

FIRST REGULAR SESSION

HOUSE BILL NO. 566

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

0712H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.181, 174.335, 190.091, 192.072, 208.636, 210.003, 210.030, and 334.157, RSMo, and to enact in lieu thereof nine new sections relating to contagious illnesses, with an emergency clause.

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

Section A. Sections 167.181, 174.335, 190.091, 192.072, 208.636, 210.003, 210.030, and 334.157, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 167.181, 174.335, 190.091, 191.248, 192.072, 208.636, 210.003, 210.030, and 292.653, to read as follows:

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

2. It is unlawful for any student to attend school unless he **or she** has been immunized as required under the rules and regulations of the department of health and senior services, and can provide satisfactory evidence of such immunization; except that if he **or she** produces satisfactory evidence of having begun the process of immunization, he **or she** may continue to attend school as long as the immunization process is being accomplished in the prescribed

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.

15 manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child
16 immunized as required by this section, unless the child is properly exempted.

17 3. This section shall not apply to any child if one parent or guardian objects in writing
18 to his **or her** school administrator against the immunization of the child ~~[, because of religious~~
19 ~~beliefs or medical contraindications. In cases where any such objection is for reasons of medical~~
20 ~~contraindications, a statement from a duly licensed physician must also be provided to the school~~
21 ~~administrator].~~

22 4. Each school superintendent, whether of a public, private, parochial or parish school,
23 shall cause to be prepared a record showing the immunization status of every child enrolled in
24 or attending a school under his **or her** jurisdiction. ~~[The name of any parent or guardian who~~
25 ~~neglects or refuses to permit a nonexempted child to be immunized against diseases as required~~
26 ~~by the rules and regulations promulgated pursuant to the provisions of this section shall be~~
27 ~~reported by the school superintendent to the department of health and senior services.]~~

28 5. The immunization required may be done by any duly licensed physician or by
29 someone under his **or her** direction. If the parent or guardian is unable to pay, the child shall be
30 immunized at public expense by a physician or nurse at or from the county, district, city public
31 health center or a school nurse or by a nurse or physician in the private office or clinic of the
32 child's personal physician with the costs of immunization paid through the state Medicaid
33 program, private insurance or in a manner to be determined by the department of health and
34 senior services subject to state and federal appropriations, and after consultation with the school
35 superintendent and the advisory committee established in section 192.630. When a child
36 receives his or her immunization, the treating physician may also administer the appropriate
37 fluoride treatment to the child's teeth.

38 6. Funds for the administration of this section and for the purchase of vaccines for
39 children of families unable to afford them shall be appropriated to the department of health and
40 senior services from general revenue or from federal funds if available.

41 7. No rule or portion of a rule promulgated under the authority of this section shall
42 become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any
43 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
44 authority delegated in this section shall become effective only if it complies with and is subject
45 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
46 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
47 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
48 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2001, shall be invalid and void.

174.335. 1. Beginning with the 2004-05 school year and for each school year thereafter,
2 every public institution of higher education in this state shall require all students who reside in
3 on-campus housing to have received the meningococcal vaccine not more than five years prior
4 to enrollment and in accordance with the latest recommendations of the Advisory Committee on
5 Immunization Practices of the Centers for Disease Control and Prevention, unless ~~[a signed~~
6 ~~statement of medical or religious exemption is on file with]~~ **the student objects in writing to**
7 **the institution's administration against the immunization.** ~~[A student shall be exempted from~~
8 ~~the immunization requirement of this section upon signed certification by a physician licensed~~
9 ~~under chapter 334 indicating that either the immunization would seriously endanger the student's~~
10 ~~health or life or the student has documentation of the disease or laboratory evidence of immunity~~
11 ~~to the disease. A student shall be exempted from the immunization requirement of this section~~
12 ~~if he or she objects in writing to the institution's administration that immunization violates his~~
13 ~~or her religious beliefs.]~~

14 2. Each public university or college in this state shall maintain records on the
15 meningococcal vaccination status of every student residing in on-campus housing at the
16 university or college.

17 3. Nothing in this section shall be construed as requiring any institution of higher
18 education to provide or pay for vaccinations against meningococcal disease.

19 4. For purposes of this section, the term "on-campus housing" shall include, but not be
20 limited to, any fraternity or sorority residence, regardless of whether such residence is privately
21 owned, on or near the campus of a public institution of higher education.

