

FIRST REGULAR SESSION

# HOUSE BILL NO. 392

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0383H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to county health ordinances.

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

Section A. Section 192.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.300, to read as follows:

192.300. 1. **(1)** The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county~~[, but]~~ .

**(2) Notwithstanding any provision in 19 CSR 20-20.050 or chapter 44, 192, or 205 to the contrary, during the period that a statewide emergency proclaimed by the governor or the legislature under chapter 44 exists or continues, any order, ordinance, rule, or regulation made and promulgated in response to the emergency by a county health center board shall not become effective until approved by the county commission. County health center boards shall submit such orders, ordinances, rules, and regulations to the county commission for its review, and the county commission shall approve or disapprove them as soon as practicable. For purposes of this subdivision, the term "county health center board" shall be construed to include any county health department, county health officer, or other county health authority.**

2. Any orders, ordinances, rules or regulations **promulgated under this section** shall not:

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.

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

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

24 ~~[2-]~~ 3. The county commissions and the county health center boards of the several  
25 counties may establish reasonable fees to pay for any costs incurred in carrying out such orders,  
26 ordinances, rules or regulations, however, the establishment of such fees shall not deny personal  
27 health services to those individuals who are unable to pay such fees or impede the prevention or  
28 control of communicable disease. Fees generated shall be deposited in the county treasury. All  
29 fees generated under the provisions of this section shall be used to support the public health  
30 activities for which they were generated.

31 ~~[3-]~~ 4. After the promulgation and adoption of such orders, ordinances, rules or  
32 regulations **and any necessary approval** by ~~[such]~~ **the** county commission ~~[or county health~~  
33 ~~board]~~, such commission or county health board shall make and enter an order or record  
34 declaring such orders, ordinances, rules or regulations to be printed and available for distribution  
35 to the public in the office of the county clerk, and shall require a copy of such order to be  
36 published in some newspaper in the county in three successive weeks, not later than thirty days  
37 after the entry of such order, ordinance, rule or regulation.

38 ~~[4-]~~ 5. Any person, firm, corporation or association which violates any of the orders or  
39 ordinances adopted, promulgated and published by such county commission is guilty of a  
40 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county  
41 commission or county health board of any such county has full power and authority to initiate  
42 the prosecution of any action under this section.

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