins

### **ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 2001 - Smith  
CCS SCS HCS HB 2002 - Smith  
CCS SCS HCS HB 2003 - Smith  
CCS SCS HCS HB 2004 - Smith  
CCS SCS HCS HB 2005 - Smith  
CCS SCS HCS HB 2006 - Smith  
CCS SCS HCS HB 2007 - Smith  
CCS SCS HCS HB 2008 - Smith  
CCS SCS HCS HB 2009 - Smith  
CCS SS SCS HCS HB 2010 - Smith  
CCS SCS HCS HB 2011 - Smith  
CCS SCS HCS HB 2012 - Smith  
SCS HCS HB 2013 - Smith  
HCS HB 2017 - Smith  
HCS HB 2018 - Smith  
HCS HB 2019 - Smith