

# **Missouri House of Representatives**

**2023 Summaries of Truly Agreed to and Finally Passed Bills**



**102<sup>nd</sup> General Assembly First Regular Session**  
**Dean Plocher, Speaker**



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Jefferson City, Missouri 65101

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## TABLE OF CONTENTS

|   | Page |
|---|------|
| Effective Date of Bills .....                                 | ii   |
| Vetoed Bills .....  | ii   |
| Abbreviations .....   | iii  |
| Appropriations Bills Truly Agreed to and Finally Passed ..... | 1    |
| House Bills Truly Agreed to and Finally Passed .....          | 7    |
| Senate Bills Truly Agreed to and Finally Passed .....         | 29   |
| Subject Index .....   | 117  |
| Bill Statistics .....   | 136  |
| Staff .....   | 137  |

## **Effective Date of Bills**

**Appropriation bills become effective July 1. Regular session bills become effective on August 28, unless another date is specified in the bill or the bill contains an emergency clause. A bill with an emergency clause becomes effective upon the approval of the Governor except when a later date is specified. A bill whose veto is overridden by the General Assembly becomes effective thirty days after approval by both houses, unless otherwise provided.**

## **Vetoed Bills**

**The veto session, held each year on the first Wednesday following the second Monday in September, offers the General Assembly a chance to override a veto on any bill.**

**Vetoed bills that are not appropriations bills are denoted in the summaries with red ink in the bill headings. Appropriation bills are subject to a line item veto. These are noted in the Index of TAFP Bills.**

## **Abbreviations**

|     |                                 |
|-----|---------------------------------|
| HB  | House Bill                      |
| HCS | House Committee Substitute      |
| HCR | House Concurrent Resolution     |
| HJR | House Joint Resolution          |
| HS  | House Substitute                |
| SB  | Senate Bill                     |
| SCS | Senate Committee Substitute     |
| SCR | Senate Concurrent Resolution    |
| SJR | Senate Joint Resolution         |
| SS  | Senate Substitute               |
| CCS | Conference Committee Substitute |

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**A**ppropriation Bills

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Truly Agreed to and Finally Passed



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# SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

## Operating Budget

(House Bills 1 through 13 and 20)

|             |   | FY 2024                |                      |
|-------------|---|------------------------|----------------------|
|             |   | After Veto             |                      |
| House       |   | Recommendation         |                      |
| <u>Bill</u> | <u>Department or Purpose</u>                      | <u>Amount and FTEs</u> |                      |
| 1           | <b><u>Public Debt</u></b>                         |                        |                      |
|             | General Revenue                                   | \$                     | 1,000                |
|             | Federal Funds                                     |                        | 0                    |
|             | Other Funds                                       |                        | 0                    |
|             | Total   | \$                     | <u>1,000</u>         |
|             | FTE   |                        | 0.00                 |
| 2           | <b><u>Elementary and Secondary Education</u></b>  |                        |                      |
|             | General Revenue                                   | \$                     | 4,005,837,790        |
|             | Federal Funds                                     |                        | 3,690,122,344        |
|             | Other Funds                                       |                        | <u>2,083,640,365</u> |
|             | Total   | \$                     | 9,779,600,499        |
|             | FTE   |                        | 1,803.00             |
| 3           | <b><u>Higher Ed and Workforce Development</u></b> |                        |                      |
|             | General Revenue                                   | \$                     | 1,190,547,284        |
|             | Federal Funds                                     |                        | 140,775,659          |
|             | Other Funds                                       |                        | <u>106,874,362</u>   |
|             | Total   | \$                     | 1,438,197,305        |
|             | FTE   |                        | 399.50               |
| 4           | <b><u>Revenue</u></b>                             |                        |                      |
|             | General Revenue                                   | \$                     | 73,564,385           |
|             | Federal Funds                                     |                        | 4,179,333            |
|             | Other Funds                                       |                        | <u>596,911,177</u>   |
|             | Total   | \$                     | 674,654,895          |
|             | FTE   |                        | 1,309.05             |
| 4           | <b><u>Transportation</u></b>                      |                        |                      |
|             | General Revenue                                   | \$                     | 341,836,578          |
|             | Federal Funds                                     |                        | 403,609,519          |
|             | Other Funds                                       |                        | <u>3,361,291,807</u> |
|             | Total   | \$                     | 4,106,737,904        |
|             | FTE   |                        | 5,363.87             |
| 5           | <b><u>Office of Administration</u></b>            |                        |                      |
|             | General Revenue                                   | \$                     | 1,781,367,535        |
|             | Federal Funds                                     |                        | 126,407,499          |
|             | Other Funds                                       |                        | <u>160,173,794</u>   |
|             | Total   | \$                     | 2,067,948,828        |
|             | FTE   |                        | 1,870.46             |

# SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

| House<br>Bill | Department or Purpose                | FY 2024<br>After Veto<br>Recommendation |                    |
|---------------|--------------------------------------|---|--------------------|
|               |                                      | Amount and FTEs                         |                    |
| 5             | <b><u>Employee Benefits</u></b>      |   |                    |
|               | General Revenue                      | \$                                      | 854,387,780        |
|               | Federal Funds                        |   | 319,022,482        |
|               | Other Funds                          |   | <u>339,733,454</u> |
|               | Total                                | \$                                      | 1,513,143,716      |
|               | FTE                                  |   | 0.00               |
| 6             | <b><u>Agriculture</u></b>            |   |                    |
|               | General Revenue                      | \$                                      | 84,156,179         |
|               | Federal Funds                        |   | 8,338,750          |
|               | Other Funds                          |   | <u>30,056,630</u>  |
|               | Total                                | \$                                      | 122,551,559        |
|               | FTE                                  |   | 476.76             |
| 6             | <b><u>Natural Resources</u></b>      |   |                    |
|               | General Revenue                      | \$                                      | 157,216,979        |
|               | Federal Funds                        |   | 190,220,827        |
|               | Other Funds                          |   | <u>785,589,848</u> |
|               | Total                                | \$                                      | 1,133,027,654      |
|               | FTE                                  |   | 1,713.65           |
| 6             | <b><u>Conservation</u></b>           |   |                    |
|               | General Revenue                      | \$                                      | 0                  |
|               | Federal Funds                        |   | 0                  |
|               | Other Funds                          |   | <u>217,148,032</u> |
|               | Total                                | \$                                      | 217,148,032        |
|               | FTE                                  |   | 1,822.51           |
| 7             | <b><u>Economic Development</u></b>   |   |                    |
|               | General Revenue                      | \$                                      | 214,816,560        |
|               | Federal Funds                        |   | 591,854,254        |
|               | Other Funds                          |   | <u>41,621,615</u>  |
|               | Total                                | \$                                      | 848,292,429        |
|               | FTE                                  |   | 179.16             |
| 7             | <b><u>Commerce and Insurance</u></b> |   |                    |
|               | General Revenue                      | \$                                      | 6,214,744          |
|               | Federal Funds                        |   | 1,650,000          |
|               | Other Funds                          |   | <u>71,378,016</u>  |
|               | Total                                | \$                                      | 79,242,760         |
|               | FTE                                  |   | 761.22             |

# SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

| House<br>Bill | Department or Purpose                        | FY 2024<br>After Veto<br>Recommendation<br>Amount and FTEs |                    |
|---------------|--|--|--------------------|
|               |  |  |                    |
| 7             | <b><u>Labor and Industrial Relations</u></b> |  |                    |
|               | General Revenue                              | \$   | 2,871,553          |
|               | Federal Funds                                |  | 118,941,143        |
|               | Other Funds                                  |  | <u>262,706,801</u> |
|               | Total  | \$   | 384,519,497        |
|               | FTE  |  | 788.63             |
| 8             | <b><u>Public Safety</u></b>                  |  |                    |
|               | General Revenue                              | \$   | 131,602,815        |
|               | Federal Funds                                |  | 576,296,115        |
|               | Other Funds                                  |  | <u>552,204,573</u> |
|               | Total  | \$   | 1,260,103,503      |
|               | FTE  |  | 4,589.80           |
| 8             | <b><u>National Guard</u></b>                 |  |                    |
|               | General Revenue                              | \$   | 8,880,215          |
|               | Federal Funds                                |  | 36,631,475         |
|               | Other Funds                                  |  | <u>6,442,788</u>   |
|               | Total  | \$   | 51,954,478         |
|               | FTE  |  | 511.05             |
| 9             | <b><u>Corrections</u></b>                    |  |                    |
|               | General Revenue                              | \$   | 858,897,449        |
|               | Federal Funds                                |  | 7,368,196          |
|               | Other Funds                                  |  | <u>81,229,186</u>  |
|               | Total  | \$   | 947,494,831        |
|               | FTE  |  | 10,342.73          |
| 10            | <b><u>Mental Health</u></b>                  |  |                    |
|               | General Revenue                              | \$   | 1,422,731,162      |
|               | Federal Funds                                |  | 2,732,861,042      |
|               | Other Funds                                  |  | <u>56,205,508</u>  |
|               | Total  | \$   | 4,211,797,712      |
|               | FTE  |  | 7,219.45           |
| 10            | <b><u>Health and Senior Services</u></b>     |  |                    |
|               | General Revenue                              | \$   | 598,652,073        |
|               | Federal Funds                                |  | 2,255,102,528      |
|               | Other Funds                                  |  | <u>67,007,382</u>  |
|               | Total  | \$   | 2,920,761,983      |
|               | FTE  |  | 1,932.25           |

# SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

| House<br>Bill | Department or Purpose           | FY 2024<br>After Veto<br>Recommendation<br>Amount and FTEs |                      |
|---------------|---------------------------------|--|----------------------|
|               |                                 |  |                      |
| 11            | <b><u>Social Services</u></b>   |  |                      |
|               | General Revenue                 | \$   | 2,560,629,164        |
|               | Federal Funds                   |  | 10,077,995,908       |
|               | Other Funds                     |  | <u>3,370,148,604</u> |
|               | Total                           | \$   | 16,008,773,676       |
|               | FTE                             |  | 6,741.55             |
| 12            | <b><u>Elected Officials</u></b> |  |                      |
|               | General Revenue                 | \$   | 130,323,073          |
|               | Federal Funds                   |  | 39,599,472           |
|               | Other Funds                     |  | <u>92,870,865</u>    |
|               | Total                           | \$   | 262,793,410          |
|               | FTE                             |  | 975.02               |
| 12            | <b><u>Judiciary</u></b>         |  |                      |
|               | General Revenue                 | \$   | 255,339,214          |
|               | Federal Funds                   |  | 16,135,773           |
|               | Other Funds                     |  | <u>18,792,967</u>    |
|               | Total                           | \$   | 290,267,954          |
|               | FTE                             |  | 3,508.05             |
| 12            | <b><u>Public Defender</u></b>   |  |                      |
|               | General Revenue                 | \$   | 61,088,132           |
|               | Federal Funds                   |  | 1,125,000            |
|               | Other Funds                     |  | <u>4,829,116</u>     |
|               | Total                           | \$   | 67,042,248           |
|               | FTE                             |  | 696.13               |
| 12            | <b><u>General Assembly</u></b>  |  |                      |
|               | General Revenue                 | \$   | 46,160,517           |
|               | Federal Funds                   |  | 0                    |
|               | Other Funds                     |  | <u>390,808</u>       |
|               | Total                           | \$   | 46,551,325           |
|               | FTE                             |  | 691.17               |
| 13            | <b><u>Real Estate</u></b>       |  |                      |
|               | General Revenue                 | \$   | 105,364,332          |
|               | Federal Funds                   |  | 26,412,430           |
|               | Other Funds                     |  | <u>14,584,373</u>    |
|               | Total                           | \$   | 146,361,135          |
|               | FTE                             |  | 0.00                 |

# SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

| House<br>Bill  | Department or Purpose                                 | FY 2024<br>After Veto<br>Recommendation<br>Amount and FTEs |                       |
|--|---|--|-----------------------|
|  |   |  |                       |
| 20   | <b><u>American Rescue Plan Act</u></b>                |  |                       |
|  | General Revenue                                       | \$   | 328,530,843           |
|  | Federal Funds   |  | 2,926,963,368         |
|  | Other Funds   |  | <u>12,000,000</u>     |
|  | Total   | \$   | 3,267,494,211         |
|  | FTE   |  | 151.00                |
|  | <b><u>Total Operating Budget</u></b>                  |  |                       |
|  | General Revenue                                       | \$   | 15,221,017,356        |
|  | Federal Funds   |  | 24,291,613,117        |
|  | Other Funds   |  | <u>12,333,832,071</u> |
|  | Total   | \$   | 51,846,462,544        |
|  | FTE   |  | 53,846.01             |
| <b>Capital Improvements (House Bills 17, 18, 19)</b> |   |  |                       |
| 17   | <b><u>Reappropriations*</u></b>                       |  |                       |
|  | General Revenue                                       | \$   | 15,694,834            |
|  | Federal Funds   |  | 270,482,386           |
|  | Other Funds   |  | <u>144,476,116</u>    |
|  | Total   | \$   | 430,653,336           |
|  | FTE   |  | 0.00                  |
| 18   | <b><u>Maintenance &amp; Repair</u></b>                |  |                       |
|  | General Revenue                                       | \$   | \$424,106,601         |
|  | Federal Funds   |  | 81,957,248            |
|  | Other Funds   |  | <u>271,919,868</u>    |
|  | Total   | \$   | 777,983,717           |
|  | FTE   |  | 0.00                  |
| 19   | <b><u>Capital Improvements - New Construction</u></b> |  |                       |
|  | General Revenue                                       | \$   | 30,226,945            |
|  | Federal Funds   |  | 223,888,300           |
|  | Other Funds   |  | <u>54,015,125</u>     |
|  | Total   | \$   | 308,130,370           |
|  | FTE   |  | 0.00                  |

## SUMMARIES OF 2023 TAFP APPROPRIATIONS BILLS

|                    |   |    |                               |
|--------------------|---|----|-------------------------------|
|                    | <b><u>Total Capital Improvements*</u></b> |    |                               |
|                    | General Revenue                           | \$ | 454,333,546                   |
|                    | Federal Funds                             |    | 305,845,548                   |
|                    | Other Funds                               |    | <u>325,934,993</u>            |
|                    | Total                                     | \$ | 1,086,114,087                 |
|                    | FTE                                       |    | 0.00                          |
| House              |   |    | Recommendation                |
| <b><u>Bill</u></b> | <b><u>Department or Purpose</u></b>       |    | <b><u>Amount and FTEs</u></b> |
|                    | <b><u>Grand Total</u></b>                 |    |                               |
|                    | General Revenue                           | \$ | 15,675,350,902                |
|                    | Federal Funds                             |    | 24,597,458,665                |
|                    | Other Funds                               |    | <u>12,659,767,064</u>         |
|                    | Total                                     | \$ | 52,932,576,631                |
|                    | FTE                                       |    | 53,846.01                     |

*\*Reappropriations are not included in Executive Budget totals as they are recognized in the first year they are appropriated.*

### Supplemental Budget (House Bills 14, 15)

|    |  |    |                    |
|----|--|----|--------------------|
| 14 | <b><u>FY 23 - Emergency Supplemental</u></b> |    |                    |
|    | General Revenue                              | \$ | 121,009,664        |
|    | Federal Funds                                |    | 458,863,446        |
|    | Other Funds                                  |    | <u>47,126,274</u>  |
|    | Total  | \$ | 626,999,384        |
|    | FTE  |    | 0.00               |
| 15 | <b><u>FY 23 - General Supplemental</u></b>   |    |                    |
|    | General Revenue                              | \$ | 427,303,560        |
|    | Federal Funds                                |    | 1,448,458,040      |
|    | Other Funds                                  |    | <u>176,327,464</u> |
|    | Total  | \$ | 2,052,089,064      |
|    | FTE  |    | 58.61              |
|    | <b><u>Total FY 23 Supplemental</u></b>       |    |                    |
|    | General Revenue                              | \$ | 548,313,224        |
|    | Federal Funds                                |    | 1,907,321,486      |
|    | Other Funds                                  |    | <u>223,453,738</u> |
|    | Total  | \$ | 2,679,088,448      |
|    | FTE  |    | 58.61              |

**H**ouse Bills

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Truly Agreed to and Finally Passed



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## SUMMARIES OF 2023 TAFP HOUSE BILLS

### SS HCS HBs 115 & 99

#### **H**health care professionals

This bill relates to Health Care Professionals.

**Advanced practice registered nurses**  
(Section 195.070, 334.104, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175)

This bill modifies licensing and collaborative practice arrangements for APRNs. Collaborative practice arrangements between the APRN and the collaborating physician may waive geographic proximity requirements, as described in the bill, when the arrangement outlines the use of telehealth or, until August 28, 2025, when the APRN is providing services in a correctional center and is practicing within 200 miles by road of his or her collaborating physician. Additionally, an APRN can apply for a waiver for any other reason and it shall be granted within 45 days if the Board of Healing Arts and the Board of Nursing determine that adequate supervision exists.

Under the provisions of this bill, if an APRN provides care that includes the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, the collaborating physician or designated physician must be present with the APRN for sufficient periods of time, at least once every two weeks, to participate in chart reviews and supervision.

The bill also allows an APRN to prescribe Schedule II controlled substances for hospice patients.

Currently, an APRN is required to practice with the collaborating physician continuously present for a one-month period when entering into an arrangement

with the physician. This bill waives that requirement when a primary care or behavioral health physician enters into an arrangement with a primary care or behavioral health APRN and the physician is new to the patient population but the APRN is familiar with the patient population.

Currently, a nurse may be licensed to practice professional or practical nursing. This bill adds a license to practice advanced practice nursing and modifies the definitions of "APRN" and the "practice of professional nursing". The bill specifies the requirements for the advanced practice nursing license, including the requirement that an applicant first hold a current registered professional nurse license, and has completed certain graduate-level programs and certifications, or hold a document of recognition to practice as an APRN that is current as of August 28, 2023. License renewals for APRN licenses and registered professional nurse licenses must occur at the same time and failure to renew and maintain the registered professional nurse license or failure to provide evidence of an active required certification shall result in the expiration of the APRN license. This bill modifies the names of the specific certifying organizations for nursing specialties and specifies that the State Board of Registration for the Healing Arts, within the Department of Insurance and Commerce, shall make information publicly available about which physicians and other health care providers have entered into collaborative practice arrangements.

#### **Assistant physicians** (Section 334.036)

Currently, a requirement for licensure as an assistant physician is that the applicant must be a graduate of any medical school, as described in section 334.031. This

## SUMMARIES OF 2023 TAFP HOUSE BILLS

bill provides that the applicant must be a graduate of a medical school accredited by certain organizations listed in the bill. This bill also limits assistant physicians to providing only primary care services and only to medically underserved rural or urban areas. Currently, they are authorized to also provide services in certain pilot project areas; this bill repeals that provision.

### **Physical therapists (Sections 334.100, 334.506, and 334.613)**

This bill modifies the laws regarding physical therapists so that physical therapists no longer need a prescription or referral from a doctor in order to evaluate and initiate treatment on a patient, as long as the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist. The bill requires a physical therapist to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice, or any patient who does not demonstrate measurable or functional improvement after 10 visits or 30 days, whichever occurs first.

The physical therapist must also consult with an approved health care provider before continuing therapy if after 10 visits or 30 days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical therapy and the physical therapist believes that continuation of physical therapy is necessary. Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 30 days. Physical therapy services performed within a primary or secondary school for individuals within ages not in excess of 21 years are exempt from this requirement.

### **Professional counselors (Sections 337.510 and 337.550)**

This bill modifies provisions relating to license reciprocity for professional counselors. This bill repeals the current provision allowing an applicant licensed in another state or territory to receive a license in this state if they are approved or in good standing with certain professional organizations and implements a provision permitting any person who, for at least one year, has held a valid, current license issued by another state, a branch or unit of the military, a U.S. territory, or the District of Columbia, to apply for an equivalent Missouri license through the Board, subject to procedures and limitations as specified in the bill.

The Committee must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Committee determines that the applicant met the minimum education and work experience in the other territory. For applications received from a nonresident or resident military spouse, the Committee must act within 30 days. The Board will not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight committee;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

## SUMMARIES OF 2023 TAFP HOUSE BILLS

This bill adopts the interstate compact of licensed professional counselors. The purpose of the Compact is to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The Compact sets forth the requirements to be met in order for a state to join the Compact. Each member state must require an applicant for a professional counselor license to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws.

The Compact creates a joint public agency known as the "Counseling Compact Commission". The powers and duties of the Commission are specified in the Compact and enforce the provisions and rules of the Compact. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licenses, adverse actions, and investigative information on all licensed individuals in member states.

The Compact will come into effect on the date on which the Compact is enacted into law in the 10th member state. Any member state may withdraw from the Compact by enacting a statute repealing the provisions. The Compact is binding upon member states and shall supersede any conflict with state law.

### **Administration of medications by pharmacists**

#### **(Sections 338.010 and 338.012)**

This bill modifies several provisions relating to the administration of medications by pharmacists. In its main provisions, this bill:

- (1) Changes the current law so that a pharmacist with a certificate of

medication therapeutic plan authority may provide medication therapy services pursuant to a written protocol from a licensed physician to patients who have established a physician-patient relationship with the protocol physician;

- (2) Repeals language from current law defining the practice of pharmacy as including the administration of specific vaccines by written physician protocol for specific patients and adds language defining the practice of pharmacy as including the ordering and administering of certain FDA-approved or authorized vaccines to persons at least seven years of age or the CDC-approved age, whichever is older, pursuant to rules promulgated by the Board of Pharmacy and the Board of Registration for the Healing Arts or rules promulgated under a state of emergency;

- (3) Allows a licensed pharmacist to order and administer vaccines approved or authorized by the FDA to address a public health need, as authorized by the state or federal government, during a state or federally-declared public health emergency; and

- (4) Allows a pharmacist with a certificate of medication therapeutic plan authority to provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the Director of the Department of Health and Senior Services or a physician licensed by the Department.

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**HB 131**

**Biweekly pay**

Current law requires salaries of all elective and appointive officers and employees of the state to be paid out of the state treasury, in semimonthly or monthly installments as designated by the Commissioner of Administration. This bill allows salaries to be paid out biweekly.

**SS HB 202**

**Environmental regulation**

This bill relates to environmental control.

**Land surveys**

**(Sections 60.401, 60.410, 60.432, 60.441, 60.480, 60.510, and the repeal of 60.421, 60.451, and 60.491)**

The bill repeals provisions relating to the "Missouri Coordinate System of 1927" and the "Missouri Coordinate System of 1983" and provides that the most recent system of state plane coordinates established by the National Geodetic Survey based on the National Spatial Reference System will be known as the "Missouri State Plane Coordinate System".

This system may have one or more projection zone layers, which will be covered by geodetically referenced mapping projections adopted and supported by the National Geodetic Survey, will be identified by the geodetic datum, and will remain uniquely and consistently defined throughout its implementation within a particular layer.

Provisions relating to coordinate distances and measurement values are modified.

The provisions of Chapter 60, RSMo, ("County Surveyors and Land Surveys"), must not be construed to prohibit the appropriate use of other geodetic reference networks.

**Waterways and ports trust fund  
(Section 68.080)**

The bill establishes the "Waterways and Ports Trust Fund", which consists of revenues appropriated to it by the General Assembly. The Fund may also receive contributions from federal, private, or other sources.

Moneys in the Fund may be withdrawn only upon appropriation by the General Assembly to be administered by the State Highways and Transportation Commission and the Department of Transportation for the purposes of state-authorized grants. To be eligible a project must be:

- (1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;
- (2) Located on land owned by a Missouri port authority, or within a navigable river adjacent to such land, and within the boundaries of a port authority;
- (3) Funded by alternate sources so that moneys from the Fund comprise no more than 80% of the cost of the project;
- (4) Selected and approved by the Highways and Transportation Commission, with input from stakeholders, to support a statewide plan for

## SUMMARIES OF 2023 TAFP HOUSE BILLS

waterborne commerce, in accordance with powers granted to the Commission; and

(5) Capable of completion within two years of approval by the Highways and Transportation Commission.

The provisions of this section will terminate on August 28, 2033, pending the discharge of all warrants. On December 31, 2033, the Fund will be dissolved and the unencumbered balance will be transferred to the General Revenue Fund.

### **Fuel tax credits**

**(Sections 135.775 and 135.778)**

Current law authorizing a tax credit for the production of biodiesel fuel limits the maximum amount of tax credits that may be authorized in a fiscal year to \$4 million. The bill increases such annual limit to \$5.5 million authorized on a first-come-first served basis and removes the requirement for the Department of Revenue to apportion tax credits among biodiesel producers applying for such tax credits.

### **Agriculture-related tax deductions**

**(Sections 143.022 and 143.121)**

The bill adds to the definition of "business income," for the purposes of deducting a percentage from a taxpayer's federal adjusted gross income the total combined profit reported to the IRS on each Schedule F and each Form 4835 filed.

In addition, the bill authorizes an income tax exemption for:

(1) A percentage of capital gains of up to \$6 million per year, as specified in the bill, received by a taxpayer who sells all or a portion of his or her farmland to a beginning farmer;

(2) Cash rent income of up to \$25,000 per year received by a taxpayer who leases all or a portion of his or her farmland to a beginning farmer; and

(3) Income of up to \$25,000 per year received from crop share arrangements with a beginning farmer on all or a portion of a taxpayers farmland.

The bill also requires the Department of Revenue to report annually to certain committees of the House of Representatives and the Senate regarding the costs and benefits of the subtraction of capital gains for transactions with beginning farmers.

### **Industrial hemp**

**(Section 195.207 and the repeal of 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, and 195.773)**

The bill repeals the Industrial Hemp Regulatory Program in Missouri.

### **Duties of the Department of Agriculture** **(Sections 196.311, 196.316, 323.100, and 413.225)**

The bill modifies provisions relating to the Department of Agriculture's Division of Weights and Measures. In its provisions, the bill:

(1) Adds quail eggs to the list of eggs for which the Division regulates the sale;

(2) Repeals the specific fees associated with the sale of eggs and allows the Department to assess egg licensing fees to assist in defraying operating expenses. The fees may not exceed \$100 annually for a retailer's license, \$175 annually for a dealer's license, and \$250 annually for a processor's license;

## SUMMARIES OF 2023 TAFP HOUSE BILLS

- (3) Increases the cap from \$75 to \$400 per test for annual testing of all liquid meters used in retail sale of liquefied petroleum gas and allows the Department to set a fee based on the operating costs the previous year;
- (4) Increases the cap from \$125 to \$500 for the fee for the cost of operating the metrology laboratory and allows the Department to set a fee based on the operating costs the previous year; and
- (5) Reduces from 90 days to 30 days the deadline to pay the original invoice for device inspection by the Division before a device may be taken out of service due to nonpayment.

### **Flood resiliency (Section 256.800)**

The bill establishes the "Flood Resiliency Act", which creates the "Flood Resiliency Program" administered by the Department of Natural Resources to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and to improve statewide flood forecasting and monitoring ability. The state may participate in flood resiliency projects as set forth in the bill. A plan, which is defined as a preliminary report describing the need for, and implementation of, flood resiliency measures, must include certain information. The Director of the Department of Natural Resources can only approve a plan if it is determined that long-term flood mitigation is needed in that area of the state, and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

Flood resiliency projects may be funded by moneys in the "Flood Resiliency

Fund" created in the bill and such projects can be eligible to receive other contributions and grants.

### **Missouri hardwood forest product promotion (Section 262.911)**

The bill creates the "Missouri Hardwood Forest Product Promotion Fund" and requires the Department of Economic Development to promote Missouri hardwood forest products and educate the public on the value and benefit of such products.

These provisions sunset six years after the effective date.

### **Log truck weight limits (Section 304.180)**

Currently, local log trucks and local log tractors may operate on certain roads with a total weight of up to 105,000 pounds. The bill increases the total allowable weight to 109,600 pounds.

### **Large animal veterinary student loan program (Sections 340.341, 340.345, 340.381, and 340.387)**

The bill renames the "Dr. Merrill Townley Large Animal Veterinary Student Loan Program" to the "Dr. Merrill Townley and Dr. Dan Brown Large Animal Veterinary Student Loan Program" and expands the sources of funding for the Veterinary Student Loan Payment Fund to include any private grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other asset.

The bill also increases the number of qualified applicants who may be awarded loans under the Large Animal Veterinary Student Loan Program from six to 12 per academic year and provides that the Depart-



## SUMMARIES OF 2023 TAFP HOUSE BILLS

ment of Agriculture may increase this number beyond 12 if the amount of any additional moneys from private grants, gifts, donations, devises, or bequests of moneys, funds, real or personal property, or other assets deposited in the Fund allows the full funding of such increase in the number of applicants. Further, the loan amount each student may receive is increased from \$20,000 to \$30,000 for each academic year, and from \$80,000 to \$120,000 in total.

### **Hemp extract**

**(Sections 192.945, 192.947, and 261.265)**

The bill repeals provisions of current law relating to hemp extract for treatment and hemp cultivation and production licensing under the Department of Agriculture.

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### **SS HB 402**

## **H**health care

This bill amends, adds, and repeals several provisions relating to health care.

### **Designation**

**(Section 9.384)**

This bill designates March as “Rare Kidney Disease Awareness Month”.

### **Emergency medical services**

**(Sections 67.145, 105.500, 190.100, 190.103, 190.142, 190.147, 192.2405, 208.1032, 285.040, 321.225, 321.620, and 537.037)**

This bill repeals references to ambulance attendants, drivers, emergency medical technician paramedics, mobile emergency medical technicians, emergency medical technician basic (EMT-B), and EMT in-

termediate and adds references to paramedics in various statutes relating to emergency medical services, including for the definition of “first responder” for the purposes of political subdivisions prohibiting first responders from engaging in political activity while off duty and not in uniform, from being a candidate for office, or from holding such office.

Paramedic training programs shall be accredited as required by the National Registry of Emergency Medical Technicians, instead of by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or by holding a CAAHEP letter of review.

### **Do-not-resuscitate orders**

**(Sections 190.600, 190.603, 190.606, 190.612, and 190.613)**

This bill modifies the “Outside the Hospital Do-Not-Resuscitate Act” by expanding the provisions of the Act to cover persons under 18 years of age who have do-not-resuscitate orders issued on their behalf by a parent or legal guardian or by a juvenile or family court under a current provision of law. Such orders shall function as outside the hospital do-not-resuscitate orders unless specifically stated otherwise. Persons who are not subject to liability for certain actions taken upon the discovery of an adult outside the hospital do-no-resuscitate order shall not be subject to such liability in the case of a minor child’s do-not-resuscitate order. Emergency services personnel shall be authorized to comply with the minor child’s do-not-resuscitate order, except when the minor child, either parent, the legal guardian, or the juvenile or family court expresses to such emergency services personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

## SUMMARIES OF 2023 TAFP HOUSE BILLS

Do-not-resuscitate orders from other states or territories, or Transportable Physician Orders for Patient Preferences/Physician Orders for Life-Sustaining Treatment (TPOPP/POLST) forms containing specific do-not-resuscitate provisions, as described, shall be accepted under this section and may be revoked by the patient or patient's representative at any time and by any means.

### **Patient examinations (Section 191.240)**

This bill provides that a health care provider, or any student or trainee under the supervision of a health care provider, may not knowingly perform a prostate, anal, or pelvic examination on an anesthetized or unconscious patient unless the patient or a person authorized to make health care decisions for the patient has given informed consent, the patient is unable to give consent and the examination is necessary for diagnostic or treatment purposes, the examination is necessary for the collection of evidence through a forensic examination for a suspected sexual assault on the patient because the evidence will be lost or the patient is unable to give informed consent due to a medical condition, or circumstances are present which imply consent, as provided in law.

A health care provider or supervised student or trainee who violates the provisions of this bill shall be subject to discipline by any licensing board that licensed the health care provider.

### **Health care advisory committees (Sections 191.305, 192.745, and 194.300)**

This bill modifies the "Missouri Genetic Advisory Committee", the "Missouri Brain Injury Advisory Council", and the "Organ Donation Advisory Committee" by

authorizing the Director of the Department of Health and Senior Services to appoint committee members instead of the Governor. The bill also makes a technical changes to the Missouri Brain Injury Advisory Council membership provision.

### **Health professional grant and loan programs**

**(Sections 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, 191.831, 335.203, and 335.205)**

The bill establishes the "Health Professional Loan Repayment Program" within the Department of Health and Senior Services, offering forgivable loans to pay off existing student loans and other education expenses for health care, mental health, and public health professionals.

The Department of Health and Senior Services is the chief administrative agency and is responsible for oversight and rulemaking of the Program, the Director shall be in charge of determining who will receive forgivable health professional loans, and the professionals or disciplines that receive funding in any given year are contingent on consultation with the Department of Mental Health and the Department of Higher Education and Workforce Development.

The Department will enter into a written contract with each qualifying individual for a forgivable loan, the provisions of which are specified in the bill. The contract shall include an agreement that the individual serve for a period equal to at least two years in an area of defined need, in order for the loan to be forgiven. The Department of Health and Senior Services will designate counties, communities, or sections of areas in the state as "areas of defined need" for health care, mental health, or public health services.

## SUMMARIES OF 2023 TAFP HOUSE BILLS

All health professional loans shall be made from funds appropriated to the Health Professional Loan Incentive Fund by the General Assembly, which also includes funds from an individual and/or funds generated by loan repayments. Further stipulations of the Fund may be found in the bill.

Any individual who enters into a written contract but fails to maintain acceptable employment is liable for any amount awarded by the state that has not yet been forgiven. If the individual engages in a breach of contract, he or she is liable to the state for an amount specified from provisions in the bill.

This bill repeals an existing loan program for students enrolled in certain health care degree programs.

The "Nursing Education Incentive Program" within the State Board of Nursing is a program that awards grants to eligible institutions of higher education based on criteria jointly determined by the Board and the Department of Higher Education and Workforce Development.

There is currently a \$150,000 cap on the grants; this bill removes that cap. The bill also creates a new nursing education incentive program surcharge for initial license applications and renewal applications for nurses. Practical nurses will pay a \$1 fee per year and registered professional nurses will pay \$5 per year, to be deposited in the State Board of Nursing Fund.

This bill repeals both the Nursing Student Loan Program and the Nursing Student Loan Repayment Program.

**Parkinson's Disease Registry Act**  
(Sections 191.1820, 191.1825, 191.1830, 191.1835, 191.1840, 191.1845, 191.1850, and 191.1855)

Establishes the "Missouri Parkinson's Disease Registry Act". Beginning January 1, 2024, the University of Missouri, or any medical research university in a memorandum of understanding with the University, shall establish a Parkinson's Disease Registry in order to collect data on the incidence of Parkinson's disease in Missouri, as well as other epidemiological data, as described in the Act. All patients with Parkinson's disease or similar symptoms shall be given the opportunity to opt out of participation in the Registry. The University shall establish an advisory committee in order to assist in the development of the Registry and to determine the data to be collected.

Beginning August 28, 2024, all cases of Parkinson's disease and similar symptoms diagnosed or treated in Missouri shall be reported to the Registry, as described. The University may enter into agreements to share information in the Registry with other states, the federal government, local health agencies, or researchers; provided, that the confidentiality of the information is maintained. The Registry shall not contain any identifying information about patients.

The University shall provide a report to the General Assembly before January 1st of each year summarizing the year's incidence of the disease by county and other demographic information.

**Licensure of health care professionals**  
(Sections 334.036, 334.104, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175)

Currently, a requirement for licensure as an assistant physician is that the applicant must be a graduate of any medical school. This bill provides that the applicant must be a graduate of a medical school accredited by certain organizations as listed.

## SUMMARIES OF 2023 TAFP HOUSE BILLS

This bill repeals a provision of law that authorizes an assistant physician collaborative practice arrangement in any pilot project areas established in which assistant physicians may practice.

An Advanced Registered Nurse Practitioner (APRN) may prescribe Schedule II controlled substances for hospice patients, as described.

The bill modifies certain provisions relating to the geographic proximity requirements for collaborative practice arrangements.

Until August 28, 2025, the geographic proximity requirement for a collaborative practice arrangement shall be satisfied for APRNs providing services in correctional centers when the APRN and collaborating physician practice within 200 miles of each other. Further, geographic proximity may be waived when the arrangement outlines the use of telehealth, as that term is defined.

Additionally, an application for a waiver for any reason of any applicable geographic proximity shall be made available. The Board of Nursing and State Board of Registration for the Healing Arts shall, within 45 days, review each application for a waiver and approve such application if the boards determine that adequate supervision exists between the collaborating physician and the APRN. If no action is taken within 45 days, then the application shall be deemed approved.