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

2 (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance,
3 or biological product that may be engineered as a result of biotechnology or any naturally
4 occurring or bioengineered component of any microorganism, virus, infectious substance, or
5 biological product to cause death, disease, or other biological malfunction in a human, an animal,
6 a plant, or any other living organism to influence the conduct of government or to intimidate or
7 coerce a civilian population;

8 (2) "Department", the Missouri department of health and senior services;

9 (3) "Director", the director of the department of health and senior services;

10 (4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist
11 attack, catastrophic or natural disaster, or emergency occurs;

12 (5) "First responders", state and local law enforcement personnel, fire department
13 personnel, and emergency medical personnel who will be deployed to bioterrorism attacks,
14 terrorist attacks, catastrophic or natural disasters, and emergencies.

15 2. The department shall offer a vaccination program for first responders who may be
16 exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism
17 event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to,
18 smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease
19 Control and Prevention's Advisory Committee on Immunization Practices.

20 3. Participation in the vaccination program shall be voluntary by the first responders[;
21 ~~except for first responders who, as determined by their employer, cannot safely perform~~
22 ~~emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism~~
23 ~~event without being vaccinated]. The recommendations of the Centers for Disease Control and~~
24 ~~Prevention's Advisory Committee on Immunization Practices shall be followed when providing~~
25 ~~appropriate screening for contraindications to vaccination for first responders. [A first responder~~
26 ~~shall be exempt from vaccinations when a written statement from a licensed physician is~~
27 ~~presented to their employer indicating that a vaccine is medically contraindicated for such~~
28 ~~person.]~~

29 4. If a shortage of the vaccines referred to in subsection 2 of this section exists following
30 a bioterrorism event or suspected bioterrorism event, the director, in consultation with the
31 governor and the federal Centers for Disease Control and Prevention, shall give priority for such
32 vaccinations to persons exposed to the disease and to first responders who are deployed to the
33 disaster location.

34 5. The department shall notify first responders concerning the availability of the
35 vaccination program described in subsection 2 of this section and shall provide education to such
36 first responders and their employers concerning the vaccinations offered and the associated
37 diseases.

38 6. The department may contract for the administration of the vaccination program
39 described in subsection 2 of this section with health care providers, including but not limited to
40 local public health agencies, hospitals, federally qualified health centers, and physicians.

41 7. The provisions of this section shall become effective upon receipt of federal funding
42 or federal grants which designate that the funding is required to implement vaccinations for first
43 responders in accordance with the recommendations of the federal Centers for Disease Control
44 and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding,
45 the department shall make available the vaccines to first responders as provided in this section.

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

2 (1) "Contact tracing", identification of persons who may have had contact with an
3 infectious person as a means of controlling the spread of a contagious illness by notifying
4 the persons of the potential exposure;

5 (2) "Governmental entity", any agency or instrumentality of the federal
6 government, the state government, or any political subdivision including, but not limited
7 to, county and city health authorities, governing bodies of counties and cities, and school
8 boards of school districts;

9 (3) "Statewide health emergency", a statewide emergency proclaimed by the
10 governor or the legislature under chapter 44 due to an outbreak of contagious illness.

11 2. Notwithstanding any other provision of law, during the period that a statewide
12 health emergency exists or continues, a governmental entity shall not:

13 (1) Require any person to wear a covering over any part of the person's face for
14 purposes of preventing the spread of a contagious illness;

15 (2) Require any person to undergo a test to determine if the person has contracted
16 or recovered from a contagious illness;

17 (3) Require any person or entity to conduct contact tracing or participate in any
18 contact tracing efforts; or

19 (4) Require any person to receive an immunization against a contagious illness.

20 3. A governmental entity may provide guidance or recommendations on how to
21 prevent the spread of a contagious illness, but it shall not impose any penalty on or deny
22 any privilege to:

23 (1) A person who does not act in accordance with the guidance or
24 recommendations; or

25 (2) A business, church, or other entity that does not operate in accordance with the
26 guidance or recommendations.

27 4. Nothing in this section shall prevent a governmental entity from compiling and
28 publishing statistics relating to the spread of a contagious illness.

192.072. 1. The bureau of immunization of the department of health and senior services
2 shall develop educational materials which strongly recommend that infants and young children
3 receive complete immunization vaccines in accordance with current standard medical practice,
4 including, but not limited to, the following vaccine or series of vaccines:

5 (1) Haemophilus influenza type b conjugate vaccine before the age of two years;

6 (2) Hepatitis B vaccine in accordance with section ~~[334.157]~~ **210.030**;

7 (3) A tuberculin skin test.

8 2. Such educational materials shall be distributed to parents of infants and young
9 children by the department of health and senior services through hospitals and city, county and
10 district health units and by the department of elementary and secondary education through the
11 parent education program established pursuant to sections 178.691 to 178.699. Such educational
12 materials shall conform to the National Childhood Vaccine Injury Act, PL 99-660, and shall

13 include information regarding possible risks and benefits and requirements regarding informed
14 consent associated with childhood vaccines, which shall be provided to parents or legal
15 guardians of the child.

