

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 64

AN ACT

To repeal sections 190.053, 191.237, 191.677, 192.2520, 197.135, 338.010, 338.710, 376.1575, 545.940, 575.155, 575.157, 579.040, and 579.076, RSMo, and to enact in lieu thereof twenty-four new sections relating to health care, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 190.053, 191.237, 191.677, 192.2520, 2 197.135, 338.010, 338.710, 376.1575, 545.940, 575.155, 575.157, 3 579.040, and 579.076, RSMo, are repealed and twenty-four new 4 sections enacted in lieu thereof, to be known as sections 9.236, 5 9.288, 9.289, 190.053, 191.237, 191.677, 192.2520, 196.1170, 6 197.135, 217.199, 221.065, 338.010, 338.710, 338.730, 376.1228, 7 376.1575, 545.940, 565.058, 574.203, 574.204, 575.155, 575.157, 8 579.040, and 579.076, to read as follows:

9.236. The third full week in September of each year
2 shall be known and designated as "Sickle Cell Awareness
3 Week". Sickle cell disease is a genetic disease in which a
4 person's body produces abnormally shaped red blood cells
5 that resemble a crescent and that do not last as long as
6 normal round red blood cells, which leads to anemia. It is
7 recommended to the people of the state that the week be
8 appropriately observed through activities that will increase

9 awareness of sickle cell disease and efforts to improve
10 treatment options for patients.

2 9.288. April eighteenth of each year shall be known
3 and designated as "Hypoplastic Left Heart Syndrome Awareness
4 Day". Hypoplastic left heart syndrome is a critical
5 congenital heart defect that forms during the pregnancy when
6 portions of the left side of the baby's heart remain
7 underdeveloped or too small. It is recommended to the
8 people of the state that the day be appropriately observed
9 through activities that will increase awareness of
10 hypoplastic left heart syndrome.

2 9.289. 1. The first full week of May each year shall
3 be known and designated as "Tardive Dyskinesia Awareness
4 Week". Tardive dyskinesia is a movement disorder that is
5 characterized by random, involuntary, and uncontrolled
6 movements of different muscles in the face, trunk, and
7 extremities. The citizens of this state are encouraged to
8 observe the week with appropriate events and activities to
9 raise awareness of tardive dyskinesia.

10 2. The provisions of this section shall expire on
11 August 28, 2026.

2 190.053. 1. All members of the board of directors of
3 an ambulance district first elected on or after January 1,
4 2008, shall attend and complete an educational seminar or
5 conference or other suitable training on the role and duties
6 of a board member of an ambulance district. The training
7 required under this section shall be offered by a statewide
8 association organized for the benefit of ambulance districts
9 or be approved by the state advisory council on emergency
10 medical services. Such training shall include, at a minimum:

11 (1) Information relating to the roles and duties of an
ambulance district director;

- 12 (2) A review of all state statutes and regulations
13 relevant to ambulance districts;
14 (3) State ethics laws;
15 (4) State sunshine laws, chapter 610;
16 (5) Financial and fiduciary responsibility;
17 (6) State laws relating to the setting of tax rates;
18 and
19 (7) State laws relating to revenue limitations.

20 2. If any ambulance district board member fails to
21 attend a training session within twelve months after taking
22 office, the board member shall not be compensated for
23 attendance at meetings thereafter until the board member has
24 completed such training session. If any ambulance district
25 board member fails to attend a training session within
26 twelve months of taking office regardless of whether the
27 board member received an attendance fee for a training
28 session, the board member shall be ineligible to run for
29 reelection for another term of office until the board member
30 satisfies the training requirement of this section; however,
31 this requirement shall apply only to board members elected
32 after August 28, 2021.

 191.237. 1. No law or rule promulgated by an agency
2 of the state of Missouri may impose a fine or penalty
3 against a health care provider, hospital, or health care
4 system for failing to participate in any particular health
5 information [organization] exchange.

6 2. A health information [organization] exchange shall
7 not restrict the exchange of state agency data or standards-
8 based clinical summaries for patients for [federal Health
9 Insurance Portability and Accountability Act (HIPAA)] HIPAA
10 allowable uses. Charges for such service shall not exceed
11 the cost of the actual technology connection or recurring
12 maintenance thereof.