If a collaborative practice arrangement is used in clinical situations where a collaborating APRN provides diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or other designated physician shall be present for sufficient periods of time, at least once every two weeks except-

ing extraordinary circumstances to be documented, to participate in chart review and provide necessary direction.

The requirement that an APRN practice with the collaborating physician continuously present for a one-month period when entering into an arrangement with the physician does not apply when a primary care or behavioral health physician enters into an arrangement with a primary care or behavioral health APRN, the physician is new to the patient population, and the APRN is familiar with the patient population.

Currently, a nurse may be licensed to practice professional or practical nursing. This bill adds a license to practice advanced practice nursing and modifies the definitions of APRN and the practice of professional nursing. Additionally, this bill specifies the requirements for the advanced practice nursing license. License renewals for APRN licenses and registered professional nurse licenses shall occur at the same time and failure to renew and maintain the registered professional nurse license or failure to provide evidence of an active required certification shall result in the expiration of the APRN license. The bill further modifies the names of the specific certifying organizations for nursing specialties.

The State Board of Registration for the Healing Arts shall make information publicly available about which physicians and other health care providers have entered into collaborative practice arrangements.

### **Prescription requirements (Sections 195.070, 195.100, 334.735, and 334.747)**

Currently, the name of the collaborating physician for an APRN or physician assistant shall be included on any label of a

## SUMMARIES OF 2023 TAFP HOUSE BILLS

controlled substance sold or dispensed by a pharmacist. This bill repeals this requirement and only the name of the prescribing health care provider is needed.

A collaborative practice arrangement may delegate to a physician assistant, or an APRN with a certificate of controlled substance prescriptive authority, the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients, subject to restrictions and requirements as described.

### **Pharmacies (Section 196.1050)**

This bill provides that, in addition to drug manufacturers and distributors, proceeds of monetary settlements or portions of global settlement between the Attorney General and pharmacies shall be deposited into the Opioid Addiction Treatment and Recovery Fund.

### **Rural hospitals (Sections 197.005 and 197.020)**

This bill modifies the definition of hospital to include any facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services for the purpose of the hospital licensing law.

A rural emergency hospital that complies with the “Medicare conditions of participation”, as defined, shall be deemed to be in compliance with standards for hospital licensure.

### **At-risk behavioral health hold (Section 197.145)**

A treating physician in a hospital may place an at-risk behavioral health patient, as defined, on hold for further behavioral health assessment and, if necessary, for transfer to an appropriate treatment facility,

as described in the bill. A physician employing a temporary hold shall not be civilly liable if the action was carried out in good faith and without gross negligence.

### **Surgical smoke plume evacuation (Section 197.185)**

By January 1, 2026, every hospital and ambulatory surgical center that performs procedures that produce surgical smoke, as defined, must adopt policies and procedures for the implementation of a surgical smoke plume evacuation system to ensure reduction of surgical smoke.

Any procedure performed after December 31, 2025, that generates surgical smoke shall be subject to the policies and procedures adopted pursuant to the provisions this bill.

### **County or township-owned nursing homes (Sections 205.375 and 205.377)**

This bill authorizes the county commission or township board to rent or lease a nursing home, as defined, for the purpose of operating any other health care facility located within the county or township providing nursing care or other medical services to patients, including residents of the county or township.

Additionally, the bill authorizes county commissions to sell county-owned nursing homes. The proceeds of the sale shall be used to pay any outstanding indebtedness incurred in the purchase, construction, additions, or renovation of the nursing home. If the proceeds of the sale are insufficient to pay the outstanding debt, the county commission shall continue to provide for the collection of an annual tax on tangible property sufficient to pay the principal and interest of the debt. Any remaining proceeds from the sale shall be

## SUMMARIES OF 2023 TAFP HOUSE BILLS

placed to the credit of the county's general fund to be used to provide health care services in the county. Any purchasers of the nursing home shall be limited to those who plan to offer medical services in the community for a period of at least 10 years.

### **Supplemental welfare assistance (Section 208.030)**

Currently, certain persons may be eligible for up to \$156 per month in supplemental welfare assistance for home care in licensed residential care facilities. This bill removes that monthly cap and makes such assistance subject to appropriations.

### **Nonopioid directive forms (Section 192.530)**

The bill authorizes the Department of Health and Senior Services to develop and publish a voluntary nonopioid directive form, which can be used by a patient to deny or refuse administration or prescription of a controlled substance containing an opioid. The form will tell a health care provider that the patient cannot be offered or prescribed a controlled substance containing an opioid.

A patient can file a voluntary nonopioid directive form with a health care provider by signing and dating the form in the presence of the provider. A patient can revoke the form for any reason.

A provider who acts in good faith to comply with the nonopioid directive form and does not offer or administer a prescription for a controlled substance is not subject to criminal or civil liability and cannot be considered to have engaged in unprofessional conduct. However, a professional licensing board may take action against a health care provider who recklessly or negligently fails to comply with a patient's directive form.

### **Fentanyl testing (Section 579.088)**

This bill specifies that it is not against the law to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl.

### **Mental health services for vulnerable persons (Section 630.1150)**

The Department of Mental Health (DMH) and the Department of Social Services shall oversee and implement a collaborative project to assess the continued hospitalization without medical justification of foster children and DMH clients due to a lack of post-discharge placement options or because they are awaiting screening for appropriateness of residential treatment services. The departments will also develop recommendations to ensure these patients receive treatment in the most cost-effective and efficacious settings consistent with federal and state standards for treatment in the least restrictive environment. The departments shall solicit information from specified persons and entities and shall issue interim reports by December 31, 2023, and July 1, 2024, before issuing a final report by December 1, 2024. The provisions of this section shall expire on January 1, 2025.

### **Civil detention procedures (Section 632.305)**

This bill removes the notarization requirement for any affidavits, declarations, or other documents supporting an application for detention for evaluation and treatment. The application for detention for evaluation and treatment, as well as any affidavits, declarations, or other supporting documents shall be subject to the provisions

## SUMMARIES OF 2023 TAFP HOUSE BILLS

established in Section 492.060, RSMo, allowing for declaration under penalty of perjury.

### **Emergency medical dispatchers (Sections 650.320, and 650.340)**

Currently, emergency medical dispatchers shall complete an emergency medical dispatcher course that meets or exceeds the national curriculum of the U.S. Department of Transportation. This bill modifies that training requirement and instead requires emergency medical dispatchers to complete training courses approved by the Missouri 911 Service Board. Additionally, the Service Board shall develop rules and regulations, in collaboration with the State EMS Medical Director's Advisory Committee, relating to the medical aspects of pre-arrival medical instructions.

### **Lead poisoning (Sections 701.336, 701.340, 701.342, 701.344, and 701.348)**

This bill modifies current statute by removing a goal of testing 75% of children who receive Medicaid for lead poisoning and instead requiring that every medical provider serving children must annually provide education to parents and guardians of children under age four regarding lead hazards to children and also, annually, provide the option to test every child under age four for lead poisoning with the consent of the child's parent or guardian.

Every child under age six shall be assessed annually using a questionnaire to determine whether the child is at high risk for lead poisoning. Those who are deemed high risk shall be tested using a blood sample with the consent of the child's parent or guardian. This bill repeals the requirement that any child deemed high risk for lead poisoning who resides in housing that is

currently undergoing renovations be tested at least once every six months.

The bill also modifies the provision that, in geographic areas determined to be of high risk for lead poisoning, every child care facility and every child care facility affiliated with a school system, business organization, or nonprofit, must require evidence of lead poisoning testing in all children within 30 days of enrollment to instead only require such testing for children between 12 months and five years of age. Currently, the parent or guardian must provide a reason for refusing such testing, but this bill amends that to only require a statement confirming the parent or guardian refused such testing.

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### **SS SCS HCS HB 417**

### **E**ncouraging individuals to obtain Employment-related skills

#### **Employment qualifications for certain state employees (Section 105.1600)**

This bill specifies that state agencies can not deny an applicant for hiring consideration solely on the basis that the applicant doesn't have a postsecondary degree. State agencies are required to determine the baseline requirements for applicants, but may not include a postsecondary degree as a baseline requirement.

The provisions do not apply to positions with a state agency where a clear demonstration is made that the duties require a postsecondary degree, as described in the bill; where the position requires a professional or occupational license; or any position as a director with a state agency.

The Department of Labor and Industrial Relations has the authority to enforce



## SUMMARIES OF 2023 TAFP HOUSE BILLS

the provisions of the bill, and applicants who believe they were eliminated from a hiring consideration solely based upon lack of a postsecondary degree may appeal the decision to the Labor and Industrial Relations Commission (LIRC). If the appeal is substantiated, the LIRC shall require the state agency to reopen the hiring process, modify the job posting, or take necessary action to achieve compliance.

### **Intern and Apprentice Recruitment Act (Section 135.457)**

This bill establishes the "Intern and Apprentice Recruitment Act".

For all tax years beginning on or after January 1, 2024, the bill authorizes an income tax credit for taxpayers who hire an intern or apprentice, as such terms are specified in the bill. The tax credit shall be equal to \$1,500 for each intern or apprentice hired at a pay rate equal to or greater than the minimum wage, provided that the number of interns and apprentices employed during the tax year exceeds the average number of interns and apprentices employed by the taxpayer for the previous three years, that the interns and apprentices work a certain number of hours, as described in the bill, and further provided that the apprentices comply with all federal requirements of a qualified apprenticeship.

A taxpayer can not claim a tax credit that exceeds \$9,000 in a tax year, and the cumulative amount of the authorized tax credits shall not exceed \$1 million per tax year.

Tax credits authorized by the bill shall not be refundable or carried forward to any subsequent tax year, and shall not be transferred, assigned, sold, or otherwise conveyed. A taxpayer shall apply for the tax credit to the Department of Economic Development and shall include information

on participation in a qualified apprenticeship program or a copy of the official transcript for an intern being claimed, as applicable.

The provisions of this section sunset on December 31, 2029.

### **Adult high schools (Sections 160.2705 to 160.2725)**

This bill modifies provisions relating to adult high schools.

Currently, the Department of Elementary and Secondary Education is required to authorize the operation of four adult high schools across the state. This bill transfers such authority to the Department of Social Services (DSS) which is authorized to operate a fifth adult high school to be located in a county with a population range as specified in the bill, which upon enactment is Jackson County or an adjacent county.

The bill requires DSS to administer funding to the adult high schools subject to appropriations. For the existing adult high schools, DSS shall maintain authorization for the nonprofit organizations to operate the high school, provided that no more than one organization may be authorized to operate an adult high school in each of the current four locations. An organization may establish satellite campuses for any adult high school it is authorized to operate.

By January 1, 2024, DSS shall select a Missouri-based nonprofit organization to operate the high school, provided the organization demonstrates the ability to commit at least \$500,000, rather than the current \$2 million, for the necessary infrastructure to establish the school.

Each nonprofit organization must submit an annual report to DSS in addition to other entities.

## SUMMARIES OF 2023 TAFP HOUSE BILLS

### **Student-athlete compensation (Section 173.280)**

This bill includes a definition of “institutional marketing associate”. The bill defines a “unique identifier” for marketing or promotional purposes used by a postsecondary educational institution or third party, as those terms are currently defined. Some examples of unique identifiers are logo, emblem, motto, special symbol, and design. Postsecondary educational institutions and third parties shall develop and adopt a policy and process for granting a student athlete a license to use such institution's or third party's unique identifier when earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation (NIL).

A postsecondary educational institution or third party may charge a fee for a license to use the unique identifier, and may impose requirements that the student athlete refrain from using the unique identifier in a manner determined by the institution as detailed in the bill. If a private postsecondary educational institution retains the student athlete's contract, the institution is required to consider the contract terms to be student governed by the Family Education Rights and Privacy Act. The contract is regarded as a closed record under Chapter 610. No compensation for a student athlete's NIL can be conditioned on the student athlete's athletic performance, but it may be conditioned on attendance. A nonprofit shall have the right to compensate a student athlete for the commercial use of the student athlete's NIL. Institutional marketing associates have the right to compensate a student athlete for the commercial use of the student athlete's NIL as explained in the bill.

A postsecondary educational institution must offer at least two workshops per calendar year that include topics such as life skills, time management and entrepreneurship. The workshops are subject to requirements and standards as described in the bill, and the workshops shall not be identical in each academic year.

An athletic association, conference, or other organization with authority over varsity intercollegiate athletics shall not prevent or penalize a student athlete from receiving compensation for the commercial use of such student athlete's NIL, prevent a postsecondary educational institution from participating in varsity intercollegiate athletics as a result of a student athlete's receipt of compensation for the use of the student athlete's NIL, or entertain a complaint or open an investigation or take adverse action for activities protected under the bill. A student athlete has the right to obtain professional representation through an attorney licensed in the state of Missouri to secure compensation for NIL without penalty. Any student athlete may bring a civil action against a third party for interfering with the student athlete's earning of compensation for use of NIL. The bill does not affect the rights of student athletes under Title IX of the Education Amendments of 1971 (20 U.S.C. Section 1681 et seq).

The bill expands the opportunity to earn or attempt to earn compensation for NIL to any high school student who competes on an interscholastic athletic team sponsored by a public school, or a private school whose students compete against a public school's students, and has signed a letter of intent with a postsecondary educational institution in the state. The bill prohibits a high school athlete earning or at-

## SUMMARIES OF 2023 TAFP HOUSE BILLS

tempting to earn compensation from affecting the student's eligibility to continue to participate in athletics at a high school level.

### **Medical residency grant program (Section 191.592)**

This bill establishes a medical residency grant program to award grants, subject to appropriation, for eligible entities for the purpose of establishing and funding new general primary care and psychiatry medical residency positions and continuing the funding of the new positions for the duration of the residency. Funding shall be available for three or four years for certain residency positions. The Department of Health and Senior Services (DHSS) shall establish criteria for the grants as described in the bill and report on the program to the General Assembly.

This bill creates the "Medical Residency Grant Program Fund", which shall consist of moneys appropriated by the General Assembly, all funds returned from entities unable to fill their residency positions, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

This provision has an emergency clause.

This provision expires on January 1, 2038.

### **Nursing education incentives (Sections 335.200 to 335.257)**

This bill modifies the Professional and Practical Nursing Education Incentive Program. Currently, grant awards made under the Program are limited to \$150,000. The bill repeals that limit. Additionally, the State Board of Nursing is required to collect, at the time of any license application or license renewal application, a Nursing Education Incentive Program surcharge from

each person licensed or relicensed as a nurse. Such surcharge shall be \$1 for practical nurses and \$5 for registered professional nurses. Furthermore, the bill modifies the definition of "eligible institution of higher education" to include an approved virtual institution that offers a nursing education program.

The bill repeals the Nursing Student Loan Program and the Nursing Student Loan Repayment Program.

### **Large animal veterinary medicine loan repayment program (Sections 340.341 to 340.387)**

This bill modifies provisions relating to the Large Animal Veterinary Medicine Loan Repayment Program.

As specified in the bill, the Missouri Department of Agriculture shall not grant repayment for more than 12 veterinarians each year, instead of six.

The bill renames the "Dr. Merrill Townley Large Animal Veterinary Student Loan Program" to the "Dr. Merrill Townley and Dr. Dan Brown Large Animal Veterinary Student Loan Program".

The bill expands the sources of funding for the Program to include any private grant, gift, donation, device, or bequest of moneys, funds, real or personal property, or other assets. A qualified applicant may receive financial assistance under the Program up to \$30,000 for each academic year, instead of \$20,000, provided that the cumulative total shall not exceed \$120,000 per qualified applicant, instead of \$80,000.

The bill provides that up to 12, instead of six, qualified applicants per academic year may be awarded loans under the Program. The Department may increase the number of qualified applicants above 12 that may be awarded such loans per academic year if the amount of any additional

## SUMMARIES OF 2023 TAFP HOUSE BILLS

moneys received from private contributions or other assets deposited in the Veterinary Student Loan Payment Fund allows the full funding of such increase in the number of applicants.

Finally, the bill specifies that, for each year of qualified employment that each individual contracts to serve in an area of defined need, the Department shall forgive up to \$30,000 with accrued interest, instead of \$20,000.

### **Upskill credentials (Section 620.2500)**

This bill allows the Department of Economic Development (DED) to disburse grants to qualifying employers for each employee or prospective employee who obtains upskill credentials, as defined in the bill. "Public body" is defined to exclude hospitals in Section 197.020, long-term care facilities licensed under Chapter 198 or public hospitals under Chapter 205.

This bill creates the "Upskill Credential Training Fund" which consists of moneys appropriated by the General Assembly not to exceed \$6 million per fiscal year.

No qualifying employer shall receive more than \$30,000 in any fiscal year. In order to receive such grants a qualifying employer is required to submit an application to DED as provided in the bill. Applications are evaluated on a competitive basis using the following criteria:

- (1) The pledged average wage increase that employees or prospective employees will realize after obtaining an upskill credential in relation to the cost of obtaining the credential;
- (2) The level of economic distress to the qualifying employer's region and the balance of awards made to the various regions of the state; and

- (3) The contribution made by the qualifying employer toward the cost of obtaining the upskill credential.

At the close of each application period, to be determined by DED, applications will be evaluated and preliminary awards for reimbursement may be made.

In making preliminary awards of reimbursement, the DED shall reserve 33 1/3% to award exclusively to qualifying employers with at least one but not more than 50 employees; and 33 1/3% to award exclusively to qualifying employers with at least 51 but no more than 200 employees. Any amount that is reserved and not awarded by March 1st of the fiscal year may be issued to any qualifying employer eligible for an award.

Upon being given a preliminary award for reimbursement, each qualifying employer must sponsor a current or prospective employee to obtain an upskill credential within 12 months of the preliminary award. Employees may not commence the process of obtaining the credential until after a preliminary award has been made. Upon obtaining a credential, the employer shall submit proof of the same to DED along with proof that the individual who has completed the training is a Missouri resident with a verifiable Missouri address.

The bill prohibits qualifying employers from receiving funds under this bill for an employee's upskill credential if:

- (1) The qualifying employer is receiving funds under the Missouri One Start Program for the same upskill credential; or
- (2) The employee is receiving a Fast Track Workforce Incentive Grant for the same upskill credential.

The provisions of the Upskill Credential Program shall automatically sunset six years after the effective date of the bill.

**SS HB 447**

**Duties of the department of elementary and secondary education**

This bill relates to the duties of the Department of Elementary and Secondary Education.

**Health and family education  
(Section 160.527)**

This bill requires that the current one-half credit hour of health education be renamed "Health and Family Education" beginning with the 2024-25 school year. The State Board of Education (SBE) will convene a work group to develop academic performance standards. The SBE shall adopt and implement the performance standards relating to health and family education beginning with the 2024-25 school year.

**Adult high schools  
(Sections 160.2705, 160.2720, and 160.2725)**

Currently, the Department of Elementary and Secondary Education (DESE) is required to authorize the operation of four adult high schools across the state. This bill transfers such authority to the Department of Social Services (DSS) and requires each nonprofit organization that operates an adult high school to submit an annual report to DSS. In addition, DSS shall authorize a fifth adult high school to be located in a county with a population range as specified in the bill, which upon enactment Jackson County or an adjacent county.

DSS shall administer funding to the adult high schools subject to appropriations. For the existing adult high schools, DSS shall maintain authorization for the nonprofit organizations to operate the high

school, provided that not more than one organization may be authorized to operate an adult high school in each of the current four locations. An organization may establish satellite campuses for any adult high school it is authorized to operate.

By January 1, 2024, the DSS shall select a Missouri-based nonprofit organization to operate the new adult high school, provided the organization meets current requirements and demonstrates the ability to commit at least \$500,000 for the necessary infrastructure to establish the school.

**Grant awards authority  
(Sections 161.243 and 205.565)**

DESE shall provide grants directly to private entities, as defined, for the provision of early childhood education services, subject to appropriations. The standards prescribed in Section 161.213, RSMo, relating to high-quality early childhood education standards, shall be applicable to all private entities that receive these grant funds. The bill also authorizes DESE, in addition to DSS, to award grants to qualifying entities carrying out the Caring Communities Program.

**Language Equality and Acquisition for Deaf Kids (LEAD-K) Act  
(Section 161.396)**

This bill establishes the "Language Equality and Acquisition for Deaf Kids (LEAD-K) Act" that requires DESE to develop language developmental milestones from existing norms for children from birth to five years of age that have been identified as deaf or hard of hearing.

The bill requires that DESE select and disseminate tools or assessments for educators to assess the language and literacy development of children and provides specific guidance on the format, age range of

## SUMMARIES OF 2023 TAFP HOUSE BILLS

development, and appropriateness for such tools or assessments.

Children that are in an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) that do not demonstrate progress in expressive and receptive language skills as measured by educator tools or assessments must have the lack of progress explained in detail with specific strategies, services, and programs recommended by the IEP or IFSP team.

DESE, in consultation with the Missouri Commission for the Deaf and Hard of Hearing, shall establish an advisory committee of 17 members before March 1, 2024, to solicit input from experts on the selection of the language development milestones as specified in the bill. Before June 1, 2024 the committee will make recommendations to DESE, and DESE shall select the milestones before July 1, 2024.

Annually, starting with the 2024-25 school year, DESE must produce an annual report that is specific to language and literacy development of children who are deaf or hard of hearing including, but not limited to, children who are deaf or hard of hearing and have other disabilities, from birth to 5 years of age relative to peers who are not deaf or hard of hearing.

### **Educational funding for students in residential care facilities (Sections 163.063 and 167.126)**

For purposes of calculating federal aid and state aid distributions for nonresident pupils, nonresident pupils receiving all educational services on-site at a residential care facility, as defined, shall be included in the average daily attendance in either the school district of the pupils' domicile prior to placement in a residential care facility or in the school district of the pupil's residence

following placement in a residential care facility, whichever results in the greatest total amount of aid to the district in which the residential care facility is located. These provisions shall not be construed to prevent a residential care facility and a school district from mutually agreeing to a financial arrangement that deviates from these provisions.

Currently, children admitted to programs or facilities of the Department of Mental Health (DMH) or whose domicile is a different school district than their residence because of placement by DMH, DSS, or by order of a court, shall have a right to be provided educational services and shall not be denied admission to any appropriate public school, special school district program, or program operated by the SBE. This bill expands these provisions to children whose domicile is a different school district than their residence because of admittance under a physician's order because of a determination of medical necessity for a diagnosed mental illness. The bill also makes changes to funding and payments related to serving school districts in which a child whose domicile is in a different district admitted under a physician's order because of a determination of medical necessity for a diagnosed mental illness.

### **Foster child enrollment (Section 167.019)**

In the event a best interest determination is not completed within 10 days of a child being placed in a foster care placement located in a school district different than the child's school district prior to the placement, it shall be deemed that enrollment in the district where the child resides as a result of the foster care placement shall be in the best interests of the child. This determination

## SUMMARIES OF 2023 TAFP HOUSE BILLS

only applies to cases where the distance between the child's residential address as a result of placement and the school building that was the child's previous school is more than 10 miles, or 15 miles if the child is receiving service from a special school district, as described.

### **Student-athlete compensation (Section 173.280)**

This bill defines "institutional marketing associate" and amends the definition of "student athlete" for purposes of student athlete compensation.

A postsecondary educational institution shall have the right to identify, create, facilitate, negotiate, support, enable, or otherwise assist with opportunities for a student athlete to earn compensation from a third party for the name, image, likeness rights (NIL), or athletic reputation of the student athlete, subject to certain restrictions and requirements as provided in the bill. Any contract or proposed contract, including any terms of such contract, shall be subject to the Family Education Rights and Privacy Act (FERPA).

Postsecondary educational institutions must adopt a process for granting athletes a license to use the institution's "unique identifiers", as defined, when earning compensation from the use of such athlete's name or image. A postsecondary educational institution that enters into commercial agreements that require the use of a student athlete's name or image shall offer at least two workshops per year on topics including financial literacy, life skills, and entrepreneurship.

Student athlete compensation from the use of such student athlete's NIL shall not be conditioned on such student athlete's athletic performance, but such compensation may be conditioned upon attendance at

a particular postsecondary educational institution. A student athlete shall have the right to obtain professional representation for the purpose of securing compensation for the use of his or her NIL.

Nonprofit organizations and institutional marketing associates shall have the right to compensate a student athlete for the commercial use of such student athlete's NIL.

The bill expands the opportunity to earn or attempt to earn compensation for NIL to any high school student who has signed a letter of intent with a postsecondary educational institution in the state. The bill prohibits a high school athlete earning or attempting to earn compensation from affecting the student's eligibility to continue to participate in athletics at a high school level.

This bill also establishes a cause of action for a student athlete against a third party that interfere with such student athlete's earning or attempting to earn compensation from the use of his or her NIL. However, postsecondary educational institutions' employees, including athletics coaching staff, will not be liable for damages that result from decisions or actions routinely taken in the course of intercollegiate athletics.

### **Disclosure of information (Section 210.1360)**

This bill prohibits the disclosure of any personally identifiable information regarding any child receiving child care from a provider or applying for or receiving any services through a state program. This does not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, and contractors relating to its official duties,



## SUMMARIES OF 2023 TAFP HOUSE BILLS

nor does it prevent a parent or legal guardian from accessing their child's records.

These provisions do not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

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### SCS HCS HBs 802, 807 & 886

#### **C**onveyance of state property

This bill authorizes the Department of Natural Resources to convey land located in Iron County to the State Highways and Transportation Commission. The land to be conveyed is described in the bill.

The Director of the Department of Natural Resources and the State Highways and Transportation Commission shall set the terms and conditions for the conveyance. The General Counsel for the Department of Natural Resources shall approve the form of the instrument of conveyance.

The bill also authorizes the Governor to convey:

- (1) Land located in Christian County, as described in the bill;
- (2) Land located in Pike County, as described in the bill, to the State Highways and Transportation Commission;
- (3) Land located in the City of Rolla, in Phelps County, as described in the bill;
- (4) Two parcels of land located in the City of Kirksville, Adair County, as described in the bill;
- (5) Multiple tracts of land that are located in the City of St. Louis, as described in the bill;
- (6) Land located in the City of Joplin, in Jasper County, as described in the bill; and

- (7) Land located in St. Louis County, as described in the bill.

For the land conveyed by the Governor, the Office of Administration shall set the terms and conditions for the conveyance, and the Attorney General shall approve the form of the instrument of conveyance.

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## SUMMARIES OF 2023 TAFP HOUSE BILLS

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**S**enate Bills

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Truly Agreed to and Finally Passed

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**SCS SB 13**

**F**inancial institutions

**Authority of the division of finance  
(Section 361.020)**

The bill specifies that the Division of Finance is in charge of the execution of the laws relating to banks, trust companies, and the banking business of the state; laws relating to persons and entities engaged in the small loan or consumer credit business in the state; the laws relating to persons and entities engaged in the mortgage business in the state; and the laws relating to persons and entities engaged in any other financial services related to business over which the Division is granted express authority.

**State banking and savings and loan board  
(Section 361.098)**

The bill specifies that the compensation and necessary travel and other expenses of the members of the State Banking and Savings and Loan Board shall be paid out of the Division of Finance Fund.

Currently, a majority of the members of the State Banking and Savings and Loan Board constitutes a quorum. This bill provides that three members of the Board shall constitute a quorum.

The Division is permitted to provide administrative services to the Board to assist the Board with fulfilling its statutory responsibilities.

**Bulletins and industry letters issued by  
the division of finance  
(Section 361.106)**

The bill permits the Division to issue bulletins addressing the business of individuals and entities licensed, chartered, or regulated by the Division. Bulletins do not have the force or effect of law and should

not be considered statements of general applicability.

The bill also permits the Division to issue industry letters. Industry letters may be issued, in the discretion of the Director of the Division, at the written request of an individual or entity licensed, chartered, or regulated by the Division, seeking the Division's position on an application of law. The bill details the requirements that must be met in issuing an industry letter. Industry letters are binding on the Division and the requesting party shall not be subject to any administrative proceeding or penalty for any acts or omissions done in reliance on an industry letter, provided there is no change in any material fact or law or the discovery of a material misrepresentation or omission made by the requesting party.

**Reports of examinations of banks and  
trust companies  
(Section 361.160)**

The bill repeals an obsolete requirement that the result of all examinations of banks and trust companies during a biennial period be embodied in a report made by the Director of the Department of Commerce and Insurance to the General Assembly, such reporting requirement having previously been repealed.

**Notices of charges and cease and desist orders  
(Section 361.260)**

The bill clarifies the requirements for issuing a notice of charges with respect to a director, officer, employee, agent, or other person participating in the affairs of a bank or trust company regulated by the Division under Chapter 361, RSMo. Specifically, whenever the Director has reason to believe from any examination or investigation

## SUMMARIES OF 2023 TAFP SENATE BILLS

made by the Director or his or her examiners, that any such corporation, foreign corporation, or director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation is engaging in, has engaged in, or is about to engage in:

- (1) An unsafe or unsound practice in conducting the business of such corporation;
- (2) A violation of law, rule, or director-imposed written condition;
- (3) A violation of any written agreement entered into with the Director; or
- (4) A violation of the corporation's charter.

The Director may issue and serve upon the corporation or such director, officer, employee, agent, or other person a notice of charges in respect thereof.

In addition to the provisions contained in current law on the above-referenced charges, any cease and desist order issued by the Division:

- (1) May require the corporation to take affirmative action to correct the conditions resulting from the violations or practices; and
- (2) Shall require the corporation to correct the deficiency within the time period specified in the order, if the Director determines that the capital of the corporation is impaired.

### **Notice of removal from office (Section 361.262)**

This bill modifies the process for serving a notice of intention to remove a person from office in a bank or trust company regulated by the Division under Chapter 361.

### **Fees collected by Division of Finance (Sections 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, and 408.500)**

The bill modifies the following fees collected by the Division of Finance:

- (1) From \$300 to \$400, the annual fee paid by persons seeking a license to issue checks (Section 361.715);
- (2) From \$300 to \$400, the maximum fee that may be charged for any application to amend and reissue an existing license to issue checks (Section 361.715);
- (3) From \$500 to \$600, the annual license fee for each place of business of a financial institution licensed under state law (Section 364.030);
- (4) From \$500 to \$600, the annual registration fee for a premium finance company (Section 364.105);
- (5) From \$500 to \$600, the annual license fee for each place of business of a sales finance company (Section 365.030);
- (6) From \$500 to \$600, the fee paid by lenders of consumer credit loans when filing an application for certificate of registration (Section 367.140);
- (7) From \$300 to \$400, the maximum fee that may be charged a credit services organization when filing a registration statement with the Director of the Division (Section 407.640); and
- (8) From \$500 to \$600, the annual license fee charged to lenders, other than banks, trust companies, credit unions, savings banks, and savings and loan companies, in the business of making unsecured loans of \$500 or less (Section 408.500).

### **Issuance of credit cards by lenders (Section 408.145)**

Currently, lenders issuing credit cards in Missouri are permitted to contract for, charge, and collect fees for credit cards

## SUMMARIES OF 2023 TAFP SENATE BILLS

that they are allowed to charge in a contiguous state. This bill modifies that provision by allowing the issuance of credit cards under the same terms and conditions that are allowed in a contiguous state, rather than limiting the provision to only fees.

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### CCS SB 20

#### **R**etirement

This bill modifies provisions relating to retirement.

#### **Sheriffs' retirement system (Sections 57.952, 57.961, 57.967, and 57.991)**

Currently, the General Assembly and the governing body of a county are prohibited from appropriating funds into the Sheriffs' Retirement System. The bill reverses this provision and allows the General Assembly and the governing body of a county to appropriate funds for deposit into the Sheriffs' Retirement System. Further, each county is mandated to make the payroll deductions for member contributions and transmit the moneys to the Board of Directors to deposit into the Sheriffs' Retirement Fund.

This bill requires each person who becomes a member of the Sheriffs' Retirement System on or after January 1, 2024, to contribute 5% of the member's pay to the Retirement System. The bill details the provisions relating to the member contributions, including the right to request a refund of contributions by nonvested former members.

Currently, the percentage of annuity that is paid to a retired member is equal to 2% of the final average compensation multiplied by the number of years of creditable

service with an exception that the annuity cannot exceed 75% of the retired member's average final compensation. This bill specifies that the annuity shall not be less than \$1,000 per month.

Any new member who is employed after January 1, 2024 is subject to the provisions in the bill.

#### **Surviving spouse death benefit (Sections 86.253, 86.254, 86.280, 86.283 and 86.287)**

This bill modifies provisions relating to St. Louis City police officer retirement systems and allows a surviving spouse to continue receiving retirement benefits notwithstanding the surviving spouse's remarriage. If a surviving spouse who is receiving death benefits remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which is computed as specified in the bill. Beginning on August 28, 2023, any surviving spouse who was previously regarded as ineligible for benefits based upon remarriage can apply to the board of trustees to have the future benefits reinstated. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

#### **Missouri State Employees' Retirement System (MOSERS) and Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS)**

**(Sections 104.010, 104.020, 104.035, 104.090, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521)**

## SUMMARIES OF 2023 TAFP SENATE BILLS

This bill enacts cleanup language affecting the Missouri State Employees' Retirement System (MOSERS) and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS).

This bill:

- (1) Modifies the definition of "compensation" to allow the respective boards to define "compensation" by rules (Section 104.010, RSMo);
- (2) Allows a terminated vested employee to restore service if the employee becomes a member, working for a department, for one day instead of one year (Section 104.035);
- (3) Repeals Section 104.130 relating to death benefits for retired members;
- (4) Modifies the Board of Trustees membership of the MPERS by having the terms of the active employee representatives serving on the Board on August 28, 2026, to continue an additional two years until June 30, 2028, and after such date all terms of elected active employee representatives shall be for four years beginning July 1, 2028 and every four years thereafter (Section 104.160);
- (5) Allows an individual currently drawing a retirement benefit under a state retirement plan to serve as a member of the General Assembly or as an elected state official and continue to draw his or her retirement annuity and cost of living adjustments. Currently, retired state officers and employees receiving retirement benefits from a state employees' retirement plan may only work in part-time non-benefit-eligible positions (Sections 104.160, 104.380 and 104.1039);
- (6) Removes language requiring the election of the Chair and Vice Chair of

the MPERS Board by secret ballot (Section 104.170);

(7) Clarifies that the statute of limitations for correcting an error starts upon the member's annuity starting date or date of error, whichever is later. This change also adds language to exclude cases of fraud from the statute of limitations (Section 104.200, 104.490.1 and 104.1060);

(8) Expands the powers and duties of MPERS to include additional Sections 104.271, 104.272, and 104.312;

(9) Excludes service accrued under Section 104.601 from division of benefit orders, sets out calculation of annuity subject to benefit order and moves language from Section 104.625 related to division of benefit orders and includes calculation of the annuity subject to backdrop payments to Section 104.312 where other division of benefit order language resides (Section 104.312);

(10) Limits the amount of service a member of the General Assembly or statewide elected official can accrue while on long-term disability (Section 104.410 and 104.1084);

(11) Removes the requirement that the contributions for unfunded accrued liabilities be determined using the level percent of payroll amortization method (Section 104.436 and 104.1066);

(12) Allows members who terminate employment after reaching normal or early retirement age and become a retiree within 65 days of termination, instead of 60 days, to receive \$5,000 of life insurance coverage (Section 104.515 and 104.1072);

(13) Removes the option for members to receive the lump sum backdrop payment in three equal installments (Sections 104.625 and 104.1024);



## SUMMARIES OF 2023 TAFP SENATE BILLS

(14) Removes any service of a member accrued during the backdrop period from being considered creditable service when calculating the monthly amount under a division of benefit order (Section 104.625);

(15) Specifies an employee of the State Water Patrol who terminates employment and returns to the same position is a member of the system in which he or she was a member prior to termination, and if the employee returns to any other job he or she is a member of the system that currently covers that position (Section 104.810);

(16) Modifies the definition of "pay" to allow the respective board to define "pay" consistent with current law and deletes the definition of "year" as used in the definition of employee (Section 104.1003);

(17) Provides that any vested former member who terminated employment after attaining normal retirement eligibility shall be considered a member of the retirement system entitled to certain annuities under the Year 2000 Plan;

(18) Corrects a statutory citation and clarifies that any vested former member who terminated employment after reaching normal retirement eligibility is eligible to retire under the provisions of Section 104.1024 (Section 104.1024);

(19) Excludes a member's sick leave accruals from the calculation of the monthly benefit amount subject to division under a division of benefit order; sets out calculation of annuity subject to a division of benefit order (Section 104.1051);

(20) Clarifies when a member can receive a refund of his or her employee contributions after termination (Section 104.1091);

(21) Clarifies that members who terminate employment after reaching normal retirement eligibility are eligible to retire; members who terminate employment after reaching early retirement eligibility remain eligible for early retirement; delayed survivor annuity provision applies to members who terminated employment prior to reaching early retirement eligibility and the delayed cost-of-living provision adjustment applies to members who terminated employment prior to reaching early retirement eligibility (Section 104.1091); and

(22) Makes the interest rate credited to a judge's employee contribution balance the 52-week treasury bill rate, instead of 4%. This change brings the Judicial 2011 plan in alignment with the MSEP 2011 plan (Section 476.521).

