

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1355

99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4829S.02C

AN ACT

To repeal sections 43.505, 57.117, 221.050, 302.176, 488.5320, and 513.653, RSMo, and to enact in lieu thereof twelve new sections relating to public safety, with an effective date for a certain section, with penalty provisions.

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

Section A. Sections 43.505, 57.117, 221.050, 302.176, 488.5320, and
2 513.653, RSMo, are repealed and twelve new sections enacted in lieu thereof, to
3 be known as sections 43.505, 44.091, 44.098, 57.117, 221.050, 273.450, 302.025,
4 302.176, 488.5320, 513.653, 590.210, and 590.1040, to read as follows:

43.505. 1. The department of public safety is hereby designated as the
2 central repository for the collection, maintenance, analysis and reporting of crime
3 incident activity generated by law enforcement agencies in this state. The
4 department shall develop and operate a uniform crime reporting system that is
5 compatible with the national uniform crime reporting system operated by the
6 Federal Bureau of Investigation.

7 2. The department of public safety shall:

8 (1) Develop, operate and maintain an information system for the
9 collection, storage, maintenance, analysis and retrieval of crime incident and
10 arrest reports from Missouri law enforcement agencies;

11 (2) Compile the statistical data and forward such data as required to the
12 Federal Bureau of Investigation or the appropriate Department of Justice agency
13 in accordance with the standards and procedures of the national system;

14 (3) Provide the forms, formats, procedures, standards and related training
15 or training assistance to all law enforcement agencies in the state as necessary
16 for such agencies to report incident and arrest activity for timely inclusion into

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

17 the statewide system;

18 (4) Annually publish a report on the nature and extent of crime and
19 submit such report to the governor and the general assembly. Such report and
20 other statistical reports shall be made available to state and local law
21 enforcement agencies and the general public through an electronic or manual
22 medium;

23 (5) Maintain the privacy and security of information in accordance with
24 applicable state and federal laws, regulations and orders; and

25 (6) Establish such rules and regulations as are necessary for
26 implementing the provisions of this section. Any rule or portion of a rule, as that
27 term is defined in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is subject to all
29 of the provisions of chapter 536 and, if applicable, section 536.028. This section
30 and chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly pursuant to chapter 536 to review, to delay the effective date
32 or to disapprove and annul a rule are subsequently held unconstitutional, then
33 the grant of rulemaking authority and any rule proposed or adopted after August
34 28, 2000, shall be invalid and void.

35 3. Every law enforcement agency in the state shall:

36 (1) Submit crime incident reports to the department of public safety on
37 forms or in the format prescribed by the department; and

38 (2) Submit any other crime incident information which may be required
39 by the department of public safety.

40 4. Any law enforcement agency that violates this section **after December**
41 **31, 2021**, may be ineligible to receive state or federal funds which would
42 otherwise be paid to such agency for law enforcement, safety or criminal justice
43 purposes.

44.091. 1. For purposes of this section, the following terms mean:

2 (1) "Law enforcement officer", any public servant having both the
3 power and duty to make arrests for violations of any ordinance or law
4 of this state, and any federal law enforcement officer authorized to
5 carry firearms and to make arrests for violations of the laws of the
6 United States;

7 (2) "Requesting entity", any law enforcement agency or entity
8 within this state empowered by law to maintain a law enforcement
9 agency;

10 **(3) "Sending agency", a law enforcement agency that has been**
11 **requested to provide assistance by a requesting entity.**

12 **2. Whenever any law enforcement agency enters into a mutual**
13 **aid arrangement or agreement with another entity as provided in**
14 **subsection 44.090, any law enforcement officer assisting the requesting**
15 **entity shall have the same powers of arrest as he or she has in his or**
16 **her own jurisdiction and the same powers of arrest as officers of the**
17 **requesting entity. Such powers shall be limited to the location where**
18 **such services are requested to be provided, for the duration of the**
19 **specific event, and while acting under the direction of the requesting**
20 **entity's chief law enforcement officer or his or her designee.**

21 **3. Any law enforcement officer assisting a requesting entity**
22 **under a mutual aid arrangement or agreement under section 44.090**
23 **shall be deemed an employee of the sending agency and shall be subject**
24 **to the workers' compensation, overtime, and expense reimbursement**
25 **provisions provided to him or her as an employee of the sending**
26 **agency.**

