

HB 725 -- PUBLIC HEALTH

SPONSOR: Coleman (32)

This bill prohibits the Governor, political subdivisions, county health center boards, or the Department of Health and Senior Services from promulgating any orders, ordinances, rules, or regulations that govern the number of people gathering or residing on private residential property during a declared state of emergency (Sections 44.100, 67.265, 77.530, 79.380, 192.300, and 192.321).

The bill provides that neither the state, nor any state agency, political subdivision, county commission, county health center board, or person can enact, adopt, maintain, or enforce measures during a declared state of emergency that would restrict, directly or indirectly, the free exercise of religion (Section 44.103).

The bill also prohibits any political subdivision of this state, or any county council, county health board, or the Department of Health and Senior Services from making or promulgating any public health orders, ordinances, rules, or regulations during a declared state of emergency and pertaining to the state of emergency for a cumulative period longer than 14 days in a 2-year period, unless authorized by the General Assembly, as described in the bill. The authorization must be for a limited time, statewide, and specific to the emergency (Section 67.265, 77.530, 79.380, and 192.300).

No political subdivision shall make or modify any orders, ordinances, rules, or regulations during a declared state of emergency that has the effect, directly or indirectly, of a prohibited order, ordinance, rule, or regulation (Section 67.265).

Beginning January 1, 2021, this bill allows a taxpayer that is a resident of a city or county that imposes any city-wide or county-wide ordinance or order prohibiting or restricting the use of the taxpayer's real property to receive a credit against property taxes owed on the affected property. The amount of the credit will be a percentage of the property tax liability that is equal to the percentage of the calendar year that the restrictions on the use of the property were in place. The credit authorized by this bill will only apply to real property tax liabilities owed to a city or county imposing the ordinance, and will not apply to property tax liabilities owed to any other taxing jurisdiction or for tangible personal property (Section 139.305).

The Department may be permitted to delegate certain rulemaking authority to county commissions, county councils, or county health center boards of trustees in declared states of emergencies, as

specified in the bill (Section 192.006, 192.020).

Any order, ordinance, rule, or regulation made by a county commission, county health center board, or county health officer during a state of emergency and pertaining to that emergency shall first be submitted to the governing body of the county or political subdivision for approval, rejection, or modification. If the governing body fails to approve, with or without modification, the order within 30 days, then the order shall be considered rejected and will not go into effect or become operative unless resubmitted for the governing body's consideration. County health officers may recommend orders, ordinances, rules, or regulations to county commissions, county councils, or county health center boards, but shall not have the authority to enact such orders, ordinances, rules or regulations (Section 192.300).

No quarantine order issued by a county health board shall require, under penalty of law, that a person subject to quarantine isolate himself or herself from members of the same physical household (Section 192.320).

No public health order issued by any political subdivision, county health board, or state agency shall infringe on the parental rights of an individual, including decisions relating to the minor child's care and custody, upbringing, education, religious instruction, place of habitation, and physical and mental health care. Nothing in this provision shall be interpreted to limit the ability of such political subdivision or state agency to protect a child from clear, immediate, and substantial threat of child abuse or neglect (Section 192.321).

Finally, no hospital or long-term care facility shall adopt, and no political subdivision shall impose, any policy restricting an immediate family member who is willing to comply with reasonable safety protocols from visiting a patient or attending medical appointments with a patient. (Sections 197.145, 198.094).

A positive test result for COVID-19 of a parent, guardian, or child shall not be the sole or determinative reason to remove a child from the care and custody of a parent or guardian (Section 210.067).

A court cannot delay a hearing in a child custody proceeding solely due to general public health concerns associated with an outbreak of a contagious illness (Section 452.395).

This bill has an emergency clause.

This bill is similar to SB 21 (2021).