

FIRST REGULAR SESSION

SENATE BILL NO. 117

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0275S.011

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to mandatory influenza vaccinations, with penalty provisions.

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

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.075, to read as follows:

192.075. 1. As used in this section, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Inspected facility", any private or public institution, facility or agency, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or persons that is inspected by the department of health and senior services;

(3) "Volunteer", any individual working without compensation at an inspected facility who has significant and direct contact with patients at that facility.

2. All employees and volunteers of any inspected facility shall be required to receive an influenza vaccination each year, to be administered within three months prior to flu season, as defined by the Centers for Disease Control and Prevention. An employee or volunteer commencing work during the flu season shall receive an influenza vaccination within two weeks of commencing work. Nothing in this section shall be construed as requiring the department to provide or pay for such influenza vaccinations. All employees and volunteers shall provide proof of receiving an influenza vaccination each year to the inspected facility in which they are employed or volunteer.

21 **3. An exemption for the influenza vaccination requirement under**
22 **this section may be granted for medical contraindications, religious**
23 **beliefs, or in the case of a vaccine shortage. Employees or volunteers**
24 **requesting exemption due to medical contraindications must provide**
25 **proof of medical contraindications such as a letter from a physician or**
26 **medical records. Employees or volunteers requesting exemption due**
27 **to religious beliefs must provide a written and signed request stating**
28 **the reason for exemption. If any employee or volunteer is unable to**
29 **receive an influenza vaccination due to a shortage of influenza**
30 **vaccines, the employee or volunteer shall provide written**
31 **documentation of his or her failure to obtain a vaccination for this**
32 **reason.**

33 **4. All documentation relating to proof of an employee or**
34 **volunteer receiving an influenza vaccination or receiving an exemption**
35 **thereof shall be kept in the personnel file of the employee or volunteer.**

36 **5. Any inspected facility shall be deemed not in compliance with**
37 **the provisions of this section if, upon inspection by the department,**
38 **less than ninety-five percent of the inspected personnel files of the**
39 **facility contain proof of influenza vaccination or proper exemption**
40 **documentation. The department may conduct this inspection during**
41 **the course of any other inspection of the facility. Any inspected facility**
42 **not in compliance with the provisions of this section shall be**
43 **reinspected at an undisclosed time within three months of the initial**
44 **inspection. If at the time of reinspection the inspected facility is again**
45 **deemed not in compliance with the provisions of this section, the**
46 **inspected facility will be charged a fine to be calculated as fifty dollars**
47 **per full-time employee of the facility, to be applied to the costs of the**
48 **inspections and flu prevention education.**

49 **6. The provisions of this section shall automatically sunset six**
50 **years after the effective date of this section, unless reauthorized by an**
51 **act of the general assembly.**

52 **7. The department shall promulgate rules and regulations to**
53 **administer the provisions of this section which shall include, but not**
54 **be limited to, the frequency of the inspections. Any rule or portion of**
55 **a rule, as that term is defined in section 536.010 that is created under**
56 **the authority delegated in this section shall become effective only if it**
57 **complies with and is subject to all of the provisions of chapter 536, and,**

58 if applicable, section 536.028. This section and chapter 536 are
59 nonseverable and if any of the powers vested with the general assembly
60 pursuant to chapter 536, to review, to delay the effective date, or to
61 disapprove and annul a rule are subsequently held unconstitutional,
62 then the grant of rulemaking authority and any rule proposed or
63 adopted after August 28, 2017, shall be invalid and void.

✓