13 3. (1) Notwithstanding any other provision of law to
14 the contrary, any participant may disclose, access, or use
15 individually identifiable information through a health
16 information network under this section and in accordance
17 with applicable federal laws, including, but not limited to,
18 the HIPAA laws, related to individual consent or
19 authorization requirements.

20 (2) A health information network shall follow state or
21 federal law related to providing an individual the right to
22 opt out of having his or her individually identifiable
23 information accessible or delivered through a health
24 information network under this section.

25 (3) A health information exchange or health
26 information network shall implement policies that meet the
27 requirements under the HIPAA laws governing the privacy and
28 security of individually identifiable information that is
29 accessible or delivered through the health information
30 exchange or health information network.

31 (4) All participants in a health information network
32 under this section shall comply with the HIPAA laws, if such
33 participant is subject to the HIPAA laws, and all policies
34 and procedures of the health information network with
35 respect to the health information exchange activities.

36 (5) To the extent any provision of state law, rule, or
37 regulation regarding the confidentiality of any individually
38 identifiable information conflicts with, is contrary to, or
39 is more stringent than the provisions of this section, the
40 provisions of this section shall control with respect to a
41 participant's disclosure, access, or use of that
42 individually identifiable information through a health
43 information network under this section. More stringent
44 provisions would include requiring a participant to obtain
45 individual written consent or authorization before

46 disclosing, accessing, or using individually identifiable
47 information through a health information network under this
48 section that is not in accordance with applicable federal
49 laws including, but not limited to, the HIPAA laws.

50 4. (1) Participants shall maintain a written notice
51 of privacy practices for the health information network that
52 describes all of the following:

53 (a) The categories of individually identifiable
54 information that are accessible or disclosed through the
55 health information network;

56 (b) The purposes for which access to individually
57 identifiable information is provided through the health
58 information network or for which individually identifiable
59 information is disclosed through the health information
60 network; and

61 (c) An explanation as to when and how an individual
62 may opt out of having his or her individually identifiable
63 information accessible or disclosed through the health
64 information network consistent with state and federal law.

65 (2) The notice of privacy practices maintained by
66 participants may reference a publicly accessible website or
67 websites that contain some or all of the information
68 described in subdivision (1) of this subsection, such as a
69 current list of participants and the permitted purposes for
70 accessing or disclosing individually identifiable
71 information through the health information network.

72 (3) Participants shall post their current notice of
73 privacy practices on their website in a conspicuous manner.

74 5. (1) A health information network shall not be
75 considered a health care provider, as that term is defined
76 in section 538.205, based on its health information exchange
77 activities and shall not be subject to liability for damages
78 or costs of any nature, in law or in equity, arising out of

79 chapter 538 and the common law of Missouri related to
80 rendering of or failure to render health care services when
81 carrying out health information exchange activities in
82 accordance with this section.

83 (2) Participants under this section shall not be
84 liable in any action for damages or costs of any nature, in
85 law or in equity, including a breach of a duty of
86 confidentiality, that result solely from the participant's
87 use of or failure to use the health information exchange or
88 the participant's disclosure of individually identifiable
89 information through the health information exchange in
90 accordance with the requirements of this section. Nothing
91 in this section shall be construed to limit the liability of
92 a health care provider, as that term is defined in section
93 538.205, for damages or costs of any nature, in law or in
94 equity, arising out of chapter 538 or the common law of
95 Missouri for the health care provider's rendering of or
96 failure to render health care services, as that term is
97 defined in section 538.205.

98 (3) No person shall be subject to antitrust or unfair
99 competition liability based solely on participation in a
100 health information exchange operated by a health information
101 network under this section.

102 (4) All staff, officers, and members of the board of
103 directors of a health information network under this section
104 who perform health information exchange activities under
105 this section, whether temporary or permanent, shall not be
106 subject to and shall be immune from any claim, suit,
107 liability, damages, or any other recourse, civil or
108 criminal, arising from any act or proceeding, decision, or
109 determination undertaken, performed, or reached in good
110 faith and without malice by any such member or members
111 acting individually or jointly in carrying out the

112 responsibilities, authority, duties, powers, and privileges
113 of the offices conferred by law upon them under this
114 section, or any other law, or policies and procedures of the
115 health information network, good faith being presumed until
116 proven otherwise, with malice required to be shown by a
117 complainant.