### **Income tax deduction for selling employer securities to a qualified Missouri stock ownership plan (Section 143.114)**

The bill reauthorizes a deduction from federal adjusted gross income, when determining a taxpayer's Missouri adjusted gross income, of a certain percentage of net capital gain from the sale or exchange of certain securities, as defined in the bill. Tax deductions for such securities under previous law expired on October 14, 2022.

Under the bill, for all tax years beginning on or after January 1, 2023, when determining Missouri adjusted gross income a taxpayer is allowed to deduct from the taxpayer's federal gross income, 50% of the net capital gain from the sale or exchange of employer securities of a Missouri corporation to a qualified Missouri stock ownership plan, as specified in the bill.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Show-ME MyRetirement Savings Administrative Fund**

**(Sections 285.1000, 285.1005, 285.1010, 285.1015, 285.1020, 285.1025, 285.1030, 285.1035, 285.1040, 285.1045, 285.1050, and 285.1055)**

This Fund is a multiple-employer retirement savings plan treated as a single plan under Title I of The Employee Retirement Income Security Act of 1974 (ERISA) under 401(a), 401(k), and 413(c) of the Internal Revenue Code, in which multiple employers may voluntarily choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the Plan. The "Show-Me MyRetirement Savings Administrative Fund" shall consist of:

- (1) Moneys appropriated by the General Assembly;
- (2) Moneys transferred from the federal government, other state agencies, or local governments;
- (3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the Show-Me MyRetirement Savings Board;
- (4) Any gifts, donations, or grants made to the state of Missouri for deposit in the Administrative Fund;
- (5) Moneys collected for the Administrative Fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and
- (6) Earnings on moneys in the Administrative Fund.

The bill establishes the "Show-Me MyRetirement Savings Board" in the office of the State Treasurer. The members of the

Board are set forth in the bill. The Board shall design, develop and implement the "Show-ME MyRetirement Savings Plan" as outlined in the bill. The Board shall establish the Plan so that individuals can begin making contributions to the Plan no later than September 1, 2025. The Board has the discretion to structure staged or phased-in implementation of the Plan which shall be substantially completed on or before September 1, 2025.

An eligible employer, participating employer, or other employer joining the Plan shall not be liable for an employee's decision on which investments to choose, participants' or Board's investment decisions, the administration, investment, investment returns, or investment performance of the Plan, the Plan's design or the benefits paid to participants or any loss or adverse consequences incurred by any person solely and directly as a result of participating in the Plan.

Individual account information relating to accounts under the Plan and to individual participants shall be considered confidential. However, such information may be disclosed to administer the Plan or per the express written agreement of the individual providing the information, to disclosure of the information. Confidential information is considered a "closed record" as defined in Section 610.010 regardless as to whether such information has been disclosed as allowed by subsection 1 of Section 285.1035.

### **Speech implementers (Section 168.082)**

Under the bill, any person who was employed as a speech implementer before August 1, 2022, who is employed as a speech-language pathology assistant, as defined in the bill, on or after August 28, 2023,

## SUMMARIES OF 2023 TAFP SENATE BILLS

shall be considered a speech implementer for certification by the Department of Elementary and Secondary Education and for consideration of Social Security coverage. Such person shall not be considered a speech implementer when the person dies, retires, or no longer works in a speech-language pathology assistant position.

### **Teachers (Section 169.331)**

Under current law, a retired certificated teacher who receives a retirement benefit from PSRS/PEERS is allowed to work full-time for up to two years for a PSRS/PEERS-covered school district if there is a shortage of certified teachers. This bill increases the time period to four years. Further, the bill increases the total number of retired certificated teachers working to 30 at any one time.

### **Public higher education closed records (Section 173.1205)**

This bill provides that meetings, records, and votes may be closed to the extent that they relate to information submitted to a public institution of higher education regarding investments in or financial transactions with business entities for investment purposes.

### **PSRS multiplier (Section 169.070)**

Current law provides that between July 1, 2001, and July 1, 2014, a member of Public School Retirement System of Missouri (PSRS) with 31 years or more of service, regardless of age, be provided a retirement allowance with a multiplier of 2.55% of the member's final average salary for each year of the membership service. This bill modifies this provision by removing the expiration date and by providing that a

member with 32 years or more of service may receive such retirement allowance.

### **PSRS/PEERS (Sections 169.560 and 169.596)**

The bill modifies the current annual earning limit of 60% of the minimum teacher salary for any retired member of PSRS employed in a position covered under the Public Education Employee Retirement System of Missouri (PEERS). Beginning on August 28, 2023, and ending on June 30, 2028, the bill allows such teachers to earn up to 133% of the annual earnings limit applicable to a Social Security recipient before the calendar year of attainment of full retirement age under federal regulations. After June 30, 2028, such teachers may earn up to the annual earnings exemption amount applicable to a Social Security retirement recipient before the calendar year of attainment of full retirement age under federal regulations, without a discontinuance of the person's retirement allowance from the retirement system. This does not apply to retired members currently receiving benefits who are employed as full-time teachers of certain state agencies and institutions.

Currently, a retired teacher or a retired noncertificated employee who is receiving a retirement benefit from PSRS/PEERS is allowed to work full-time for up to two years for a PSRS/PEERS-covered school district if there is a shortage of certified teachers or noncertificated employees. This bill allows employees to work full-time up to four years for the district. Furthermore, the number of retired teachers that currently can teach in a school district with a critical shortage can not exceed, at any one time, the lesser of 10% of the teacher staff for that school district, or five teachers. This bill provides that the total number of retired teachers shall not exceed,

## SUMMARIES OF 2023 TAFP SENATE BILLS

at any one time, the greater of 1% of the total of teacher and non-certificated staff for that school district, or five certificated teachers.

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### HCS SS SB 24

#### **V**ulnerable persons

##### **First responders**

**(Sections 67.145, 70.631, 105.500, 170.310, 190.091, 190.100, 190.103, 190.142, 190.147, 190.327, 190.460, 192.2405, 208.1032, 285.040, 321.225, 321.620, 537.037, 650.320, 650.330, 650.335, and 650.340)**

The bill adds telecommunicator first responders to the definition of "first responder" in various chapters of statute, and it creates a definition for "Missouri State Highway Patrol telecommunicator". It also replaces the definition of "Emergency medical technician-paramedic" or "EMT-P" and "Emergency medical technician-basic" or "EMT-B" with a definition for the term "paramedic" in Section 190.100, RSMo and modifies the definition of "emergency medical dispatcher". The bill removes the terms "ambulance attendants" and "attendant drivers".

The bill also modifies provisions related to the Missouri 911 Service Board.

##### **Early childhood education services** **(Section 161.244)**

The bill specifies that, subject to appropriation, the Department of Elementary and Secondary Education shall provide grants directly to private entities for the provision of early childhood education services.

##### **Controlled substances**

**(Sections 190.255, 195.206, and 579.088)**

The bill specifies that any qualified first responder may obtain and administer, and any licensed drug distributor or pharmacy in Missouri may sell, any drug or device approved by the United States Food and Drug Administration (FDA) that blocks the effects of an opioid overdose and is administered in a manner approved by the FDA.

The bill specifies that it is not unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

##### **Tax credits**

**(Section 135.327, 135.331, and 135.333)**

The bill modifies provisions related to tax credits for those individuals who adopt a special needs child. For all tax years beginning on or after January 1, 2024, the total of the tax credits allowed per child will be adjusted annually for increases in cost-of-living as of the preceding July over the level of July of the immediately preceding year of the Consumer Price Index for All Urban Consumers. Beginning the same year, there will be no limit imposed on the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses. Beginning the same year, any amount of tax credit that is issued and that exceeds the tax due will be refunded to the tax payer.

##### **Emergency services**

**(Sections 190.134 and 190.327)**

The bill repeals a provisions that prohibits an emergency services board from Clay or Jefferson County from imposing a

## SUMMARIES OF 2023 TAFP SENATE BILLS

sales tax for emergency services greater than one-quarter of one percent.

The bill also repeals a provision requiring a dispatch agency to have a memorandum of understanding with all ambulance services that it dispatches and requiring a dispatch agency that provides prearrival medical instructions to have a medical director.

### **Peer support counseling for first responders (Section 190.1010)**

The bill creates new provisions relating to communications during peer support counseling programs for certain first responders. With exceptions, detailed in the bill, a communication made by a first responder or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, will be confidential and will not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this bill that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, will be confidential and will not be disclosed, except as otherwise specified in the bill.

An employer of a first responder that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of

the peer support counseling program, unless otherwise exempted under the provisions of this bill.

The bill specifies that no employer may mandate that any employee participate in a peer support counseling program.

### **Posttraumatic stress disorder diagnosed in first responders (Section 287.067)**

The bill adds Posttraumatic Stress Disorder (PTSD) to the diseases recognized as compensable occupational diseases when PTSD is diagnosed in a first responder. The bill specifies the qualifying events in order for a first responder to be diagnosed with PTSD for the purpose of compensation as an occupational disease.

### **Second Injury Fund (Section 287.715)**

Currently, the Director of the Division of Workers' Compensation collects a supplemental surcharge not to exceed 3% for calendar years 2014 to 2022 of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, for the purpose of the Second Injury Fund. This bill changes it to a surcharge not to exceed 1% for the calendar years 2014 to 2026, and it is rounded up to the nearest one-quarter of a percentage point. The bill extends the expiration of this provision to December 31, 2026, from December 31, 2023.

### **Voluntary critical illness benefits pool (Sections 287.245 and 320.400)**

Currently, a voluntary cancer benefits pool may be established for the purpose of providing benefits for firefighters who have contracted cancer in connection with

## SUMMARIES OF 2023 TAFP SENATE BILLS

employment as a firefighter. This bill changes the name of the pool to a voluntary critical illness benefits pool and expands the pool to allow other first responders, specifically emergency medical technician-basic, emergency medical technician-paramedic, and telecommunicators, to have access to benefits through the pool for exposure to or diagnosis of a critical illness, as defined in the bill. A payment may be made from the pool to a covered individual for the actual award, up to \$10,000, for seeking treatment with a licensed psychiatrist or a licensed psychologist and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a post traumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

Currently, the State Fire Marshal is allowed to disburse grants to voluntary critical illness pools. This provision expires June 30, 2023. This bill repeals the expiration date.

### **Missouri Task Force One (Section 320.336)**

This bill requires that any member of Missouri Task Force One who is called to active duty be entitled to employment rights and discrimination protections when the member is relieved from such duty. The Attorney General will enforce such rights.

### **Victims' rights (Section 595.209)**

The bill clarifies that victims and witnesses of crimes are able to receive notification from the Statewide Automated Crime Victim Notification System by electronic mail.

### **Health care (Sections 192.530, 197.020, and Section 1)**

The bill adds a facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services to the definition of "hospital" for the purposes of hospital licensing law.

The Department of Health and Senior Services must include on its website an Advance Health Care Directive Form and directions for completing the Form. The Department must also include a listing of possible uses for an Advance Health Care Directive, including to limit pain control to nonopioid measures.

This bill also repeals Section 192.530 from HB 402 (2023) relating to voluntary nonopioid directive forms.

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### **SS SB 25 Tax exemption**

This bill exempts from a taxpayer's Missouri adjusted gross income 100% of any federal grant moneys received by the taxpayer for the purpose of providing, or expanding access to, broadband Internet to areas of the state deemed to be lacking such access.

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### **CCS SB 28 Access to certain records**

This bill relates to access to certain records.

### **Office of Child Advocate (Section 37.725)**

## SUMMARIES OF 2023 TAFP SENATE BILLS

This bill authorizes the Office of Child Advocate to disclose information if the disclosure is at the request of law enforcement as part of an investigation.

### **Records of the Highway Patrol (Section 43.253)**

This bill provides that a minimum fee of \$6 may be charged by the State Highway Patrol for any records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there is an allowable fee of less than \$6. Such \$6 fee will be in place of the allowable fee of less than \$6. The fee may be increased by no more than \$1 every other year starting August 28, 2024, and the minimum fee must not exceed \$10.

### **Background checks (Sections 43.539, 43.540, and 195.817)**

Currently, qualified entities receive Rap Back notifications for individuals as long as the individual has had a Missouri and national criminal record review completed within the previous six years. This bill eliminates the six-year limitation such that a qualified entity will continue to receive Rap Back notifications for individuals as long as the individuals have at some point had a Missouri and national criminal record review completed.

As specified in the bill, the Department of Health and Senior services will require all employees, contractors who spend more than 14 days in a year doing work at a marijuana facility, owners, and volunteers of marijuana facilities to submit fingerprints to the State Highway Patrol for a state and federal criminal background check. The Patrol will notify the Department of any criminal history record information or lack thereof discovered on the individual. All

such records will be accessible and available to the Department.

### **Personal Privacy Protection Act (Section 105.1500)**

This bill amends the "Personal Privacy Protection Act" to prohibit a public agency from releasing, publicizing, or otherwise publicly disclosing personal information in possession of the agency without the express, written permission of every individual who is identifiable as a financial supporter of a nonprofit organization. The bill also provides some exceptions to the prohibition, including: personal information that a person or non-profit entity submits or has previously submitted to a public agency for the purpose of seeking or obtaining a contract, grant, permit, license, benefit, tax credit, incentive, status, or any other similar item; a disclosure of personal information among law enforcement agencies or public agency investigators pursuant to an active investigation; a disclosure of personal information voluntarily made as part of public comment, public testimony, pleading, or in a public meeting, or voluntarily provided to a public agency for the purpose of public outreach, marketing, or education to show appreciation for or in partnership with a non-profit entity; a disclosure of personal information to a labor union or employee association regarding employees in a bargaining unit represented by the union or association; or the collection or publishing of information contained in a financial interest statement.

The provisions of this section have an emergency clause.

### **Certification of birth (Section 193.265)**

This bill allows a victim of domestic violence or abuse to receive a certification of

## SUMMARIES OF 2023 TAFP SENATE BILLS

birth free of charge upon request if the victim provides documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a health care or mental health professional, from whom the victim has sought assistance relating to the domestic violence or abuse. A victim is eligible for a fee waiver only once under this section.

### **Information relating to minors (Section 210.1360)**

The bill specifies that any personally identifiable information regarding a child under 18 years old receiving child care from any provider or applying for or receiving services through a state program shall not be subject to disclosure except as otherwise allowed by law.

### **Sunshine Law exceptions (Section 610.021)**

The bill adds to the list of closed records under the sunshine law records relating to certain security measures, GPS data, investigative information, or investigative or surveillance techniques of a public agency responsible for law enforcement, any information or data provided to a tip line for the safety and security of an educational institution, and information contained in a suspicious activity report provided to law enforcement that if disclosed could potentially endanger the health or safety of an individual or the public.

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### **SB 34**

### **E**lective social studies courses on the Bible

This bill allows a school district or public charter school to offer an elective social studies course relating to the Hebrew Scriptures, the New Testament of the Bible, or both. The course should include the biblical contents, history, literary style and structure of the Hebrew Scriptures or New Testament, and their influences on society. No requirement shall be made by the district or charter school on the text translation students must use. This bill requires that any course offered shall follow applicable laws maintaining religious neutrality, and shall not endorse, favor, promote, or show hostility to any particular religion, nonreligious faith, or religious perspective.

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### **SS SB 35**

### **J**udicial proceedings

This bill adds a rebuttable presumption when determining child custody arrangements that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. Such presumption may be rebutted by a preponderance of the evidence for relevant factors as specified in the bill, or if the court finds the parents have reached an agreement on all issues related to custody or that a pattern of domestic violence has occurred. The General Assembly urges the court to enter a temporary parenting plan as soon as practicable in a manner that will best assure both parents participate in custody decisions and have frequent, continuing, and meaningful contact with their children.



## SUMMARIES OF 2023 TAFP SENATE BILLS

The bill clarifies that the fact that a parent sends his or her child or children to a home school will not be the sole factor that a court considers in determining custody of such child or children. Additionally, current law requires a court considering child custody to consider and enter written findings of fact and conclusions of law on the child's wishes as to his or her custodian. This provision is modified to require that the court instead consider the child's unobstructed input, free of coercion and manipulation, as to his or her custodial arrangement.

This bill provides that the hearings to determine whether the suspension of a business, occupational, professional, recreational, or other license is appropriate when an individual is not in compliance with a child support order shall comply with due process and shall consider all relevant factors, including the individual's current and past ability to pay the support, his or her need for transportation, and his or her need for the license for continued employment.

The court or the Director of the Family Support Division within the Department of Social Services shall consider and issue written findings of fact and conclusions of law within 30 days of the hearing. If the court or the Director, after the hearing, determines that the individual has not made the required payments for good cause, then the court or Director shall not issue an order suspending the license or, if an order is in place, shall stay such order.

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### SS#2 SB 39

#### **A**thletic competition

This bill prohibits a private school, public school district, public charter school,

or public or private institution of higher education from allowing any student to compete in an athletic competition that is designated for the biological sex opposite to the student's biological sex as stated on the student's official birth certificate or other government record as specified in the bill. The bill specifies what constitutes an acceptable official birth certificate.

A private school, public school district, public charter school, or public or private institution of higher education may allow a female student to compete in an athletic competition designated for male students if no corresponding competition for female students is offered or available.

Any private school, public school district, public charter school, or public or private institution of higher education that violates the provisions of this bill shall not receive any state aid or other revenues from the state. The parent or guardian of any student, or any student who is over 18 years old, who is deprived of an athletic opportunity as a result of a violation of the bill shall have a cause of action for injunctive or other equitable relief as described in the bill.

The provisions of this bill will expire after four years on August 28, 2027.

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### HCS SS SCS SB 40

#### **B**ackground checks

Currently, an entity participating in the Missouri Rap Back Program may request a person's updated criminal history record if the person has previously had a Missouri and national criminal record review within the previous six years. This bill repeals the six year requirement.

## SUMMARIES OF 2023 TAFP SENATE BILLS

School districts shall ensure that a state criminal history background check consisting of open records is conducted on any person who is 18 years old or older who is not counted in the school district's average daily attendance when such person requests enrollment in a course that will take place on school property at a time when K-12 students are present. Such background check shall be processed through the State Highway Patrol, and the person seeking admission shall pay the fees for such background check as provided in current law. A person found to have been convicted of a crime or offense for which a certificate of license to teach would be revoked or not issued shall be prohibited from enrolling in the course.

The Department of Health and Senior Services shall require all employees, contractors performing work for a marijuana facility for more than 14 days a year, owners, and volunteers of marijuana facilities submit fingerprints to the Highway Patrol for a state and federal criminal background check. The Highway Patrol shall notify the Department of any criminal history record information or lack thereof discovered on the individual. All such records shall be accessible and available to the Department.

Finally, this bill modifies provisions of current law relating to background checks of individuals in connection with licensed residential care facilities and licensed child placing agencies. Current law requires officers, managers, and support staff, in addition to contractors, volunteers with access to children, and employees, to undergo background checks. This bill removes the background check requirement for officers, managers, and support staff. This bill requires the background check to include a state background check.

## CCS HCS SS SCS SBs 45 & 90

### Health care

This bill modifies several provisions relating to health care.

#### Health awareness designations (Sections 9.371, 9.381, and 9.388)

This bill designates:

- (1) The 1st Saturday of October as "Breast Cancer Awareness Day";
- (2) The 2nd of October as "Premenstrual Dysphoric Disorder (PMDD) Awareness Day"; and
- (3) The month of March as "Rare Kidney Disease Awareness Month".

#### Office of Child Advocate (Section 37.725)

Currently, the identity of a complainant or recipient shall not be disclosed by the Office of Child Advocate unless the complainant or recipient or his or her legal representative consents or a court orders the disclosure. This bill also permits disclosure of such identities if the Child Advocate determines that disclosure to law enforcement is necessary to ensure immediate child safety.

#### Missouri as a model employer initiative (Section 37.980)

This bill requires the Office of Administration to submit a report to the General Assembly by December 31st of each year beginning in 2023, relating to the "Missouri as a Model Employer" initiative under executive order 19-16. The content to be included in the report is specified in the bill, including data on the baseline number of employees in the state workforce who disclosed disabilities when the initiative began and the number of employees in the state

## SUMMARIES OF 2023 TAFP SENATE BILLS

workforce who disclose disabilities at the time of the compiling of the annual report and descriptions of specific efforts made by state agencies to recruit, hire, advance, and retain individuals with disabilities.

### **Opioid overdoses (Sections 190.255 and 195.206)**

Currently, qualified first responders may obtain and administer naloxone to a person suffering from an apparent narcotic or opiate-related overdose. This bill allows first responders to obtain and administer any drug or device approved by the FDA to block the effects of an opioid overdose. Licensed drug distributors or pharmacies may sell such drugs or devices to first responders for this purpose.

Currently, state or local law enforcement agency staff members are required to be acting under the directives and protocols of a medical director of a local licensed ground ambulance service in order to administer naloxone or similar drugs or devices to a person suffering from an apparent narcotic or opiate-related overdose. As specified in this bill, state or local law enforcement agency staff members would not need to act under such directives and protocols to administer naloxone or similar drugs or devices.

Currently, "opioid antagonists" are defined as naloxone hydrochloride and this bill adds any other drug or device approved by the FDA that blocks the effect of an opioid overdose to this definition.

### **Do-not-resuscitate orders (Sections 190.600, 190.603, 190.606, 190.612, and 190.613)**

This bill modifies the "Outside the Hospital Do-Not-Resuscitate Act" by expanding the provisions to cover persons un-

der 18 years of age who have do-not-resuscitate orders issued on their behalf by a parent or legal guardian or by a juvenile or family court under current law. Such orders shall function as outside the hospital do-not-resuscitate orders unless specifically stated otherwise. Persons who are not subject to civil, criminal, or administrative liability for certain actions taken upon the discovery of an adult outside the hospital do-not-resuscitate orders shall not be subject to such liability in the case of a minor child's do-not-resuscitate order. Emergency services personnel shall be authorized to comply with the minor child's do-not-resuscitate order, except when the minor child, either parent, the legal guardian, or the juvenile or family court expresses to such emergency services personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

Do-not-resuscitate orders from other states or territories or Transportable Physician Orders for Patient Preferences/Physician Orders for Life-Sustaining Treatment (TPOPP/POLST) forms containing specific do-not-resuscitate provisions, as described in this bill, shall be accepted and may be revoked by the patient or patient's representative at any time and by any means.

### **Patient examinations (Section 191.240)**

As specified in this bill, no health care provider, or any student or trainee under the supervision of a health care provider, shall perform a patient examination, defined as a prostate, anal, or pelvic examination, upon an anesthetized or unconscious patient in a health care facility, unless:

## SUMMARIES OF 2023 TAFP SENATE BILLS

- (1) The patient or person authorized to make health care decisions for the patient gives specific informed consent for nonmedical purposes;
- (2) The patient examination is necessary for diagnostic or treatment purposes;
- (3) The collection of evidence through a forensic examination for a suspected sexual assault is necessary because the evidence will be lost or the patient is unable to give informed consent due to a medical condition; or
- (4) Emergency implied consent, as described in the bill, is present.

A health care provider shall notify a patient of certain examinations performed.

A health care provider who violates the provisions of this bill, or who supervises a student or trainee who violates the provisions of this bill, shall be subject to disciplinary action by the provider's licensing board.

### **Health professional grant and loan programs**

**(Sections 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, 191.831, 335.203, and 335.205)**

This bill establishes the "Health Professional Loan Repayment Program" offering forgivable loans to pay off existing student loans and other education expenses for health care, mental health, and public health professionals.

The Department of Health and Senior Services is the chief administrative agency and is responsible for oversight and rulemaking of the Program. The Director shall be in charge of determining who will receive forgivable health professional loans, and the professionals or disciplines that receive funding in any given year are contingent on consultation with the Department of Mental Health and the Department of

Higher Education and Workforce Development.

The Department will enter into a written contract with each qualifying individual for a forgivable loan, the provisions of which are specified in the bill. The contract shall include an agreement that the individual serve for a period of at least two years in an area of defined need in order for the loan to be forgiven. The Department of Health and Senior Services will designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, or public health services.

All health professional loans shall be made from funds appropriated to the Health Professional Loan Incentive Fund by the General Assembly, as well as funds generated by loan repayments.

Any individual who enters into a written contract but fails to maintain acceptable employment is liable for any amount awarded by the state that has not yet been forgiven. If the individual engages in a breach of contract, they are liable to the state as specified in the bill.

This bill repeals an existing loan program for students enrolled in certain health care degree programs.

The "Nursing Education Incentive Program" within the State Board of Nursing is a program that awards grants to eligible institutions of higher education based on criteria jointly determined by the Board and the Department of Higher Education and Workforce Development.

There is currently a \$150,000 cap on the grants, this bill removes that cap. The bill also creates a new nursing education incentive program surcharge for initial license applications and renewal applications for nurses. Practical nurses will pay a \$1 fee per year and registered professional nurses

## SUMMARIES OF 2023 TAFP SENATE BILLS

will pay \$5 per year, to be deposited in the State Board of Nursing Fund.

This bill repeals both the Nursing Student Loan Program and the Nursing Student Loan Repayment Program.

### **Medical residency grant program (Section 191.592)**

Subject to appropriation, this bill requires the Department of Health and Senior Services to establish a medical residency grant program, awarding grants to entities operating residency positions beyond the currently existing medical residency positions, that are within the fields of primary care and psychiatry. Funding will be available on a scaled basis, as the bill specifies, and the Department must expend moneys in the order provided in the bill.

This bill creates the "Medical Residency Grant Program Fund", which will consist of moneys appropriated to it by the General Assembly, reimbursements from entities unable to fill their residency positions, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

The Department shall establish eligibility criteria, criteria for determining the amount and duration of grants, the contents of the grant application, and the procedures and timelines by which entities may apply for grants.

This bill provides additional stipulations for entities receiving grants, as specified in the bill, and requires the Department to submit an annual report to the General Assembly.

The provisions of this section expire on January 1, 2038.

This provision contains an emergency clause.

### **Pharmacy settlements (Section 196.1050)**

This bill adds proceeds from opioid settlements with pharmacies to the Opioid Addiction Treatment and Recovery Fund.

### **Rural emergency hospitals (Section 197.020)**

This bill modifies the term "hospital" for purposes of licensure to include facilities designated as rural emergency hospitals by the Centers for Medicare and Medicaid Services.

### **Transitional benefits for TANF, SNAP, and child care (Sections 208.035 and 208.053)**

Subject to appropriations and any necessary waivers or approvals, the Department of Social Services shall develop and implement a transitional benefits program for Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP) that is designed in such a way that a TANF or SNAP beneficiary will not experience an immediate loss of benefits should the beneficiary's income exceed the maximum allowable income for such program. The transitional benefits offered shall provide for a transition to self-sufficiency while incentivizing work and financial stability. The transitional benefits offered will gradually step down the beneficiary's monthly benefit proportionate to the increase in the beneficiary's income as specified in the bill.

This bill makes permanent the program (formerly Hand-Up pilot program) for recipients to receive transitional child care benefits without the requirement that such recipients first be eligible for full child care benefit. Subject to appropriation, DESE shall implement the program by July 1, 2024. Under the program, transitional child

## SUMMARIES OF 2023 TAFP SENATE BILLS

care benefits will be determined on a sliding scale as specified in the bill.

### **Public assistance applications (Sections 208.066 and 208.072)**

The bill requires the Department of Social Services to limit any initial application for the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families Program (TANF), the Child Care Assistance Program, or MO HealthNet to a one-page form that is easily accessible on the Department of Social Services' website.

Program participants who are required to complete a periodic eligibility review form can submit the form as an attachment to their Missouri state individual income tax return if the form is due at the same time as the tax return. The eligibility forms must be available and easily accessible on the Department of Social Service's and Department of Revenue's websites.

In accordance with 42 CFR 435.907(a), as amended, if the applicant to MO HealthNet is a minor or is incapacitated, the Family Support Division within the Department of Social Services or its successor shall accept an application from someone acting responsibly for the applicant.

### **Ticket to Work Health Assurance Program (Section 208.146)**

The Ticket to Work Health Assurance Program provides medical assistance through MO HealthNet for employed disabled persons who meet certain qualifications, including asset limits and earned, net, and gross income calculations. Under current law, disabled individuals whose income exceeds 100% of the federal poverty level (FPL) pay a premium for participation

in the Program. If an eligible person's employer offers employer-sponsored health insurance and the Department of Social Services determines the employer-sponsored insurance is more cost effective, the Department will instead pay that person's costs for the employer-sponsored health insurance.

This bill changes the Program in the following ways:

- (1) Excludes retirement accounts from asset limit calculations;
- (2) Modifies the income calculation from a net/gross calculation to a broader definition that would consider income for those disabled persons with incomes up to 250% FPL, with earned income of the disabled worker from 250% to 300% FPL disregarded, and retaining the requirement that persons with incomes over 100% FPL pay a premium;
- (3) Removes all earned income of the disabled worker from the list of disregards in income determinations;
- (4) Adds to the list of disregards the first \$50,000 of earned income of a spouse;
- (5) If the Department elects to pay the person's costs of employer-sponsored health insurance, MO HealthNet assistance shall be provided as a secondary or supplemental policy for only personal care assistance services and non-emergency medical transportation; and
- (6) The Department shall provide an annual report to the General Assembly concerning the number of participants and outreach and education efforts.

### **MO HealthNet postpartum benefits (Sections 208.151 and 208.662)**

Currently, low-income pregnant and postpartum women receiving benefits through MO HealthNet for Pregnant

## SUMMARIES OF 2023 TAFP SENATE BILLS

Women or Show-Me Healthy Babies are eligible for pregnancy-related coverage throughout the pregnancy and for 60 days following the end of the pregnancy. As specified in this bill, MO HealthNet coverage for these low-income women will include full Medicaid benefits for the duration of the pregnancy and for one year following the end of the pregnancy. The Department shall submit any necessary state plan amendments or waivers, as described in the bill.

This provision contains an emergency clause.

### **Out of state MO HealthNet payments (Section 208.186)**

Under this bill, the state shall not provide any payments, add-ons, or reimbursements to health care providers through MO HealthNet for medical assistance services to persons who are not considered Missouri residents under federal regulations.

This provision contains an emergency clause.

### **MO HealthNet eligibility redeterminations (Section 208.239)**

Within 30 days of the effective date of this bill, the Department of Social Services shall resume annual MO HealthNet eligibility redeterminations, renewals, and post-enrollment verifications.

This provision contains an emergency clause.

### **Missouri Employment First Act (Section 209.700)**

The bill establishes the "Missouri Employment First Act". The Act specifies that all state agencies that provide employment-related services or services or support

to persons with disabilities are required to coordinate with other agencies, promote competitive integrated employment, and implement an employment-first policy when providing services to persons with disabilities of working age. In addition, state agencies will offer specified information to all working-age persons with disabilities and to the parents or guardians of youth with a disability, which shall include an explanation of the relationship between a person's earned income and his or her public benefits, information on Achieving a Better Life Experience (ABLE) accounts, and information on accessing assistive technology.

The bill provides that this shall not be construed as requiring any state agency or employer to give a preference in hiring to persons with disabilities, or require a state agency to perform an action not in conformity with federal law.

### **Confidentiality of information of certain children (Section 210.1360)**

Any personally identifiable information regarding any child receiving child care from a provider or applying for or receiving any services through a state program shall not be subject to disclosure, except as described in the bill.

### **APRN geographic proximity (Section 334.104)**

This bill modifies collaborative practice arrangements regarding geographic proximity between nurses and physicians. Currently, an advanced practice registered nurse (APRN) and physician in a collaborative practice arrangement must maintain a geographic proximity of 75 miles of each other, unless otherwise specified in law. Under this bill, and until August 28, 2025, an APRN and physician may practice

## SUMMARIES OF 2023 TAFP SENATE BILLS

within 200 miles by road of each other if the APRN is providing services in a correctional center.

### **Administration of medications by pharmacists**

#### **(Sections 338.010 and 338.012)**

This bill modifies several provisions relating to the administration of medications by pharmacists. This bill repeals language from current law defining the "practice of pharmacy" as including the administration of specific vaccines by written physician protocol for specific patients and adds language defining the practice of pharmacy as including the ordering and administering of certain FDA-approved or authorized vaccines to persons at least seven years of age or the CDC-approved age, whichever is older, pursuant to rules promulgated by the Board of Pharmacy and the Board of Registration for the Healing Arts or rules promulgated under a state of emergency.

Currently, any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the referring physician. This bill repeals this provision and permits a pharmacist with a certificate of medication therapeutic plan authority to provide medication therapy services pursuant to a written physician protocol to patients with an established physician-patient relationship with the protocol physician.

As specified in this bill, a licensed pharmacist may order and administer vaccines approved or authorized by the FDA to address a public health need, as authorized by the state or federal government, during a state or federally-declared public health emergency.

Finally, a pharmacist with a certificate of medication therapeutic plan author-

ity may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the Director of the Department of Health and Senior Services or a physician licensed by the Department.

### **Access to dental provider networks**

#### **(Section 376.1060)**

This bill modifies a statute regarding access to dental provider networks to apply to dentists providing any health care service under network plans, as defined.

The bill repeals certain limitations on sale, assignment, or other grants of access to dentists' health care services, and specifies that a contracting entity can only grant a third party, as such terms are defined in the bill, access to the dentists' services if certain conditions are met.

The bill repeals a requirement that upon a dentist's request, a contracting entity must properly identify any third-party that has been granted access to the dentist's services. The bill also specifies that no dentist shall be required to perform health care services under a provider network to which access has been granted to a third party in violation of the bill.

The bill repeals a requirement that third parties who have contracted for access to participating dentists' discounted rates must comply with the dentists' contracts unless otherwise agreed by the dentists, including with regard to payment rates and methods.

Additionally, the bill repeals a provision of law specifying that a contracting entity will be deemed in compliance with the statute if the insured's identification card identifies the insurance carrier to be used to reimburse the participating dentist for the covered services.



## SUMMARIES OF 2023 TAFP SENATE BILLS

This bill will not apply if access to a provider network contract is granted to any entity operating in accordance with the same brand licensee program as the contracting entity, or to affiliates of the contracting entity.

A list of the contracting entity's affiliates will be made available to a provider on the contracting entity's website. This bill will not apply to provider network contracts for health care services provided to beneficiaries of state-sponsored health insurance programs, including but not limited to MO HealthNet and the Children's Health Insurance Program (CHIP).

### **Fentanyl testing (Section 579.088)**

It shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances for the presence of fentanyl.

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### **SS#2 SCS SBs 49, 236 & 164**

### **Gender transition procedures**

This bill establishes the "Missouri Save Adolescents from Experimentation (SAFE) Act".

As specified in this bill, no health care provider shall knowingly perform gender transition surgeries on any minor. Until August 28, 2027, no health care provider shall prescribe or administer cross-sex hormones or puberty-blocking drugs to a minor for a gender transition, unless such minor was receiving such treatment prior to August 28, 2023.

A violation of the provision of this bill shall be considered unprofessional conduct and shall result in the revocation of the health care provider's professional license.

Additionally, the prescription or administration of cross-sex hormones or puberty-blocking drugs to a minor for a gender transition shall be grounds for a cause of action against the health care provider. State law governing tort actions based on improper health care under Chapter 538, RSMo, shall not apply to a cause of action brought under the provisions of this bill. Instead, an action must be brought within 15 years of the injured individual reaching 21 years of age or of the date the treatment of the injury has ceased, whichever is later. If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the court, as well as any judgments issued by the court in such actions, shall not include the personal identifying information of the plaintiff.

The individual bringing an action shall have a rebuttable presumption of injury if the individual was infertile following the prescription or administration of the cross-sex hormones or puberty blocking drugs. An injured individual shall be entitled to economic and noneconomic damages, and punitive damages, without limitation to the amount but no less than \$500,000 in the aggregate. The judgment against a defendant shall be in an amount of three times the amount of any economic and noneconomic damages or punitive damages assessed. A plaintiff may enter into a court-approved voluntary agreement of settlement or compromise of the action, but no such agreement can require the nondisclosure or confidentiality of the terms of the agreement.

