

HOUSE BILL NO. 1738

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

4348H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.600, to read as follows:

34.600. 1. This section shall be known as the "Anti-Discrimination Against Israel Act".

2. A public entity may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and will not, for the duration of the contract, engage in a boycott of goods or services from Israel or territories under its control. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

3. As used in this section, the following terms and phrases shall mean:

(1) "Boycott Israel" and "boycott of the State of Israel", engaging in refusals to deal, terminating business activities, or other actions that are intended to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel or territories under its control, or persons or entities doing business in the State of Israel or territories under its control. A company's statement that it is participating in boycotts of the State of Israel or territories under its control, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 a boycott of the State of Israel or territories under its control, shall be considered to be
19 conclusive evidence that a company is participating in a boycott of the State of Israel or
20 territories under its control; provided, however that a company that has made no such
21 statement may still be considered to be participating in a boycott of the State of Israel or
22 territories under its control if other factors warrant such a conclusion. At no time shall the
23 "State of Israel" be construed to be inconsistent with any provision of federal law
24 including, but not limited to, 50 U.S.C. Sections 4602, 4605, or 4607, as amended;

25 (2) "Company", any for-profit or not-for-profit organization, association,
26 corporation, partnership, joint venture, limited partnership, limited liability partnership,
27 limited liability company, or other entity or business association, including all wholly-
28 owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those
29 entities or business associations;

30 (3) "Public entity", the state of Missouri, or any political subdivision thereof,
31 including all boards, commissions, agencies, institutions, authorities, and bodies politic and
32 corporate of the state, created by or in accordance with state law or regulations.

33 4. Any contract that fails to comply with the provisions of this section shall be void
34 against public policy.

35 5. The commissioner of administration or his or her designee may promulgate
36 regulations to implement the provisions of this act so long as they are consistent with this
37 section and do not create any exceptions. Any rule or portion of a rule, as that term is
38 defined in section 536.010, that is created under the authority of this section shall become
39 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
40 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
41 the powers vested with the general assembly pursuant to chapter 536, to review, to delay
42 the effective date, or to disapprove and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
44 after August 28, 2020, shall be invalid and void.

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