27 **4. Any law enforcement officer assisting a requesting entity**
28 **under a mutual aid arrangement or agreement under section 44.090**
29 **shall enjoy the same legal immunities as an officer of the requesting**
30 **entity, including sovereign immunity, official immunity, and the public**
31 **duty doctrine.**

32 **5. Nothing in this section shall be construed to limit the powers**
33 **of arrest provided to a law enforcement officer by any other law.**

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

2 **(1) "Critical incident", an incident that could result in serious**
3 **physical injury or loss of life;**

4 **(2) "Kansas border county", the county of Cherokee;**

5 **(3) "Law enforcement mutual aid region", the counties of Jasper**
6 **and Newton, including the Joplin metropolitan area, and the Kansas**
7 **border county and Oklahoma border counties as defined in this section;**

8 **(4) "Missouri border counties", the counties of Jasper and**
9 **Newton;**

10 **(5) "Oklahoma border counties", the counties of Ottawa and**
11 **Delaware.**

12 **2. All law enforcement officers in the law enforcement mutual**
13 **aid region shall be permitted in critical incidents to respond to lawful**

14 requests for aid in any other jurisdiction in the law enforcement
15 mutual aid region.

16 3. The on-scene incident commander, as defined by the National
17 Incident Management System, shall have the authority to make a
18 request for assistance in a critical incident and shall be responsible for
19 on-scene management until command authority is transferred to
20 another person.

21 4. In the event that an officer makes an arrest or apprehension
22 outside his or her home state, the offender shall be delivered to the
23 first officer who is commissioned in the jurisdiction in which the arrest
24 was made.

25 5. For the purposes of liability, all members of any political
26 subdivision or public safety agency responding under operational
27 control of the requesting political subdivision or public safety agency
28 are deemed employees of such responding political subdivision or
29 public safety agency and are subject to the liability and workers'
30 compensation provisions provided to them as employees of their
31 respective political subdivision or public safety agency. Qualified
32 immunity, sovereign immunity, official immunity, and the public duty
33 rule shall apply to the provisions of this section as interpreted by the
34 federal and state courts of the responding agency.

35 6. If the director of the Missouri department of public safety
36 determines that the state of Kansas has enacted legislation or the
37 governor of Kansas has issued an executive order or similar action that
38 permits the Kansas border county to enter into a similar mutual-aid
39 agreement as described under this section, then the director shall
40 execute and deliver to the governor, the speaker of the house of
41 representatives, and the president pro tempore of the senate a written
42 certification of such determination. Upon the execution and delivery
43 of such written certification and the parties receiving such
44 certification providing a unanimous written affirmation, the provisions
45 of this section shall be effective unless otherwise provided by law.

46 7. If the director of the Missouri department of public safety
47 determines that the state of Oklahoma has enacted legislation or the
48 governor of Oklahoma has issued an executive order or similar action
49 that permits Oklahoma border counties to enter into a similar
50 mutual-aid agreement as described under this section, then the director

51 shall execute and deliver to the governor, the speaker of the house of
52 representatives, and the president pro tempore of the senate a written
53 certification of such determination. Upon the execution and delivery
54 of such written certification and the parties receiving such
55 certification providing a unanimous written affirmation, the provisions
56 of this section shall be effective unless otherwise provided by law.

57 8. The director of the Missouri department of public safety shall
58 notify the revisor of statutes of any changes that would render the
59 provisions of this section effective.

57.117. Hereafter no sheriff in this state shall appoint any under sheriff
2 or deputy sheriff [except] unless the person so appointed shall be, at the time of
3 his or her appointment, a bona fide resident of [the] this state or of an
4 adjoining state.

221.050. Persons confined in jails shall be separated and confined
2 according to sex. Persons confined under civil process or for civil causes shall be
3 kept separate from criminals. **Nothing in this section shall be construed to**
4 **prohibit the housing of persons on probation or parole with offenders**
5 **or persons being held on criminal charges.**

273.450. 1. As used in this section, the following terms shall
2 mean:

- 3 (1) "Peace officer", the same as defined in section 590.010;
4 (2) "Train" or "training", the process of bringing a person to a
5 desired standard of proficiency by practice and instruction.