## SUMMARIES OF 2023 TAFP SENATE BILLS

The provisions of this bill shall not apply to speech protected by the First Amendment.

The provisions of this bill shall not apply to:

- (1) Services for individuals born with medically verifiable disorders of sex development;
- (2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sex development;
- (3) Treatment of any infection, injury, disease, or disorder caused or exacerbated by gender transition surgeries, drugs, or hormones; or
- (4) Procedures undertaken because the minor suffers from a physical disorder, physical injury, or physical illness that would place him or her in imminent danger of death or impairment of a major bodily function unless surgery is performed.

Finally, the MO HealthNet program shall not cover gender transition surgeries, cross-sex hormones, or puberty-blocking drugs for the purpose of a gender transition and health care services provided in prisons, jails, and correctional centers shall not include gender transition surgeries.

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### SS SB 51

#### **P**hysical therapists

This bill modifies the laws regarding physical therapists so that physical therapists no longer need a prescription or referral from a doctor in order to evaluate and initiate treatment on a patient, as long as the physical therapist has a Doctorate of Physical Therapy Degree or has five years of clinical

practice as a physical therapist. However, the bill does require a physical therapist to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice. The physical therapist must also refer any patient who does not demonstrate measurable or functional improvement after 10 visits or 30 days, whichever occurs first.

The physical therapist must also consult with an approved health care provider before continuing therapy if after 10 visits or 30 days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical therapy and the physical therapist believes that continuation of physical therapy is necessary. Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 10 visits or 30 days after the initial consultation unless the consulting approved health care provider directs otherwise.

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### SB 63

#### **F**inancial institutions

This bill allows any entity that operates as a marijuana facility licensed or certified under Article XIV of the Constitution of Missouri to request in writing that a state or local licensing authority or agency, including but not limited to the Department of Health and Senior Services or the Department of Revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. Such written request must include a waiver giving authorization for the transfer of the

## SUMMARIES OF 2023 TAFP SENATE BILLS

individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records. A state or local licensing authority or agency is permitted to share the entity's information with the banking institution's state and federal supervisory agencies.

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### HCS SS SCS SB 70

#### **P**rofessions requiring licensure

This bill relates to professions requiring licensure.

#### **Opioid overdoses and fentanyl testing** (Sections 190.255, 195.206, and 579.088)

Currently, qualified first responders are allowed to administer naloxone to a person suffering from an apparent overdose. This bill clarifies the definition of first responders so that state and local law enforcement agency staff members do not need to be acting under the directives and established protocols of a medical director of a licensed ground ambulance service. That requirement only applies to fire department personnel, fire district personnel, and licensed emergency medical technicians under this bill.

The bill changes the definition of "opioid antagonists" to be inclusive of other drugs or devices that block the effects of an opioid overdose. Additionally, this bill allows first responders to administer, and drug distributors and pharmacies to sell, other drugs or devices approved by the United States Food and Drug Administration that block the effects of an opioid overdose.

This bill also specifies that it is not against the law to manufacture, sell, possess, deliver, or use any device, equipment, or other material to analyze a controlled substance to detect the presence of fentanyl.

#### **Health professional grant and loan programs**

(Sections 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, and 191.831)

This bill establishes the "Health Professional Loan Repayment Program" within the Department of Health and Senior Services (DHSS), offering forgivable loans to pay off existing student loans and other education expenses for health care, mental health, and public health professionals.

DHSS is the chief administrative agency and is responsible for oversight and rulemaking of the program, the Director will be in charge of determining who will receive forgivable health professional loans, and the professionals or disciplines that receive funding in any given year are contingent on consultation with the Department of Mental Health (DMH) and the Department of Higher Education and Workforce Development (DHEWD).

DHSS will enter into a written contract with each qualifying individual for a forgivable loan, the provisions of which are specified in the bill. The contract must include an agreement that the individual serve for a period equal to at least two years in an area of defined need, in order for the loan to be forgiven. DHSS will designate counties, communities, or sections of areas in the state as "areas of defined need" for health care, mental health, or public health services.

This bill establishes the "Health Professional Loan Incentive Fund", which shall consist of funds appropriated by the General Assembly, funds from an individual,

## SUMMARIES OF 2023 TAFP SENATE BILLS

and funds generated by loan repayments. Further stipulations of the fund may be found in the bill.

Any individual who enters into a written contract but fails to maintain acceptable employment is liable for any amount awarded by the state that has not yet been forgiven. If the individual engages in a breach of contract, they are liable to the state for an amount as specified in the bill.

### **Controlled substances**

**(Sections 195.070, 195.100, 334.104, 334.735, and 334.757)**

Under the provisions of this bill, an advanced practice registered nurse (APRN) may prescribe Schedule II controlled substances for hospice patients, as described in the bill.

Currently, if an APRN or a physician assistant is in a collaborative practice arrangement with a physician and prescribes a drug, the prescription must include the name of the physician assistant or APRN and the supervising physician. This bill repeals the requirement to include the name of the supervising physician.

Currently, Section 334.747, RSMo allows a physician assistant with a certificate of controlled substance prescriptive authority to prescribe any controlled substance listed in Schedule III, IV, or V of Section 195.017, and to have restricted authority in Schedule II, when given the authority to prescribe controlled substances in a collaborative practice arrangement. This bill adds the word "narcotic" before the words "controlled substance" in Section 334.747.

### **Health care professionals**

**(Sections 334.036, 334.104, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175)**

Currently, a requirement for licensure as an assistant physician is that the applicant must be a graduate of any medical school. This bill provides that the applicant must be a graduate of a medical school accredited by certain organizations listed in the bill. This bill limits an assistant physician to providing only primary care services and only to medically underserved rural or urban areas. Currently, assistant physicians are authorized to also provide services in certain pilot project areas; this bill repeals that provision.

This bill modifies licensing and collaborative practice arrangements for APRNs. Collaborative practice arrangements between the APRN and the collaborating physician may waive geographic proximity requirements, as specified in the bill, when the arrangement outlines the use of telehealth and, until August 28, 2025, when the APRN is providing services in a correctional center and is practicing within 200 miles by road of his or her collaborating physician. Additionally, an APRN can apply for a waiver for any other reason and it shall be granted within 45 days if the Board of Healing Arts and the Board of Nursing determine that adequate supervision exists.

Under the provisions of this bill, if an APRN provides care that includes the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, the collaborating physicians or designated physician must be present with the APRN for sufficient periods of time, at least once every two weeks, to participate in chart reviews and supervision.

Currently, an APRN must practice with the collaborating physician continuously present for a one-month period when entering into an arrangement with the physician. This bill waives that requirement when a primary care or behavioral health

## SUMMARIES OF 2023 TAFP SENATE BILLS

physician enters into an arrangement with a primary care or behavioral health APRN and the physician is new to the patient population but the APRN is familiar with the patient population.

Currently, a nurse may be licensed to practice professional or practical nursing. This bill adds a license to practice advanced practice nursing and modifies the definitions of APRN and the practice of professional nursing. Additionally, this bill specifies the requirements for the advanced practice nursing license, including the requirement that an applicant first hold a current registered professional nurse license, and have completed certain graduate-level programs and certifications, or hold a document of recognition to practice as an APRN that is current as of August 28, 2023. License renewals for APRN licenses and registered professional nurse licenses will occur at the same time and failure to renew and maintain the registered professional nurse license or failure to provide evidence of an active required certification will result in the expiration of the APRN license. This bill further modifies the names of the specific certifying organizations for nursing specialties.

Currently, the Board of Registration for the Healing Arts, within the Department of Commerce and Insurance, requires every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement arrangement and also report to the Board the name of each licensed professional with whom the physician has entered into such agreement. The Board may make this information available to the public. This bill changes the word “agreement” to the word “arrangement”

and requires the Board to make information about which physicians and other health care providers have entered into collaborative practice arrangements publicly available.

### **Tattooing (Section 324.520)**

This bill changes the definition of tattoo, in the tattooing requirements of Chapter 324 to include the insertion of ink or both ink and pigment with the aid of needles or blades using hand-held or machine-powered instruments; or a mark made on the face or body of another person for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles.

### **Interstate Medical Licensure Compact (Sections 334.043, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635, 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675, 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715, and 334.1720)**

This bill allows any person who holds a valid current physician and surgeon license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, who has been licensed for at least one year in that location, to apply for a physician or surgeon license in Missouri.

The Board of Healing Arts must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Board determines that the applicant met the minimum education and work experience in the other territory. For applications received

## SUMMARIES OF 2023 TAFP SENATE BILLS

from a nonresident or resident military spouse, the Board must act within 30 days. The Board will not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight committee;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill adopts the "Interstate Medical Licensure Compact". The Compact allows a physician who meets the eligibility requirements to receive an expedited license. The state must perform a criminal background check on an applicant and the state cannot require any additional verification beyond primary-source verification of medical education or results of medical or licensing examinations by the state of principal license.

A physician may renew his or her expedited license as a member of the Compact.

The Compact establishes a confidential database of all physicians who have been granted an expedited license or who have applied for an expedited license, for the purpose of allowing member states to report disciplinary or investigatory information.

Member states may participate in joint investigations of physicians with other member states, and any disciplinary action taken by one member state may subject the physician to discipline with other member

states. If a physician's license is revoked, surrendered, or relinquished in one state, it shall automatically be placed on the same status in the other member states.

The Compact establishes the "Interstate Medical Licensure Compact Commission" to act as a corporate and joint agency of the member states and to oversee and maintain administration of the Compact.

The Compact outlines procedures for any member state that fails to perform its obligations of the Compact.

The Compact will only be effective once seven states have enacted legislation to join the Compact.

The Compact outlines the procedure to withdraw from the Compact. The Compact supersedes all other laws that conflict with provisions of the Compact.

### **Physical therapists**

#### **(Sections 334.100, 334.506, and 334.613)**

This bill changes the laws regarding physical therapists so that physical therapists no longer need a prescription or referral from a doctor in order to evaluate and initiate treatment on a patient, as long as the physical therapist has a Doctorate of Physical Therapy Degree or has five years of clinical practice as a physical therapist. However, the bill does require a physical therapist to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice, or any patient who does not demonstrate measurable or functional improvement after 10 visits or 30 days, whichever occurs first.

The physical therapist must also consult with an approved health care provider before continuing therapy if after 10 visits or 30 days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical

## SUMMARIES OF 2023 TAFP SENATE BILLS

therapy and the physical therapist believes that continuation of physical therapy is necessary. Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 10 visits or 30 days. Physical therapy services performed within a primary or secondary school for individuals within ages not in excess of 21 years are exempt from this requirement.

The bill removes a provision that allows the State Board of Registration for the Healing Arts to file a complaint against a physical therapist who provides physical therapy without a prescription.

### **Nursing education incentive (Sections 335.203 and 335.205)**

The "Nursing Education Incentive Program" within the State Board of Nursing is a program that awards grants to eligible institutions of higher education based on criteria jointly determined by the Board and the DHEWD. There is currently a cap on the grants of \$150,000. This bill removes that cap. The bill also creates a new nursing education incentive program surcharge for initial license applications and renewal applications for nurses. Practical nurses will pay a \$1 fee per year and registered professional nurses will pay \$5 per year. The fee will be deposited in the State Board of Nursing Fund.

This bill also repeals both the Nursing Student Loan Program and the Nursing Student Loan Repayment Program.

### **Counseling interstate compact (Sections 337.510 and 337.550)**

This bill modifies provisions relating to license reciprocity for professional counselors. The bill authorizes any person who,

for at least one year, has held a valid, current license issued by another state, a branch or unit of the military, a U.S. territory, or the District of Columbia, to apply for an equivalent Missouri license through the Committee for Professional Counselors, subject to procedures and limitations as specified in the bill.

The Committee must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Committee determines that the applicant met the minimum education and work experience in the other territory. For applications received from a nonresident or resident military spouse, the Committee must act within 30 days. The Committee will not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight committee;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill adopts the interstate compact of licensed professional counselors. The purpose of the Compact is to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The Compact sets forth the requirements to be met in order for a state to join the Compact. Each member state shall require an applicant for a professional counselor license to obtain or retain a license in

## SUMMARIES OF 2023 TAFP SENATE BILLS

the home state and meet the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws.

The Compact creates a joint public agency known as the Counseling Compact Commission. The Commission has powers and duties as specified in the Compact and shall enforce the provisions and rules of the compact. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licenses, adverse actions, and investigative information on all licensed individuals in member states.

The Compact will go into effect on the date on which the Compact is enacted into law in the 10th member state. Any member state may withdraw from the Compact by enacting a statute repealing the same. The Compact shall be binding upon member states and will supersede any conflict with state law.

### **Social Work Licensure Compact (Sections 337.615, 337.644, 337.665, 337.1000, 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040, 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, and 337.1075)**

This bill allows any person who holds a valid current social worker license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, who has been licensed for at least one year in that location, to apply for a social worker license in Missouri. The State Committee for Social Workers must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Committee determines that the applicant has met the minimum education and work experience in the other territory. For

applications received from a nonresident or resident military spouse, the Committee must act within 30 days. The Committee will not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight body;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill establishes the "Social Work Licensure Compact".

The Compact allows a social worker who meets the eligibility requirements to receive an expedited license. A social worker may renew his or her expedited license as a member of the Compact. The Compact establishes a confidential database of all social workers who have been granted an expedited license or who have applied for an expedited license, for the purpose of allowing member states to report disciplinary or investigatory information. Member states may participate in joint investigations of social workers with other member states, and any disciplinary action taken by one member state may subject the social worker to discipline by other member states. If a social worker's license is revoked, surrendered, or relinquished in one state, the social worker's multi-state authorization to practice in all other member states will be deactivated until all encumbrances have been removed from the multi-state license.

The Compact establishes the "Social Work Licensure Compact Commission" to



## SUMMARIES OF 2023 TAFP SENATE BILLS

act as a corporate and joint agency of the member states and to oversee and maintain administration of the Compact.

The Compact outlines procedures for any member state that fails to perform its obligations under the Compact. The Compact will only be effective once seven states have enacted legislation to join the Compact.

The Compact outlines the procedure to withdraw from the Compact.

The Compact supersedes all other laws that conflict with provisions of the Compact.

### **Advance health care directive (Sections 192.530 and 1)**

HB 402 (2023) created a new section which requires the Department of Health and Senior Services to develop and publish a voluntary nonopioid directive form, that can be used by a patient to deny or refuse administration or prescription of a controlled substance containing an opioid. This bill will repeal that new section and instead requires DHSS to include on its website an advance healthcare directive form and directions for completing such form, as specified in the bill. DHSS must include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

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### **HCS SS SB 75**

## **R**etirement systems

This bill modifies provisions relating to retirement systems.

### **Sheriffs' retirement system (Sections 57.952, 57.961, 57.967, and 57.991)**

Currently, the General Assembly and the governing body of a county are prohibited from appropriating funds into the Sheriffs' Retirement System. The bill reverses this provision and allows the General Assembly and the governing body of a county to appropriate funds for deposit into the Sheriffs' Retirement System. Further, each county is mandated to make the payroll deductions for member contributions and transmit the moneys to the Board of Directors to deposit into the Sheriffs' Retirement Fund.

This bill requires each person who becomes a member of the Sheriffs' Retirement System on or after January 1, 2024, to contribute 5% of the member's pay to the Retirement System. The contributions shall be paid by the county to the retirement system and members will not have the option of choosing to receive the contributed amounts directly. However, a former member who is not vested may request a refund of his or her contributions.

Currently, the percentage of annuity that is paid to a retired member is equal to 2% of the final average compensation multiplied by the number of years of creditable service with an exception that the annuity cannot exceed 75% of the retired member's average final compensation. This bill specifies that the annuity shall not be less than \$1,000 per month.

Any new member who is employed after January 1, 2024 is subject to the provisions of the bill.

### **Surviving spouse death benefit (Sections 86.253, 86.254, 86.280, 86.283, and 86.287)**

This bill modifies provisions relating to St. Louis City police officer retirement systems and allows a surviving spouse to

## SUMMARIES OF 2023 TAFP SENATE BILLS

continue receiving retirement benefits notwithstanding the surviving spouse's remarriage. If a surviving spouse who is receiving death benefits remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which is computed as specified in the bill. Beginning on August 28, 2023, any surviving spouse who was previously regarded as ineligible for benefits based upon remarriage can apply to the board of trustees to have the future benefits reinstated. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

### **Missouri State Employees' Retirement System (MOSERS) and Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS)**

**(Sections 104.010, 104.020, 104.035, 104.090, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521)**

The bill enacts cleanup language affecting the Missouri State Employees' Retirement System (MOSERS) and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS).

This bill:

- (1) Modifies the definition of "compensation" to allow the respective boards to define "compensation" by rules (Section 104.010, RSMo);
- (2) Allows a terminated vested employee to restore service if the employee becomes a member, working for a department, for one day instead of one year (Section 104.035);

- (3) Repeals Section 104.130 relating to death benefits for retired members;
- (4) Modifies the Board of Trustees membership of MPERS by having the terms of the active employee representatives serving on the Board on August 28, 2026, to continue an additional two years until June 30, 2028, and after such date all terms of elected active employee representatives shall be for four years beginning July 1, 2028 and every four years thereafter (Section 104.160);
- (5) Allows an individual currently drawing a retirement benefit under a state retirement plan to serve as a member of the General Assembly or as an elected state official and continue to draw his or her retirement annuity and cost of living adjustments. Currently, retired state officers and employees receiving retirement benefits from a state employees' retirement plan may only work in part-time non-benefit-eligible positions (Sections 104.160, 104.380, and 104.1039);
- (6) Removes language requiring the election of the Chair and Vice Chair of the MPERS Board be by secret ballot (Section 104.170);
- (7) Clarifies that the statute of limitations for correcting an error starts upon the member's annuity starting date or date of error, whichever is later. This change also adds language to exclude cases of fraud from the statute of limitations (Section 104.200, 104.490, and 104.1060);
- (8) Expands the powers and duties of MPERS to include Sections 104.271, 104.272, and 104.312;
- (9) Excludes service accrued under Section 104.601 from division of benefit orders, sets out the calculation of the annuity subject to the benefit order and

## SUMMARIES OF 2023 TAFP SENATE BILLS

moves language from Section 104.625 related to the division of benefit orders and includes calculation of the annuity subject to backdrop payments to Section 104.312 where other division of benefit order language resides (Section 104.312);

(10) Limits the amount of service a member of the General Assembly or statewide elected official can accrue while on long-term disability (Section 104.410 and 104.1084);

(11) Removes the requirement that the contributions for unfunded accrued liabilities be determined using the level percent-of payroll amortization method (Section 104.436 and 104.1066);

(12) Allows members who terminate employment after reaching normal or early retirement age and become a retiree within 65 days of termination, instead of 60 days, to receive \$5,000 of life insurance coverage (Section 104.515 and 104.1072);

(13) Removes the option for members to receive the lump sum backdrop payment in three equal installments (Sections 104.625 and 104.1024);

(14) Removes any service of a member accrued during the backdrop period from being considered creditable service when calculating the monthly amount under a division of benefit order (Section 104.625);

(15) Specifies an employee of the State Water Patrol who terminates employment and returns to the same position is a member of the system in which he or she was a member prior to termination, and if the employee returns to any other job he or she is a member of the system that currently covers that position (Section 104.810);

(16) Modifies the definition of "pay" to allow the respective board to define

"pay" consistent with current law and deletes the definition of "year" as used in the definition of employee (Section 104.1003);

(17) Provides that any vested former member who terminated employment after attaining normal retirement eligibility shall be considered a member of the retirement system entitled to certain annuities under the Year 2000 plan (Section 104.1018);

(18) Corrects a statutory citation and clarifies that any vested former member who terminated employment after reaching normal retirement eligibility is eligible to retire under the provisions of Section 104.1024 (Section 104.1024);

(19) Excludes a member's sick leave accruals from the calculation of the monthly benefit amount subject to a division of benefit order; sets out the calculation of the annuity subject to a benefit order (Section 104.1051);

(20) Clarifies when a member can receive a refund of their employee contributions after termination (Section 104.1091);

(21) Clarifies that members who terminate employment after reaching normal retirement eligibility are eligible to retire; members who terminate employment after reaching early retirement eligibility remain eligible for early retirement; delayed survivor annuity provision applies to members who terminated employment prior to reaching early retirement eligibility and the delayed cost-of-living provision adjustment applies to members who terminated employment prior to reaching early retirement eligibility (Section 104.1091); and

(22) Makes the interest rate credited to a judge's employee contribution balance

## SUMMARIES OF 2023 TAFP SENATE BILLS

the 52 week treasury bill rate, instead of 4%. This change brings the Judicial 2011 plan in alignment with the MSEP 2011 plan (Section 476.521).

### **Speech implementers (Section 168.082)**

Under the bill, any person who was employed as a speech implementer before August 1, 2022, who is employed as a speech-language pathology assistant, as defined in the bill, on or after August 28, 2023, shall be considered a speech implementer for certification by the Department of Elementary and Secondary Education (DESE) and for consideration of Social Security coverage. Such person shall not be considered a speech implementer when the person dies, retires, or no longer works in a speech-language pathology assistant position.

### **Public School Retirement System (PSRS) and Public Education Employee Retirement System (PEERS) (Sections 169.070, 169.331, 169.560, 169.596, 169.141, and 169.715)**

Current law provides that between July 1, 2001, and July 1, 2014, a member of Public School Retirement System of Missouri (PSRS) with 31 years or more of service, regardless of age, be provided a retirement allowance with a multiplier of 2.55% of the member's final average salary for each year of the membership service. This bill modifies the PSRS multiplier by removing the expiration date and by providing that a member with 32 years or more of service may receive such retirement allowance.

The bill modifies the current annual earning limit of 60% of the minimum teacher salary for any retired member of PSRS employed in a position covered under the Public Education Employee Retirement System of Missouri (PEERS). Beginning on

August 28, 2023, and ending on June 30, 2028, the bill allows such teachers to earn up to 133% of the annual earnings limit applicable to a Social Security recipient before the calendar year of attainment of full retirement age under federal regulations. After June 30, 2028, such teachers may earn up to the annual earnings exemption amount applicable to a Social Security retirement recipient before the calendar year of attainment of full retirement age under federal regulations, without a discontinuance of the person's retirement allowance from the retirement system. This does not apply to retired members currently receiving benefits who are employed as full-time teachers of certain state agencies and institutions.

Currently, a retired teacher or a retired noncertificated employee who is receiving a retirement benefit from PSRS/PEERS is allowed to work full-time for up to two years for a PSRS/PEERS-covered school district if there is a shortage of certified teachers or noncertificated employees. This bill allows employees to work full-time up to four years for the district.

Furthermore, the number of retired teachers that currently can teach in a school district with a critical shortage cannot exceed, at any one time, the lesser of 10% of the teacher staff for that school district, or five teachers. This bill provides that the total number of retired teachers shall not exceed, at any one time, the greater of 1% of the total of teacher and non-certified staff for that school district, or five teachers. The bill also increased the total number of retired certificated teachers that can work in Kansas City schools to 30 at any one time.

Currently, a member of PSRS or PEERS with 25 or more years of creditable service, or who is at least age 55 with five or more years of creditable service, may elect in an application for retirement to receive

## SUMMARIES OF 2023 TAFP SENATE BILLS

the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement.

This bill provides that a member who elected to receive reduced monthly payments on or before September 1, 2015, with his or her same-sex domestic partner as the nominated beneficiary may have the retirement allowance increased to the amount he or she would have received if he or she had not elected to receive reduced payments. The member shall execute an affidavit, along with any supporting information and documentation required by the Board of Trustees, attesting to the existence of the domestic partnership at the time of the nomination and that the partnership has since ended. The nominated beneficiary is required to consent to the removal and disclaim all rights to future benefits in writing, or the parties must obtain a court order or judgment after September 1, 2023, removing the nominated beneficiary. If the member and beneficiary were legally married at the time of retirement or thereafter, the marriage is required to be dissolved, and the dissolution decree shall provide for the sole retention of the allowance by the member.

A member who elected to receive reduced monthly payments on or before September 1, 2015, with his or her same-sex domestic partner as the nominated beneficiary may nominate a successor beneficiary. If the former nominated partner precedes the member in death, the member shall execute an affidavit attesting to the existence of the partnership at the time of the former nomination. Otherwise, the member shall execute an affidavit, along with any supporting information and documentation required by the Board of Trustees, attesting to the existence of the domestic partnership at the time of the nomination and that the partnership

has since ended, and the nominated beneficiary is required to consent to the removal and disclaim all rights to future benefits in writing or the parties must obtain a court order or judgment after September 1, 2023, removing the nominated beneficiary. If the member and beneficiary were legally married at the time of retirement or thereafter, the marriage is required to be dissolved, and the dissolution decree shall provide for the sole retention of the allowance by the member. Any nomination of a successor beneficiary shall occur within one year of September 1, 2023, or within one year of marriage, whichever is later.

### **Public higher education closed records (Section 173.1205)**

This bill provides that meetings, records, and votes may be closed to the extent that they relate to information submitted to a public institution of higher education regarding investments in or financial transactions with business entities for investment purposes.

### **Show-Me MyRetirement Savings Administrative fund (Sections 285.1000, 285.1005, 285.1010, 285.1015, 285.1020, 285.1025, 285.1030, 285.1035, 285.1040, 285.1045, 285.1050, and 285.1055)**

This Fund is a multiple-employer retirement savings plan treated as a single plan under Title I of The Employee Retirement Income Security Act of 1974 (ERISA) under 401(a), 401(k), and 413(c) of the Internal Revenue Code, in which multiple employers may voluntarily choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the plan. The "Show-Me MyRetirement Savings Administrative Fund" shall consist of:

## SUMMARIES OF 2023 TAFP SENATE BILLS

- (1) Moneys appropriated by the General Assembly;
- (2) Moneys transferred from the federal government, other state agencies, or local governments;
- (3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the Show-Me MyRetirement Savings Board;
- (4) Any gifts, donations, or grants made to the state of Missouri for deposit in the Administrative Fund;
- (5) Moneys collected for the Administrative Fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and
- (6) Earnings on moneys in the Administrative Fund.

The bill establishes the "Show-Me MyRetirement Savings Board" within the office of the State Treasurer. The members of the Board are specified in the bill and include three members of the House of Representatives appointed by the Speaker of the House. The Board shall design, develop and implement the "Show-Me MyRetirement Savings Plan" as outlined in the bill. The Board shall establish the Plan so that individuals can begin making contributions to the Plan no later than September 1, 2025. The Board has the discretion to structure staged or phased-in implementation of the Plan which shall be substantially completed on or before September 1, 2025.

An eligible employer, participating employer, or other employer joining the Plan shall not be liable for an employee's decision on which investments to choose,

participants' or the Board's investment decisions, the administration, investment, investment returns, or investment performance of the Plan, the Plan's design or the benefits paid to participants or any loss or adverse consequences incurred by any person solely and directly as a result of participating in the Plan.

Individual account information relating to accounts under the Plan and to individual participants shall be considered confidential. However, such information may be disclosed to administer the Plan or per the express written agreement of the individual providing the information, to disclosure of the information. Confidential information is considered a "closed record" as defined in Section 610.010 regardless as to whether the information has been disclosed as allowed by Subsection 1 of Section 285.1035.

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### SS SCS SBs 94, 52, 57, 58 & 67

## E<sup>n</sup>tertainment tax credit

This bill establishes the "Show MO Act".

This bill reauthorizes a tax credit for expenses related to the production of qualified motion media production projects, as defined in the bill. Tax credits for such expenses under previous law expired on November 28, 2013.

For all tax years beginning on or after January 1, 2023, this bill authorizes a tax credit equal to 20% of qualifying expenses, as defined in the bill, associated with the production of a qualified motion media production project.

## SUMMARIES OF 2023 TAFP SENATE BILLS

An additional 5% may be awarded for each of the following conditions if they are met:

- (1) At least 50% of the qualified film production project is filmed in Missouri;
- (2) At least 15% of the project takes place in a rural or blighted area in Missouri;
- (3) At least three departments of the production hire a Missouri resident ready to advance to the next level in a specialized craft position or learn a new skill set; or
- (4) The Department of Economic Development determines that the script for such project positively markets a city or region of the state, the entire state, or a tourist attraction located in the state, and the production provides certain advertising materials, as described in the bill.

The total dollar amount of tax credits awarded to a qualified film production project may be increased by 10% if such project is located in a county of the second, third, or fourth class.

A qualified motion media production shall not be eligible for any such credits unless the project employs at least the following number of Missouri registered apprentices or veterans residing in Missouri with transferable skills:

- (1) If the qualifying expenses are less than \$5 million, two;
- (2) If the qualifying expenses are at least \$5 million but less than \$10 million, three;
- (3) If the qualifying expenses are at least \$10 million but less than \$15 million, six; or
- (4) If the qualifying expenses are at least \$15 million, eight.

This provision will sunset on December 31, 2029. Notwithstanding the sunset provision, this Act shall expire one year after the Department of Economic Development determines that all other political subdivisions having a tax credit substantially similar to this Act let such tax credits lapse or expire (Section 135.750, RSMo).

This bill also establishes the "Entertainment Industry Jobs Act".

For all tax years beginning on or after January 1, 2024, this bill authorizes a taxpayer to claim a tax credit for rehearsal expenses and tour expenses, as such terms are defined in the bill, for live entertainment tours and associated rehearsals conducted within the state. The tax credit shall be equal to 30% of such expenses, provided that no taxpayer shall receive a tax credit in excess of \$1 million if such taxpayer's expenses are less than \$4 million; and further provided that no taxpayer shall receive a tax credit in excess of \$2 million if such taxpayer's expenses are more than \$4 million but less than \$8 million; and further provided that no taxpayer shall receive a tax credit in excess of \$3 million if such taxpayer's expenses are at least \$8 million.

Tax credits issued under this bill shall not be refundable, but may be carried forward to the taxpayer's five subsequent tax years. Unredeemed tax credits shall expire after the fifth tax year following the initial date of issuance, regardless of whether unredeemed tax credits are transferred or sold as specified in the bill.

Tax credits may be transferred or sold, provided that the tax credit is transferred or sold to another Missouri taxpayer. A taxpayer shall submit information to the Department of Economic Development and the Department of Revenue relating to the identity of a transferee and the amount of tax credits being transferred or sold, as

## SUMMARIES OF 2023 TAFP SENATE BILLS

specified in the bill. A transferee shall not subsequently transfer or sell any tax credit acquired from a transferor, and tax credits shall not be transferred or sold for less than 60% of the value of such tax credits.

The aggregate amount of tax credits that may be authorized under the bill in a given fiscal year shall not exceed \$8 million. If applications for tax credits exceed such amount, the Department of Economic Development may, at its discretion, authorize additional tax credits not to exceed \$2 million, provided that the maximum amount of tax credits that may be authorized during the subsequent fiscal year shall be reduced by such amount.

This Act sunsets on December 31, 2030. Notwithstanding the sunset provision, this bill shall expire 90 days after the Department of Economic Development determines that all other political subdivisions having a tax credit substantially similar to this Act allow such tax credits to lapse or expire (Section 135.753).

This provision shall become effective January 1, 2024.

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### HCS SB 101

#### **P**roperty and casualty insurance

This bill relates to property and casualty insurance.

**Privatization of public corporations**  
(Sections 287.690, 287.900, 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, 287.920, 375.1275, and B)

Currently, the Missouri Employers Mutual Insurance Company (MEM) is established as a public corporation for the purpose of insuring Missouri employers

against liability for workers' compensation, occupational disease and employers' liability coverage.

This bill repeals the law establishing MEM as a public corporation and all connected statutes and specifies a process under which MEM may convert to a private mutual insurance corporation under the general insurance laws, authorized to write any lines of insurance permitted under Missouri law.

The company may continue to conduct business under its current name and will become the successor in interest to all assets and liabilities of the company as of the date of conversion. The state will not be liable for the expenses, liabilities, or debts of the private version of the company, the public corporation version of the company or a subsidiary or joint enterprise involving the private version of the company.

The bill contains a delayed effective date for these provisions.

#### **Aircraft insurance** (Section 379.316)

This bill exempts aircraft liability insurance, other than employers' liability, from certain regulations on insurance premium rates and rating plans.

**Lender-placed insurance**  
(Sections 379.1850, 379.1851, 379.1853, 379.1855, 379.1857, 379.1859, 379.1861, 379.1863, 379.1865, 379.1867, and 379.1869)

This bill enacts provisions relating to lender-placed insurance, as defined in the bill, with applicability as specified in the bill.

The bill specifies when lender-placed insurance will become effective and terminated, and when mortgagors may be charged for the policies.



## SUMMARIES OF 2023 TAFP SENATE BILLS

Coverage amounts and premium amounts will be based upon the replacement cost value of the property, to be determined as specified in the bill. In the event of a covered loss, any replacement cost coverage in excess of the unpaid principal balance on the mortgage will be paid to the mortgagor. No insurer can write lender-placed insurance for which the premium rate differs from that determined by the rate schedules on file with the Department of Commerce and Insurance as of the effective date of the policy.

The bill prohibits insurers and insurance producers from issuing lender-placed insurance if they or one of their affiliates owns, performs servicing for, or owns the servicing right to, the mortgaged property. The bill prohibits insurers and insurance producers from compensating lenders, insurers, investors, or servicers for lender-placed insurance policies issued by the insurer, and from sharing premiums or risk with the lender, investor, or servicer. The bill also prohibits payments dependent on profitability or loss ratios from being made in connection with lender-placed insurance and specifies that insurers cannot provide free or below-cost services or outsource their own functions at an above-cost basis. No insurer or insurance producer can make any payments for the purpose of securing lender-placed insurance business or related services.

The bill requires lender-placed insurance to be set forth in its own policy or certificate. Proof of coverage can be provided in person or by mail to the last known address of the mortgagor, and will include certain information specified in the bill.

Policy forms and certificates and premium rates must be filed with the Department of Commerce and Insurance, which must review the rates to determine

whether they are excessive, inadequate, or unfairly discriminatory, and whether expenses included in the rate are appropriate. Rates must be filed at least once every four years, and all insurers will have separate rates for lender-placed insurance and voluntary insurance obtained by a mortgage servicer on real estate owned property, as specified in the bill. The bill requires insurers writing at least \$100,000 in lender-placed insurance to annually report certain financial information to the Department of Commerce and Insurance, and specifies that except in the case of lender-placed flood insurance, insurers experiencing an annual loss ratio of less than 35% for two consecutive years must re-file rates. Except as otherwise provided in the bill, rates and forms must be filed as required by law.

The Director of the Department of Commerce and Insurance will have authority to enforce the provisions of the bill, subject to judicial review. The bill should not be construed to create a private cause of action, or to extinguish any mortgagor rights otherwise available under state, federal, or common law.

Lastly, the bill specifies potential penalties for violations of the bill, including monetary penalties and suspension or revocation of an insurer's license.

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### **HCS SCS SB 103**

#### **Judicial proceedings**

#### **Earned wage access services (Section 361.749)**

This bill defines "earned wage access services" as the business of providing "consumer-directed wage access services", defined as offering or providing earned wage

## SUMMARIES OF 2023 TAFP SENATE BILLS

access services to a consumer based on the consumer's earned but unpaid income, "employer integrated wage access services", defined as delivering to consumers access to earned but unpaid income, or both.

"Earned but unpaid income" includes salary, wages, compensation, or other income that the consumer has represented to a provider has been earned in exchange for services to the employer or on behalf of the employer, but has not been paid to the consumer.

As specified in the bill, a person who engages in the business of earned wage access services needs to register as a provider with the Division of Finance within the Department of Commerce and Insurance. The annual registration fee is \$1,000 payable July 1st of each year. The registration requirements are specified in the bill. The bill exempts certain entities such as a bank or savings and loan association, credit union, and a person who is authorized to make loans or extension of credit under the laws of the state of Missouri or the United States.

The bill requires a provider to develop and implement policies and procedures to respond to questions raised by consumers and to address their complaints. A provider is required to provide a consumer with a written paper or electronic document that informs the consumer of his or her rights and discloses all fees prior to entering into an agreement. A provider must comply with all local, state, and federal privacy and information security laws and with the federal Electronic Funds Transfer Act and regulations. Further, a provider that solicits, charges or receives a tip, gratuity, or donation from a consumer has to clearly and conspicuously make certain disclosures to the consumer.

