

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 87**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Veterans' Affairs and Health, March 14, 2013, with recommendation that the Senate Committee Substitute do pass.

0611S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

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

Section A. Sections 191.918 and 494.430, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 191.918 and 494.430, to  
3 read as follows:

191.918. 1. Notwithstanding any other provision of law to the contrary,  
2 a mother may, with as much discretion as possible, breast-feed her child **or**  
3 **express breast milk** in any public or private location where the mother is  
4 otherwise authorized to be.

5 **2. The act of a mother breast-feeding a child or expressing breast**  
6 **milk in a public or private location where the mother and child are**  
7 **otherwise authorized to be shall not:**

8 **(1) Constitute sexual conduct or sexual contact as defined in**  
9 **section 566.010; or**

10 **(2) Be considered an act of public indecency, indecent exposure,**  
11 **sexual conduct, lewd touching, or obscenity or any other similar term**  
12 **for purposes of state or municipal law.**

13 **3. A municipality shall not enact an ordinance prohibiting or**  
14 **restricting a mother from breast-feeding a child or expressing breast**  
15 **milk in a public or private location where the mother and child are**  
16 **otherwise authorized to be.**

494.430. 1. Upon timely application to the court, the following persons

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

2 shall be excused from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury  
4 within the preceding two years;

5 (2) **Any nursing mother, upon her request, and with a completed**  
6 **written statement from her physician to the court certifying she is a**  
7 **nursing mother;**

8 (3) Any person whose absence from his or her regular place of  
9 employment would, in the judgment of the court, tend materially and adversely  
10 to affect the public safety, health, welfare or interest;

11 [(3)] (4) Any person upon whom service as a juror would in the judgment  
12 of the court impose an undue or extreme physical or financial hardship;

13 [(4)] (5) Any person licensed as a health care provider as such term is  
14 defined in section 538.205, but only if such person provides a written statement  
15 to the court certifying that he or she is actually providing health care services to  
16 patients, and that the person's service as a juror would be detrimental to the  
17 health of the person's patients;

18 [(5)] (6) Any employee of a religious institution whose religious  
19 obligations or constraints prohibit their serving on a jury. The certification of the  
20 employment and obligation or constraint may be provided by the employee's  
21 religious supervisor.

22 2. A judge of the court for which the individual was called to jury service  
23 shall make undue or extreme physical or financial hardship determinations. The  
24 authority to make these determinations is delegable only to court officials or  
25 personnel who are authorized by the laws of this state to function as members of  
26 the judiciary.

27 3. A person asking to be excused based on a finding of undue or extreme  
28 physical or financial hardship must take all actions necessary to have obtained  
29 a ruling on that request by no later than the date on which the individual is  
30 scheduled to appear for jury duty.

31 4. Unless it is apparent to the court that the physical hardship would  
32 significantly impair the person's ability to serve as a juror, for purposes of  
33 sections 494.400 to 494.460 undue or extreme physical or financial hardship is  
34 limited to circumstances in which an individual would:

35 (1) Be required to abandon a person under his or her personal care or  
36 supervision due to the impossibility of obtaining an appropriate substitute  
37 caregiver during the period of participation in the jury pool or on the jury; or

38           (2) Incur costs that would have a substantial adverse impact on the  
39 payment of the individual's necessary daily living expenses or on those for whom  
40 he or she provides the principal means of support; or

41           (3) Suffer physical hardship that would result in illness or disease.

42           5. Undue or extreme physical or financial hardship does not exist solely  
43 based on the fact that a prospective juror will be required to be absent from his  
44 or her place of employment.

45           6. A person asking a judge to grant an excuse based on undue or extreme  
46 physical or financial hardship shall provide the judge with documentation as  
47 required by the judge, such as, but not limited to, federal and state income tax  
48 returns, medical statements from licensed physicians, proof of dependency or  
49 guardianship, and similar documents, which the judge finds to clearly support the  
50 request to be excused. Failure to provide satisfactory documentation shall result  
51 in a denial of the request to be excused. Such documents shall be filed under  
52 seal.

53           7. After two years, a person excused from jury service shall become  
54 eligible once again for qualification as a juror unless the person was excused from  
55 service permanently. A person is excused from jury service permanently only  
56 when the deciding judge determines that the underlying grounds for being  
57 excused are of a permanent nature.

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