6 2. (1) Each individual, or organization on behalf of a group of
7 individuals, seeking to train peace officers in responding to animal
8 neglect and abuse incident reports shall, on an annual basis, submit all
9 training materials, including any general guidebooks and state law
10 specific handouts or inserts, relating to animal care to the state
11 veterinarian for review and approval to ensure that such materials do
12 not contradict, or are not intentionally misleading, in regards to the
13 provisions relating to animals under chapters 267 to 273.

14 (2) Each individual, or organization on behalf of a group of
15 individuals, seeking to train peace officers in responding to animal
16 neglect and abuse incident reports shall, on an annual basis, submit all
17 training materials, including any general guidebooks and state law
18 specific handouts or inserts, relating to criminal offenses involving
19 animals to the department of public safety for review and approval to

20 ensure that such materials do not contradict, or are not intentionally
21 misleading, in regards to the provisions of chapter 578.

22 (3) The state veterinarian and the department of public safety
23 shall review submitted materials within fourteen calendar days, and
24 either approve or disapprove such materials. If such materials are
25 disapproved, the respective entity shall notify the individual or
26 organization, in writing, of the deficiencies of the materials. If the
27 individual or organization disagrees with the state veterinarian or the
28 department of public safety, such individual or organization may
29 appeal such decision to the director of the department of agriculture
30 and the director of the department of public safety, respectively. If
31 such individual or organization does make such appeal, they shall be
32 issued a temporary fourteen day certification by the respective
33 entity. The director shall review such individual's or organization's
34 materials within fourteen days and notify the individual or
35 organization of the director's final decision. Or, if the individual or
36 organization does not appeal such decision, they may cure such
37 deficiencies and resubmit such materials for review. If the state
38 veterinarian or department of public safety do not review the
39 submitted materials and notify the individual or organization within
40 fourteen calendar days, such materials shall be deemed approved by
41 the respective entity.

42 (4) Upon approving an individual's materials, or an
43 organization's materials on behalf of a group of individuals, the entity
44 that approved the materials shall issue the individual or organization
45 a certification stating that such materials have been reviewed and
46 approved, and are in uniformity with certain provisions of state law.

47 3. Any individual, or organization on behalf of a group of
48 individuals, submitting materials to the state veterinarian under
49 subsection 2 of this section, shall indemnify and hold the state
50 veterinarian, in his or her official capacity, and the department of
51 agriculture harmless against all claims, injuries, damages, losses, or
52 suits as a result of such individual, or organization on behalf of a group
53 of individuals, modifying such materials after such materials have been
54 approved, and using such modified materials to train peace officers in
55 responding to animal care and abuse incident reports.

56 4. No individual, or organization on behalf of a group of

57 individuals, shall engage in the business of training peace officers in
58 responding to animal neglect and abuse incident reports relating to
59 animal care if such individual or organization has not obtained a
60 certification from the state veterinarian ensuring that training
61 materials are in uniformity with provisions relating to animals under
62 chapters 267 to 273. No individual, or organization on behalf of a group
63 of individuals, shall engage in the business of training peace officers in
64 responding to animal neglect and abuse incident reports relating to
65 criminal offenses involving animals if such individual or organization
66 has not obtained a certification from the department of public safety
67 ensuring that training materials are in uniformity with the provisions
68 of chapter 578.

69 5. A person commits the offense of unlawful animal care training
70 if he or she knowingly engages in the business of animal care training
71 of peace officers, as either an individual or on behalf of an
72 organization, if such individual is performing such training:

73 (1) Using materials relating to animal care that have not been
74 certified or temporarily certified by the state veterinarian for being in
75 uniformity with chapters 267 and 273; or

76 (2) Using materials relating to criminal offenses involving
77 animals that have not been certified or temporarily certified by the
78 department of public safety for being in uniformity with chapter 578.

79 6. The first offense of unlawful animal care training shall be an
80 infraction. Any second or subsequent offense of unlawful animal care
81 training is a class D misdemeanor.

82 7. This section shall not apply to individuals or organizations
83 solely advocating for the enforcement of laws protecting animals or
84 bringing the existence of such laws to the attention of law enforcement.