As specified in the bill, a provider is prohibited from sharing with an employer

any fees, voluntary tips, gratuities or other donations received from a consumer; charging a late fee, deferral fee, interest or other penalty; reporting any information to a consumer credit reporting agency or debt collector; accepting payment for outstanding proceeds, fees, tips, gratuities via credit card; compelling repayment by filing a suit or use of a third-party to pursue collection, or selling of the outstanding amounts to a third-party collector or debt buyer.

The bill specifies that earned wage access services offered by a registered provider are not regarded as a violation of or noncompliance with the laws relating to sale or assignment of unpaid income, a loan or other form of credit, or money transmission.

The Director of the Division of Finance is authorized to suspend or revoke the registration of a provider who fails, refuses or neglects to comply with the requirements contained in the bill, or commits any criminal act, after a hearing. The Director can also issue cease and desist orders as explained in the bill.

Any earned wage access services provider who knowingly and willfully violates the provisions of the bill shall be guilty of a class A misdemeanor.

### **Covenants not to compete (Section 431.204)**

This bill provides that a reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, employees or owners of a business entity shall be presumed to be enforceable and not a restraint of trade if it is between a business entity and the owner of the business entity for a term of no more than two years following the end of the owner's rela-

## SUMMARIES OF 2023 TAFP SENATE BILLS

tionship with the business entity. Additionally, a reasonable covenant in writing promising not to solicit, induce, direct, or otherwise interfere with a business entity's customers shall be enforceable if the covenant is limited to customers with whom the owner dealt and if the covenant between an entity and owner does not continue for more than five years following the end of owner's relationship with the business entity. Furthermore, a written provision by which an owner promises to provide notice of termination, selling, or otherwise disposing of ownership in the business entity shall be presumed to be enforceable and not a restraint of trade.

If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the protectable business interests of the business entity seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

This bill is not intended to create or affect the validity or enforcement of covenants not to compete or nondisclosure or confidentiality agreements, nor to be construed to limit an owner's ability to seek or accept employment with another business entity upon termination of the owner's relationship with a business entity.

### **Consumer legal funding**

**(Sections 436.550, 436.552, 436.554, 436.556, 436.558, 436.560, 436.562, 436.564, 436.566, 436.568, 436.570, and 436.572)**

This bill establishes the "Consumer Legal Funding Act" and contains several definitional terms including "consumer legal funding contract" in which a consumer legal funding company, as defined, purchases and a consumer assigns to the company a contingent right to receive moneys

from the settlement, judgment, award, or verdict from a consumer's legal claim, subject to certain restraints, in exchange for an amount less than \$500,000. The bill details the requirements to be included in the contract, which is not considered to be a loan and not subject to laws or regulations governing loans or investment contracts. The company must provide the consumer's attorney with written notice of the contract provided to the consumer within three business days of the funding date. The contract is valid for a period not to exceed 48 months and no contract shall be subject to automatic renewal.

The bill details actions that cannot be taken by a consumer legal funding company including, but not limited to: paying or offering to pay or accepting commissions, referral fees, or other forms of consideration to or from an attorney, medical provider, etc.; intentionally advertising false or misleading information; or making decisions relating to the conduct of the underlying legal claim or resolution thereof.

The bill specifies that the contracted amount to be paid to the consumer legal funding company shall be set as a predetermined amount based upon an interval of time and shall not be determined as a percentage of the recovery from the legal claim.

The bill provides for disclosures to be included in the contract which are regarded as material terms of the contract. The bill specifies the written language to be contained in the body of the contract.

The consumer legal funding contract shall be voided if a court with competent jurisdiction finds that a company intentionally violated the provisions of this bill. The bill does not restrict the Attorney General's powers or performance of duties.

No attorney or law firm retained by the consumer in the legal claim can have a

## SUMMARIES OF 2023 TAFP SENATE BILLS

financial interest in the consumer legal funding company offering consumer legal funding to that consumer.

No communication between the consumer's attorney and the consumer legal funding company necessary to ascertain the status of a legal claim or such claim's expected value shall be discoverable.

A consumer legal funding company must be registered according to the standards developed by the Division of Finance and the bill details provisions relating to denial of applications for registration. Every applicant shall file a bond satisfactory to the Division of up to \$50,000. If an action is commenced on the filed bond, the Division may require the filing of a new bond.

A consumer legal funding company that has applied with the Division within six months from the effective date of the bill, or when the Division has made applications available to the public, whichever is later, may engage in consumer legal funding while the application is awaiting approval. No funding contracts in effect prior to the effective date of this bill shall be subject to the provisions of this bill.

The Division shall conduct an examination of each consumer funding company at least biannually, and shall have free and immediate access to the places of business and relevant books and records of the company during such examination.

The bill provides that the existence of a consumer legal funding contract is a fact subject to the usual rules of discovery.

### **Guardianships and conservatorships (Sections 475.040 and 475.275)**

The bill provides that a guardianship or conservatorship proceeding may be transferred to a court in another county if it appears to the court that at any time before

the termination of a guardianship or conservatorship that the domicile, instead of the domicile or residence, of the ward or protectee has changed to another county.

Currently, the Public Administrator of Jackson County, when serving as a conservator, is required to have any pooled accounts audited at least once a year. The audit will provide a review of the records of receipts and disbursements and each estate account. Upon completion of the audit, the accountant must render a report to the judge showing receipts, disbursements, and account balances as to each estate as well as the total assets on deposit in the pooled account on the last calendar day of each year.

This bill instead provides that a public administrator of any county serving as a conservator or personal representative using pooled accounts for the management of estate funds must have such accounts examined on an annual basis as specified in the bill.

### **Court automation (Section 476.055)**

The bill adds two employees who work full time in a municipal division of the court to the Court Automation Committee. Additionally, this bill repeals the provision requiring any unexpended balance in the Statewide Court Automation Fund to be transferred to the General Revenue Fund on September 1, 2023. Additionally, the court fee collected for the Statewide Court Automation Fund is set to expire on September 1, 2023, but this bill repeals the expiration date. The bill also repeals the provision requiring the Court Automation Committee to complete its duties by September 1, 2025, and repeals the expiration date for the provision establishing the Statewide Court Automation Fund and the Court Automation Committee.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Judicial privacy**

**(Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, and 476.1313)**

This bill establishes the "Judicial Privacy Act", which regulates the use of a judicial officer's personal information. Upon receiving a written request, a government agency, as defined in the bill, must not publicly post or display a judicial officer's personal information in publicly available content. After receiving a written request, the government agency must remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency must not publicly post or display the information and such information will be exempted from the Missouri Sunshine Law. If a government agency fails to comply, the judicial officer may bring an action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees.

Additionally, no person, business, or association will publicly post or display on the Internet a judicial officer's personal information if the judicial officer has made a written request. Further, this bill provides that no person, business, or association will solicit, sell, or trade on the Internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association will have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, the person, business, or association must

continue to ensure that the judicial officer's personal information is not made available on any website controlled by such person, business, or association and must not make the judicial officer's personal information public through any medium. If a judicial officer's personal information is made public in violation of this bill, the judicial officer may bring an injunctive or declaratory action. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

This bill provides that the clerk of the court where the judicial officer serves may submit a written request on behalf of the judicial officer if the judicial officer gives written consent and the clerk furnishes a copy of that consent with the request.

A judicial officer's written request must specify what personal information will be maintained as private. Furthermore, a judicial officer will disclose the identity of his or her immediate family and indicate that their personal information will be also be excluded to the extent that it could reasonably reveal the judicial officer's personal information. A judicial officer's written request is valid until the judicial officer provides written consent to release the personal information or upon death of the judicial officer. Additionally, this bill will not apply to disclosures on lobbyist activities and campaign finance as required by law.

Written requests transmitted to a county recorder of deeds must only include information specific to eligible documents maintained by that county. Not more than five business days after receiving a written request, the recorder must shield the eligible documents listed in the written request and must electronically reply with a list of

## SUMMARIES OF 2023 TAFP SENATE BILLS

documents not found in the county's records. In order to shield subsequent eligible documents, the judicial officer must present a copy of his or her written request to the recorder at the time of recording and the recorder must ensure that the eligible document is shielded within five business days. Eligible documents must remain shielded until the recorder receives a court order or notarized affidavit signed by the judicial officer. No recorder will be liable for any damages under this provision if the recorder made a good faith effort to comply and no recorder will be liable for the release of eligible documents or data that was released or accessed prior to the document being shielded.

### **Court reporters (Section 485.060)**

This bill modifies the annual salary of court reporters for a circuit judge by providing that the percentage based on each court reporter's cumulative years of service with the circuit courts includes the percentage increases for the previous range of years of service. Additionally, this bill repeals the provision stating that a court reporter may receive multiple adjustments as his or her years of service increase, but that only one percentage increase can apply to the annual salary at a time.

### **Personal identifying information (Sections 210.1360, 509.520, and 565.240)**

The bill specifies that any personally identifiable information regarding a child under 18 years of age receiving child care from any provider or applying for or receiving services through a state program shall not be subject to disclosure except as otherwise allowed by law.

This bill also provides that, beginning August 28, 2023, pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court, must not include certain personal identifying information, specified in the bill. Nothing in the bill will preclude an entity otherwise allowed by law to access state court records from using a person's unique identifying information to match the information contained in a court record to validate the person's record.

Currently, the unlawful posting of certain information relating to a law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, that intends to or threatens to cause great bodily harm or death shall be a class E felony. This bill specifies that if such unlawful posting of certain information that intends to or threatens to cause great bodily harm or death actually results in bodily harm or death to such person or immediate family member, the offense shall be a class D felony.

### **Victims' rights (Section 595.209)**

This section allows victims and witnesses of crimes to receive certain notifications by electronic mail.

### **Missouri Postconviction Drug Treatment Program (Section 217.785)**

This bill repeals the section establishing the Missouri Postconviction Drug Treatment Program.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Expungement (Section 488.650)**

This bill repeals provisions relating to a surcharge for petitions for expungement.

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### **HCS SS SCS SB 106**

### **P**ublic health

This bill modifies several provisions relating to public health.

### **Rare kidney disease awareness month (Section 9.388)**

This provision designates the month of March as "Rare Kidney Disease Awareness Month" and encourages citizens to participate in activities to raise awareness on the illness.

### **Disclosures from the Office of the Child Advocate (Section 37.725)**

This bill allows for the Office of Child Advocate to disclose the identity of any complainant or recipient along with their files to law enforcement as part of an investigation if necessary to ensure immediate child safety.

### **Employment programs for persons with disabilities (Sections 37.980, 208.146, and 209.700)**

This bill requires the Office of Administration to submit a report to the General Assembly by December 31st of each year beginning in 2023. The report's content is specified in the bill and relates to the "Missouri as a Model Employer" initiative under executive order 19-16.

The bill also makes modifications to the Ticket to Work Health Assurance Program, which provides medical assistance through MO HealthNet for employed disabled persons who meet certain qualifications, including asset limits and earned, net, and gross income calculations. Currently, disabled individuals whose income exceeds 100% of the federal poverty level (FPL) pay a premium for participation in the Program. If an eligible person's employer offers employer-sponsored health insurance and the Department of Social Services determines the employer-sponsored insurance is more cost effective, the Department will instead pay that person's costs for the employer-sponsored health insurance.

The bill also establishes the "Missouri Employment First Act". The Act specifies that all state agencies that provide employment related services or support to persons with disabilities, are required to coordinate with other agencies, promote competitive integrated employment, and implement an employment first policy when providing services to persons with disabilities of working age.

In addition, state agencies will offer specified information to all working-age persons with disabilities and to the parents or guardians of youth with a disability, as explained in the bill. The bill provides that this shall not be construed as requiring any state agency or employer to give a preference in hiring to persons with disabilities, or require a state agency to perform an action not in conformity with federal law.

This bill modifies the Program as follows:

- (1) Excludes retirement accounts from asset limit calculations;
- (2) Modifies the income calculation from a net/gross calculation to a broader definition that would consider income

## SUMMARIES OF 2023 TAFP SENATE BILLS

for those disabled persons with incomes up to 250% FPL, with earned income of the disabled worker from 250% to 300% FPL disregarded, and retaining the requirement that persons with incomes over 100% FPL pay a premium;

(3) Removes all earned income of the disabled worker from the list of disregards in income determinations;

(4) Adds to the list of disregards the first \$50,000 of earned income of a spouse;

(5) If the Department elects to pay the person's costs of employer-sponsored health insurance, MO HealthNet assistance shall be provided as a secondary or supplemental policy for only personal care assistance services and non-emergency medical transportation; and

(6) The Department shall provide an annual report to the General Assembly concerning the number of participants and outreach and education efforts.

### **Education records**

#### **(Section 167.027)**

Beginning with the 2023-2024 school year, a student special education record, as defined in the bill, will be a permanent record and will be maintained as a part of a child's cumulative scholastic record.

### **Do-not-resuscitate orders**

#### **(Sections 190.600 to 190.613)**

This bill modifies the "Outside the Hospital Do-Not-Resuscitate Act" by expanding the provisions to cover persons under 18 years of age who have do-not-resuscitate orders issued on their behalf by a parent or legal guardian or by a juvenile or family court under a current provision of law. Such orders will function as outside the hospital do-not-resuscitate orders unless specifically stated otherwise. Persons who

are not subject to civil, criminal, or administrative liability for certain actions taken upon the discovery of an adult outside the hospital do-not-resuscitate orders will not be subject to such liability in the case of a minor child's do-not-resuscitate order.

Emergency services personnel will be authorized to comply with the minor child's do-not-resuscitate order, except when the minor child, either parent, the legal guardian, or the juvenile or family court expresses to such emergency services personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

### **Patient examinations**

#### **(Section 191.240)**

This bill provides that a healthcare provider, or any student or trainee under the supervision of a healthcare provider, may not knowingly perform a prostate, anal, or pelvic examination on an anesthetized or unconscious patient unless the patient or a person authorized to make healthcare decisions for the patient has given informed consent, the patient is unable to give consent and the examination is necessary for diagnostic or treatment purposes, the examination is necessary for the collection of evidence through a forensic examination for a suspected sexual assault on the patient because the evidence will be lost or the patient is unable to give informed consent due to a medical condition, or circumstances are present which imply consent, as provided in law.

A healthcare provider or supervised student or trainee who violates the provisions of this bill will be subject to discipline by any licensing board that licensed the healthcare provider.



## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Health professional loan and grant programs**

**(Sections 191.430 to 191.450, 191.600, 191.828, 191.831, 335.203, and 335.205)**

This bill establishes the Health Professional Loan Repayment Program within the Department of Health and Senior Services, offering forgivable loans to pay off existing student loans and other education expenses for health care, mental health, and public health professionals.

The Department of Health and Senior Services is the chief administrative agency and is responsible for oversight and rulemaking of the program, the Director will be in charge of determining who will receive forgivable health professional loans, and the professionals or disciplines that receive funding in any given year are contingent upon consultation with the Department of Mental Health and the Department of Higher Education and Workforce Development.

The Department will enter into a written contract with each qualifying individual for a forgivable loan, the provisions of which are specified in the bill. The contract must include an agreement that the individual serve for a period equal to at least two years in an area of defined need, in order for the loan to be forgiven. The Department of Health and Senior Services will designate counties, communities, or sections of areas in the state as "areas of defined need" for health care, mental health, or public health services.

All health professional loans shall be made from funds appropriated to the Health Professional Loan Incentive Fund by the General Assembly, as well as funds from an individual, and funds generated by loan repayments. Further stipulations of the fund may be found in the bill. Any individual who enters into a written contract

but fails to maintain acceptable employment is liable for any amount awarded by the state that has not yet been forgiven. If the individual engages in a breach of contract, he or she is liable to the state for an amount specified from provisions in the bill.

The "Nursing Education Incentive Program" within the State Board of Nursing is a program that awards grants to eligible institutions of higher education based on criteria jointly determined by the Board and the Department of Higher Education and Workforce Development. There is currently a \$150,000 cap on the grants, this bill removes that cap. The bill also creates a new nursing education incentive program surcharge for initial license applications and renewal applications for nurses.

This bill repeals both the Nursing Student Loan Program and the Nursing Student Loan Repayment Program. This bill also repeals an existing loan program for students enrolled in certain health care degree programs.

### **Medical residency grant program (Section 191.592)**

Subject to appropriation, this bill requires the Department of Health and Senior Services to establish a medical residency grant program, awarding grants to eligible entities operating residency beyond the currently existing medical residency positions within the fields of primary care and psychiatry, as described within the bill. Funding will be available on a scaled basis, as the bill specifies, and the Department must expend moneys in the order provided in the bill.

When awarding grants, the Department must prioritize entities operating programs that serve areas of greatest need, as

## SUMMARIES OF 2023 TAFP SENATE BILLS

determined by the Department, and that offer residency programs in primary care and psychiatry. The Department must publish eligibility criteria, criteria for determining the amount and duration of grants, the contents of the grant applications, and the procedures and timelines by which entities may apply for grants.

The bill additionally provides stipulations for entities receiving grants, as specified in the bill, and the Department is required to submit a report to the General Assembly.

This bill creates the "Medical Residency Grant Program Fund", which will consist of moneys appropriated to it by the General Assembly, reimbursements from residency programs unable to fill all of their positions, and any gifts, contributions, grants, or bequests received from federal, private, or other sources. Additionally, the Department must conduct research on funding options and seek additional funding from federal, private, and other sources.

This provision contains an emergency clause.

The provisions of this section expire on January 1, 2038.

### **Mammograms**

**(Sections 192.775, 376.782, and 376.1183)**

The bill specifies that a mammography facility certified by the United States Food and Drug Administration shall not require any person to obtain a referral from a primary care provider or physician in order to receive a screening mammogram for breast cancer if consistent with the most current breast cancer screening guidelines established by the American College of Radiology.

Additionally, any health carrier or health benefit plan that offers or issues health benefit plans that provide coverage

for diagnostic breast examinations, coverage for supplemental breast examinations, low-dose mammography screenings, breast magnetic resonance imaging, ultrasounds, or any combination of such coverages cannot impose any deductible, coinsurance, co-payment, or similar out-of-pocket expense with respect to such coverage. The provisions of the bill apply to health carriers or health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2024.

### **Pharmacies**

**(Section 196.1050)**

The bill provides that, in addition to drug manufacturers and distributors, proceeds of any monetary settlement or portions of a global settlement between the Attorney General and pharmacies shall be deposited into the Opioid Addiction Treatment and Recovery Fund.

### **Rural hospital designation**

**(Section 197.020)**

This bill modifies the definition of "hospital" to include facilities that are designated as rural emergency hospitals by the Centers for Medicare and Medicaid Services for the purposes of hospital licensing law.

### **Residential care facilities**

**(Section 208.030)**

Currently, the amount of total state payments for home care in licensed residential care facilities cannot exceed \$156 per month, and the amount of total state payments for care in licensed assisted living facilities cannot exceed \$292.50 per month. This bill removes those dollar limits and subjects payments to appropriation.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Public benefits**

**(Sections 208.035, 208.053, 208.066, 208.186, and 208.239)**

This bill establishes, subject to appropriations, a transitional benefits program for Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP). The transitional benefits are designed to assist any recipient, whose monthly income has exceeded the maximum allowable income for program eligibility, to continue receiving reduced benefits, as specified in the bill. Any recipient of transitional benefits must comply with all requirements for each program that the recipient is eligible for, including work requirements. Transitional benefits received under these provisions shall not be included in the lifetime limit for TANF benefits.

This bill modifies provisions relating to transitional childcare benefits by expanding what was formerly the Hand-Up pilot program statewide for any individual whose income exceeds the maximum allowable amount for the full childcare subsidy benefit. Transitional childcare benefits are reduced benefits determined on a sliding scale as the recipient's income increases, with the recipient paying the remainder of the fee to the childcare provider. Additionally, this bill removes the expiration date of the Hand-Up program.

The bill requires the Department of Social Services (DSS) to limit any initial application for SNAP, TANF, child care assistance, or MO HealthNet to a one-page form on the DSS website. Program participants who are required to complete a periodic eligibility review form may submit the form as an attachment to their Missouri state individual income tax return if the form is due at the same time as the tax return. The eligi-

bility forms must be available and easily accessible on the Department of Social Service's and Department of Revenue's websites.

Additionally, the bill stipulates that the state must not provide payments, additions, or reimbursements to health care providers for any medical assistance provided to those who do not reside in the state. The Department of Social Services shall also resume annual eligibility redeterminations, renewals, and post-enrollment verifications for MO HealthNet no later than 30 days after the effective date of the bill.

### **MO HealthNet coverage for pregnant women**

**(Sections 208.151 and 208.662)**

Currently, low-income pregnant and postpartum women receiving benefits through MO HealthNet for pregnant women or the Show-Me Healthy Babies Program are eligible for pregnancy-related coverage throughout the pregnancy and for 60 days following the end of the pregnancy. This bill specifies that MO HealthNet coverage for such women will include full Medicaid benefits for the duration of the pregnancy and for one year following the end of the pregnancy.

These provisions contain an emergency clause.

### **Children's personally identifiable information**

**(Section 210.1360)**

This bill prohibits the disclosure of any personally identifiable information regarding any child receiving childcare from a provider or applying for or receiving any services through a state program.

The bill does not prohibit any state agency from disclosing personally identifiable information to governmental entities or

## SUMMARIES OF 2023 TAFP SENATE BILLS

its agents, vendors, and contractors relating to its official duties, nor does it prevent a parent or legal guardian from accessing his or her child's records.

### **Scope of practice for physical therapists (Sections 334.100, 334.506, and 334.613)**

This bill changes the laws regarding physical therapists so that physical therapists no longer need a prescription or referral from a doctor in order to evaluate and initiate treatment on a patient, as long as the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist. However, the bill does require a physical therapist to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice, or any patient who does not demonstrate measurable or functional improvement after 10 visits or 30 days, whichever occurs first.

The physical therapist must also consult with an approved health care provider before continuing therapy if after 10 visits or 30 days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical therapy and the physical therapist believes that continuation of physical therapy is necessary. However, if the physical therapy services are performed within a school for individuals under 22 years of age, the physical therapist is not required to consult with an approved health care provider before continuing therapy.

Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 30 days.

### **Pretrial examinations**

**(Section 552.020, 552.030, 552.040, and 552.080)**

Currently, a judge may order a pretrial examination of an accused person whom the judge has reasonable cause to believe lacks mental fitness to proceed. The psychiatrist, psychologist, or physician performing the examination shall submit a report with findings, opinions, and recommendations on treatment in suitable hospitals.

This bill requires the examination report to contain recommendations as to whether the accused, if found to lack mental fitness to proceed, should be committed to a suitable hospital for treatment or if the treatment can be provided in a county jail or other detention facility approved by the Director of the Department of Mental Health.

Additionally, the report shall contain a recommendation as to whether the accused, if found to lack mental fitness to proceed and if not charged with a dangerous felony, murder in the first degree, or rape in the second degree, should be committed to a suitable hospital facility or may be appropriately treated in the community, and whether the accused can comply with bond conditions and treatment conditions. The Director, or his or her designee, shall determine the locations and conditions under which treatment shall be provided to the accused.

### **Mental health coordinator**

**(Sections 441.740, 552.050, 630.045, 630.140, 630.175, and 631.120 to 633.125)**

Additionally, this bill repeals all references to a "mental health coordinator", currently defined in statute as a mental health professional who has knowledge of the laws relating to hospital admissions and

## SUMMARIES OF 2023 TAFP SENATE BILLS

civil commitment, and who is authorized by the Director of the Department of Mental Health or their designee to serve a designated geographic area or mental health facility. Associated duties, responsibilities, and powers of mental health coordinators are also repealed.

### **Mental health facilities (Sections 632.320 and 632.305)**

For any respondent arriving at a mental health facility, this bill shortens the allotted time frame for designated facility staff to meet with the respondent and explain the respondent's statutory rights from four days to 48 hours.

The bill also provides that for applications, and any affidavits, declarations, or other supporting documents thereof, no notarization shall be required. The application, and any supporting documents thereof, will be subject to provisions in Chapter 492, RSMo, allowing for declaration under penalty of perjury.

### **Lead poisoning (Sections 701.336 to 701.348)**

Additionally, this bill modifies several provisions relating to lead poisoning. This bill modifies current statute by removing a goal of testing 75% of children who receive Medicaid for lead poisoning and instead requiring that every medical provider serving children must annually provide education to parents and guardians of children under age four regarding lead hazards to children and also, annually, provide the option to test every child under age four for lead poisoning with the consent of the child's parent or guardian.

As specified in this bill, every child under age six must be assessed annually using a questionnaire to determine whether the child is at high risk for lead poisoning.

Those who are deemed high risk shall be tested using a blood sample with the consent of the child's parent or guardian.

This bill repeals the requirement that any child deemed high risk for lead poisoning who resides in housing currently undergoing renovations be tested at least once every six months.

This bill also modifies the provision that, in geographic areas determined to be of high risk for lead poisoning, every child-care facility and every childcare facility affiliated with a school system, business organization, or nonprofit, must require evidence of lead poisoning testing in all children within 30 days of enrollment to only require such testing for children between 12 months and age five. Currently, the parent or guardian must provide a reason for refusing such testing, but this bill amends that to only require a statement confirming the parent or guardian refused such testing.

### **CCS HCS SB 109**

### **Natural resources**

This bill modifies the provisions of law relating to natural resources.

### **Revenue from mineral mining (Sections 12.070 and 163.024)**

The bill specifies that moneys received by the state under provisions of the federal law for all mineral products extracted from national forest reserves are to be distributed for the benefit of public schools and roads.

The revenue allocated to each county shall be equally divided between the public schools and roads of such county.

## SUMMARIES OF 2023 TAFP SENATE BILLS

The bill requires that 85% of the total revenue of such mineral products be distributed to counties where mining occurs, in proportion to the minerals extracted per year in each county where mining occurs, and 15% of the total revenue of such mineral products shall be distributed equally between the counties where mining does not occur. The revenue allocated to each county shall be equally divided between the public schools and roads of such county.

In addition, under the provisions of this bill, no money received by the Iron County School Fund from the specified administrative order issued by the Department of Natural Resources shall be included as part of the school district's local effort calculation. The Department of Elementary and Secondary Education shall reimburse the Iron County School District for the amount of any such moneys that are or have been included in such school district's local effort.

### **Mining**

#### **(Sections 256.710 and 293.030)**

Currently, the Industrial Minerals Advisory Council has three members representing limestone quarry operators and one member each representing the clay mining, sandstone mining, sand and gravel mining, barite mining, and granite mining industries. The bill modifies the council make up so that the eight representatives can come from any of the specified industries including limestone quarry operators, granite mining, clay mining, sandstone mining, barite mining, sand and gravel mining, or other nonmetallic surface mining, but no industry may have more than four representatives.

The bill also requires every operator engaged in the mining or production of minerals for commercial purposes, to pay

mine inspection fees to the Missouri Department of Revenue, for certain minerals at the applicable tonnage fees specified in the bill. If a new mineral is mined, the Director of the Division of Mine Inspection within the Department of Labor, is required to publish a notice and the additional mineral fee takes effect 60 days after publication of such notice. The bill also requires the Director to either promulgate or adjust the rules relating to the mineral listing and fees.

If the fees are not paid within the time period specified in the bill, the Director may bring a civil action to collect unpaid fees, late fee, interest or attorney's fees and costs relating to the collection efforts.

### **Flood resiliency**

#### **(Section 256.800)**

The bill establishes the "Flood Resiliency Act", which creates the "Flood Resiliency Program" administered by the Department of Natural Resources to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and to improve statewide flood forecasting and monitoring ability. The state may participate in flood resiliency projects as set forth in the bill. A plan, which is defined as a preliminary report describing the need for, and implementation of, flood resiliency measures, must include certain information. The Director of the Department of Natural Resources can only approve a plan if it is determined that long-term flood mitigation is needed in that area of the state, and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

Flood resiliency projects may be funded by moneys in the "Flood Resiliency Fund" created in the bill and such projects can be eligible to receive other contributions and grants.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Construction of earthen basins (Sections 640.099 and 644.051)**

The bill adds any earthen basin constructed to retain and settle nontoxic, non-metallic earthen materials to the activities excluded from construction permits.

### **Department of Natural Resources fees (Sections 256.700, 259.080, 260.262, 260.273, 260.380, 260.475, 260.392, 444.768, 444.772, 640.100, 643.079, and 644.057)**

The bill modifies provisions relating to Department of Natural Resources fees. In its main provisions, the bill:

- (1) Extends fees relating to geologic resources and the sale of tires until December 31, 2031. Currently, these fees expire on December 31, 2025 (Sections 256.700 and 260.273, RSMo);
- (2) Extends the authority of the State Oil and Gas Council to revise its fee structure until August 28, 2031, and specifies that if authority expires, then the fee structure in place at the time of expiration will remain in effect. Currently, this authority expires on August 28, 2025 (Section 259.080);
- (3) Extends the fee on the sale of lead-acid batteries from December 31, 2023, to December 31, 2029 (Section 260.262);
- (4) Extends the authority of the Hazardous Waste Commission to revise the fee structure for hazardous waste generators from August 28, 2024, to August 28, 2030, and specifies that if the authority to revise the fee structure expires, then the existing fee structure at the time of the expiration will remain in place (Sections 260.380 and 260.475);
- (5) Extends fees for the transportation of radioactive waste from August 28, 2024, to August 28, 2030 (Section 260.392);

(6) Extends the authority of the Missouri Mining Commission to revise the fee structure under the Land Reclamation Act from August 28, 2024, to August 28, 2030, and specifies that if the authority to revise the fee structure expires, then the existing fee structure at the time of the expiration will remain in place (Section 444.768);

(7) Extends the expiration date of fees for surface mining from December 31, 2024, to December 31, 2030 (Section 444.772);

(8) Extends the authority of the Safe Drinking Water Commission to revise the fee structure for customer service connections to a public water system from August 28, 2024, to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 640.100);

(9) Extends the authority of the Air Conservation Commission to revise the fee structure for certain air contaminants from August 28, 2024, to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 643.079); and

(10) Extends the authority of the Clean Water Commission to revise the clean water fee structure from August 28, 2024 to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 644.057).

### **Permitting and regulatory actions (Section 640.023)**

The bill specifies that the Department of Natural Resources can not take any permitting or regulatory action based solely

## SUMMARIES OF 2023 TAFP SENATE BILLS

on guidance that has not been promulgated into rule without the consent of the person subject to the action.

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### CCS HCS SS SB 111

#### **A**dministration of state employees

Current law requires salaries of all elective and appointive officers and employees of the state to be paid out of the state treasury, in semimonthly or monthly installments as designated by the Commissioner of Administration. This bill allows salaries to be paid out biweekly.

The bill eliminates the Personnel Advisory Board and gives all duties and responsibilities previously held by the Board to the Director of the Personnel Division and the Commissioner of Administration. This bill additionally makes the position of Director of the Personnel Division appointed by the Commissioner of Administration. The Director may be removed by the Commissioner for no reason or any reason not prohibited by law.

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### SS SB 116

#### **D**isposition of the dead

This bill repeals provisions of law relating to the notification of death filed by a funeral director with the local registrar authorizing final disposition. Additionally, this bill permits the funeral director to affix a tag containing identifying information of the deceased to a container placed in the casket.

The bill repeals provisions of law relating to the transportation of dead bodies and requires the Department of Health and Senior Services to issue regulations governing such transportation on common carriers in Missouri.

This bill repeals provisions of law requiring any cemetery owner or operator moving a properly buried or interred body for transportation outside the cemetery to, prior to disinterment, notify the closest known living relative of the move.

Currently, the law provides a list, in order of priority, of next-of-kin who have the right to control the disposition of a dead human body. This bill provides that the surviving spouse will not be considered as next-of-kin if an action for dissolution of marriage has been filed and is pending in a court of competent jurisdiction. Additionally, the next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

The bill allows an individual with a superior claim to the disposition of the deceased to be notified in person or by written notice with delivery confirmation, rather than "personally served with written notice", by a person with an inferior claim who has the desire to exercise the right to control the final disposition of the deceased.

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### CCS SS SCS SB 127

#### **D**esignation of infrastructure

This bill relates to state designations marked by the Department of Transportation. The bill:



## SUMMARIES OF 2023 TAFP SENATE BILLS

(1) Adds Perry County to the region designated as the "German Heritage Corridor of Missouri" (Section 226.1150, RSMo);

(2) Establishes the "Stars and Stripes Historic Region of Missouri" (Section 226.1160);

(3) Establishes the "FA Paul Akers Jr and LCPL Jared Schmitz Memorial Sign Funding Act", which provides that, beginning August 28, 2023, for designations on the state highway system honoring members of the Armed Forces killed in the line of duty, members of the Armed Forces missing in action, Missouri recipients of the medal of honor, emergency personnel killed while performing duties related to their employment, and state employees killed while serving the state, no fees will be assessed and all costs associated with such designations will be funded by the Department of Transportation (Sections 227.296, 227.297, and 227.299);

(4) Specifies that the signs designating "Marine LCPL Jared Schmitz Memorial Bridge" in St. Charles County shall be placed along Interstate 70 as close to the bridge as practicable (Section 227.441);

(5) Modifies the portion of State Highway 30 in St. Louis County designated as "Officer Blake Snyder Memorial Highway" (Section 227.539);

(6) Designates the "Rev Dr Martin Luther King Jr Memorial Highway" in Poplar Bluff in Butler County (Section 227.798);

(7) Designates the Missouri portion of the new bridge on State Highway 51 crossing over the Mississippi River in Perry County to the Missouri/Illinois state line as the "Don Welge Memorial Bridge" and directs the Missouri De-

partment of Transportation to collaborate with the Illinois Department of Transportation in establishing and maintaining signs designating the bridge (Section 227.818);

(8) Designates the "Police SGT Herschel Turner Jr Memorial Bridge" in St. Louis County (Section 227.819);

(9) Designates "James W Brooks Memorial Highway" in St. Louis City and St. Louis County (Section 227.820);

(10) Designates the "SGT James L Shipley Memorial Highway" in Moniteau County (Section 227.821);

(11) Designates the "Representative Tom Hannegan Memorial Highway" in St. Charles County (Section 227.823);

(12) Designates the "Police Officer Blaize Madrid-Evans Memorial Highway" in Jackson County (Section 227.824);

(13) Designates the "Det. Antonio Valentine Memorial Bridge" in St. Louis and Jefferson Counties (Section 227.825);

(14) Designates the "CPL Ben Cooper Memorial Bridge" in Newton County (Section 227.826);

(15) Designates the "Officer Timothy Nielson Memorial Bridge" in Newton County (Section 227.827);

(16) Designates the "CPL Homer Hoover Schultz Memorial Highway" in Pulaski County (Section 227.828);

(17) Designates the "John Walter Basye Memorial Highway" in Pike County (Section 227.829);

(18) Designates the "Officer Walter W Farrow Memorial Highway" in Miller County (Section 227.831);

(19) Designates the "Sam Santhuff Memorial Highway" in the City of Fulton and Callaway County (Section 227.832);

## SUMMARIES OF 2023 TAFP SENATE BILLS

- (21) Designates the "Ethel Hedgemon Lyle Memorial Highway" in the City of St. Louis (Section 227.835);
  - (22) Designates the "Kaitlyn Anderson Memorial Bridge" in St. Louis County (Section 227.836); and
  - (23) Designates the "Officer Daniel Vasquez Memorial Highway" in Clay County (Section 227.837).
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### HS HCS SS SB 138

## Agriculture

#### State coordinate system

(Sections 60.401, 60.411, 60.431, 60.441, 60.471, 60.480, 60.496, and 60.510)

This bill repeals provisions relating to the "Missouri Coordinate System of 1927" and the "Missouri Coordinate System of 1983" and establishes the "Missouri State Plane Coordinate System". The system may have one or more projection zone layers. Each layer shall:

- (1) Be covered by geodetically referenced mapping projections adopted and supported by the Nation Geodetic Survey;
- (2) Be identified by the geodetic datum; and
- (3) Remain uniquely and consistently defined throughout its implementation within a particular layer.

This bill modifies provisions relating to coordinate distances and measurement values as specified in the bill. This bill shall not be construed to prohibit the appropriate use of other geodetic reference networks.

#### Waterways and Ports Trust Fund (Section 68.080)

This bill creates the "Waterways and Ports Trust Fund". The Fund consists of moneys appropriated to it by the General Assembly, and may also receive money from federal, private, or other sources.