118 (5) Individually identifiable information received
119 from a participant and accessible through a health
120 information network under this section shall not be subject
121 to discovery, subpoena, or other means of legal compulsion
122 for the release of such individually identifiable
123 information received from other participants or the health
124 information network to any person or entity. Health
125 information networks and participants shall not be compelled
126 by a request for production, subpoena, court order, or
127 otherwise to disclose individually identifiable information
128 received from another participant.

129 (6) A health information exchange shall disclose
130 personal health information in accordance with HIPAA,
131 including the restrictions on disclosures to third parties.
132 Personal health information disclosures for marketing are
133 prohibited, subject to the definition of "marketing"
134 purposes as defined by 45 CFR 164.501.

135 (7) A health information exchange and its participants
136 shall use personal health information in accordance with
137 HIPAA, including the restrictions relating to prohibiting
138 disclosures for material gain.

139 6. This section shall not be construed as implementing
140 a prescription drug monitoring program under the authority
141 of the department of health and senior services or
142 compelling a health care provider to report prescription
143 drug information to the department of health and senior
144 services.

145 7. As used in this section, the following terms shall
146 mean:

147 (1) "Fine or penalty", any civil or criminal penalty
148 or fine, tax, salary or wage withholding, or surcharge
149 established by law or by rule promulgated by a state agency
150 pursuant to chapter 536;

151 (2) "Health care system", any public or private entity
152 whose function or purpose is the management of, processing
153 of, or enrollment of individuals for or payment for, in full
154 or in part, health care services or health care data or
155 health care information for its participants;

156 (3) "Health information [organization] exchange" or
157 "health information network", an organization that oversees
158 and governs [the exchange of health-related information
159 among organizations according to nationally recognized
160 standards.] health information exchange activities;

161 (4) "Health information exchange activities", the
162 electronic exchange, including permitting access to or the
163 delivery, of individually identifiable information among
164 more than two unaffiliated organizations, not including the
165 health information exchange itself, according to nationally
166 recognized standards. The following activities are not
167 considered "health information exchange activities":

168 (a) Electronic exchange of individually identifiable
169 information among unaffiliated organizations solely for the
170 purposes of an organized health care arrangement as defined
171 under the HIPAA laws; and

172 (b) Electronic exchange of individually identifiable
173 information among unaffiliated organizations solely for
174 research purposes;

175 (5) "HIPAA", the Health Insurance Portability and
176 Accountability Act of 1996, as amended, the Health

177 Information Technology for Economic and Clinical Health Act,
178 as amended, and implementing regulations;

179 (6) "Individual", the person who is the subject of the
180 individually identifiable information;

181 (7) "Individually identifiable information", any
182 information that identifies an individual or with respect to
183 which there is a reasonable basis to believe the information
184 can be used to identify the individual and relates to the
185 past, present, or future physical or mental health or
186 condition of an individual; the provision of health care to
187 an individual; or the past, present, or future payment for
188 the provision of health care to an individual, and includes,
189 without limitation, information created or generated by
190 health care providers, health benefit plans, organizations
191 providing social services or assessing social determinants
192 of health, and organizations that provide services to or on
193 behalf of any of the foregoing and health care
194 clearinghouses;

195 (8) "Participant", an individual who or entity that
196 accesses, uses, or discloses individually identifiable
197 information through a health information network, and
198 includes, without limitation, health care providers, health
199 benefit plans, organizations providing social services or
200 assessing social determinants of health, and organizations
201 that provide services to or on behalf of any of the
202 foregoing.

191.677. 1. For purposes of this section, the term
2 "serious infectious or communicable disease" means a
3 nonairborne or nonrespiratory disease spread from person to
4 person that is fatal or causes disabling long-term
5 consequences in the absence of lifelong treatment and
6 management.

7 2. It shall be unlawful for any individual knowingly
8 infected with [HIV] a serious infectious or communicable
9 disease to:

10 (1) Be or attempt to be a blood, blood products,
11 organ, sperm, or tissue donor except as deemed necessary for
12 medical research or as deemed medically appropriate by a
13 licensed physician;

14 (2) **[Act in a reckless manner by exposing]** Knowingly
15 expose another person to [HIV without the knowledge and
16 consent of that person to be exposed to HIV, in one of the
17 following manners:

18 (a) Through contact with blood, semen or vaginal
19 secretions in the course of oral, anal or vaginal sexual
20 intercourse; or

21 (b) By the sharing of needles; or

22 (c) By biting another person or purposely acting in
23 any other manner which causes the HIV-infected person's
24 semen, vaginal secretions, or blood to come into contact
25 with the mucous membranes or nonintact skin of another
26 person.