208.636. Parents and guardians of uninsured children eligible for the program
2 established in sections 208.631 to 208.658 shall:

3 (1) Furnish to the department of social services the uninsured child's Social Security
4 number or numbers, if the uninsured child has more than one such number;

5 (2) Cooperate with the department of social services in identifying and providing
6 information to assist the state in pursuing any third-party insurance carrier who may be liable to
7 pay for health care;

8 (3) Cooperate with the family support division of the department of social services in
9 establishing paternity and in obtaining support payments, including medical support; and

10 (4) Demonstrate upon request their child's participation in wellness programs including
11 immunizations and a periodic physical examination. This subdivision shall not apply to any
12 child whose parent or legal guardian objects in writing to such wellness programs including
13 immunizations and an annual physical examination [~~because of religious beliefs or medical~~
14 ~~contraindications~~].

210.003. 1. No child shall be permitted to enroll in or attend any public, private or
2 parochial day care center, preschool or nursery school caring for ten or more children unless such
3 child has been adequately immunized against vaccine-preventable childhood illnesses specified
4 by the department of health and senior services in accordance with recommendations of the
5 Centers for Disease Control and Prevention Advisory Committee on Immunization Practices
6 (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required
7 immunizations.

8 2. A child who has not completed all immunizations appropriate for his or her age may
9 enroll, if:

10 (1) Satisfactory evidence is produced that such child has begun the process of
11 immunization. The child may continue to attend as long as the immunization process is being
12 accomplished according to the ACIP/Missouri department of health and senior services
13 recommended schedule;

14 (2) The parent or guardian has signed and placed on file with the day care administrator
15 a statement of exemption [~~which may be either of the following~~;

16 ~~— (a) A medical exemption, by which a child shall be exempted from the requirements of~~
17 ~~this section upon certification by a licensed physician that such immunization would seriously~~
18 ~~endanger the child's health or life; or~~

19 ~~——(b) A parent or guardian exemption]~~, by which a child shall be exempted from the
20 requirements of this section if one parent or guardian files a written objection to immunization
21 with the day care administrator; or

22 (3) The child is homeless or in the custody of the children's division and cannot provide
23 satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented
24 within thirty days of enrollment and shall confirm either that the child has completed all
25 immunizations appropriate for his or her age or has begun the process of immunization. If the
26 child has begun the process of immunization, he or she may continue to attend as long as the
27 process is being accomplished according to the schedule recommended by the department of
28 health and senior services.

29

30 Exemptions shall be accepted by the day care administrator when the necessary information as
31 determined by the department of health and senior services is filed with the day care
32 administrator by the parent or guardian. Exemption forms shall be provided by the department
33 of health and senior services.

34 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease
35 within a particular facility, the administrator of the facility shall follow the control measures
36 instituted by the local health authority or the department of health and senior services or both the
37 local health authority and the department of health and senior services, as established in Rule 19
38 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and Occupational
39 Diseases".

40 4. The administrator of each public, private or parochial day care center, preschool or
41 nursery school shall cause to be prepared a record of immunization of every child enrolled in or
42 attending a facility under his or her jurisdiction. An annual summary report shall be made by
43 January fifteenth showing the immunization status of each child enrolled, using forms provided
44 for this purpose by the department of health and senior services. The immunization records shall
45 be available for review by department of health and senior services personnel upon request.

46 5. For purposes of this section, "satisfactory evidence of immunization" means a
47 statement, certificate or record from a physician or other recognized health facility or personnel,
48 stating that the required immunizations have been given to the child and verifying the type of
49 vaccine and the month, day and year of administration.

50 6. Nothing in this section shall preclude any political subdivision from adopting more
51 stringent rules regarding the immunization of preschool children.

52 7. All public, private, and parochial day care centers, preschools, and nursery schools
53 shall notify the parent or guardian of each child at the time of initial enrollment in or attendance
54 at the facility that the parent or guardian may request notice of whether there are children

55 currently enrolled in or attending the facility for whom an immunization exemption has been
56 filed. Beginning December 1, 2015, all public, private, and parochial day care centers,
57 preschools, and nursery schools shall notify the parent or guardian of each child currently
58 enrolled in or attending the facility that the parent or guardian may request notice of whether
59 there are children currently enrolled in or attending the facility for whom an immunization
60 exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery
61 school shall notify the parent or guardian of a child enrolled in or attending the facility, upon
62 request, of whether there are children currently enrolled in or attending the facility for whom an
63 immunization exemption has been filed.