Moneys in the Fund can be withdrawn only upon appropriation by the General Assembly, to be administered by the Highways and Transportation Commission and the Department of Transportation, for the purposes of developing a statewide plan for waterborne commerce and reviewing plans of local or regional port authorities for major public capital improvements to encourage coordination with the statewide plan.

To be eligible a project must be:

- (1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;
- (2) Located on land owned by a Missouri port authority, or within a navigable river adjacent to such land, and within the boundaries of a port authority;
- (3) Funded by alternate sources so that moneys from the Fund comprise no more than 80% of the cost of the project;
- (4) Selected and approved by the Highways and Transportation Commission to support a statewide plan for waterborne commerce, in accordance with subdivision (1) of Section 68.065; and
- (5) Capable of completion within two years of approval by the Highways and Transportation Commission.

The provisions of this section will terminate on August 28, 2033, pending the discharge of moneys from the Fund. The Fund shall be dissolved on December 31,

## SUMMARIES OF 2023 TAFP SENATE BILLS

2033, with the unencumbered balance being transferred to the General Revenue Fund.

### **Fuel tax credits**

**(Sections 135.772, 135.775, and 135.778)**

Current law authorizing a tax credit for the production of biodiesel fuel limits the maximum amount of tax credits that may be issued in a fiscal year to \$4 million. The bill increases such annual limit to \$5.5 million and removes the requirement for the Department of Revenue to apportion tax credits among biodiesel producers applying for such tax credits.

### **Agriculture-related tax deductions**

**(Sections 143.022 and 143.121)**

The bill adds to the definition of "business income," for the purposes of deducting a percentage from a taxpayer's federal adjusted gross income the total combined profit reported to the IRS on each Schedule F and each Form 4835 filed.

In addition, the bill authorizes an income tax exemption for:

- (1) A percentage of capital gains of up to \$6 million per year, as specified in the bill, received by a taxpayer who sells all or a portion of his or her farmland to a beginning farmer;
- (2) Cash rent income of up to \$25,000 per year received by a taxpayer who leases all or a portion of his or her farmland to a beginning farmer; and
- (3) Income of up to \$25,000 per year received from crop share arrangements with a beginning farmer on all or a portion of a taxpayers farmland.

The bill also requires the Department of Revenue to report annually to certain committees of the House of Representative and the Senate regarding the cost and benefits of the subtraction of capital gains for transactions with beginning farmers.

### **Duties of the Department of Agriculture, including modification of fee structures (Section 196.311, 196.316, 281.102, 323.100, and 413.225)**

This bill modifies the provisions relating to the Department of Agriculture's Division of Weights and Measures. In its provisions, the bill:

- (1) Adds quail eggs to the list of eggs for which the Division regulates the sale;
- (2) Repeals the specific fees associated with the sale of eggs and allows the Department to assess egg licensing fees to assist in defraying operating expenses. The fees may not exceed \$100 annually for a retailer's license, \$175 annually for a dealer's license, and \$250 annually for a processor's license;
- (3) Delays the effective date of changes to the Department's pesticides certification and training program from January 1, 2024, to January 1, 2025;
- (4) Increases the cap from \$75 to \$400 per test for annual testing of all liquid meters used in retail sale of liquefied petroleum gas and allows the Department to set a fee based on the operating costs the previous year;
- (5) Increases the cap from \$125 to \$500 for the fee for the cost of operating the metrology laboratory and allows the Department to set a fee based on the operating costs the previous year; and
- (6) Reduces from 90 days to 30 days the deadline to pay the original invoice for device inspection by the Division before a device may be taken out of service due to nonpayment.

### **Flood resiliency act**

**(Section 256.800)**

## SUMMARIES OF 2023 TAFP SENATE BILLS

The bill establishes the "Flood Resiliency Act", which creates the "Flood Resiliency Program" administered by the Department of Natural Resources to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and to improve statewide flood forecasting and monitoring ability. The state may participate in flood resiliency projects as set forth in the bill. A plan, which is defined as a preliminary report describing the need for, and implementation of, flood resiliency measures, must include certain information. The Director of the Department of Natural Resources can only approve a plan if it is determined that long-term flood mitigation is needed in that area of the state, and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

Flood resiliency projects may be funded by moneys in the "Flood Resiliency Fund" created in the bill and such projects can be eligible to receive other contributions and grants.

### **Missouri hardwood forest product promotion (Section 262.911)**

The bill requires the Department of Economic Development to promote Missouri hardwood forest products and educate the public on the value and benefit of such products.

The bill creates the "Missouri Hardwood Forest Product Promotion Fund". Money in the Fund shall be used to promote and educate about Missouri hardwood forest products.

This program will sunset six years after the effective date.

### **Log trucks (Section 304.180)**

Currently, local log trucks and local trucks and local log tractors may operate on certain roads with a total weight of up to 105,000 pounds. The bill would increase the total allowable weight to 109,600 pounds.

### **Veterinary student loan and loan repayment programs (Sections 340.341, 340.345, 340.381, 340.384, and 340.387)**

The bill modifies provisions relating to the Large Animal Veterinary Medicine Loan Repayment Program.

As specified in the bill, the Missouri Department of Agriculture can not grant repayment for more than 12 veterinarians each year, instead of six. The Department may increase the number of qualified applicants above 12 that may be awarded such loans per academic year if the amount of any additional moneys received from private contributions or other assets deposited in the Veterinary Student Loan Payment Fund allows the full funding of such increase in the number of applicants.

The bill renames the "Dr. Merrill Townley Large Animal Veterinary Student Loan Program" to the "Dr. Merrill Townley and Dr. Dan Brown Large Animal Veterinary Student Loan Program".

The bill expands the sources of funding for the Program to include any private grant, gift, donation, device, or bequest of moneys, funds, real or personal property, or other assets.

As specified in the bill, a qualified applicant may receive financial assistance under the Program up to \$30,000 for each academic year, instead of \$20,000, provided that the cumulative total shall not exceed \$120,000 per qualified applicant, instead of \$80,000.

Finally, for each year of qualified employment that each individual contracts

## SUMMARIES OF 2023 TAFP SENATE BILLS

to serve in an area of defined need, the Department will forgive up to \$30,000 with accrued interest, an increase from \$20,000, as previously allowed.

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### CCS SS SB 139

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### tate designations

This bill makes the following designations:

- (1) The first week of March currently known as "Math, Engineering, Technology and Science (METS) Week" changes to the more commonly recognized acronym "Science, Technology, Engineering, and Math (STEM) Week". The week's purpose and observations remain the same (Section 9.138, RSMo);
- (2) The month of January as "State Legislator Remembrance Month" in memory of all state legislators who died while in office (Section 9.368);
- (3) June 12th as "Women Veterans Appreciation Day" to highlight the growing number of women in the Armed Forces and the National Guard, and to pay respect to women veterans for their dutiful military service (Section 9.369);
- (4) The first Saturday of October as "Breast Cancer Awareness Day", the most commonly occurring cancer among women in the United States (Section 9.371);
- (5) The third Saturday of October as "Domestic Violence Awareness Day" (Section 9.372);
- (6) January 16th as "Albert Pujols Day" to celebrate the St. Louis Cardinals first baseman (Section 9.373);
- (7) May 3rd as "Shelley v. Kraemer Day" to recognize the historical impact

of the United States Supreme Court case that held racially restrictive covenants in residential neighborhoods are not enforceable (Section 9.374);

(8) November 23rd as "K.C. Wolf Day" (Section 9.377);

(9) March 19th as "Lloyd Gaines Day" to remember his important role in the early 20th century civil rights movement (Section 9.378);

(10) The month of May as "Asian and Pacific Islander Heritage Month" (Section 9.379);

(11) April 16th as "Baker Service Appreciation Day" in honor of the memories of David and Brian Baker and their lives of service to others (Section 9.387);

(12) The Hawken rifle, a muzzle-loading rifle first manufactured in St. Louis, as the official state rifle of the state of Missouri (Section 10.246);

(13) The city of Piedmont and Wayne county as the "UFO Capitals of Missouri" (Section 10.247);

(14) Perry County as an addition to the "German Heritage Corridor" along the Missouri River, which consists of counties that were greatly influenced by early German settlers (Section 226.1150);

(15) The region of southeast Missouri including the South County area of St. Louis county and the counties of Jefferson, Franklin, Crawford, Dent, Shannon, Oregon, Ste. Genevieve, Washington, St. Francois, Madison, Iron, Perry, Wayne, Reynolds, Bollinger, Cape Girardeau, Scott, Mississippi, Stoddard, Ripley, Butler, Carter, New Madrid, Pemiscot, and Dunklin as the "Stars and Stripes Historic Region of Missouri" (Section 226.1160);

(16) The "Don Welge Memorial Bridge" on the Missouri portion of the new bridge on State Highway 51 crossing

## SUMMARIES OF 2023 TAFP SENATE BILLS

over the Mississippi River in Perry County to the Missouri/Illinois state line. The Department of Transportation will collaborate with the Illinois Department of Transportation in designing, erecting, and maintaining appropriate signs designating each state's portion of the bridge, with the costs to be paid by private donations (Section 227.822); and (17) The "Major Lee Berra Memorial Highway" on that portion of Interstate 64 from the Interstate 64 ramp to Interstate 270 continuing east to Spoede Road in St. Louis County. The Department of Transportation will erect and maintain appropriate signs with the cost to be paid by private donation (Section 227.834).

This bill establishes the "FA Paul Akers Jr and LCPL Jared Schmitz Memorial Sign Funding Act". Beginning August 28, 2023, for designations on the state highway system honoring members of the Armed Forces killed in the line of duty, members of the Armed Forces who are missing in action, Missouri recipients of the medal of honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state, no fees shall be assessed and all costs associated with such designations shall be funded by the Department of Transportation (Sections 227.296, 227.297, 227.299).

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### CCS HCS SS SCS SB 157

#### **P**rofessions requiring licensure

This bill modifies provisions relating to professions requiring licensure.

#### **Administering of naloxone (Sections 190.255 and 195.206)**

Currently, qualified first responders may obtain and administer naloxone to a person suffering from an apparent narcotic or opiate-related overdose. This bill allows first responders to obtain and administer any drug or device approved by the FDA to block the effects of an opioid overdose. Licensed drug distributors or pharmacies may sell such drugs or devices to first responders for this purpose.

Currently, state or local law enforcement agency staff members are required to act under the directives and protocols of a medical director of a local licensed ground ambulance service in order to administer naloxone or similar drugs or devices to a person suffering from an apparent narcotic or opiate-related overdose.

This bill allows state or local law enforcement agency staff members to act without such directives and protocols.

This bill modifies the definition of "opioid antagonist" in a statute relating to standing orders for opioid antagonists. Currently, opioid antagonists are defined as naloxone hydrochloride and the bill adds any other drug or device approved by the FDA that blocks the effect of an opioid overdose.

#### **Health Professional Loan Repayment Program**

**(Sections 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, and 191.831)**

This bill establishes the "Health Professional Loan Repayment Program" offering forgivable loans to pay off existing student loans and other education expenses for health care, mental health, and public health professionals.

The Department of Health and Senior Services is the chief administrative

## SUMMARIES OF 2023 TAFP SENATE BILLS

agency and is responsible for oversight and rulemaking of the Program, the Director shall be in charge of determining who will receive forgivable health professional loans, and the professionals or disciplines that receive funding in any given year are contingent on consultation with the Department of Mental Health and the Department of Higher Education and Workforce Development.

The Department of Health and Senior Services will enter into a written contract with each qualifying individual for a forgivable loan, the provisions of which are specified in the bill. The contract shall include an agreement that the individual serves a period equal to at least two years in an area of defined need in order for the loan to be forgiven. The Department of Health and Senior Services will designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, or public health services. All health professional loans shall be made from funds appropriated to the Health Professional Loan Incentive Fund by the General Assembly, which also includes funds generated by loan repayments.

Any individual who enters into a written contract but fails to maintain acceptable employment is liable for any amount awarded by the state that has not yet been forgiven. If the individual engages in a breach of contract, he or she is liable to the state as specified in the bill.

This bill repeals an existing loan program for students enrolled in certain health care degree programs.

### **Medical Residency Grant Program (Section 191.592)**

Subject to appropriation, this bill requires DHSS to establish a medical residency grant program, awarding grants to

entities establishing new general primary care and psychiatry medical residency positions as described in the bill. Funding will be available on a scaled basis and the Department must expend moneys in the order specified in the bill.

When awarding grants, the Department must prioritize entities operating programs that serve the areas of greatest need, as determined by the Department, and that offer residency programs in primary care and psychiatric care. The Department must establish criteria for determining the amount and duration of grants, the contents of the grant application, and the procedures and timelines by which entities may apply for grants.

This bill provides additional stipulations for entities receiving grants, as specified in the bill, and the Department is required to submit an annual report to the General Assembly.

This bill also establishes the "Medical Residency Grant Program Fund", which consists of moneys appropriated by the General Assembly, reimbursements from entities unable to fill the new residency positions, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

This bill contains an emergency clause for the Medical Residency Grant Program. The Program will expire on January 1, 2038.

### **Death certificates (Sections 193.145 and 193.265)**

Currently, physicians are not required to register with the state's electronic death registration system for certifying death certificates. This bill makes registration compulsory for physicians in order to certify a death certificate.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Labeling of prescriptions (Sections 195.100 and 334.735)**

Currently, if an advanced practice registered nurse or a physician assistant is in a collaborative practice arrangement with a physician and prescribes a drug, the prescription must also include the name of the supervising physician. This bill repeals the requirement to include the name of the supervising physician.

### **Assistant physicians (Section 334.036)**

Currently, a requirement for licensure as an assistant physician is that the applicant must be a graduate of any medical school, as described in section 334.031. This bill provides that the applicant must be a graduate of a medical school accredited by certain organizations listed in the bill. This bill also limits an assistant physician to providing only primary care services and only to medically underserved rural or urban areas. Currently, they are authorized to also provide services in certain pilot project areas, this bill repeals that provision.

### **Physician assistants (Sections 334.735, and 334.747)**

This bill authorizes a physician assistant in a collaborative practice arrangement to administer, dispense, or prescribe Schedule II controlled substances for hospice patients.

Currently, a physician assistant with a certificate of controlled substance prescriptive authority can prescribe any controlled substance listed in Schedule III, IV, or V of Section 195.017, RSMo, and have restricted authority in Schedule II, when given the authority to prescribe controlled substances in a collaborative practice arrangement. This bill adds the word "narcotic" before the

words "controlled substance" in this provision.

For clinical situations where a physician assistant provides services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, the collaborating physicians or other designated physicians shall be present for sufficient periods of time, at least once every two weeks, to participate in chart reviews and provide necessary medical direction, medical services, consultations, and supervision.

### **Advanced practice registered nurses (Sections 195.070, 334.036, 334.104, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175)**

The bill modifies licensing and collaborative practice arrangements for advanced practice registered nurses (APRNs). As specified in this bill, an APRN may prescribe Schedule II controlled substances for hospice patients.

Additionally, collaborative practice arrangements between the APRN and the collaborating physician may waive geographic proximity requirements, as specified in the bill, including when the arrangement outlines the use of telehealth and, until August 28, 2025, when the APRN is providing services in a correctional center and practicing with 200 miles by road of his or her collaborating physician. Waiver for any other reason will require application to be reviewed by the Board of Nursing and the State Board of Registration for the Healing Arts and must be approved within 45 days if the boards determine that adequate supervision exists.

For clinical situations where an APRN provides services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons,



## SUMMARIES OF 2023 TAFP SENATE BILLS

the collaborating physicians or other designated physicians must be present with the APRN for sufficient periods of time, at least once every two weeks, to participate in chart reviews and provide necessary medical direction, medical services, consultations, and supervision.

Currently, an APRN must practice with the collaborating physician continuously present for a one-month period when entering into an arrangement with the physician. This bill waives that requirement when a primary care or behavioral health physician enters into an arrangement with a primary care or behavioral health APRN and the physician is new to the patient population, but the APRN is familiar with the patient population.

Currently, a nurse may be licensed to practice professional or practical nursing. This bill adds a license to practice advanced practice nursing and modifies the definitions of "APRN" and the "practice of professional nursing". Additionally, this bill specifies the requirements for the advanced practice nursing license, including the requirement that an applicant first hold a current registered professional nurse license, and have completed certain graduate-level programs and certifications, or hold a document of recognition to practice as an APRN that is current as of August 28, 2023. License renewals for APRN licenses and registered professional nurse licenses will occur at the same time and failure to renew and maintain the registered professional nurse license or failure to provide evidence of an active required certification results in the expiration of the APRN license.

This bill further modifies the names of the specific certifying organizations for nursing specialties. In this bill, the State Board of Registration for the Healing Arts, within the Department of Commerce and

Insurance, must make information publicly available about which physicians and other health care providers have entered into collaborative practice arrangements.

### **Pesticides certification and training (Section 281.102)**

Currently, changes to the Department of Agriculture's pesticides certification and training program become effective January 1, 2024. This bill delays the effective date of those changes to January 1, 2025.

### **Tattooing (Section 324.520)**

This bill changes the definition of "tattoo" in the tattooing requirements of Chapter 324, to include the insertion of ink or both ink and pigment with the aid of needles or blades using hand-held or machine-powered instruments; or a mark made on the face or body of another person for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles.

### **Animal chiropractic practitioners (Sections 331.020, 331.060, 340.200, 340.216, 340.218, and 340.222)**

This bill defines an "animal chiropractic practitioner" as someone who is a licensed veterinarian or a licensed chiropractor who is certified by a veterinary chiropractic organization. The bill allows an animal chiropractic practitioner to engage in animal chiropractic without the supervision of a licensed veterinarian so long as the animal chiropractic practitioner has obtained a patient referral from a licensed veterinarian. The bill authorizes the Board of Chiropractic Examiners to refuse to issue a permit or license to a chiropractor if the chiropractor

## SUMMARIES OF 2023 TAFP SENATE BILLS

has engaged in the practice of animal chiropractic without a patient referral from a licensed veterinarian.

**Interstate medical licensure compact (Sections 334.043, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635, 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675, 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715, and 334.1720)**

This bill allows any person who holds a valid current physician and surgeon license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, who has been licensed for at least one year in that location, to apply for a physician or surgeon license in Missouri.

The Board of Healing Arts must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Board determines that the applicant met the minimum education and work experience in the other territory. For applications received from a nonresident or resident military spouse, the Board must act within 30 days. The Board will not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight committee;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or

- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill adopts the "Interstate Medical Licensure Compact". The Compact allows a physician who meets the eligibility requirements to receive an expedited license. The state must perform a criminal background check on an applicant and the state cannot require any additional verification beyond primary-source verification of medical education or results of medical or licensing examinations by the state of principal license. A physician may renew his or her expedited license as a member of the Compact.

The Compact establishes a confidential database of all physicians who have been granted an expedited license or who have applied for an expedited license, for the purpose of allowing member states to report disciplinary or investigatory information. Member states may participate in joint investigations of physicians with other member states, and any disciplinary action taken by one member state may subject the physician to discipline with other member states. If a physician's license is revoked, surrendered, or relinquished in one state, it shall automatically be placed on the same status in the other member states.

The Compact establishes the "Interstate Medical Licensure Compact Commission" to act as a corporate and joint agency of the member states and to oversee and maintain administration of the Compact.

The Compact outlines procedures for any member state that fails to perform its obligations of the Compact. The Compact will only be effective once seven states have enacted legislation to join the Compact.

The Compact outlines the procedure to withdraw from the Compact.

## SUMMARIES OF 2023 TAFP SENATE BILLS

The Compact supersedes all other laws that conflict with provisions of the Compact.

### **Physical therapists (Sections 334.100, 334.506, and 334.613)**

This bill changes the laws regarding physical therapists so that physical therapists no longer need a prescription or referral from a doctor in order to evaluate and initiate treatment on a patient, as long as the physical therapist has a Doctorate of Physical Therapy Degree or has five years of clinical practice as a physical therapist. However, the bill does require a physical therapist to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice, or any patient who does not demonstrate measurable or functional improvement after 10 visits or 30 days, whichever occurs first.

The physical therapist must also consult with an approved health care provider before continuing therapy if after 10 visits or 30 days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical therapy and the physical therapist believes that continuation of physical therapy is necessary. Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 30 days. Physical therapy services performed within a primary or secondary school for individuals within ages not in excess of 21 years are exempt from this requirement.

### **Nursing Education Incentive Program (Sections 335.203 and 335.205)**

The "Nursing Education Incentive Program" within the State Board of Nursing

awards grants to eligible institutions of higher education based on criteria jointly determined by the Board and the Department of Higher Education and Workforce Development. There is currently a cap on the grants of \$150,000.

This bill removes that cap and creates a new nursing education incentive program surcharge for initial license applications and renewal applications for nurses. Practical nurses will pay a \$1 fee per year and registered professional nurses will pay \$5 per year. The fee will be deposited in the State Board of Nursing Fund.

This bill also repeals both the Nursing Student Loan Program and the Nursing Student Loan Repayment Program.

### **Professional counselors (Sections 337.510 and 337.550)**

The bill authorizes any person who, for at least one year, has held a valid, current license issued by another state, a branch or unit of the military, a U.S. territory, or the District of Columbia, to apply for an equivalent Missouri license through the Committee for Professional Counselors, subject to procedures and limitations as specified in the bill.

The Committee must, within six months, waive any examination, educational requirements, or experience requirements for the licensure if the Committee determines that the applicant met the minimum education and work experience in the other territory. For applications received from a nonresident or resident military spouse, the Committee must act within 30 days. The Committee can not waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight committee;
- (2) The applicant is currently under investigation;

## SUMMARIES OF 2023 TAFP SENATE BILLS

- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill establishes an interstate compact for licensed professional counselors to facilitate professional counseling services. The Compact sets the requirements to be met in order for a state to join the Compact. Each member state must require an applicant for a professional counselor license to obtain or retain a license in their home state and meet the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws.

The Compact creates a joint public agency known as the "Counseling Compact Commission". The Commission has powers and duties as listed in the Compact and must enforce the provisions and rules of the Compact. The Commission must provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licenses, adverse actions, and investigative information on all licensed individuals in member states.

The Compact will come into effect on the date in which the Compact is enacted into law in the 10th member state. Any member state may withdraw from the Compact by enacting a statute repealing the same. The Compact will be binding upon member states and will supersede any conflict with state law.

### **Social workers**

**(Sections 337.615, 337.644, 337.665, 337.1000, 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040, 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, and 337.1075)**

This bill allows any person who holds a valid current social worker license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, who has been licensed for at least one year in that location, to apply for a social worker license in Missouri. The State Committee for Social Workers must, within sixty days, waive any examination, educational requirements, or experience requirements for the licensure if the State Committee for Social Workers determines that the applicant has met the minimum education and work experience in the other territory. For applications received from a nonresident or resident military spouse, the Committee must act within 30 days.

The State Committee for Social Workers cannot waive the requirements if:

- (1) The applicant had his or her license revoked by an oversight body;
- (2) The applicant is currently under investigation;
- (3) The applicant has a complaint pending;
- (4) The applicant is currently under administrative disciplinary action;
- (5) The applicant does not hold a license in good standing with an oversight body outside of Missouri; or
- (6) The applicant has a criminal conviction that would disqualify him or her for licensure in Missouri.

This bill establishes the "Social Work Licensure Compact".

## SUMMARIES OF 2023 TAFP SENATE BILLS

The Compact allows a social worker who meets the eligibility requirements to receive an expedited license. A social worker may renew his or her expedited license as a member of the Compact. The Compact establishes a confidential database of all social workers who have been granted an expedited license or who have applied for an expedited license, for the purpose of allowing member states to report disciplinary or investigatory information.

Member states may participate in joint investigations of social workers with other member states, and any disciplinary action taken by one member state may subject the social worker to discipline by other member states. If a social worker's license is revoked, surrendered, or relinquished in one state, the social worker's multistate authorization to practice in all other member states will be deactivated until all encumbrances have been removed from the multistate license.

The Compact establishes the "Social Work Licensure Compact Commission" to act as a corporate and joint agency of the member states and to oversee and maintain administration of the Compact. The Compact outlines procedures for any member state that fails to perform its obligations under the Compact.

The Compact will only be effective once seven states have enacted legislation to join the Compact.

The Compact outlines the procedure to withdraw from the Compact.

The Compact supersedes all other laws that conflict with provisions of the Compact.

### **Administration of medications by pharmacists**

#### **(Sections 338.010 and 338.012)**

This bill modifies several provisions relating to the administration of medications by pharmacists. This bill repeals language from current law defining the practice of pharmacy as including the administration of specific vaccines by written physician protocol for specific patients and adds language defining the practice of pharmacy as including the ordering and administering of certain FDA-approved or authorized vaccines to persons at least seven years of age or the CDC-approved age, whichever is older, pursuant to rules promulgated by the Board of Pharmacy and the Board of Registration for the Healing Arts or rules promulgated under a state of emergency.

Currently, any pharmacist who accepts a prescription order for a medication therapeutic plan must have a written protocol from the referring physician. The bill repeals this provision and permits a pharmacist with a certificate of medication therapeutic plan authority to provide medication therapy services pursuant to a written physician protocol to patients with an established physician-patient relationship with the protocol physician.

This bill allows a licensed pharmacist to order and administer vaccines approved or authorized by the FDA to address a public health need, as authorized by the state or federal government, during a state or federally-declared public health emergency.

Finally, a pharmacist with a certificate of medication therapeutic plan authority may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the Director of DHSS or a physician licensed by the Department.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Complaints against licensees' professional practices (Sections 344.045, 344.055, and 344.102)**

This bill specifies that the Board of Nursing Home Administrators must establish a procedure for handling complaints against licensees' professional practices. The Board must investigate complaints and document the findings.

The Board can disclose complaints and investigatory reports if the disclosure is:

- (1) In the course of voluntary interstate exchange of information;
- (2) In accordance with a lawful request; or
- (3) To other state or federal administrative or law enforcement agencies acting within the scope of their statutory authority.

All educational transcripts, test scores, and personal information pertaining to an applicant for a license or a licensee of the Board are also confidential and can only be disclosed for the same reasons the investigatory reports are disclosed.

Deliberations, votes, or minutes of closed proceedings will not be subject to disclosure or discovery. Once an investigation is complete and a final disposition has been rendered, that decision will be made public.

This bill specifies that no person can practice as a nursing home administrator if his or her license has expired.

### **Advance health care directive (Sections 192.530 and 1)**

HB 402 (2023) created a new section which requires the Department of Health and Senior Services to develop and publish a voluntary nonopioid directive form, that can be used by a patient to deny or refuse

administration or prescription of a controlled substance containing an opioid. This bill repeals that new section and instead requires DHSS to include on its website an advance healthcare directive form with directions for completing such form, as specified in the bill. DHSS must include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

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### **SS SCS SBs 167 & 171**

### **M**edical requirements for commercial vehicle operators

This bill specifies that medical examiner's certificates for commercial driver's licenses or instruction permits may be provided to the state by mail, fax, or E-mail, in addition to the means currently available.

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### **CCS HCS SB 186**

### **P**ublic safety

This bill modifies provisions relating to public safety.

### **Office of Child Advocate (Section 37.725)**

Currently, the identity of a complainant or recipient shall not be disclosed by the Office of Child Advocate unless the complainant or his or her legal representative consents or a court orders the disclosure. The bill allows for such disclosure if requested by law enforcement as part of an investigation.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Fees to Highway Patrol (Section 43.253)**

This bill provides that a minimum fee of \$6 may be charged by the State Highway Patrol for any request where there are allowable fees of less than \$6. The \$6 fee shall be in place of any allowable fee of less than \$6.

The Superintendent of the State Highway Patrol may increase the minimum fee by not more than \$1 every other year following August 28, 2024. The minimum fee shall not exceed \$10.

### **Missing children (Sections 43.400, 43.401, and 210.795)**

This bill modifies the definition of "missing child" in the context of law enforcement searches for missing children to include anyone under 18 years of age, foster children regardless of age, emancipated minors, homeless youth, and unaccompanied minors. Any agency; placement provider, including the Children's Division, within the Department of Social Services; parent; or guardian, with the care and custody of a child who is missing must file a missing child complaint with the appropriate law enforcement agency within two hours of determining the child is missing. The law enforcement agency must immediately submit information on the missing child to the National Center for Missing and Exploited Children (NCMEC). The law enforcement agency shall institute a proper investigation and search for the missing child and maintain contact with the agency or placement provider making the complaint. The missing child's entry shall not be removed from any database or system until the child is found or the case is closed.

In the case of a child in the custody of the state who is determined to be missing, the child's case manager must maintain

information on the report and continue making contact with the child's family, juvenile officer, and guardian ad litem, and others, as specified in the bill. The case manager shall continue to contact law enforcement, as specified in the bill, and make quarterly reports to the court as to the child's status and efforts to locate the child. The Division shall not petition the court for a release of jurisdiction for the child or stop searching for the child while the child is missing until the child reaches the age of 21.

The Division must develop protocols for conducting ongoing searches for children missing from care, as well as implement preventative measures to identify and mitigate risks to children who are at increased risk of running away, disappearing, or experiencing trafficking. The Division must ensure that each child's record in the care and custody of the Division has an updated photograph of the child.

Any employee or contractor with the Division, service providers contracted by the Division, child welfare agencies, other state agencies, or schools shall, upon becoming aware that an emancipated minor or homeless youth is missing, inform the appropriate law enforcement agency and NCMEC within 24 hours.

Within 24 hours of the missing child being found, the Division must assess whether the child was a victim of trafficking.

### **Missouri Rap Back Program (Sections 43.539 and 43.540)**

Currently, an entity participating in the Missouri Rap Back Program may request a person's updated criminal history record if the person has previously had a Missouri and national criminal record review within the previous six years. This bill repeals the six-year requirement.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Court fees for service of process (Sections 57.280 and 488.435)**

Currently, sheriffs and persons specially appointed to serve any summons, writ, subpoena, or other order of the court receive \$10 for each service, which the county treasurer makes payable to the State Treasurer and is deposited into the Deputy Sheriff Salary Supplementation Fund.

This bill requires the court clerk to collect \$10 as a court cost for service of any summons, writ, subpoena, or other order of the court when any person other than a sheriff is specifically appointed to serve in a county that receives funds from the Deputy Sheriff Salary Supplementation Fund. The State Treasurer must deposit the funds into the Deputy Sheriff Salary Supplementation Fund.

### **Sheriffs' Retirement Fund (Sections 57.952, 57.961, 57.967, and 57.991)**

Currently, neither the General Assembly nor the governing body of a county shall appropriate funds for deposit in the Sheriffs' Retirement Fund. This bill provides that the General Assembly and the governing body of a county may appropriate funds for deposit in the Sheriffs' Retirement Fund. Additionally, the Board of the Sheriffs' Retirement System may accept gifts, donations, grants, and bequests from public or private sources for the Sheriffs' Retirement Fund.

Furthermore, this bill provides that each person who is a member of the Sheriffs' Retirement System on or after January 1, 2024, is required to contribute 5% of his or her pay to the Retirement System. Each county is required to make the payroll deductions for member contributions from the same source of funds used for payment of compensation to the members and shall

transmit the moneys to the Board for deposit in the Sheriffs' Retirement Fund. The deductions do not reduce the member's pay for purposes of computing benefits. When paid to the Sheriffs' Retirement System, each of the contributions is credited to the member from whose compensation the contributions were deducted. Additionally, the contributions shall be treated as employee contributions for purposes of federal income tax purposes.

Furthermore, this bill provides that a former member who is not vested may request a refund of his or her contributions, which shall be paid after 90 days from the later of the date of termination or the date of request. The bill provides that the normal annuity provided to a retired member of the Sheriffs' Retirement System shall not be less than \$1,000 per month.

Currently, the benefits provided by the Sheriffs' Retirement System shall in no way affect the eligibility for retirement benefits from the Missouri Local Government Employees' Retirement System (LAGERS) or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or reducing compensation or mileage reimbursement of employees. This bill provides that this provision shall apply to members of the system prior to December 31, 2023. Any new member employed on or after January 1, 2024, that is a member of another state or local retirement or pension system shall cease membership in any other state or local retirement pension system, except that the member shall be entitled to benefits accrued through December 31, 2023, or the commencement of membership in the Sheriffs' Retirement System, whichever is later.



## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Emergency medical services**

**(Sections 67.145, 70.631, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 192.2405, 208.1032, 285.040, 321.225, 321.620, 537.037, 650.320, 650.330, and 650.340)**

This bill adds "telecommunicator first responder" to the definition of "first responder" in various provisions of law. Additionally, this bill provides that the Department of Health and Senior Services shall offer a vaccination program to certain Missouri State Highway Patrol telecommunicators who may be exposed to infectious diseases.

Furthermore, this bill provides that political subdivisions may elect to cover telecommunicator first responders as public safety personnel.

The bill repeals references to ambulance attendants, drivers, emergency medical technician paramedics, mobile emergency medical technicians, emergency medical technician basic, and EMT intermediate and adds references to paramedics in various statutes relating to emergency medical services.

Currently, emergency medical dispatchers must complete an emergency medical dispatcher course that meets or exceeds the national curriculum of the U.S. Department of Transportation. This bill modifies that training requirement and instead requires emergency medical dispatchers to complete training courses approved by the Missouri 911 Service Board. Additionally, the Service Board shall develop rules and regulations, in collaboration with the State EMS Medical Director's Advisory Committee, relating to the medical aspects of pre-arrival medical instructions.

This bill makes several technical changes to the emergency medical dispatcher statutes.

Currently, paramedic training programs used as part of an emergency medical technician license shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review. This bill repeals this accreditation requirement and such programs shall instead be accredited as required by the National Registry of Emergency Medical Technicians.

### **Residency requirements for City of St. Louis police officers and public safety employees**

**(Sections 84.344 and 285.040)**

Currently, commissioned and civilian personnel of the St. Louis Police Department or any public safety employee of the City of St. Louis hired prior to September 1, 2023, cannot be subject to a residency requirement more restrictive than being required to maintain a primary residence within a one-hour response time, and such personnel hired after August 31, 2023, may be subject to a residency requirement no more restrictive than being required to maintain a primary residence within the city for a total of seven years, and then they can move out of the city but must maintain a primary residence within a one-hour response time.

This bill repeals the provision related to hire date and limits residency requirements for any commissioned or civilian personnel of the St. Louis police department or any employee of the City of St. Louis to being no more restrictive than maintaining a primary residence within a one-hour response time.

### **Kansas City police department** **(Sections 84.480 and 84.510)**

## SUMMARIES OF 2023 TAFP SENATE BILLS

This bill repeals provisions relating to a mandatory salary range and age limitation for the Kansas City chief of police and allows the Board of Police Commissioners to establish a maximum salary amount by resolution.

Additionally, this bill repeals provisions relating to a mandatory salary cap for Kansas City police officers as specified in the bill and repeals provisions that states no more than 25% of officers of any rank receiving the maximum rate of pay are eligible for additional pay.

### **Public safety sales taxes (Sections 94.900 and 94.902)**

This bill adds the cities of Smithville, Odessa, Marshall, Cole Camp, Branson West, and Clinton to the list of cities authorized to impose a sales tax, upon voter approval, for the purpose of improving public safety.

### **First responders administering naloxone (Sections 190.255 and 195.206)**

This bill allows a first responder to administer naloxone or any other drug or device approved by the United States Food and Drug Administration that blocks the effects of an opioid overdose.

### **Sales tax for emergency services (Section 190.327)**

Currently, an emergency services board operating in Jefferson County shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than .25%. This bill repeals this provision.

### **Emergency telephone service charges (Section 190.460)**

Currently, cities and counties that prohibited emergency telephone service

charges may adopt such charges and notify the Department of Revenue by November 15, 2019, and the Department shall notify the Missouri 911 Service Board by December 1, 2019.

This bill repeals those dates and provides that the Department must notify the board within 60 days of receiving notice.

### **Peer support counseling programs (Section 190.1010)**

This bill creates new provisions relating to communications during peer support counseling programs for certain first responders. With certain exceptions, specified in the bill, a communication made by a first responder or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this bill that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor or staff of a peer support counseling program, shall be confidential and shall not be disclosed, except as specified in the bill.

An employer of a first responder that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program, unless otherwise exempted under the provisions of this bill.

## SUMMARIES OF 2023 TAFP SENATE BILLS

An employer may not mandate that any employee participate in a peer support counseling program.

### **Background checks for marijuana facilities (Section 195.817)**

As specified in this bill, the Department of Health and Senior Services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the State Highway Patrol for a state and federal criminal background check. The State Highway Patrol must notify the Department of any criminal history record information or lack thereof discovered on the individual. All such records shall be accessible and available to the Department.