27 Evidence that a person has acted recklessly in creating a
28 risk of infecting another individual with HIV shall include,
29 but is not limited to, the following:

30 a. The HIV-infected person knew of such infection
31 before engaging in sexual activity with another person,
32 sharing needles with another person, biting another person,
33 or purposely causing his or her semen, vaginal secretions,
34 or blood to come into contact with the mucous membranes or
35 nonintact skin of another person, and such other person is
36 unaware of the HIV-infected person's condition or does not
37 consent to contact with blood, semen or vaginal fluid in the
38 course of such activities;

39 b. The HIV-infected person has subsequently been
40 infected with and tested positive to primary and secondary
41 syphilis, or gonorrhea, or chlamydia; or

42 c. Another person provides evidence of sexual contact
43 with the HIV-infected person after a diagnosis of an HIV
44 status] such serious infectious or communicable disease
45 through an activity that creates a substantial risk of
46 disease transmission as determined by competent medical or
47 epidemiological evidence; or

48 (3) Act in a reckless manner by exposing another
49 person to such serious infectious or communicable disease
50 through an activity that creates a substantial risk of
51 disease transmission as determined by competent medical or
52 epidemiological evidence.

53 [2.] 3. (1) Violation of the provisions of
54 subdivision (1) or (2) of subsection [1] 2 of this section
55 is a class [B] D felony unless the victim contracts [HIV]
56 the serious infectious or communicable disease from the
57 contact, in which case it is a class [A] C felony.

58 [3. The department of health and senior services or
59 local law enforcement agency, victim or others may file a
60 complaint with the prosecuting attorney or circuit attorney
61 of a court of competent jurisdiction alleging that a person
62 has violated a provision of subsection 1 of this section.
63 The department of health and senior services shall assist
64 the prosecutor or circuit attorney in preparing such case,
65 and upon request, turn over to peace officers, police
66 officers, the prosecuting attorney or circuit attorney, or
67 the attorney general records concerning that person's HIV-
68 infected status, testing information, counseling received,
69 and the identity and available contact information for
70 individuals with whom that person had sexual intercourse or

71 deviate sexual intercourse and those individuals' test
72 results.

73 4. The use of condoms is not a defense to a violation
74 of paragraph (a) of subdivision (2) of subsection 1 of this
75 section.]

76 (2) Violation of the provisions of subdivision (3) of
77 subsection 2 of this section is a class A misdemeanor.

78 4. It is an affirmative defense to a charge under this
79 section if the person exposed to the serious infectious or
80 communicable disease knew that the infected person was
81 infected with the serious infectious or communicable disease
82 at the time of the exposure and consented to the exposure
83 with such knowledge.

84 5. (1) For purposes of this subsection, the term
85 "identifying characteristics" includes, but is not limited
86 to, the name or any part of the name, address or any part of
87 the address, city or unincorporated area of residence, age,
88 marital status, place of employment, or racial or ethnic
89 background of the defendant or the person exposed, or the
90 relationship between the defendant and the person exposed.

91 (2) When alleging a violation of this section, the
92 prosecuting attorney or the grand jury shall substitute a
93 pseudonym for the actual name of the person exposed to a
94 serious infectious or communicable disease. The actual name
95 and other identifying characteristics of the person exposed
96 shall be revealed to the court only in camera unless the
97 person exposed requests otherwise, and the court shall seal
98 the information from further disclosure, except by counsel
99 as part of discovery.

100 (3) Unless the person exposed requests otherwise, all
101 court decisions, orders, pleadings, and other documents,
102 including motions and papers filed by the parties, shall be

103 worded so as to protect from public disclosure the name and
104 other identifying characteristics of the person exposed.

105 (4) Unless the person exposed requests otherwise, a
106 court in which a violation of this section is filed shall
107 issue an order that prohibits counsel and their agents, law
108 enforcement personnel, and court staff from making a public
109 disclosure of the name or any other identifying
110 characteristics of the person exposed.

111 (5) Unless the defendant requests otherwise, a court
112 in which a violation of this section is filed shall issue an
113 order that prohibits counsel and their agents, law
114 enforcement personnel, and court staff, before a finding of
115 guilt, from making a public disclosure of the name or other
116 identifying characteristics of the defendant. In any public
117 disclosure before a finding of guilt, a pseudonym shall be
118 substituted for the actual name of the defendant.

