

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 75

101ST GENERAL ASSEMBLY

0808H.06C

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 of or access to business organizations, churches,**
10 **schools, other places of public or private gathering or assembly, or any individual business,**
11 **including any order, rule, or regulation that prohibits or otherwise limits attendance at any**
12 **public or private gathering, which order, rule, or regulation is instituted in response to an**
13 **actual or perceived threat to public health for the purpose of preventing the spread of a**
14 **contagious disease.**

15 **2. No official of a government entity shall enact any rule or regulation that is**
16 **generally applicable to the political subdivision and that is related to public health,**
17 **including any rule or regulation intended to prevent or limit the spread of a contagious**

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 disease, without first securing a two-thirds vote of the government entity's legislative body
19 to approve the rule or regulation.

20 3. No rule or regulation issued by the department of health and senior services shall
21 authorize a local health official to create or enforce any generally applicable order,
22 ordinance, rule, or regulation described in section 192.300 or to issue any public health
23 order inconsistent with the provisions of subsection 4 of this section.

24 4. Any public health order issued by a government entity, including by a local
25 health officer, local public health agency, or the government entity's executive, as the term
26 "executive" is defined in section 67.750, shall not remain in effect for longer than fifteen
27 calendar days, including the cumulative duration of similar orders issued concurrently,
28 consecutively, or successively, and shall automatically expire at the end of the fifteen days
29 or as specified in the order, whichever is shorter, unless so authorized as follows:

30 (1) For a second period not to exceed an additional fifteen calendar days, upon
31 approval of the government entity's legislative body to extend such order or approve a
32 similar order;

33 (2) For a third period not to exceed an additional ten calendar days, upon a two-
34 thirds vote of the government entity's legislative body to extend such order or approve a
35 similar order;

36 (3) For a fourth period not to exceed an additional ten calendar days, upon a two-
37 thirds vote of the government entity's legislative body to extend such order or approve a
38 similar order;

39 (4) For a fifth period not to exceed an additional ten calendar days, upon a two-
40 thirds vote of the government entity's legislative body to extend such order or approve a
41 similar order; and

42 (5) For each additional period not to exceed an additional ten calendar days, upon
43 a unanimous vote of the government entity's legislative body to extend such order or
44 approve a similar order.

45 5. The department of health and senior services may promulgate necessary rules
46 and regulations for the administration of this section. Any rule or portion of a rule, as that
47 term is defined in section 536.010, that is created under the authority delegated in this
48 section shall become effective only if it complies with and is subject to all of the provisions
49 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
50 nonseverable, and if any of the powers vested with the general assembly pursuant to
51 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
52 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
53 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.

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