210.030. 1. Every licensed physician, midwife, registered nurse and all persons who
2 may undertake, in a professional way, the obstetrical and gynecological care of a pregnant
3 woman in the state of Missouri shall, if the woman consents, take or cause to be taken a sample
4 of venous blood of such woman at the time of the first prenatal examination, or not later than
5 twenty days after the first prenatal examination, and subject such sample to an approved and
6 standard serological test for syphilis, an approved serological test for hepatitis B and such other
7 treatable diseases and metabolic disorders as are prescribed by the department of health and
8 senior services. In any area of the state designated as a syphilis outbreak area by the department
9 of health and senior services, if the mother consents, a sample of her venous blood shall be taken
10 later in the course of pregnancy and at delivery for additional testing for syphilis as may be
11 prescribed by the department. If a mother tests positive for hepatitis B, the physician or person
12 who professionally undertakes the pediatric care of a newborn shall also administer, **if the**
13 **mother consents**, the appropriate doses of hepatitis B vaccine and hepatitis B immune globulin
14 (HBIG) in accordance with the current recommendations of the Advisory Committee on
15 Immunization Practices (ACIP). If the mother's hepatitis B status is unknown, the appropriate
16 dose of hepatitis B vaccine shall be administered to the newborn in accordance with the current
17 ACIP recommendations **if the mother consents to its administration**. If the mother consents,
18 a sample of her venous blood shall be taken. If ~~she~~ **the mother** tests positive for hepatitis B,
19 hepatitis B immune globulin (HBIG) shall be administered to the newborn in accordance with
20 the current ACIP recommendations **if the mother consents to its administration**.

2. The department of health and senior services shall, in consultation with the Missouri
22 genetic disease advisory committee, make such rules pertaining to such tests as shall be dictated
23 by accepted medical practice, and tests shall be of the types approved by the department of health
24 and senior services. An approved and standard test for syphilis, hepatitis B, and other treatable
25 diseases and metabolic disorders shall mean a test made in a laboratory approved by the
26 department of health and senior services. No individual shall be denied testing by the department
27 of health and senior services because of inability to pay.

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

2 (1) "Contact tracing", identification of persons who may have had contact with an
3 infectious person as a means of controlling the spread of a contagious illness by notifying
4 the persons of the potential exposure;

5 (2) "Employee", an individual employed in this state by an employer;

6 (3) "Employer", any individual, sole proprietorship, partnership, limited liability
7 company, corporation, or any other entity that is legally doing business in this state,
8 including any public employer, as defined in section 285.525;

9 (4) "Statewide health emergency", a statewide emergency proclaimed by the
10 governor or the legislature under chapter 44 due to an outbreak of contagious illness.

11 2. Notwithstanding any other provision of law, during the period that a statewide
12 health emergency exists or continues, an employer shall not:

13 (1) Require an employee to wear a covering over any part of the employee's face
14 for purposes of preventing the spread of a contagious illness;

15 (2) Require an employee to undergo a test to determine if the employee has
16 contracted or recovered from a contagious illness;

17 (3) Require an employee to conduct contact tracing or participate in any contact
18 tracing efforts; or

19 (4) Require an employee to receive an immunization against a contagious illness.

20 3. An employer may request that an employee or prospective employee engage in
21 an action described in subsection 2 of this section, but an employer shall not terminate,
22 discipline, or demote an employee; refuse to hire a prospective employee; reduce the wages
23 of an employee; or otherwise discriminate against an employee with respect to the
24 employee's compensation or terms, conditions, or privileges of employment on account of
25 the employee's or prospective employee's refusal to engage in an action described in
26 subsection 2 of this section.

~~2 [334.157. The state board of registration for the healing arts, in
3 consultation with the department of health and senior services, shall promulgate
4 rules and regulations requiring physicians to:~~

~~5 (1) Administer hepatitis B vaccine and immunoglobulin to neonates in
6 keeping with standards of current medical practice in any instance in which the
7 blood test for hepatitis B performed in accordance with section 210.030 indicates
8 the neonate has been exposed or is at risk of exposure to hepatitis B; and~~

~~9 (2) Recommend to the parents or legal guardians of any neonate who is
10 not found to have been exposed or at risk of exposure to hepatitis B that the
11 neonate receive hepatitis B vaccine in accordance with standards of current
12 medical practice, upon receipt of informed written consent of the parents or legal
guardians.]~~

13

Section B. Because immediate action is necessary to curb the powers of certain entities
2 and protect the rights of individuals during statewide health emergencies due to the ongoing
3 COVID-19 pandemic, section A of this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and section A of this act shall be in full force and effect
6 upon its passage and approval.

✓