119 (6) Before sentencing, a defendant shall be assessed
120 for placement in one or more community-based programs that
121 provide counseling, supervision, and education and that
122 offer reasonable opportunity for the defendant to provide
123 redress to the person exposed.

192.2520. 1. Sections 192.2520 and 197.135 shall be
2 known and may be cited as the "Justice for Survivors Act".

3 2. As used in this section, the following terms shall
4 mean:

5 (1) "Appropriate medical provider", the same meaning
6 as used in section 595.220;

7 (2) "Department", the department of health and senior
8 services;

9 (3) "Evidentiary collection kit", the same meaning as
10 used in section 595.220;

11 (4) "Forensic examination", the same meaning as used
12 in section 595.220;

13 (5) "Telehealth", the same meaning as used in section
14 191.1145.

15 3. No later than July 1, 2022, there shall be
16 established within the department a statewide telehealth
17 network for forensic examinations of victims of sexual
18 offenses in order to provide access to sexual assault nurse
19 examiners (SANE) or other similarly trained appropriate
20 medical providers. A statewide coordinator for the
21 telehealth network shall be selected by the director of the
22 department of health and senior services and shall have
23 oversight responsibilities and provide support for the
24 training programs offered by the network, as well as the
25 implementation and operation of the network. The statewide
26 coordinator shall regularly consult with Missouri-based
27 stakeholders and clinicians actively engaged in the
28 collection of forensic evidence regarding the training
29 programs offered by the network, as well as the
30 implementation and operation of the network.

31 4. The network shall provide mentoring and educational
32 training services, including:

33 (1) Conducting a forensic examination of a victim of a
34 sexual offense, in accordance with best practices, while
35 utilizing an evidentiary collection kit;

36 (2) Proper documentation, transmission, and storage of
37 the examination evidence;

38 (3) Utilizing trauma-informed care to address the
39 needs of victims;

40 (4) Utilizing telehealth technology while conducting a
41 live examination; and

42 (5) Providing ongoing case consultation and serving as
43 an expert witness in event of a trial.

44 The network shall, in the mentoring and educational training
45 services provided, emphasize the importance of obtaining a

46 victim's informed consent to evidence collection, including
47 issues involving minor consent, and the scope and
48 limitations of confidentiality regarding information
49 gathered during the forensic examination.

50 5. The training offered [may] shall be made available
51 [both] online [or in person], including the use of video
52 conferencing technology to connect trained interdisciplinary
53 experts with providers in a case-based learning environment,
54 and may also be made available in-person.

55 6. The network shall, through telehealth services
56 available twenty-four hours a day, seven days a week, by a
57 SANE or another similarly trained appropriate medical
58 provider, provide mentoring, consultation services,
59 guidance, and technical assistance to appropriate medical
60 providers during and outside of a forensic examination of a
61 victim of a sexual offense. The network shall ensure that
62 the system through which the network provides telehealth
63 services meets national standards for interoperability to
64 connect to telehealth systems.

65 7. The department may consult and enter into any
66 necessary contracts with any other local, state, or federal
67 agency, institution of higher education, or private entity
68 to carry out the provisions of this section, including, but
69 not limited to, a contract to:

70 (1) Develop, implement, maintain, or operate the
71 network;

72 (2) Train and provide technical assistance to
73 appropriate medical providers on conducting forensic
74 examinations of victims of sexual offenses and the use of
75 telehealth services; and

76 (3) Provide consultation, guidance, or technical
77 assistance to appropriate medical providers using telehealth

78 services during a forensic examination of a victim of a
79 sexual offense.

80 8. Beginning October 1, 2021, and each year
81 thereafter, all hospitals licensed under chapter 197 shall
82 report to the department the following information for the
83 previous year:

84 (1) The number of forensic examinations of victims of
85 a sexual offense performed at the hospital;

86 (2) The number of forensic examinations of victims of
87 a sexual offense requested to be performed by a victim of a
88 sexual offense that the hospital did not perform and the
89 reason why the examination was not performed;

90 (3) The number of evidentiary collection kits
91 submitted to a law enforcement agency for testing; and

92 (4) After July 1, 2022, the number of appropriate
93 medical providers employed at or contracted with the
94 hospital who utilized the training and telehealth services
95 provided by the network.