### **Child placement (Sections 210.305 and 210.565)**

This bill modifies current law regarding diligent searches for grandparents or relatives when a child is removed from a home and in need of placement. The bill defines what a diligent search for relatives must entail and what notice should be provided to any relatives of their rights to become a foster parent for the child. Relatives have 30 days to respond to a notice in order to have preferential placement in accordance with current law. All diligent search efforts and placements shall be completed within six months of the child entering the custody of the state, unless the court determines otherwise by clear and convincing evidence.

This bill modifies preferential placement for relatives by removing the distinction between relatives in the third degree and other relatives and adding foster parents or kinship caregivers with whom a child has resided for nine months or more in the definition of a relative.

### **Workers' compensation for first responders (Section 287.067)**

This bill establishes Post-Traumatic Stress Disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, (DSM-5) as a compensable occupational disease under Workers' Compensation when diagnosed in first responders, as defined by law. A first responder is not required to have had a physical injury in order to be eligible for benefits, but preexisting PTSD is not compensable. The time for notice of injury or death in cases of compensable PTSD is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for an injury shall be properly noticed to the Division of Workers' Compensation, within the Department of Labor and Industrial Relations, within 52 weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

### **Voluntary critical illness benefits pool (Sections 287.245 and 320.400)**

Currently, a voluntary cancer benefits pool has been established for the purpose of providing benefits for firefighters who have contracted cancer in connection with employment as a firefighter. This bill expands the pool to allow other first responders, specifically emergency medical technician-basic, emergency medical technician-paramedic, and telecommunicators, to have access to benefits through the pool for exposure to a diagnosable trauma stress event, or diagnosable cumulative post-traumatic stress injury over the course of a career. The bill additionally allows covered individuals to join the pool. Furthermore, any professional organization formed for

## SUMMARIES OF 2023 TAFP SENATE BILLS

the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the organization itself joining the pool.

A payment may be made from the pool to a covered individual for the actual award, up to \$10,000, for seeking treatment with a licensed psychiatrist or a licensed psychologist and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a post-traumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of the injury or any subsequently covered post-traumatic stress injury diagnosis.

Currently, the State Fire Marshal is allowed to disburse grants to voluntary critical illness pools. This provision is set to expire on June 30, 2023. The bill repeals the sunset date.

### **Back the Blue license plates (Section 301.3175)**

This bill provides that nonapportioned motor vehicles may be issued "Back the Blue" license plates by the Department of Revenue.

### **Qualifications of fire protection employees (Sections 320.210)**

This bill repeals the requirements that investigators must:

- (1) Be at least 25 years old and have either a minimum of five years experience in fire risk inspection, prevention, or investigation work, or a degree in fire protection engineering;

- (2) Be a taxpaying resident of Missouri for at least three years immediately preceding his or her appointment; and
- (3) Possess ordinary physical strength and pass a physical and mental examination.

Finally, this bill provides that a person appointed as an investigator shall be a resident of Missouri at the time of appointment and shall not accept other employment that would pose a conflict of interest while employed as a fire protection inspector or employee.

### **Fire protection sales tax (Section 321.246)**

Currently, certain fire protection districts are authorized to impose a sales tax for the purposes of funding the fire protection district. This bill makes a technical change to charter counties.

### **Financial institutions (Section 362.034)**

This bill allows any entity that operates as a marijuana facility licensed or certified under Article XIV of the Constitution of Missouri to request in writing that a state or local licensing authority or agency, including but not limited to the Department of Health and Senior Services or Department of Revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. The written request must include a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records. A state or local licensing authority or agency is permitted to share the entity's information with the banking institution's state and federal supervisory agencies as well.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Scrap yards**

#### **(Section 407.302)**

Currently, no scrap yard shall purchase metal that can be identified as belonging to specified entities. This bill adds twisted pair copper telecommunications wiring of certain gauge burnt wire to those items.

### **Bail considerations**

#### **(Section 544.453)**

This bill establishes certain factors that must be considered when a judge or judicial officer sets bail. Those factors are that the defendant:

- (1) Poses a danger to a victim of crime, the community, any witness to the crime, or to any other person;
- (2) Is a flight risk;
- (3) Has committed a violent misdemeanor offense, sexual offense, or felony offense in this state or any other state in the last five years; and
- (4) Has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony within the last three years.

### **Credit for time served**

#### **(Section 558.031)**

Currently, a person can receive credit toward a sentence of imprisonment for all jail time served after conviction and before the commencement of the sentence.

This bill provides that a person shall receive credit toward a sentence of imprisonment for all jail time served after the offense occurred. The credit shall be based on the certificate of all applicable jail-time credit from the sheriff who delivered the person into confinement in a correctional center.

### **Offense of property damage in the first degree**

#### **(Sections 569.010 and 569.100)**

This bill adds to the offense of property damage in the first degree if such person knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

This offense is a class D felony unless committed for the purpose of executing any scheme or deception to defraud or obtain any property, the value of which exceeds \$750 or the damage to the teller machine exceeds \$750, in which case it is a class C felony. It is a class B felony if committed for the purpose of obtaining the personal financial credentials of another person or if the person has committed a second or subsequent offense of damaging a teller machine.

### **Offense of stealing**

#### **(Section 570.010 and 570.030)**

This bill adds that the offense of stealing shall be a class C felony if the property stolen is a teller machine or the contents of a teller machine including cash regardless of the value or amount stolen.

Additionally, this bill adds that the offense of stealing shall be a class E felony if the property stolen is a letter, post card, or package delivered by common carrier.

### **Firearms in schools**

#### **(Section 571.030)**

This bill provides that a person who is a school officer commissioned by the school board or a school protection officer does not commit the offense of unlawful use of weapons when he or she brings a firearm into a school or onto a school bus.

## SUMMARIES OF 2023 TAFP SENATE BILLS

### **Offense of tampering with a judicial officer**

#### **(Section 575.095)**

This bill provides that a person commits the offense of tampering with a judicial officer if the person disseminates through any means the judicial officer's or the judicial officer's family's personal information as provided in the bill. Additionally, this bill provides a judicial officer shall include a judge or commissioner of state or federal court. If a judicial officer or a member of his or her family is injured or dies as a result of a violation of this section, the offense is a class B felony.

### **Offense of interference with transportation of livestock**

#### **(Section 578.156)**

As specified in this bill, a person commits the offense of interference with the transportation of livestock if the person knowingly:

- (1) Stops or otherwise interferes with a motor vehicle transporting livestock;
- (2) Provokes or disturbs livestock when the livestock is confined in a motor vehicle; or
- (3) Puts or places a substance on the livestock that affects its health or use.

The offense of interference with the transportation of livestock is a class E felony for the first offense and a class C felony for any subsequent offense.

The defendant may assert an affirmative defense of consent by proving by a preponderance of the evidence that he or she had the consent of the owner of the livestock. Additionally, this bill shall not apply to law enforcement officers enforcing the law.

### **Offense of distribution of a drug masking product**

#### **(Section 579.041)**

This bill creates the offense of unlawful distribution, delivery, or sale of a drug masking product, which includes synthetic urine or other substances used to defraud an alcohol or drug screening test, if the person distributes, delivers, or sells a drug masking product. This offense shall be a class A misdemeanor.

### **Fentanyl testing**

#### **(Section 579.088)**

As specified in this bill, it is not unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances for the presence of fentanyl.

### **Chief of police training**

#### **(Section 590.033)**

This bill provides that the Peace Officer Standards and Training (POST) Commission shall establish a training course for police chiefs that shall be a minimum of 40 hours. All police chiefs appointed after August 28, 2023, shall complete the course within six months of appointment as police chief, unless exempt as provided in the bill. Any law enforcement agency that has a police chief who fails to complete the course cannot receive any POST Commission training funding or other state or federal grant funding until the police chief completes the training course.

### **Peace officer basic training**

#### **(Section 590.040)**

Currently, the POST Commission sets a minimum number of basic training hours for licensure for peace officers of no lower than 470 hours and no higher than

## SUMMARIES OF 2023 TAFP SENATE BILLS

600 with certain exceptions as provided in law. This bill changes this requirement to be no lower than 600 hours.

### **Disciplinary procedures for peace officers (Section 590.080)**

This bill adds additional grounds for when the Director of the Department of Public Safety shall have cause to discipline peace officers. This bill specifies that any peace officer may be disciplined who:

- (1) Is unable to perform the function of a peace officer with reasonable competency or reasonable safety;
- (2) Has committed any crime or has been convicted in a criminal prosecution under any state laws, any federal laws, or any laws of another country, regardless if a sentence was imposed;
- (3) Has committed any act that involves moral turpitude or a reckless disregard for the safety of the public;
- (4) Has tested positive for a controlled substance without a valid prescription;
- (5) Is subject to an order suspending or revoking a peace officer license from another state, territory, the federal government, or any peace officer licensing authority; or
- (6) Has committed any act of gross misconduct indicating inability to function as a peace officer.

### **Peace officer tuition reimbursement (Sections 590.1070 and 590.1075)**

This bill establishes the "Peace Officer Basic Training Tuition Reimbursement Program" within the Department of Public Safety.

The Program provides reimbursement for qualifying Missouri residents or government entities who have paid tuition at a state licensed training center required

for peace officer licensure. The POST Commission shall be responsible for the implementation of this Program as provided in the bill. Tuition reimbursement shall be subject to the availability of funds and shall be available to certain full-time peace officers as provided in the bill.

This bill also creates the "Peace Officer Basic Training Tuition Reimbursement Fund", which shall consist of money appropriated by the General Assembly and any gifts or donations.

### **Electronic notification to victims of certain crimes (Section 595.209)**

Currently, a victim of certain crimes shall be notified by the prosecutor's office and law enforcement of certain filings or status updates in the criminal case of which he or she is a victim.

This bill adds that the victim shall be notified by certified mail or by electronic mail.

### **Closed records (Section 610.021)**

This bill specifies that information on security measures, GPS data, data provided to a tip line, or information in a suspicious activity report provided to certain public entities shall be closed records.

### **Personal documents for exonerees (Section 1)**

The bill specifies that the Department of Corrections shall develop a policy to provide exonerees with birth certificates, Social Security cards, and state identification prior to release from a correctional center. Additionally, the Department must provide the same services to an exoneree that other offenders receive upon release from a correctional facility.

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**SS SCS SBs 189, 36 & 37**

**P**ublic safety  
(Vetoed by the Governor)

This bill modifies provisions regarding public safety.

**Telecommunicator first responders**  
(Sections 67.145, 70.631, 170.310, 190.091,  
650.320, 650.330, and 650.340)

The bill adds "telecommunicator first responders" to the definition of "first responder" and creates a definition for a "Missouri state highway patrol telecommunicator".

This bill provides that the Department of Health and Senior Services shall offer a voluntary vaccination program to certain Missouri State Highway Patrol telecommunicators who respond to bioterrorism events and may be exposed to infectious diseases.

**Residency requirements**  
(Sections 84.344 and 285.040)

Currently, commissioned and civilian personnel of the St. Louis Police Department or any public safety employee of the City of St. Louis hired prior to September 1, 2023, cannot be subject to a residency requirement more restrictive than being required to maintain a primary residence within a one-hour response time, and such personnel hired after August 31, 2023, may be subject to a residency requirement no more restrictive than being required to maintain a primary residence within the city for a total of seven years, and then they can move out of the city but must maintain a primary residence within a one-hour response time.

This bill repeals the provision related to hire date and limits residency requirements for any commissioned or civilian personnel of the St. Louis police department or any employee of the City of St. Louis to being no more restrictive than maintaining a primary residence within a one-hour response time.

**Compensation for peace officers**  
(Sections 84.480 and 84.510)

Currently, the Kansas City Chief of Police shall not be more than 60 years old when appointed and must be paid no less than \$80,211.00 and no more than \$189,726.00.

This bill repeals the age limit and salary cap and allows the Board of Police Commissioners to establish a maximum salary by resolution.

Additionally, this bill repeals provisions relating to a mandatory salary cap for Kansas City police officers as specified in the bill.

**Services for first responders**  
(Sections 190.1010, 287.067, 287.245,  
320.400, and 590.192)

This bill mandates that communication made by a first responder or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, be confidential and not disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a counseling session made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor or staff of a peer support counseling program is confidential, with exceptions as specified in the bill.



## SUMMARIES OF 2023 TAFP SENATE BILLS

An employer of a first responder that establishes a peer support counseling program must develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the counseling program by sharing information learned in a counseling session with personnel who are not supervisors or staff of the peer support counseling program, with exceptions as specified in the bill.

This bill specifies that no employer may mandate that any employee participate in a peer support counseling program.

The bill changes voluntary firefighter cancer benefits pools to voluntary critical illness benefits pools and allows other first responders, specifically emergency medical technician-basic, emergency medical technician-paramedic, and communicators, to have access to benefits through the pools for exposure to a post-traumatic stress injury.

A payment may be made from the pool to a covered individual for the actual award, up to \$10,000, for seeking treatment with a licensed psychiatrist or a licensed psychologist and any subsequent courses of treatment recommended by a licensed individual. If the covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive the benefit for the continued treatment of the injury or any subsequently covered post traumatic stress injury diagnosis.

Currently, the State Fire Marshal is allowed to disburse grants to voluntary critical illness pools. This provision sunsets June 30, 2023; the bill repeals the sunset date.

This bill adds posttraumatic stress disorder (PTSD) when diagnosed in first responders to the list of occupational diseases compensable under workers' compensation.

The bill amends the "Critical Incident Stress Management Program" within the Department of Public Safety and adds a provision specifying that the program will provide services for firefighters as well, not just peace officers.

### **Juvenile offenders (Sections 211.031, 211.071, 211.600, 217.345, and 217.690)**

Currently, the juvenile court has exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases can be taken by the court of the circuit in which the child resides or in which the violation is alleged to have occurred.

This bill provides that any proceeding involving a child alleged to have violated state law shall be brought in the court of the circuit in which the violation occurred, except if a juvenile officer transfers the case or the court grants a motion to transfer the case to the circuit court in which the child resides.

Currently, a child between the ages of 12 and 18 may be certified for trial as an adult after a hearing, if requested by the court, the juvenile officer, or the child's custodian. This bill changes the ages to between 14 and 18 years old.

Additionally, under current law, a court is required to hold a hearing to determine whether a child should be certified for trial as an adult if the child commits certain offenses. This bill clarifies that such mandatory certification hearings apply to children between the ages of 12 and 18. The bill also

## SUMMARIES OF 2023 TAFP SENATE BILLS

adds dangerous felonies to the list of offenses for which a certification hearing is required.

This bill provides that the Office of the State Courts Administrator shall collect certain information as provided in the bill relating to petitions to certify juveniles as adults and make such information publicly available annually.

The bill modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. The programs shall include physical separation from offenders 18 years of age or older and shall include education programs that award a high school diploma or its equivalent.

Currently, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This bill adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree when such person knowingly causes the death of another person.

The provisions of Sections 211.071, 211.600, and 217.345 are subject to an emergency clause.

### **Bench warrants for non-moving traffic violations**

**(Sections 307.018 and 556.021)**

The bill specifies that no court can issue an arrest warrant for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of Chapter 307, RSMo. In lieu of a warrant, the court must issue a notice of failure to respond, pay the assessed fine, or appear and it must schedule a second court date. If the

driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under Section 556.021 for the infraction. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court modify the judgment, and the court will have a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the ability to pay, the court will modify the judgment, as provided in the bill.

### **Judicial privacy**

**(Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, and 476.1313)**

This bill establishes the "Judicial Privacy Act", which regulates the use of a judicial officer's personal information. Upon receiving a written request, a government agency, as defined in the bill, must not publicly post or display a judicial officer's personal information in publicly available content. After receiving the written request, the government agency must remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency must not publicly post or display the information and such information will be exempted from the Missouri Sunshine Law. If a government agency fails to comply, the judicial officer may bring an action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees.

Additionally, no person, business, or association may publicly post or display on the Internet a judicial officer's personal information if the judicial officer has made a written request. Further, this bill provides that no person, business, or association will

## SUMMARIES OF 2023 TAFP SENATE BILLS

solicit, sell, or trade on the Internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association will have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, the person, business, or association must continue to ensure that the judicial officer's personal information is not made available on any website controlled by such person, business, or association and must not make the judicial officer's personal information public through any medium. If a judicial officer's personal information is made public in violation of this bill, the judicial officer may bring an injunctive or declaratory action. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

This bill provides that the clerk of the court where the judicial officer serves may submit a written request on behalf of the judicial officer if the judicial officer gives written consent and the clerk furnishes a copy of that consent with the request.

A judicial officer's written request must specify what personal information will be maintained as private. Furthermore, a judicial officer will disclose the identity of his or her immediate family and indicate that their personal information will also be excluded to the extent that it could reasonably reveal the judicial officer's personal information. A judicial officer's written re-

quest is valid until the judicial officer provides written consent to release the personal information or upon death of the judicial officer. Additionally, this bill will not apply to disclosures on lobbyist activities and campaign finance as required by law.

Written requests transmitted to a county recorder of deeds must only include information specific to eligible documents maintained by that county. Not more than five business days after receiving a written request, the recorder must shield the eligible documents listed in the written request and must electronically reply with a list of documents not found in the county's records. In order to shield subsequent eligible documents, the judicial officer must present a copy of his or her written request to the recorder at the time of recording and the recorder must ensure that the eligible document is shielded within five business days. Eligible documents must remain shielded until the recorder receives a court order or notarized affidavit signed by the judicial officer. No recorder will be liable for any damages under this provision if the recorder made a good faith effort to comply and no recorder will be liable for the release of eligible documents or data that was released or accessed prior to the document being shielded.

### **Personal identifying information (Sections 509.520 and 565.240)**

Currently, Social Security numbers of parties or children subject to an order of custody or support and credit and financial information of any parties are to be excluded from pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court.

Beginning August 28, 2023, the following information must be excluded from pleadings, attachments, exhibits, judgments,

## SUMMARIES OF 2023 TAFP SENATE BILLS

orders, or other records of the court, but shall be included in a confidential information sheet filed with the court, which shall not be subject to public inspection or availability:

- (1) Social security numbers of any party or children;
- (2) Credit card numbers, financial institution account numbers, personal identification numbers, or passwords used to secure an account of any party;
- (3) Motor vehicle operator license number;
- (4) Victim's information, including name, address, and other contact information;
- (5) Witness's information, including name, address, and other contact information;
- (6) Any other state identification numbers;
- (7) The name, address, and date of birth of a minor and, if applicable, any next friend; or
- (8) The full date of birth of any party; however, the year of birth shall be made available, except for a minor.

Currently, the unlawful posting of certain information relating to any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, with the intent to cause great bodily harm or death shall be a class E felony. This bill modifies the offense of unlawful posting of certain information over the internet by providing that it is a class D felony if a person's intention or threat results in bodily harm or death to the person whose information was posted or to such person's immediate family member.

**Wrongful conviction**  
**(Sections 547.031, 547.500, and 650.058)**

Currently, a prosecuting attorney in the jurisdiction in which the person was convicted may file a motion to vacate or set aside the judgment. This bill changes this provision to a prosecutor in the jurisdiction in which charges were filed.

This bill allows the Missouri Office of Prosecution Services to establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

The Missouri Office of Prosecution Services must create an application process for defendants as specified in the bill. The conviction review unit shall consist of two attorneys hired by the executive director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director shall be an ex-officio member of the unit.

Once a review is complete, the conviction review unit must present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office that requested the review. Such prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit.

Any document produced by the conviction review unit shall be a closed record until after the finality of all proceedings.

The bill also amends provisions related to restitution paid to those who were found guilty of a felony in Missouri but later determined to be actually innocent. Currently it must be by DNA profiling analysis but this bill changes it to apply to any method of exoneration. Additionally, a person may currently receive up to \$100 per day for each day of postconviction incarceration and this bill increases it to up to \$179

## SUMMARIES OF 2023 TAFP SENATE BILLS

per day, up to \$65,000 per fiscal year, and other nonmonetary relief as described in the bill.

### **Mental health services for detainees (Section 552.020)**

Currently, a judge may order a pre-trial examination of an accused person who the judge has reasonable cause to believe lacks mental fitness to proceed. The psychiatrist, psychologist, or physician performing the examination must submit a report with findings, opinions, and recommendations on treatment in suitable hospitals. This bill requires the examination report to contain opinions as to the accused's mental fitness to proceed in the reasonably foreseeable future and recommendations as to whether the accused, if found to lack mental fitness to proceed, should be committed to a suitable hospital for treatment or if the treatment can be provided in a county jail or other detention facility approved by the Director of the Department of Mental Health. Additionally, the report shall contain a recommendation as to whether the accused, if found to lack mental fitness to proceed and if not charged with a dangerous felony, murder in the first degree, or rape in the second degree, should be committed to a suitable hospital facility or may be appropriately treated in the community, and whether the accused can comply with bond conditions and treatment conditions.

### **Persistent offenders (Section 558.016)**

Currently, the court may sentence a person to an extended term of imprisonment if such person is a persistent offender. This bill adds that a "persistent offender" shall also include a person who has been found guilty of a dangerous felony as defined in law.

### **Armed criminal action (Sections 558.019 and 571.015)**

Currently, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This bill repeals the exclusion of the offense of armed criminal action.

This bill provides that the offense of armed criminal action will be an unclassified felony.

### **Credit for time served (Section 558.031)**

Currently, a person can receive credit toward a sentence of imprisonment for all jail time served after conviction and before the commencement of the sentence.

This bill provides that a person must receive credit toward a sentence of imprisonment for all jail time served after the offense occurred. The credit shall be based on the certificate of all applicable jail-time credit from the sheriff who delivered the person into confinement in a correctional center.

### **Cyberstalking and Harassment Task Force (Section 565.258)**

This bill creates the "Stop Cyberstalking and Harassment Task Force". The task force members are specified in the bill and include two members of the House of Representatives appointed by the Speaker of the House and two members of the Senate appointed by the President Pro Tem of the Senate. The Task Force shall elect a chairperson and shall hold an initial meeting before October 1, 2023.

The Task Force shall collect feedback from stakeholders, which may include victims, law enforcement, victim advocates, and digital evidence and forensics experts.



## SUMMARIES OF 2023 TAFP SENATE BILLS

The Task Force shall make recommendations on what resources and tools are needed to stop cyberstalking and harassment, as specified in the bill.

The Task Force shall submit a report to the Governor and General Assembly on or before December 31 of each year and the Task Force shall expire on December 31, 2025, unless the Department of Public Safety determines the Task Force should be extended until December 31, 2027.

### **Endangering the welfare of a child (Section 568.045)**

This bill adds to the offense of endangering the welfare of a child in the first degree when a person knowingly encourages, aids, or causes a child less than 17 years of age to engage in any conduct violating the law relating to weapons offenses. Under the provisions of the bill, any such person shall be guilty of a class D felony.

This provision is subject to an emergency clause.

### **Unlawful discharge of a firearm (Section 571.031)**

This bill establishes "Blair's Law", which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of a municipality. Any such person shall be guilty of a class A misdemeanor for the first offense, a class E felony for the second offense, and a class D felony for any third or subsequent offense. These provisions will not apply if the firearm is discharged under circumstances as provided in the bill.

### **Unlawful possession of a firearm (Section 571.070)**

Currently, unlawful possession of a firearm is a class D felony, unless a person

has been convicted of a dangerous felony, in which case it is a class C felony.

This bill changes the penalty for the offense to a class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, in which case it is a class B felony.

### **Law enforcement animals (Sections 575.010, 575.353, 578.007, and 578.022)**

This bill creates "Max's Law."

Currently, the offense of assault on a law enforcement animal is a class C misdemeanor.

This bill provides that the offense of assault on a law enforcement animal is a class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a class D felony if the assault results in the death of such animal.

Additionally, exemptions to the offenses of aggroterrorism, animal neglect, and animal abuse shall not apply to the killing or injuring of a law enforcement animal while the animal is working.

Finally, this bill adds that any dog that is owned by or in the service of a law enforcement agency and that bites or injures another animal or human is exempt from the penalties of the offense of animal abuse.

### **Drug trafficking (Sections 579.021, 579.022, 579.065, and 579.068)**

This bill creates the offense of delivery of a controlled substance causing serious physical injury, which is a class C felony, and it creates the offense of delivery of

## SUMMARIES OF 2023 TAFP SENATE BILLS

a controlled substance causing death, which is a class A felony. For the purposes of these sections, the term "controlled substance" is limited to Schedule I and Schedule II controlled substances.

Additionally, under current law, a person commits the offense of drug trafficking in the first or second degree if he or she is distributing or purchasing more than 8 grams or more than 24 grams of a mixture containing a cocaine base. This bill repeals those provisions.

### **Fentanyl testing (Section 579.088)**

This bill provides that it is not unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances for the presence of fentanyl.

### **Civilian oversight divisions (Section 590.653)**

This bill allows a city, county, or the City of St. Louis to establish a division of civilian oversight or any other entity that provides civilian review or oversight of police agencies. The division or other entity has power solely limited to receiving, investigating, making findings, and recommending disciplinary action upon complaints by members of the public against members of the police department.

### **Crime victim rights (Section 595.209)**

Currently, a victim of certain crimes shall be notified by the prosecutor's office and law enforcement of certain filings or status updates in the criminal case of which he or she is a victim.

This bill adds that the victim can be notified by certified mail or by electronic mail.

### **Office of Public Defender (Section 600.042)**

This bill creates the "Public Defender - Federal and Other Fund" and requires moneys from any government grant, private gift, donation, bequest, or other sources to be deposited into the fund. The money must be used for the sole purpose of funding local offices of the Office of the State Public Defender.

### **Expungement of criminal records (Sections 610.140 and 488.650)\*\*\*ORDER**

This bill modifies provisions relating to the number of crimes a person may apply to have expunged from his or her record. A person may seek to expunge all crimes as part of the same course of criminal conduct or as part of an extended course of criminal conduct, subject to limitations as specified in the bill.

Currently, certain offenses, violations, and infractions are not eligible for expungement. This bill adds that any offense that at the time of conviction requires registration as a sex offender is not eligible for expungement. Additionally, this bill adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning are not eligible for expungement.

This bill changes provisions regarding any offense of unlawful use of weapons as not eligible for expungement to any "felony" offense of unlawful use of weapons is not eligible.

## SUMMARIES OF 2023 TAFP SENATE BILLS

The bill provides that a person may petition for expungement of crimes committed as part of an extended course of criminal conduct at least 10 years from the date of any sentence imposed under law.

This bill repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony and adds that a court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted.

The bill also changes the time a person can petition to expunge an arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest.

This bill provides that a person shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. Additionally, this bill modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime.

Finally, this bill repeals provisions relating to the \$250 surcharge to file a petition for expungement.

**End vetoed bill SS SCS SBs 189, 36 & 37**

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### SS SB 190

#### **T**ax relief for seniors

##### **Senior citizen homestead exemption (Section 137.1050)**

This bill authorizes a county to grant a property tax credit to eligible taxpayers residing in such county if: the county adopts an ordinance to do so; or a petition in support of such credit is delivered to the

governing body of the county and is subsequently submitted to and approved by the voters, as described in the bill.

An "eligible taxpayer" is defined as a resident who:

- (1) Is eligible for Social Security retirement benefits;
- (2) Is the owner of record of or has a legal or equitable interest in a homestead; and
- (3) Is liable for the payment of real property taxes on such homestead.

The "eligible credit amount" of the property tax credit shall be the difference between the real property tax liability on the homestead in a given year minus the real property tax liability on such homestead in the year in which the taxpayer became an eligible taxpayer.

As specified in this bill, a credit shall be applied when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

The amount of property tax credits authorized by a county as specified in this bill shall be considered tax revenue actually received by the county for the purposes of calculating property taxes.

##### **Social Security exemption (Section 143.124)**

Currently, taxpayers with a filing status as specified in the bill and adjusted gross income below certain thresholds are allowed to deduct 100% of specified retirement and Social Security benefits from the taxpayer's Missouri adjusted gross income, with a reduced deduction as the taxpayer's adjusted gross income increases. For all tax years beginning January 1, 2024, this bill al-



## SUMMARIES OF 2023 TAFP SENATE BILLS

lows the maximum deduction to all taxpayers regardless of filing status or adjusted gross income.

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### SS SB 227

#### **C**ulpable mental state necessary for homicide

Currently, the culpable mental state necessary to prove a homicide offense is found to exist if the only difference between what actually occurred and what was the object of the offender's state of mind is that a different person or people were killed.

This bill adds that it shall not be a defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed.

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### HCS SS SCS SB 398

#### **M**otor vehicles

This bill relates to motor vehicles.

#### **Collection of sales tax by motor vehicle dealers** **(Sections 144.020 and 144.070)**

This bill provides that following the development of the Department of Revenue's (DOR) modernized system for vehicle titling and registration, driver licensing, and liens, licensed motor vehicle dealers shall

collect and remit to the Department the sales tax due on all motor vehicles the dealer sells.

#### **Motor vehicle financial responsibility** **(Sections 303.420, 303.422, 303.425, 303.430, and 303.440)**

The bill creates the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund". The Fund shall be a dedicated fund, and its moneys will be used solely by the Department of Revenue for the administration of the "Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program", also established in this bill.

The Program requires DOR or a third-party vendor to utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system and use the information to identify motorists who are in violation of the motor vehicle financial responsibility law. The Department must send to an owner whose vehicle is identified under the Program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration can be suspended unless the owner, within 30 days, provides proof of financial responsibility for the vehicle. The Department can offer offenders under this Program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees.

After one year of implementation and every year thereafter, the Department must provide a report to the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Chairs of certain House and Senate committees as specified in the bill.

This bill also requires the Department of Revenue to establish and maintain a web-based system for the verification of

## SUMMARIES OF 2023 TAFP SENATE BILLS

motor vehicle financial responsibility. The Department must provide access to insurance reporting data and vehicle registration and financial responsibility data. Motor vehicle insurers are required to establish functionality for the verification system.

The verification system must be installed and fully operational by January 1, 2025, following an appropriate testing or pilot period of not less than nine months.

### **Operation of motor vehicles while using electronic communication devices (Sections 304.820 and 304.822)**

This bill repeals the current prohibitions against operation of motor vehicles while using hand-held electronic wireless communications devices, as defined by law, and enacts new prohibitions in lieu thereof.

The bill establishes the "Siddens Bening Hands Free Law", which prohibits the use of electronic communication devices while operating motor vehicles, with exceptions as specified in the bill.

Penalties are specified for violations of these provisions, including enhanced penalties for repeat offenders, violations occurring in a work zone when workers are present or in a school zone, and violations that are the proximate cause of property damage, personal injury, or death.

Law enforcement officers who stop a noncommercial motor vehicle for a violation of the bill must inform the operator of the operator's right to decline a search of their device. No warrant can be issued to confiscate or access an electronic communication device based on a violation of this bill unless the violation results in serious bodily injury or death.

Violations of this bill can not be used to establish probable cause for any other violation. This bill preempts local regulation

of the use of electronic communication devices by the operators of vehicles.

Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of the bill can not issue a citation for the violation and can only issue a warning. No person shall be stopped, inspected, or detained solely for a violation of this bill.

### **Changes to the Motor Vehicle Franchise Practices Act (Sections 407.812 and 407.828)**

Certain entities are prohibited from engaging in the business of selling motor vehicles, except as permitted by the Motor Vehicle Franchise Practices Act, and parties that have standing to enforce the prohibitions are specified.

The bill also modifies provisions applicable to warranty services. As specified in the bill, compensation for the services is based on rates charged by the franchisee rather than on rates charged by comparable franchisees in the market. Claims not disapproved by the franchisor in writing within 30 days shall be considered approved and paid within 15 days, rather than within 10 days. The bill exempts certain part assemblies from the requirement that franchisors compensate franchisees for recall work in the same manner as warranty work.

The bill specifies the procedure for a franchisee to file a complaint with the Administrative Hearing Commission. A franchisee may file a claim within 60 days, rather than 30 days, after receiving an adverse decision on a claim as specified in the bill. A franchisor shall file an answer to the complaint with the Administrative Hearing Commission within 30 days and a hearing must be held within 60 days of the franchisor's answer. If the Administrative Hearing

## SUMMARIES OF 2023 TAFP SENATE BILLS

Commission finds a franchisor has violated the requirements of the warranty statute, the franchisor shall compensate the franchisee as required by law.

### **Motor vehicle financial protection products**

**(Sections 407.2020, 407.2025, 407.2030, 407.2035, 407.2040, 407.2050, 407.2055, 407.2065, 407.2070, 407.2075, 407.2080, and 407.2090)**

This bill sets parameters on how motor vehicle financial protection products (MVFPs), including debt waivers and vehicle value protection agreements, are offered, sold, or otherwise provided in this state.

The bill allows MVFPs to be offered, sold, or given to consumers in this state in compliance with the provisions specified in the bill. The bill requires any amount charged or financed for a MVFP to be separately stated, and not considered interest or a finance charge. This bill also prohibits credit and the sale or lease of a vehicle from being contingent upon purchase of a MVFP. However, MVFPs may be discounted or given at no charge in connection with the purchase of other non-credit-related goods or services.

A retail seller shall insure its debt waiver obligations under a contractual liability or other insurance policy issued by an insurer. The bill specifies what information debt waiver agreements must disclose in writing, including that the debt waiver can be canceled by the borrower after a free-look period. The bill explains when a borrower is entitled to a refund of the amount the borrower paid for the finance agreement, depending upon when the cancellation occurred.

This bill specifies that a consumer can also purchase a contract called a "vehicle value protection agreement" that includes certain disclosures in writing as specified in the bill, such as the name and address of the provider, contract holder, and administrator; the terms of the agreement; a statement that the agreement may be canceled within a free-look period; the procedure to follow to obtain a benefit under the agreement; cancellation requirements before the termination or expiration date of the agreement by either the provider or the contract holder; and a statement that the agreement is not an insurance contract. If no benefits are provided during the "free-look period", a contract holder that cancels during such period shall be entitled to a full refund.

After proper notice and opportunity for hearing, the Attorney General may:

- (1) Order the creditor, provider, administrator, or any other person not in compliance with the provisions of the bill to cease and desist from product-related operations that are in violation of the bill; and
- (2) Impose a penalty of not more than \$500 for each violation and not more than \$10,000 in the aggregate for all violations of a similar nature.

The provisions of this bill apply to all motor vehicle financial protection products that are effective after February 23, 2024.

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### **SJR 26**

## **P**roperty tax exemption for childcare

This Constitutional amendment, if approved by the voters, allows all real and

## SUMMARIES OF 2023 TAFP SENATE BILLS

personal property used primarily for the care of a child outside of his or her home to be exempt from property tax.

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### HCS SCR 7

#### **A**merica 250 Missouri Commission

This resolution creates "The America 250 Missouri Commission". The principal purpose of the Commission shall be to plan, promote, and implement public celebrations and commemorations of the 250th Anniversary of the Declaration of Independence and the 250th Anniversary of the United States of America.

The membership of the Commission shall consist of 15 members, including, but not limited to: two members appointed by the President Pro Tem of the Senate, two members appointed by the Speaker of the House of Representatives, six members appointed by the Governor, and two members appointed by the Lieutenant Governor.

The Commission shall terminate by either a majority vote by the membership to terminate or by December 31, 2027, whichever occurs first.

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### SCR 8

#### **P**each capital of Missouri

This resolution designates Campbell, Missouri, as the Peach Capital of Missouri.

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### SCR 10

#### **A**udit of the State Auditor

This resolution authorizes an independent audit on the condition and performance of the accounts, functions, programs, and management of the State Auditor's office. The independent auditor shall make a written report of his or her findings to the General Assembly, the Governor, and the State Auditor. The cost of the audit and report will be paid out of the Joint Contingent Fund of the General Assembly.

