

SECOND REGULAR SESSION

SENATE BILL NO. 736

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SIMS AND EHLMANN.

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TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 192.020 and 196.225, RSMo 1994, relating to immunization, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 192.020 and 196.225, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 135.913, 192.020 and 196.225, to read as follows:

135.913. 1. For all taxable years beginning on or after January 1, 2001, a food establishment regulated pursuant to chapter 196, RSMo, may take a credit against the tax otherwise due pursuant to chapter 143, RSMo, equal to the amount expended during the taxable year for vaccinating its employees against the hepatitis A virus. The cost of vaccination may include an administration fee equal to five percent of the total cost of vaccinations during the taxable year. Proof of all employee vaccinations shall be forwarded to the department of health and shall be included with the food establishment's tax return for the taxable year during which a tax credit is taken. The credit shall be claimed as prescribed by the director of the department of revenue. If any amount of the tax credit exceeds the food establishment's annual tax liability, it is nonrefundable and may not be carried over to the following taxable year.

2. For purposes of this section and section 196.225, RSMo, "vaccination", means a hepatitis A vaccine or immunization licensed by the United States Food and Drug Administration to provide long term immunity to the hepatitis A virus.

192.020. **1.** It shall be the general duty and responsibility of the department of health to safeguard the health of the people in the state and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the

prevalence of such diseases within the state. It shall have power and authority, with approval of the director of the department, to make such orders, findings, rules and regulations as will prevent the entrance of infectious, contagious and communicable diseases into the state.

2. If the department of health determines that the prevalence of a specific disease in any area of the state is such that it becomes a high-risk area for the disease, and if a vaccination exists for the disease, then the department shall provide a supply of vaccination dosages to local public health departments. The department of health shall reimburse local public health departments for the cost of administering the vaccinations. Any individual receiving a vaccination pursuant to this section shall receive a card, as established by the Centers for Disease Control and Prevention, that indicates the vaccination was given.

196.225. **1.** No employer shall require or permit a person, nor shall a person work, affected with any disease in a communicable form or while a carrier of such disease, to work in any building or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, and transportation of food in any capacity which brings the person into contact with the food.

2. If the department of health determines that, as of January 1 of any year, all employees of a food establishment have been vaccinated against the hepatitis A virus, and that the owner of a food establishment has a policy requiring all new employees to be vaccinated against the hepatitis A virus, then the department of health shall issue a decal and certificate to the owner of the food establishment, which shall indicate that the food establishment's employees have been vaccinated against the hepatitis A virus. The department of health shall promulgate rules pursuant to chapter 536, RSMo, to carry out the provisions of this section.

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