96 The information reported under this subsection and
97 subsection 9 of this section shall not include any
98 personally identifiable information of any victim of a
99 sexual offense or any appropriate medical provider
100 performing a forensic examination of such victim.

101 9. Beginning January 1, 2022, and each year
102 thereafter, the department shall make publicly available a
103 report that shall include the information submitted under
104 subsection 8 of this section. The report shall also
105 include, in collaboration with the department of public
106 safety, information about the number of evidentiary
107 collection kits submitted by a person or entity outside of a
108 hospital setting, as well as the number of appropriate
109 medical providers utilizing the training and telehealth

110 services provided by the network outside of a hospital
111 setting.

112 10. (1) The funding for the network shall be subject
113 to appropriations. In addition to appropriations from the
114 general assembly, the department shall apply for available
115 grants and shall be able to accept other gifts, grants,
116 bequests, and donations to develop and maintain the network
117 and the training offered by the network.

118 (2) There is hereby created in the state treasury the
119 "Justice for Survivors Telehealth Network Fund", which shall
120 consist of any gifts, grants, bequests, and donations
121 accepted under this subsection. The state treasurer shall
122 be custodian of the fund. In accordance with sections
123 30.170 and 30.180, the state treasurer may approve
124 disbursements. The fund shall be a dedicated fund and money
125 in the fund shall be used solely by the department for the
126 purpose of developing and maintaining the network and the
127 training offered by the network. The state treasurer shall
128 invest moneys in the fund in the same manner as other funds
129 are invested. Any interest and moneys earned on such
130 investments shall be credited to the fund.

131 11. The department shall promulgate rules and
132 regulations in order to implement the provisions of this
133 section, including, but not limited to, the following:

134 (1) The operation of a statewide telehealth network
135 for forensic examinations of victims of sexual offenses;

136 (2) The development of training for appropriate
137 medical providers conducting a forensic examination of a
138 victim of a sexual offense; and

139 (3) Maintenance of records and data privacy and
140 security of patient information.

141 Any rule or portion of a rule, as that term is defined in
142 section 536.010, that is created under the authority

143 delegated in this section shall become effective only if it
144 complies with and is subject to all of the provisions of
145 chapter 536 and, if applicable, section 536.028. This
146 section and chapter 536 are nonseverable and if any of the
147 powers vested with the general assembly pursuant to chapter
148 536 to review, to delay the effective date, or to disapprove
149 and annul a rule are subsequently held unconstitutional,
150 then the grant of rulemaking authority and any rule proposed
151 or adopted after August 28, 2020, shall be invalid and void.

196.1170. 1. This section shall be known and may be
2 cited as the "Kratom Consumer Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Dealer", a person who sells, prepares, or
5 maintains kratom products or advertises, represents, or
6 holds oneself out as selling, preparing, or maintaining
7 kratom products. Such person may include, but not be
8 limited to, a manufacturer, wholesaler, store, restaurant,
9 hotel, catering facility, camp, bakery, delicatessen,
10 supermarket, grocery store, convenience store, nursing home,
11 or food or drink company;

12 (2) "Department", the department of health and senior
13 services;

14 (3) "Director", the director of the department or the
15 director's designee;

16 (4) "Food", a food, food product, food ingredient,
17 dietary ingredient, dietary supplement, or beverage for
18 human consumption;

19 (5) "Kratom product", a food product or dietary
20 ingredient containing any part of the leaf of the plant
21 Mitragyna speciosa.

22 3. The general assembly hereby occupies and preempts
23 the entire field of regulating kratom products to the
24 complete exclusion of any order, ordinance, or regulation of

25 any political subdivision of this state. Any political
26 subdivision's existing or future orders, ordinances, or
27 regulations relating to kratom products are hereby void.

28 4. (1) A dealer who prepares, distributes, sells, or
29 exposes for sale a food that is represented to be a kratom
30 product shall disclose on the product label the factual
31 basis upon which that representation is made.

32 (2) A dealer shall not prepare, distribute, sell, or
33 expose for sale a food represented to be a kratom product
34 that does not conform to the disclosure requirement under
35 subdivision (1) of this subsection.