85 8. The department of agriculture and the department of public
86 safety may promulgate rules for administering this section. Any rule
87 or portion of a rule, as that term is defined in section 536.010 that is
88 created under the authority delegated in this section shall become
89 effective only if it complies with and is subject to all of the provisions
90 of chapter 536, and, if applicable, section 536.028. This section and
91 chapter 536 are nonseverable and if any of the powers vested with the
92 general assembly pursuant to chapter 536, to review, to delay the
93 effective date, or to disapprove and annul a rule are subsequently held

94 **unconstitutional, then the grant of rulemaking authority and any rule**
95 **proposed or adopted after August 28, 2018, shall be invalid and void.**

302.025. All driver training programs offered within this state
2 shall include instruction concerning law enforcement procedures for
3 traffic stops, including a demonstration of the proper actions to be
4 taken during a traffic stop and appropriate interactions with law
5 enforcement. Such programs shall also present enrollees with the
6 information provided by the department of revenue pursuant to section
7 302.176. As used in this section, "driver training programs" shall
8 include private drivers' education programs and driver training
9 programs taught by an instructor holding a valid driver education
10 endorsement on a teaching certificate issued by the state department
11 of elementary and secondary education.

302.176. 1. Upon successful completion of the requirements of this
2 chapter to obtain a driver's license, all first-time licensees in this state shall
3 receive information from the department of revenue relating to:

4 (1) The dangers of operating a motor vehicle while in an intoxicated or
5 drugged condition;

6 (2) Law enforcement procedures for traffic stops, the proper
7 actions to be taken during a traffic stop, and appropriate interactions
8 with law enforcement; and

9 (3) A description of drivers' and passengers' constitutional and
10 other legal rights as they relate to a traffic stop, including but not
11 limited to, searches and seizures, the right to remain silent, and the
12 right to an attorney.

13 2. The director of revenue shall, in consultation with the
14 superintendent of the Missouri state highway patrol and attorney
15 general of this state, promulgate rules and regulations to administer
16 the provisions of this section. Any rule or portion of a rule, as that
17 term is defined in section 536.010 that is created under the authority
18 delegated in this section shall become effective only if it complies with
19 and is subject to all of the provisions of chapter 536, and, if applicable,
20 section 536.028. This section and chapter 536 are nonseverable and if
21 any of the powers vested with the general assembly pursuant to chapter
22 536, to review, to delay the effective date, or to disapprove and annul
23 a rule are subsequently held unconstitutional, then the grant of
24 rulemaking authority and any rule proposed or adopted after August

25 **28, 2018, shall be invalid and void.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed
2 a charge for their services rendered in criminal cases and in all proceedings for
3 contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each
5 misdemeanor case, and six dollars for each infraction, including cases disposed
6 of by a violations bureau established pursuant to law or supreme court
7 rule. Such charges shall be charged and collected in the manner provided by
8 sections 488.010 to 488.020 and shall be payable to the county treasury; except
9 that, those charges from cases disposed of by a violations bureau shall be
10 distributed as follows: one-half of the charges collected shall be forwarded and
11 deposited to the credit of the MODEX fund established in subsection [6] 5 of this
12 section for the operational cost of the Missouri data exchange (MODEX) system,
13 and one-half of the charges collected shall be deposited to the credit of the inmate
14 security fund, established in section 488.5026, of the county or municipal political
15 subdivision from which the citation originated. If the county or municipal
16 political subdivision has not established an inmate security fund, all of the funds
17 shall be deposited in the MODEX fund.

18 2. [Notwithstanding subsection 1 of this section to the contrary, sheriffs,
19 county marshals, or other officers in any county with a charter form of
20 government and with more than nine hundred fifty thousand inhabitants or in
21 any city not within a county shall not be allowed a charge for their services
22 rendered in cases disposed of by a violations bureau established pursuant to law
23 or supreme court rule.

24 3.] The sheriff receiving any charge pursuant to subsection 1 of this
25 section shall reimburse the sheriff of any other county or the City of St. Louis
26 the sum of three dollars for each pleading, writ, summons, order of court or other
27 document served in connection with the case or proceeding by the sheriff of the
28 other county or city, and return made thereof, to the maximum amount of the
29 total charge received pursuant to subsection 1 of this section.

