

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 75
101ST GENERAL ASSEMBLY

0808H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to public health orders issued by government entities, with an emergency clause.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be
2 known as section 67.260, to read as follows:

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

2 **(1) "Government entity", the government of any political subdivision, as such term**
3 **is defined under section 70.120; provided that, "government entity" shall not be construed**
4 **to include the general assembly;**

5 **(2) "Legislative body", the elected county health center board of trustees, county**
6 **council, county commission, board of alderman, or other elected governing body having**
7 **legislative authority over matters of public health within the government entity;**

8 **(3) "Public health order", an order, rule, or regulation that closes, partially closes,**
9 **or places restrictions on the opening, operation of, or access to business organizations,**
10 **churches, schools, or other places of public or private gathering or assembly, including any**
11 **order, rule or regulation that prohibits or otherwise limits attendance at any public or**
12 **private gatherings, which order, rule or regulation is instituted in response to an actual or**
13 **perceived threat to public health for the purpose of preventing the spread of infection or**
14 **contagious disease.**

15 **2. An individual official of a government entity may order a public health order**
16 **within that government entity's jurisdiction for a period of no more than fifteen days;**
17 **provided that, such official is authorized to make such an order on behalf of the**
18 **government entity and the closure is not otherwise prohibited by law.**

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.

19 **3. A government entity may issue a public health order within its jurisdiction for**
20 **a period of no more than thirty days as long as such order is adopted by the legislative**
21 **body of the government entity, necessary to prevent the spread of the disease, and the**
22 **order is not otherwise prohibited by law. The government entity shall not extend the order**
23 **beyond thirty days. In the event the government entity seeks to extend the duration of the**
24 **order, such extension is subject to approval by the director of the department of health and**
25 **senior services or the director's designee. The director or the director's designee is**
26 **authorized to approve a public health order for a duration up to ninety days, beginning**
27 **with the inception of the order by the government entity.**

28 **4. An amendment to a public health order does not extend the duration of the order**
29 **or permit the time to start over. A government entity shall not issue more than one order**
30 **related to the same public health concern or infectious disease. Once an order is issued,**
31 **it can be amended, but the duration of the order is not affected by amendment and shall**
32 **satisfy the requirements of paragraphs 2 and 3 of this section.**

33 **5. A government entity, during an official state of emergency or similar executive**
34 **order or declaration by the state or federal government that directly relates to public**
35 **health or safety, may issue a public health order within its jurisdiction for a period of more**
36 **than ninety days; provided that, the government entity requests approval for the closure**
37 **from the department of health and senior services. If the department denies such request,**
38 **the government entity shall not issue such order. If the department deems such request**
39 **necessary then the government entity seeking such public health order shall request**
40 **explicit prior approval from the general assembly's joint committee on disaster**
41 **preparedness and awareness or any successor joint committee authorized by the speaker**
42 **of the house of representatives and the president pro tempore of the senate to handle such**
43 **issues. If such committee agrees with the recommended closure then the committee is**
44 **authorized to grant approval, in its discretion, on behalf of the general assembly whether**
45 **in session or not. If the joint committee disapproves of the recommended closure while the**
46 **general assembly is in session such committee shall report the findings to the general**
47 **assembly and the general assembly shall explicitly approve or disapprove the government**
48 **entity's request before the order can take effect. If the general assembly is not in session**
49 **when the government entity seeks approval of an order, the committee is authorized to**
50 **disapprove such order, in its discretion, on behalf of the general assembly.**

51 **6. The department of health and senior services may promulgate necessary rules**
52 **and regulations for the administration of this section. Any rule or portion of a rule, as that**
53 **term is defined in section 536.010, that is created under the authority delegated in this**
54 **section shall become effective only if it complies with and is subject to all of the provisions**

55 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
56 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
57 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
58 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
59 **proposed or adopted after the effective date of this section shall be invalid and void.**

Section B. Because immediate action is necessary to protect the health and safety of
2 Missouri residents, section A of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

✓