

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 600, Page 59,
2 Section 321.552, Line 69, by inserting after said section and line the following:

3
4 "407.100. 1. Whenever it appears to the attorney general that a person has engaged in, is
5 engaging in, or is about to engage in any method, act, use, practice or solicitation, or any
6 combination thereof, declared to be unlawful by this chapter, the attorney general may seek and
7 obtain, in an action in a circuit court, an injunction prohibiting such person from continuing such
8 methods, acts, uses, practices, or solicitations, or any combination thereof, or engaging therein, or
9 doing anything in furtherance thereof.

10 2. In any action under subsection 1 of this section, and pursuant to the provisions of the
11 Missouri Rules of Civil Procedure, the attorney general may seek and obtain temporary restraining
12 orders, preliminary injunctions, temporary receivers, and the sequestering of any funds or accounts
13 if the court finds that funds or property may be hidden or removed from the state or that such orders
14 or injunctions are otherwise necessary.

15 3. If the court finds that the person has engaged in, is engaging in, or is about to engage in
16 any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by
17 this chapter, it may make such orders or judgments as may be necessary to prevent such person from
18 employing or continuing to employ, or to prevent the recurrence of, any prohibited methods, acts,
19 uses, practices or solicitations, or any combination thereof, declared to be unlawful by this chapter.

20 4. The court, in its discretion, may enter an order of restitution, payable to the state, as may
21 be necessary to restore to any person who has suffered any ascertainable loss, including, but not
22 limited to, any moneys or property, real or personal, which may have been acquired by means of any
23 method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by this
24 chapter. It shall be the duty of the attorney general to distribute such funds to those persons injured.
25 Such funds may or may not be interest-bearing accounts, but any interest which accrues to any such
26 account shall be sent at least annually by the attorney general to the director of revenue to be
27 deposited in the state treasury to the credit of the state general revenue fund.

28 5. The court, in its discretion, may appoint a receiver to ensure the conformance to any
29 orders issued under subsection 3 of this section or to ensure the payment of any damages ordered
30 under subsection 4 of this section.

31 6. The court may award to the state a civil penalty of not more than one thousand dollars per
32 violation, unless such violation is related to a state of emergency declared by the governor, in which
33 case the court may award to the state a civil penalty of not more than two thousand dollars per
34 violation; except that, if the person who would be liable for such penalty shows, by a preponderance
35 of the evidence, that a violation resulted from a bona fide error notwithstanding the maintenance of
36 procedures reasonably adopted to avoid the error, no civil penalties shall be imposed.

Action Taken _____ Date _____

1 7. Any action under this section may be brought in the county in which the defendant
2 resides, in which the violation alleged to have been committed occurred, or in which the defendant
3 has his principal place of business.

4 8. The attorney general is authorized to enter into consent judgments or consent injunctions
5 with or without admissions of violations of this chapter. Violation of any such consent judgment or
6 consent injunction shall be treated as a violation under section 407.110."; and

7
8 Further amend said bill, Page 72, Section 565.002, Line 68, by inserting immediately after said line
9 the following:

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11 "565.184. 1. A person commits the offense of abuse of an elderly person, a person with a
12 disability, or a vulnerable person if he or she:

13 (1) Purposely engages in conduct involving more than one incident that causes emotional
14 distress to an elderly person, a person with a disability, or a vulnerable person. The course of
15 conduct shall be such as would cause a reasonable elderly person, person with a disability, or
16 vulnerable person to suffer substantial emotional distress; or

17 (2) Intentionally fails to provide care, goods or services to an elderly person, a person with a
18 disability, or a vulnerable person. The result of the conduct shall be such as would cause a
19 reasonable elderly person, person with a disability, or vulnerable person to suffer physical or
20 emotional distress; or

21 (3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk
22 to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.

23 2. The offense of abuse of an elderly person, a person with a disability, or a vulnerable
24 person is a class [A misdemeanor] E felony. Nothing in this section shall be construed to mean that
25 an elderly person, a person with a disability, or a vulnerable person is abused solely because such
26 person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her
27 health care, as evidence by such person's explicit consent, advance directive for health care, or
28 practice."; and

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30 Further amend said bill, Page 84, Section 579.065, Lines 30-32, by deleting said lines and inserting
31 in lieu thereof the following:

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33 "(12) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any
34 combination thereof, or any compound, mixture, or substance containing a detectable amount of
35 fentanyl or carfentanil, or their optical isomers or analogues."; and

36
37 Further amend said bill and section, Page 85, Lines 82-84, by deleting said lines and inserting in lieu
38 thereof the following:

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40 "(14) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any
41 combination thereof, or any compound, mixture, or substance containing a detectable amount of
42 fentanyl or carfentanil, or their optical isomers or analogues."; and

43
44 Further amend said bill, Page 86, Section 579.068, Lines 29-31, by deleting said lines and inserting
45 in lieu thereof the following:

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47 "(10) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any
48 combination thereof, or any compound, mixture, or substance containing a detectable amount of
49 fentanyl or carfentanil, or their optical isomers or analogues."; and

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2 Further amend said bill and section, Page 87, Lines 60-62, by deleting said lines and inserting in lieu
3 thereof the following:

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5 "(11) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any
6 combination thereof, or any compound, mixture, or substance containing a detectable amount of
7 fentanyl or carfentanil, or their optical isomers or analogues."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.