30 [4.] 3. The charges provided in subsection 1 of this section shall be taxed
31 as other costs in criminal proceedings immediately upon a plea of guilty or a
32 finding of guilt of any defendant in any criminal procedure. The clerk shall tax
33 all the costs in the case against such defendant, which shall be collected and
34 disbursed as provided by sections 488.010 to 488.020; provided, that no such
35 charge shall be collected in any proceeding in any court when the proceeding or

36 the defendant has been dismissed by the court; provided further, that all costs,
37 incident to the issuing and serving of writs of scire facias and of writs of fieri
38 facias, and of attachments for witnesses of defendant, shall in no case be paid by
39 the state, but such costs incurred under writs of fieri facias and scire facias shall
40 be paid by the defendant and such defendant's sureties, and costs for attachments
41 for witnesses shall be paid by such witnesses.

42 [5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and
43 guards for all services rendered pursuant to this section at the rate prescribed by
44 the Internal Revenue Service for allowable expenses for motor vehicle use
45 expressed as an amount per mile.

46 [6.] 5. (1) There is hereby created in the state treasury the "MODEX
47 Fund", which shall consist of money collected under subsection 1 of this
48 section. The fund shall be administered by the peace officers standards and
49 training commission established in section 590.120. The state treasurer shall be
50 custodian of the fund. In accordance with sections 30.170 and 30.180, the state
51 treasurer may approve disbursements. The fund shall be a dedicated fund and,
52 upon appropriation, money in the fund shall be used solely for the operational
53 support and expansion of the MODEX system.

54 (2) Notwithstanding the provisions of section 33.080 to the contrary, any
55 moneys remaining in the fund at the end of the biennium shall not revert to the
56 credit of the general revenue fund.

57 (3) The state treasurer shall invest moneys in the fund in the same
58 manner as other funds are invested. Any interest and moneys earned on such
59 investments shall be credited to the fund.

513.653. 1. Law enforcement agencies involved in using the federal
2 forfeiture system under federal law shall file a report regarding federal seizures
3 and the proceeds therefrom. Such report shall be filed annually by [January
4 thirty-first] **February fifteenth** for the previous calendar year with the
5 [department of public safety and the] state auditor's office. The report for the
6 calendar year shall [include the type and value of items seized and turned over
7 to the federal forfeiture system, the beginning balance as of January first of
8 federal forfeiture funds or assets previously received and not expended or used,
9 the proceeds received from the federal government (the equitable sharing
10 amount), the expenditures resulting from the proceeds received, and the ending
11 balance as of December thirty-first of federal forfeiture funds or assets on
12 hand. The department of public safety shall not issue funds to any law

13 enforcement agency that fails to comply with the provisions of this section]
14 **consist of a copy of the federal form entitled "ACA Form - Equitable**
15 **Sharing Agreement and Certification" which is identical to the form**
16 **submitted in that year to the federal government.**

17 2. [Intentional or knowing failure to comply with the reporting
18 requirement contained in this section shall be a class A misdemeanor, punishable
19 by a fine of up to one thousand dollars.] **Any law enforcement agency that**
20 **intentionally or knowingly fails to comply with the reporting**
21 **requirement contained in this section shall be ineligible to receive state**
22 **or federal funds which would otherwise be paid to such agency for law**
23 **enforcement, safety, or criminal justice purposes.**

590.210. **Notwithstanding any other provision of law, any law**
2 **enforcement agency in this state may supplement such agency's**
3 **workforce as necessary with qualified retired peace officers as defined**
4 **in subsection 12 of section 571.030 when a disaster or emergency has**
5 **been proclaimed by the governor or when there is a national**
6 **emergency. Retirees assisting law enforcement agencies under the**
7 **provisions of this section shall be in compliance with the annual**
8 **firearms training and qualification standards for retired law**
9 **enforcement officers carrying concealed firearms established by the**
10 **department of public safety under section 650.030. Any compensation**
11 **awarded to retirees for service under this section shall be paid by the**
12 **law enforcement agency.**

590.1040. 1. **For purposes of this section, the following terms**
2 **mean:**

3 (1) **"Emergency services personnel", any employee or volunteer**
4 **of an emergency services provider who is engaged in providing or**
5 **supporting fire fighting, dispatching services, and emergency medical**
6 **services;**