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# SUBJECT INDEX

## A

### ACCOUNTANTS

Tax Credits for the Production of Certain Entertainment.....SS SCS SBs 94, 52, 57, 58 & 67

### ADMINISTRATION, OFFICE OF

State Employee Administration..... CCS HCS SS SB 111

State Employee Optional Biweekly Pay..... HB 131

### ADMINISTRATIVE LAW

Motor Vehicles..... HCS SS SCS SB 398

### AGRICULTURE

Agriculture.....HS HCS SS SB 138

Encouraging Individuals to Obtain Employment Related Skills .....SS SCS HCS HB 417

Environmental Control ..... SS HB 202

Peach Capital of Missouri .....SCR 8

### AIRCRAFT AND AIRPORTS

Property and Casualty Insurance ..... HCS SB 101

### APPROPRIATIONS

(\* Indicates appropriations bill vetoed in part by the Governor)

Agriculture; Natural Resources; Conservation..... \*CCS SCS HCS HB 6

Capital improvements/American Rescue Plan Act..... \*SS SCS HCS HB 20

Capital Improvements/Maintenance and Repair ..... \*SCS HCS HB 18

Capital Improvements/New Construction..... \*SS SCS HCS HB 19

Capital Improvements/Reappropriations ..... HCS HB 17

Corrections..... \*CCS SCS HCS HB 9

Economic Development; Commerce and Insurance;

    Labor and Industrial Relations..... \*CCS SCS HCS HB 7

Elected Officials including the General Assembly, Governor, Lieutenant

    Governor, Secretary of State, Auditor, Treasurer, and

    Attorney General ..... \*CCS SS SCS HCS HB 12

Elementary and Secondary Education..... \*CCS SS SCS HCS HB 2

Higher Education and Workforce Development..... \*CCS SCS HCS HB 3

Mental Health; Health and Senior Services..... \*CCS SCS HCS HB 10

Office of Administration; Employee Fringe Benefits..... \*CCS SS SCS HCS HB 5

Payment of Public Debt..... HCS HB 1

Public Safety; National Guard..... \*CCS SS SCS HCS HB 8

## INDEX OF 2023 TAFP BILLS

|                                       |                    |
|---------------------------------------|--------------------|
| Revenue; Transportation.....          | *CCS SCS HCS HB 4  |
| Social Services.....                  | *CCS SCS HCS HB 11 |
| Statewide Real Estate.....            | CCS SCS HCS HB 13  |
| Supplemental Purposes/Emergency ..... | HCS HB 14          |
| Supplemental Purposes/General .....   | *CCS SCS HCS HB 15 |

### ATHLETICS

|   |                   |
|---|-------------------|
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447         |
| Encouraging Individuals to Obtain Employment Related Skills .....   | SS SCS HCS HB 417 |
| Participation in Athletic Competition.....                          | SS #2 SB 39       |

### ATTORNEY GENERAL

|  |                            |
|--|----------------------------|
| Conveyance of Certain State Property ..... | SCS HCS HBs 802, 807 & 886 |
|--|----------------------------|

### AUDITOR, STATE

|                                  |           |
|----------------------------------|-----------|
| Audit of the State Auditor ..... | SCR 10    |
| Retirement.....                  | CCS SB 20 |

## B

### BANKS AND FINANCIAL INSTITUTIONS

|                              |                |
|------------------------------|----------------|
| Financial Institutions ..... | SCS SB 13      |
| Financial Institutions ..... | SB 63          |
| Judicial Proceedings .....   | HCS SCS SB 103 |

### BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

|   |                                |
|---|--------------------------------|
| Agriculture.....  | HS HCS SS SB 138               |
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447                      |
| Judicial Proceedings .....  | HCS SCS SB 103                 |
| Natural Resources .....   | CCS HCS SB 109                 |
| Retirement.....   | CCS SB 20                      |
| Retirement Systems .....  | HCS SS SB 75                   |
| State Employee Administration.....                                  | CCS HCS SS SB 111              |
| Tax Credits for the Production of Certain Entertainment .....       | SS SCS SBs 94, 52, 57, 58 & 67 |

### BUSINESS AND COMMERCE

|   |                |
|---|----------------|
| Judicial Proceedings .....                        | HCS SCS SB 103 |
| Property Tax Exemption - Childcare Property ..... | SJR 26         |

## INDEX OF 2023 TAFP BILLS

### C

#### CAPITAL IMPROVEMENTS

Agriculture ..... HS HCS SS SB 138

#### CEMETERIES

Disposition of the Dead ..... SS SB 116

#### CHILDREN AND MINORS

Access to Certain Records ..... CCS SB 28

Background Checks ..... HCS SS SCS SB 40

Duties of the Department of Elementary and Secondary Education ..... SS HB 447

Elective Social Studies Courses on the Bible ..... SB 34

Gender Transition Procedures ..... SS#2 SCS SBs 49, 236 & 164

Health Care ..... SS HB 402

Health Care ..... CCS HCS SS SCS SBs 45 & 90

Judicial Proceedings ..... SS SB 35

Judicial Proceedings ..... HCS SCS SB 103

Property Tax Exemption - Childcare Property ..... SJR 26

Public Health ..... HCS SS SCS SB 106

Vulnerable Persons ..... HCS SS SB 24

#### CHILDREN'S DIVISION

Background Checks ..... HCS SS SCS SB 40

#### CHIROPRACTORS

Professional Registration ..... CCS HCS SS SCS SB 157

#### CIVIL PENALTIES

Environmental Control ..... SS HB 202

Natural Resources ..... CCS HCS SB 109

Participation in Athletic Competition ..... SS #2 SB 39

Property and Casualty Insurance ..... HCS SB 101

#### CIVIL PROCEDURE

Gender Transition Procedures ..... SS#2 SCS SBs 49, 236 & 164

Motor Vehicles ..... HCS SS SCS SB 398

#### CIVIL RIGHTS

Participation in Athletic Competition ..... SS #2 SB 39

## INDEX OF 2023 TAFP BILLS

### COMMERCE AND INSURANCE, DEPARTMENT OF

Financial Institutions .....SCS SB 13  
Judicial Proceedings ..... HCS SCS SB 103  
Property and Casualty Insurance ..... HCS SB 101

### COMPACTS

Health Care Professionals ..... SS HCS HBs 115 & 99  
Professional Registration ..... HCS SS SCS SB 70  
Professional Registration ..... CCS HCS SS SCS SB 157

### CONSTITUTIONAL AMENDMENTS

Property Tax Exemption - Childcare Property ..... SJR 26

### CONSUMER PROTECTION

Motor Vehicles..... HCS SS SCS SB 398

### COOPERATIVES

Tax Credits for the Production of Certain Entertainment.....SS SCS SBs 94, 52, 57, 58 & 67

### CORPORATIONS

Property and Casualty Insurance ..... HCS SB 101

### CORRECTIONS, DEPARTMENT OF

Gender Transition Procedures .....SS#2 SCS SBs 49, 236 & 164  
Public Safety .....CCS HCS SB 186

### COUNSELING

Health Care Professionals ..... SS HCS HBs 115 & 99  
Professional Registration ..... HCS SS SCS SB 70  
Professional Registration ..... CCS HCS SS SCS SB 157

### COUNTIES

Duties of the Department of Elementary and Secondary Education..... SS HB 447  
Property Tax Exemption - Childcare Property ..... SJR 26  
Public Safety .....CCS HCS SB 186  
Tax Credits for the Production of Certain Entertainment.....SS SCS SBs 94, 52, 57, 58 & 67  
Tax Relief for Seniors..... SS SB 190



## INDEX OF 2023 TAFP BILLS

### COUNTY GOVERNMENT

|   |                |
|---|----------------|
| Judicial Proceedings .....                        | HCS SCS SB 103 |
| Property Tax Exemption - Childcare Property ..... | SJR 26         |
| Public Safety .....                               | CCS HCS SB 186 |
| Tax Relief for Seniors.....                       | SS SB 190      |

### COUNTY OFFICIALS

|   |                |
|---|----------------|
| Judicial Proceedings .....                        | HCS SCS SB 103 |
| Property Tax Exemption - Childcare Property ..... | SJR 26         |
| Public Safety .....                               | CCS HCS SB 186 |
| Tax Relief for Seniors.....                       | SS SB 190      |

### COURTS

|                            |                   |
|----------------------------|-------------------|
| Judicial Proceedings ..... | SS SB 35          |
| Motor Vehicles.....        | HCS SS SCS SB 398 |

### CREDIT UNIONS

|                              |           |
|------------------------------|-----------|
| Financial Institutions ..... | SCS SB 13 |
|------------------------------|-----------|

### CRIMES AND PUNISHMENT

|   |                |
|---|----------------|
| Culpable Mental State Necessary for Homicide..... | SS SB 227      |
| Judicial Proceedings .....                        | HCS SCS SB 103 |
| Public Safety .....                               | CCS HCS SB 186 |

### CRIMINAL PROCEDURE

|   |           |
|---|-----------|
| Culpable Mental State Necessary for Homicide..... | SS SB 227 |
|---|-----------|

## D

### DENTISTS

|                   |                            |
|-------------------|----------------------------|
| Health Care ..... | CCS HCS SS SCS SBs 45 & 90 |
|-------------------|----------------------------|

### DISABILITIES

|   |                            |
|---|----------------------------|
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447                  |
| Health Care .....   | CCS HCS SS SCS SBs 45 & 90 |
| Public Health .....   | HCS SS SCS SB 106          |

## INDEX OF 2023 TAFP BILLS

### DOMESTIC RELATIONS

|                            |              |
|----------------------------|--------------|
| Judicial Proceedings ..... | SS SB 35     |
| Retirement.....            | CCS SB 20    |
| Retirement Systems .....   | HCS SS SB 75 |

### DRUGS AND CONTROLLED SUBSTANCES

|                                 |                            |
|---------------------------------|----------------------------|
| Background Checks .....         | HCS SS SCS SB 40           |
| Environmental Control .....     | SS HB 202                  |
| Health Care .....               | SS HB 402                  |
| Health Care Professionals ..... | SS HCS HBs 115 & 99        |
| Health Care .....               | CCS HCS SS SCS SBs 45 & 90 |
| Professional Registration ..... | HCS SS SCS SB 70           |
| Vulnerable Persons .....        | HCS SS SB 24               |

## E

### EASEMENTS AND CONVEYANCES

|  |                            |
|--|----------------------------|
| Conveyance of Certain State Property ..... | SCS HCS HBs 802, 807 & 886 |
|--|----------------------------|

### ECONOMIC DEVELOPMENT

|   |                                |
|---|--------------------------------|
| Agriculture .....   | HS HCS SS SB 138               |
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417              |
| Tax Credits for the Production of Certain Entertainment .....     | SS SCS SBs 94, 52, 57, 58 & 67 |

### EDUCATION, ELEMENTARY AND SECONDARY

|   |                   |
|---|-------------------|
| Background Checks .....   | HCS SS SCS SB 40  |
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447         |
| Elective Social Studies Courses on the Bible .....                  | SB 34             |
| Encouraging Individuals to Obtain Employment Related Skills .....   | SS SCS HCS HB 417 |
| Natural Resources .....   | CCS HCS SB 109    |
| Participation in Athletic Competition .....                         | SS #2 SB 39       |
| Retirement .....  | CCS SB 20         |
| Retirement Systems .....  | HCS SS SB 75      |

### EDUCATION, HIGHER

|   |                   |
|---|-------------------|
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417 |
| Participation in Athletic Competition .....                       | SS #2 SB 39       |

### ELDERLY

|                             |           |
|-----------------------------|-----------|
| Tax Relief for Seniors..... | SS SB 190 |
|-----------------------------|-----------|

## INDEX OF 2023 TAFP BILLS

### ELECTIONS

|   |           |
|---|-----------|
| Property Tax Exemption - Childcare Property ..... | SJR 26    |
| Tax Relief for Seniors .....                      | SS SB 190 |

### ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

|                          |                  |
|--------------------------|------------------|
| Background Checks .....  | HCS SS SCS SB 40 |
| Vulnerable Persons ..... | HCS SS SB 24     |

### EMERGENCIES

|                          |              |
|--------------------------|--------------|
| Health Care .....        | SS HB 402    |
| Vulnerable Persons ..... | HCS SS SB 24 |

### EMPLOYEES - EMPLOYERS

|   |                                |
|---|--------------------------------|
| Retirement .....  | CCS SB 20                      |
| Retirement Systems .....                                      | HCS SS SB 75                   |
| State Employee Administration .....                           | CCS HCS SS SB 111              |
| State Employee Optional Biweekly Pay .....                    | HB 131                         |
| Tax Credits for the Production of Certain Entertainment ..... | SS SCS SBs 94, 52, 57, 58 & 67 |
| Vulnerable Persons .....                                      | HCS SS SB 24                   |

### ENTERTAINMENT, SPORTS, AND AMUSEMENTS

|  |                                |
|--|--------------------------------|
| Duties of the Department of Elementary and Secondary Education ..... | SS HB 447                      |
| Participation in Athletic Competition .....                          | SS #2 SB 39                    |
| Tax Credits for the Production of Certain Entertainment .....        | SS SCS SBs 94, 52, 57, 58 & 67 |

### ENVIRONMENTAL PROTECTION

|                         |                  |
|-------------------------|------------------|
| Agriculture .....       | HS HCS SS SB 138 |
| Natural Resources ..... | CCS HCS SB 109   |

## F

### FAMILY LAW

|                               |           |
|-------------------------------|-----------|
| Disposition of the Dead ..... | SS SB 116 |
| Judicial Proceedings .....    | SS SB 35  |

### FEDERAL - STATE RELATIONS

|  |                      |
|--|----------------------|
| Elective Social Studies Courses on the Bible ..... | SB 34                |
| Operation of Commercial Vehicles .....             | SS SCS SBs 167 & 171 |

## INDEX OF 2023 TAFP BILLS

### FEES

|   |                   |
|---|-------------------|
| Agriculture .....   | HS HCS SS SB 138  |
| Designation of Infrastructure .....                                 | CCS SS SCS SB 127 |
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447         |
| Judicial Proceedings .....  | HCS SCS SB 103    |
| Natural Resources .....   | CCS HCS SB 109    |
| State Designations.....   | CCS SS SB 139     |

### FIRE PROTECTION

|                          |                |
|--------------------------|----------------|
| Public Safety .....      | CCS HCS SB 186 |
| Vulnerable Persons ..... | HCS SS SB 24   |

### FIREARMS

|                     |                |
|---------------------|----------------|
| Public Safety ..... | CCS HCS SB 186 |
|---------------------|----------------|

### FUNERALS AND FUNERAL DIRECTORS

|                              |           |
|------------------------------|-----------|
| Disposition of the Dead..... | SS SB 116 |
|------------------------------|-----------|

## G

### GENERAL ASSEMBLY

|                                  |              |
|----------------------------------|--------------|
| Audit of the State Auditor ..... | SCR 10       |
| Retirement.....                  | CCS SB 20    |
| Retirement Systems .....         | HCS SS SB 75 |

### GOVERNOR AND LIEUTENANT GOVERNOR

|  |                            |
|--|----------------------------|
| Conveyance of Certain State Property ..... | SCS HCS HBs 802, 807 & 886 |
|--|----------------------------|

### GUARDIANS

|                            |                |
|----------------------------|----------------|
| Judicial Proceedings ..... | HCS SCS SB 103 |
|----------------------------|----------------|

## H

### HEALTH AND SENIOR SERVICES, DEPARTMENT OF

|                              |                  |
|------------------------------|------------------|
| Background Checks .....      | HCS SS SCS SB 40 |
| Disposition of the Dead..... | SS SB 116        |
| Financial Institutions ..... | SB 63            |
| Health Care .....            | SS HB 402        |
| Vulnerable Persons .....     | HCS SS SB 24     |

## INDEX OF 2023 TAFP BILLS

### HEALTH CARE

|                                    |                            |
|------------------------------------|----------------------------|
| Background Checks .....            | HCS SS SCS SB 40           |
| Environmental Control .....        | SS HB 202                  |
| Gender Transition Procedures ..... | SS#2 SCS SBs 49, 236 & 164 |
| Health Care .....                  | SS HB 402                  |
| Health Care .....                  | CCS HCS SS SCS SBs 45 & 90 |
| Physical Therapists .....          | SS SB 51                   |
| Professional Registration .....    | HCS SS SCS SB 70           |
| Professional Registration .....    | CCS HCS SS SCS SB 157      |
| Public Health .....                | HCS SS SCS SB 106          |

### HEALTH CARE PROFESSIONALS

|   |                            |
|---|----------------------------|
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417          |
| Gender Transition Procedures .....                                | SS#2 SCS SBs 49, 236 & 164 |
| Health Care .....   | SS HB 402                  |
| Health Care Professionals .....                                   | SS HCS HBs 115 & 99        |
| Physical Therapists .....   | SS SB 51                   |
| Professional Registration .....                                   | HCS SS SCS SB 70           |
| Public Health .....   | HCS SS SCS SB 106          |

### HEALTH, PUBLIC

|                              |           |
|------------------------------|-----------|
| Disposition of the Dead..... | SS SB 116 |
|------------------------------|-----------|

### HIGHER EDUCATION, DEPARTMENT OF

|                 |           |
|-----------------|-----------|
| Retirement..... | CCS SB 20 |
|-----------------|-----------|

### HIGHWAY PATROL

|                                |                  |
|--------------------------------|------------------|
| Access to Certain Records..... | CCS SB 28        |
| Background Checks .....        | HCS SS SCS SB 40 |
| Environmental Control .....    | SS HB 202        |
| Public Safety .....            | CCS HCS SB 186   |
| Retirement.....                | CCS SB 20        |
| Retirement Systems .....       | HCS SS SB 75     |

### HISTORIC PRESERVATION

|                                      |                   |
|--------------------------------------|-------------------|
| America 250 Missouri Commission..... | HCS SCR 7         |
| Designation of Infrastructure .....  | CCS SS SCS SB 127 |
| State Designations.....              | CCS SS SB 139     |

## INDEX OF 2023 TAFP BILLS

### HOLIDAYS AND OBSERVANCES

|                                      |               |
|--------------------------------------|---------------|
| America 250 Missouri Commission..... | HCS SCR 7     |
| Peach Capital of Missouri .....      | SCR 8         |
| State Designations.....              | CCS SS SB 139 |

### HOSPITALS

|                          |                            |
|--------------------------|----------------------------|
| Health Care .....        | SS HB 402                  |
| Vulnerable Persons ..... | HCS SS SB 24               |
| Health Care .....        | CCS HCS SS SCS SBs 45 & 90 |

### IDENTITY THEFT AND PROTECTION

|   |                |
|---|----------------|
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447      |
| Judicial Proceedings .....  | HCS SCS SB 103 |

## I

### INSURANCE – GENERAL

|                                       |            |
|---------------------------------------|------------|
| Property and Casualty Insurance ..... | HCS SB 101 |
|---------------------------------------|------------|

### INSURANCE – HEALTH

|                     |                   |
|---------------------|-------------------|
| Public Health ..... | HCS SS SCS SB 106 |
|---------------------|-------------------|

### INSURANCE – PROPERTY

|                                       |            |
|---------------------------------------|------------|
| Property and Casualty Insurance ..... | HCS SB 101 |
|---------------------------------------|------------|

### INTERNET AND E-MAIL

|  |          |
|--|----------|
| Income Tax Deduction - Federal Grant Money ..... | SS SB 25 |
|--|----------|

### INTERSTATE COOPERATION

|                                |                     |
|--------------------------------|---------------------|
| Health Care Professionals..... | SS HCS HBs 115 & 99 |
|--------------------------------|---------------------|

## J

### JUDGES

|                 |           |
|-----------------|-----------|
| Retirement..... | CCS SB 20 |
|-----------------|-----------|

## INDEX OF 2023 TAFP BILLS

### K

#### KANSAS CITY

Retirement.....CCS SB 20

### L

#### LABOR AND MANAGEMENT

Encouraging Individuals to Obtain Employment Related Skills .....SS SCS HCS HB 417

State Employee Administration..... CCS HCS SS SB 111

State Employee Optional Biweekly Pay..... HB 131

#### LAKES, RIVERS AND WATERWAYS

Agriculture.....HS HCS SS SB 138

Natural Resources.....CCS HCS SB 109

#### LAW ENFORCEMENT OFFICERS AND AGENCIES

Public Safety .....CCS HCS SB 186

Retirement.....CCS SB 20

Retirement Systems ..... HCS SS SB 75

#### LICENSES – DRIVER'S

Judicial Proceedings ..... SS SB 35

Operation of Commercial Vehicles.....SS SCS SBs 167 & 171

#### LICENSES – MISCELLANEOUS

Agriculture.....HS HCS SS SB 138

Financial Institutions .....SB 63

Judicial Proceedings ..... SS SB 35

#### LICENSES – MOTOR VEHICLE

Judicial Proceedings ..... SS SB 35

### M

#### MARRIAGE AND DIVORCE

Disposition of the Dead..... SS SB 116

## INDEX OF 2023 TAFP BILLS

### **MEDICAID/MO HEALTHNET**

Gender Transition Procedures .....SS#2 SCS SBs 49, 236 & 164  
Health Care .....CCS HCS SS SCS SBs 45 & 90  
Public Health ..... HCS SS SCS SB 106

### **MEDICAL PROCEDURES AND PERSONNEL**

Gender Transition Procedures .....SS#2 SCS SBs 49, 236 & 164

### **MENTAL HEALTH**

Duties of the Department of Elementary and Secondary Education..... SS HB 447  
Health Care ..... SS HB 402  
Public Health ..... HCS SS SCS SB 106  
Vulnerable Persons ..... HCS SS SB 24

### **MERCHANDISING PRACTICES**

Motor Vehicles..... HCS SS SCS SB 398

### **MINING AND OIL AND GAS PRODUCTION**

Natural Resources .....CCS HCS SB 109

### **MORTGAGES AND DEEDS**

Property and Casualty Insurance ..... HCS SB 101

### **MOTOR CARRIERS**

Operation of Commercial Vehicles.....SS SCS SBs 167 & 171

### **MOTOR FUEL**

Agriculture .....HS HCS SS SB 138

### **MOTOR VEHICLES**

Motor Vehicles..... HCS SS SCS SB 398  
Operation of Commercial Vehicles.....SS SCS SBs 167 & 171

## **N**

### **NATURAL RESOURCES, DEPARTMENT OF**

Conveyance of Certain State Property ..... SCS HCS HBs 802, 807 & 886



## INDEX OF 2023 TAFP BILLS

### NURSES

|   |                            |
|---|----------------------------|
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417          |
| Health Care .....   | SS HB 402                  |
| Health Care .....   | CCS HCS SS SCS SBs 45 & 90 |
| Health Care Professionals .....                                   | SS HCS HBs 115 & 99        |
| Professional Registration .....                                   | HCS SS SCS SB 70           |
| Professional Registration .....                                   | CCS HCS SS SCS SB 157      |

### NURSING HOMES AND LONG-TERM CARE FACILITIES

|                   |           |
|-------------------|-----------|
| Health Care ..... | SS HB 402 |
|-------------------|-----------|

## P

### PHARMACY

|                                 |                            |
|---------------------------------|----------------------------|
| Health Care .....               | CCS HCS SS SCS SBs 45 & 90 |
| Health Care Professionals ..... | SS HCS HBs 115 & 99        |

### PHYSICAL THERAPISTS

|                                 |                       |
|---------------------------------|-----------------------|
| Health Care Professionals ..... | SS HCS HBs 115 & 99   |
| Physical Therapists .....       | SS SB 51              |
| Professional Registration ..... | HCS SS SCS SB 70      |
| Professional Registration ..... | CCS HCS SS SCS SB 157 |
| Public Health .....             | HCS SS SCS SB 106     |

### PHYSICIANS

|                                    |                            |
|------------------------------------|----------------------------|
| Gender Transition Procedures ..... | SS#2 SCS SBs 49, 236 & 164 |
| Health Care Professionals .....    | SS HCS HBs 115 & 99        |
| Professional Registration .....    | HCS SS SCS SB 70           |
| Professional Registration .....    | CCS HCS SS SCS SB 157      |

### POLITICAL SUBDIVISIONS

|   |                  |
|---|------------------|
| Agriculture .....                                 | HS HCS SS SB 138 |
| Natural Resources .....                           | CCS HCS SB 109   |
| Property Tax Exemption - Childcare Property ..... | SJR 26           |
| Public Safety .....                               | CCS HCS SB 186   |
| Tax Relief for Seniors .....                      | SS SB 190        |

### PRISONS AND JAILS

|                                    |                            |
|------------------------------------|----------------------------|
| Gender Transition Procedures ..... | SS#2 SCS SBs 49, 236 & 164 |
|------------------------------------|----------------------------|

## INDEX OF 2023 TAFP BILLS

### PROBATION AND PAROLE

Public Safety .....CCS HCS SB 186

### PROFESSIONAL REGISTRATION AND LICENSING

Gender Transition Procedures .....SS#2 SCS SBs 49, 236 & 164

Health Care Professionals ..... SS HCS HBs 115 & 99

Judicial Proceedings ..... SS SB 35

Physical Therapists ..... SS SB 51

Professional Registration ..... HCS SS SCS SB 70

Professional Registration ..... CCS HCS SS SCS SB 157

### PROPERTY, REAL AND PERSONAL

Conveyance of Certain State Property ..... SCS HCS HBs 802, 807 & 886

Property and Casualty Insurance ..... HCS SB 101

Property Tax Exemption - Childcare Property ..... SJR 26

Tax Relief for Seniors..... SS SB 190

### PUBLIC ASSISTANCE

Health Care .....CCS HCS SS SCS SBs 45 & 90

Public Health ..... HCS SS SCS SB 106

### PUBLIC MEETINGS

Access to Certain Records.....CCS SB 28

### PUBLIC RECORDS, PUBLIC MEETINGS

Access to Certain Records.....CCS SB 28

Duties of the Department of Elementary and Secondary Education..... SS HB 447

Judicial Proceedings ..... HCS SCS SB 103

## R

### RELIGION

Duties of the Department of Elementary and Secondary Education..... SS HB 447

Elective Social Studies Courses on the Bible .....SB 34

### RETIREMENT – LOCAL GOVERNMENT

Retirement.....CCS SB 20

## INDEX OF 2023 TAFP BILLS

### RETIREMENT – SCHOOLS

|                          |              |
|--------------------------|--------------|
| Retirement.....          | CCS SB 20    |
| Retirement Systems ..... | HCS SS SB 75 |

### RETIREMENT –STATE

|                          |              |
|--------------------------|--------------|
| Retirement.....          | CCS SB 20    |
| Retirement Systems ..... | HCS SS SB 75 |

### RETIREMENT SYSTEMS AND BENEFITS – GENERAL

|                          |              |
|--------------------------|--------------|
| Retirement.....          | CCS SB 20    |
| Retirement Systems ..... | HCS SS SB 75 |

### REVENUE, DEPARTMENT OF

|   |                      |
|---|----------------------|
| Financial Institutions .....                      | SB 63                |
| Income Tax Deduction - Federal Grant Money .....  | SS SB 25             |
| Motor Vehicles.....                               | HCS SS SCS SB 398    |
| Operation of Commercial Vehicles.....             | SS SCS SBs 167 & 171 |
| Property Tax Exemption - Childcare Property ..... | SJR 26               |
| Tax Relief for Seniors.....                       | SS SB 190            |

### ROADS AND HIGHWAYS

|                                     |                   |
|-------------------------------------|-------------------|
| Access to Certain Records.....      | CCS SB 28         |
| Designation of Infrastructure ..... | CCS SS SCS SB 127 |
| Public Safety .....                 | CCS HCS SB 186    |
| State Designations.....             | CCS SS SB 139     |

## S

### SAINT LOUIS CITY

|                 |           |
|-----------------|-----------|
| Retirement..... | CCS SB 20 |
|-----------------|-----------|

### SAINT LOUIS COUNTY

|                         |               |
|-------------------------|---------------|
| State Designations..... | CCS SS SB 139 |
|-------------------------|---------------|

### SALARIES

|   |                   |
|---|-------------------|
| State Employee Administration.....        | CCS HCS SS SB 111 |
| State Employee Optional Biweekly Pay..... | HB 131            |

## INDEX OF 2023 TAFP BILLS

### SECRETARY OF STATE

Property and Casualty Insurance ..... HCS SB 101

### SOCIAL SERVICES, DEPARTMENT OF

Background Checks ..... HCS SS SCS SB 40

Judicial Proceedings ..... SS SB 35

Public Health ..... HCS SS SCS SB 106

### SOCIAL WORKERS

Professional Registration ..... HCS SS SCS SB 70

Professional Registration ..... CCS HCS SS SCS SB 157

### STATE DEPARTMENTS

Conveyance of Certain State Property ..... SCS HCS HBs 802, 807 & 886

### STATE EMPLOYEES

Retirement ..... CCS SB 20

Retirement Systems ..... HCS SS SB 75

State Employee Administration ..... CCS HCS SS SB 111

State Employee Optional Biweekly Pay ..... HB 131

### STATE TAX COMMISSION

Property Tax Exemption - Childcare Property ..... SJR 26

Tax Relief for Seniors ..... SS SB 190

### SURVEYORS

Agriculture ..... HS HCS SS SB 138

## T

### TAX CREDITS

Agriculture ..... HS HCS SS SB 138

Encouraging Individuals to Obtain Employment Related Skills ..... SS SCS HCS HB 417

Tax Credits for the Production of Certain Entertainment ..... SS SCS SBs 94, 52, 57, 58 & 67

Tax Relief for Seniors ..... SS SB 190

## INDEX OF 2023 TAFP BILLS

### TAX INCENTIVES

|   |                                |
|---|--------------------------------|
| Agriculture.....  | HS HCS SS SB 138               |
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417              |
| Tax Credits for the Production of Certain Entertainment.....      | SS SCS SBs 94, 52, 57, 58 & 67 |

### TAXATION AND REVENUE – GENERAL

|   |                |
|---|----------------|
| Income Tax Deduction - Federal Grant Money .....  | SS SB 25       |
| Natural Resources .....                           | CCS HCS SB 109 |
| Property Tax Exemption - Childcare Property ..... | SJR 26         |
| Retirement.....                                   | CCS SB 20      |
| Tax Relief for Seniors.....                       | SS SB 190      |

### TAXATION AND REVENUE – INCOME

|  |                                |
|--|--------------------------------|
| Agriculture.....   | HS HCS SS SB 138               |
| Income Tax Deduction - Federal Grant Money .....             | SS SB 25                       |
| Retirement.....  | CCS SB 20                      |
| Tax Credits for the Production of Certain Entertainment..... | SS SCS SBs 94, 52, 57, 58 & 67 |
| Tax Relief for Seniors.....                                  | SS SB 190                      |

### TAXATION AND REVENUE – PROPERTY

|   |           |
|---|-----------|
| Property Tax Exemption - Childcare Property ..... | SJR 26    |
| Tax Relief for Seniors.....                       | SS SB 190 |

### TEACHERS

|   |              |
|---|--------------|
| Duties of the Department of Elementary and Secondary Education..... | SS HB 447    |
| Elective Social Studies Courses on the Bible .....                  | SB 34        |
| Retirement.....   | CCS SB 20    |
| Retirement Systems .....  | HCS SS SB 75 |

### TRANSPORTATION

|                                       |                      |
|---------------------------------------|----------------------|
| Agriculture.....                      | HS HCS SS SB 138     |
| Designation of Infrastructure .....   | CCS SS SCS SB 127    |
| Disposition of the Dead.....          | SS SB 116            |
| Motor Vehicles.....                   | HCS SS SCS SB 398    |
| Operation of Commercial Vehicles..... | SS SCS SBs 167 & 171 |
| State Designations.....               | CCS SS SB 139        |

## INDEX OF 2023 TAFP BILLS

### TRANSPORTATION, DEPARTMENT OF

|                                     |                   |
|-------------------------------------|-------------------|
| Designation of Infrastructure ..... | CCS SS SCS SB 127 |
| Retirement.....                     | CCS SB 20         |
| Retirement Systems .....            | HCS SS SB 75      |
| State Designations.....             | CCS SS SB 139     |

### TREASURER, STATE

|                 |           |
|-----------------|-----------|
| Retirement..... | CCS SB 20 |
|-----------------|-----------|

### TREES AND OTHER PLANTS

|                             |                  |
|-----------------------------|------------------|
| Agriculture.....            | HS HCS SS SB 138 |
| Environmental Control ..... | SS HB 202        |
| Natural Resources.....      | CCS HCS SB 109   |

## V

### VETERANS

|  |                                |
|--|--------------------------------|
| Tax Credits for the Production of Certain Entertainment..... | SS SCS SBs 94, 52, 57, 58 & 67 |
|--|--------------------------------|

### VETERINARIANS

|                  |                  |
|------------------|------------------|
| Agriculture..... | HS HCS SS SB 138 |
|------------------|------------------|

|   |                       |
|---|-----------------------|
| Encouraging Individuals to Obtain Employment Related Skills ..... | SS SCS HCS HB 417     |
| Environmental Control .....                                       | SS HB 202             |
| Professional Registration .....                                   | CCS HCS SS SCS SB 157 |

### VETOED BILLS (*\* Indicates appropriations bills vetoed in part by the Governor*)

|  |                         |
|--|-------------------------|
| Agriculture; Natural Resources; Conservation.....  | *CCS SCS HCS HB 6       |
| Capital Improvements/ Maintenance and Repair .....   | *SCS HCS HB 18          |
| Capital Improvements/ New Construction.....  | *SS SCS HCS HB 19       |
| Capital improvements/American Rescue Plan Act.....   | *SS SCS HCS HB 20       |
| Corrections.....   | *CCS SCS HCS HB 9       |
| Criminal Laws .....  | SS SCS SBs 189, 36 & 37 |
| Economic Development; Commerce and Insurance;<br>Labor and Industrial Relations .....  | *CCS SCS HCS HB 7       |
| Elected Officials including the General Assembly, Governor, Lieutenant<br>Governor, Secretary of State, Auditor, Treasurer, and Attorney<br>General..... | *CCS SS SCS HCS HB 12   |
| Elementary and Secondary Education.....  | *CCS SS SCS HCS HB 2    |
| Higher Education and Workforce Development.....  | *CCS SCS HCS HB 3       |

## INDEX OF 2023 TAFP BILLS

|  |                      |
|--|----------------------|
| Mental Health; Health and Senior Services.....           | *CCS SCS HCS HB 10   |
| Office of Administration; Employee Fringe Benefits ..... | *CCS SS SCS HCS HB 5 |
| Public Safety; National Guard.....                       | *CCS SS SCS HCS HB 8 |
| Revenue; Transportation.....                             | *CCS SCS HCS HB 4    |
| Social Services.....                                     | *CCS SCS HCS HB 11   |
| Supplemental Purposes/General .....                      | *CCS SCS HCS HB 15   |

### VICTIMS OF CRIME

|                                |                |
|--------------------------------|----------------|
| Access to Certain Records..... | CCS SB 28      |
| Public Safety .....            | CCS HCS SB 186 |

### VITAL STATISTICS

|  |             |
|--|-------------|
| Participation in Athletic Competition..... | SS #2 SB 39 |
|--|-------------|

## W

### WASTE – HAZARDOUS

|                         |                |
|-------------------------|----------------|
| Natural Resources ..... | CCS HCS SB 109 |
|-------------------------|----------------|

### WASTE – SOLID

|                         |                |
|-------------------------|----------------|
| Natural Resources ..... | CCS HCS SB 109 |
|-------------------------|----------------|

### WATER PATROL

|                 |           |
|-----------------|-----------|
| Retirement..... | CCS SB 20 |
|-----------------|-----------|

### WATER RESOURCES AND WATER DISTRICTS

|                         |                |
|-------------------------|----------------|
| Natural Resources ..... | CCS HCS SB 109 |
|-------------------------|----------------|

### WEIGHTS AND MEASURES

|                  |                  |
|------------------|------------------|
| Agriculture..... | HS HCS SS SB 138 |
|------------------|------------------|

### WORKERS COMPENSATION

|                                       |              |
|---------------------------------------|--------------|
| Property and Casualty Insurance ..... | HCS SB 101   |
| Vulnerable Persons .....              | HCS SS SB 24 |

## BILL STATISTICS

2023 Regular Session  
Missouri General Assembly

|                               | Introduced  | Third Read<br>in the House | Truly<br>Agreed | Vetoed by<br>the<br>Governor |
|-------------------------------|-------------|----------------------------|-----------------|------------------------------|
| House Bills                   | 1367        | 143                        | 7               | 0                            |
| House Committee Bills         | 0           | 0                          | 0               | 0                            |
| House Concurrent Resolutions  | 26          | 2                          | 0               | 0                            |
| House Joint Resolutions       | 66          | 5                          | 0               | 0                            |
| House Appropriation Bills     | 19          | 19                         | 19              | 0*                           |
| Senate Bills                  | 1016        | 45                         | 32              | 1                            |
| Senate Concurrent Resolutions | 19          | 3                          | 3               | 0                            |
| Senate Joint Resolutions      | 47          | 1                          | 1               | 0                            |
| <b>TOTALS</b>                 | <b>2560</b> | <b>218</b>                 | <b>62</b>       | <b>1*</b>                    |

\* Does not include line item vetoes

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