

SECOND REGULAR SESSION

# SENATE BILL NO. 760

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

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

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*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  
2 section, to be known as section 192.075, to read as follows:

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

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

3 **(2) "Inspected facility", any private or public institution, facility**

4 **or agency, whether organized for profit or not, used, operated, or**

5 **designed to provide health services, medical treatment, or nursing,**

6 **rehabilitative, or preventative care to any person or persons that is**

7 **inspected by the department;**

8 **(3) "Volunteer", any individual working without compensation at**

9 **an inspected facility who has significant and direct contact with**  
10 **patients at that facility.**

11 **2. Each year between October first and March first, all employees**  
12 **and volunteers of any inspected facility shall be required to receive an**  
13 **influenza vaccination, unless contraindicated, in accordance with the**  
14 **latest recommendations of the Centers for Disease Control and**  
15 **Prevention and subject to the availability of the vaccine. An employee**  
16 **or volunteer commencing work during the flu season shall be required**  
17 **to receive an influenza vaccination within two weeks of commencing**  
18 **work. Nothing in this section shall be construed as requiring the**  
19 **department or any inspected facility to provide or pay for such**  
20 **influenza vaccinations.**

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

34           **4. The department may request proof of employee and volunteer**  
35 **influenza vaccinations during the course of any inspection of the**  
36 **facility. All employees and volunteers who were employed or**  
37 **volunteering at the facility at the time the department made the**  
38 **request shall provide the inspected facility with such proof or with**  
39 **proof of an exemption, as described in subsection 3 of this section,**  
40 **within seven days of the department's request. The inspected facility**  
41 **shall make available such proof of vaccination or exemption to the**  
42 **department within fourteen days of the department's initial request.**

43           **5. An inspected facility shall be deemed not in compliance with**  
44 **the provisions of this section if, after the department's initial request,**  
45 **less than ninety-five percent of the facility's employees provide proof**  
46 **of vaccination or exemption. If a facility is deemed not in compliance,**  
47 **the department may again request such proof within three months of**  
48 **the initial request.**

49           **6. All inspected facilities shall post a sign in a conspicuous**  
50 **location of a minimum size of eleven inches by fourteen inches with the**  
51 **following statement in letters of no less than one inch: "MISSOURI**  
52 **LAW REQUIRES EMPLOYEES AND VOLUNTEERS AT THIS FACILITY**  
53 **TO RECEIVE AN INFLUENZA VACCINATION EACH YEAR", and the**  
54 **following statement in no less than twelve-point font: "Proof of receipt**  
55 **of the influenza vaccination or proof of a medical or religious**  
56 **exemption or vaccine shortage must be provided upon the request of**  
57 **the Department of Health and Senior Services."**

58           7. Nothing in this section shall be construed to require the  
59 department to conduct an inspection only for the purposes of  
60 determining compliance with vaccination requirements. The  
61 department shall not issue any citation or any other penalty to an  
62 inspected facility for failure to comply with the requirements of this  
63 section.

64           8. The provisions of this section shall automatically expire six  
65 years after the effective date of this section, unless reauthorized by an  
66 act of the general assembly.

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