7 (2) **"Emergency services provider", any public employer that**
8 **employs persons to provide fire fighting, dispatching services, and**
9 **emergency medical services;**

10 (3) **"Employee assistance program", a program established by a**
11 **law enforcement agency or emergency services provider to provide**
12 **professional counseling or support services to employees of a law**
13 **enforcement agency, emergency services provider, or a professional**
14 **mental health provider associated with a peer support team;**

15 (4) "Law enforcement agency", any public agency that employs
16 law enforcement personnel;

17 (5) "Law enforcement personnel", any person who by virtue of
18 office or public employment is vested by law with a duty to maintain
19 public order or to make arrests for violation of the laws of the state of
20 Missouri or ordinances of any municipality thereof, or with a duty to
21 maintain or assert custody or supervision over persons accused or
22 convicted of a crime, while acting within the scope of his or her
23 authority as an employee or volunteer of a law enforcement agency;

24 (6) "Peer support counseling session", any session conducted by
25 a peer support specialist that is called or requested in response to a
26 critical incident or traumatic event involving the personnel of the law
27 enforcement agency or emergency services provider;

28 (7) "Peer support specialist", a person who:

29 (a) Is designated by a law enforcement agency, emergency
30 services provider, employee assistance program, or peer support team
31 leader to lead, moderate, or assist in a peer support counseling session;

32 (b) Is a member of a peer support team; and

33 (c) Has received training in counseling and providing emotional
34 and moral support to law enforcement officers or emergency services
35 personnel who have been involved in emotionally traumatic incidents
36 by reason of his or her employment;

37 (8) "Peer support team", a group of peer support specialists
38 serving one or more law enforcement providers or emergency services
39 providers.

40 2. Any communication made by a participant or peer support
41 specialist in a peer support counseling session, and any oral or written
42 information conveyed in or as the result of a peer support counseling
43 session, are confidential and may not be disclosed by any person
44 participating in the peer support counseling session.

45 3. Any communication relating to a peer support counseling
46 session that is made between peer support specialists, between peer
47 support specialists and the supervisors or staff of an employee
48 assistance program, or between the supervisors or staff of an employee
49 assistance program, is confidential and may not be disclosed.

50 4. The provisions of this section shall apply only to peer support
51 counseling sessions conducted by a peer support specialist.

52 **5. The provisions of this section shall apply to all oral**
53 **communications, notes, records, and reports arising out of a peer**
54 **support counseling session. Any notes, records, or reports arising out**
55 **of a peer support counseling session shall not be public records and**
56 **shall not be subject to the provisions of chapter 610. Nothing in this**
57 **section limits the discovery or introduction into evidence of knowledge**
58 **acquired by any law enforcement personnel or emergency services**
59 **personnel from observation made during the course of employment, or**
60 **material or information acquired during the course of employment, that**
61 **is otherwise subject to discovery or introduction into evidence.**

62 **6. The provisions of this section shall not apply to any:**

63 **(1) Threat of suicide or criminal act made by a participant in a**
64 **peer support counseling session, or any information conveyed in a peer**
65 **support counseling session relating to a threat of suicide or criminal**
66 **act;**

67 **(2) Information relating to abuse of spouses, children, or the**
68 **elderly, or other information that is required to be reported by law;**

69 **(3) Admission of criminal conduct;**

70 **(4) Disclosure of testimony by a participant who received peer**
71 **support counseling services and expressly consented to such disclosure;**
72 **or**

73 **(5) Disclosure of testimony by the surviving spouse or executor**
74 **or administrator of the estate of a deceased participant who received**
75 **peer support counseling services and such surviving spouse or executor**
76 **or administrator expressly consented to such disclosure.**

77 **7. The provisions of this section shall not prohibit any**
78 **communications between peer support specialists who conduct peer**
79 **support counseling sessions or any communications between peer**
80 **support specialists and the supervisors or staff of an employee**
81 **assistance program.**

82 **8. The provisions of this section shall not prohibit**
83 **communications regarding fitness of an employee for duty between an**
84 **employee assistance program and an employer.**

 Section B. The enactment of section 273.450 of this act shall become
2 effective on January 1, 2019.

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