

HOUSE BILL NO. 1904

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

3433H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to COVID-19 vaccination equivalency cards, with penalty provisions and an emergency clause.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be
2 known as section 191.232, to read as follows:

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

2 (1) "COVID-19 antibody test", a test that:

3 (a) Detects whether an individual's immune system has made antibodies in
4 response to the severe acute respiratory syndrome coronavirus 2;

5 (b) Is fully approved or granted an emergency use authorization by the United
6 States Food and Drug Administration (FDA); and

7 (c) Has an expected performance of at least ninety percent for both sensitivity
8 and specificity performance measures, as determined by the review the FDA performed
9 when it approved or granted an emergency use authorization for the test;

10 (2) "COVID-19 vaccination equivalency card", a document or digital record
11 indicating an individual received a positive test result on a COVID-19 antibody test;

12 (3) "COVID-19 vaccination requirement":

13 (a) In the employment context, a policy issued by an employer that requires
14 employees or prospective employees to undergo or prove receipt of a vaccination against
15 COVID-19 as a condition or term of employment or continued employment;

16 (b) In relation to places of public accommodation, a policy issued by a place of
17 public accommodation that requires a customer, patron, client, or other individual who

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 is an invitee onto the premises of a place of public accommodation to prove receipt of a
19 vaccination against COVID-19 in order to enter the place of public accommodation;

20 (4) "Employee", any person performing work or service of any kind or
21 character for an employer;

22 (5) "Employer", any:

23 (a) Individual, sole proprietorship, partnership, limited liability company,
24 corporation, or any other entity that is legally doing business in this state; or

25 (b) Department, agency, or instrumentality of the state or any political
26 subdivision of the state;

27 (6) "Facility", the same meaning given to the term in section 376.1350;

28 (7) "Place of public accommodation", a business or venue offering or holding
29 out to the general public goods, services, privileges, facilities, advantages, or
30 accommodations for the peace, comfort, health, welfare, and safety of the general
31 public or such public places providing food, shelter, recreation, or amusement;

32 (8) "Political subdivision", any municipality, school district, special district,
33 local governmental body, county, city, town, or village.

34 2. Any facility that administers a COVID-19 antibody test shall provide any
35 patient who receives a positive test result on the COVID-19 antibody test with a
36 COVID-19 vaccination equivalency card.

37 3. (1) Any employer that has a COVID-19 vaccination requirement shall
38 consider an employee or prospective employee who provides a COVID-19 vaccination
39 equivalency card to have satisfied the COVID-19 vaccination requirement.

40 (2) Any employer that terminates an employee who provides a COVID-19
41 vaccination equivalency card to the employer on the basis of the employee's failure to
42 undergo or prove receipt of vaccination against COVID-19 shall be subject to a fine of
43 ten thousand dollars for each occurrence and shall be liable for lost wages and other
44 damages.

45 4. (1) Any place of public accommodation that has a COVID-19 vaccination
46 requirement shall consider a COVID-19 vaccination equivalency card sufficient to allow
47 the holder of the COVID-19 vaccination equivalency card entrance into the place of
48 public accommodation.

49 (2) Any place of public accommodation that violates subdivision (1) of this
50 subsection shall be subject to a fine of ten thousand dollars for each occurrence.

Section B. Because immediate action is necessary to ensure that individuals whose
2 immune systems made antibodies to protect against COVID-19 as a result of an infection are
3 able to enjoy the same privileges and rights as individuals who are vaccinated against
4 COVID-19, the enactment of section 191.232 of section A of this act is deemed necessary for

5 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and the enactment of
7 section 191.232 of section A of this act shall be in full force and effect upon its passage and
8 approval.

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