36 5. A dealer shall not prepare, distribute, sell, or
37 expose for sale any of the following:

38 (1) A kratom product that is adulterated with a
39 dangerous non-kratom substance. A kratom product shall be
40 considered to be adulterated with a dangerous non-kratom
41 substance if the kratom product is mixed or packed with a
42 non-kratom substance and that substance affects the quality
43 or strength of the kratom product to such a degree as to
44 render the kratom product injurious to a consumer;

45 (2) A kratom product that is contaminated with a
46 dangerous non-kratom substance. A kratom product shall be
47 considered to be contaminated with a dangerous non-kratom
48 substance if the kratom product contains a poisonous or
49 otherwise deleterious non-kratom ingredient including, but
50 not limited to, any substance listed in section 195.017;

51 (3) A kratom product containing a level of 7-
52 hydroxymitragynine in the alkaloid fraction that is greater
53 than two percent of the alkaloid composition of the product;

54 (4) A kratom product containing any synthetic
55 alkaloids, including synthetic mitragynine, synthetic 7-
56 hydroxymitragynine, or any other synthetically derived
57 compounds of the plant Mitragyna speciosa; or

58 (5) A kratom product that does not include on its
59 package or label the amount of mitragynine and 7-
60 hydroxymitragynine contained in the product.

61 6. A dealer shall not distribute, sell, or expose for
62 sale a kratom product to an individual under eighteen years
63 of age.

64 7. (1) If a dealer violates subdivision (1) of
65 subsection 4 of this section, the director may, after notice
66 and hearing, impose a fine on the dealer of no more than
67 five hundred dollars for the first offense and no more than
68 one thousand dollars for the second or subsequent offense.

69 (2) A dealer who violates subdivision (2) of
70 subsection 4 of this section, subsection 5 of this section,
71 or subsection 6 of this section is guilty of a class D
72 misdemeanor.

73 (3) A person aggrieved by a violation of subdivision
74 (2) of subsection 4 of this section or subsection 5 of this
75 section may, in addition to and distinct from any other
76 remedy at law or in equity, bring a private cause of action
77 in a court of competent jurisdiction for damages resulting
78 from that violation including, but not limited to, economic,
79 noneconomic, and consequential damages.

80 (4) A dealer does not violate subdivision (2) of
81 subsection 4 of this section or subsection 5 of this section
82 if a preponderance of the evidence shows that the dealer
83 relied in good faith upon the representations of a
84 manufacturer, processor, packer, or distributor of food
85 represented to be a kratom product.

86 8. The department shall promulgate rules to implement
87 the provisions of this section including, but not limited
88 to, the requirements for the format, size, and placement of
89 the disclosure label required under subdivision (1) of
90 subsection 4 of this section and for the information to be

91 included in the disclosure label. Any rule or portion of a
92 rule, as that term is defined in section 536.010, that is
93 created under the authority delegated in this section shall
94 become effective only if it complies with and is subject to
95 all of the provisions of chapter 536 and, if applicable,
96 section 536.028. This section and chapter 536 are
97 nonseverable, and if any of the powers vested with the
98 general assembly pursuant to chapter 536 to review, to delay
99 the effective date, or to disapprove and annul a rule are
100 subsequently held unconstitutional, then the grant of
101 rulemaking authority and any rule proposed or adopted after
102 August 28, 2021, shall be invalid and void.

197.135. 1. Beginning January 1, 2023, or no later
2 than six months after the establishment of the statewide
3 telehealth network under section 192.2520, whichever is
4 later, any hospital licensed under this chapter shall
5 perform a forensic examination using an evidentiary
6 collection kit upon the request and consent of the victim of
7 a sexual offense, or the victim's guardian, when the victim
8 is at least fourteen years of age. In the case of minor
9 consent, the provisions of subsection 2 of section 595.220
10 shall apply. Victims under fourteen years of age shall be
11 referred, and victims fourteen years of age or older but
12 less than eighteen years of age may be referred, to a SAFE
13 CARE provider, as such term is defined in section 334.950,
14 for medical or forensic evaluation and case review. Nothing
15 in this section shall be interpreted to preclude a hospital
16 from performing a forensic examination for a victim under
17 fourteen years of age upon the request and consent of the
18 victim or victim's guardian, subject to the provisions of
19 section 595.220 and the rules promulgated by the department
20 of public safety.

21 2. (1) An appropriate medical provider, as such term
22 is defined in section 595.220, shall perform the forensic
23 examination of a victim of a sexual offense. The hospital
24 shall ensure that any provider performing the examination
25 has received training conducting such examinations that is,
26 at a minimum, equivalent to the training offered by the
27 statewide telehealth network under subsection 4 of section
28 192.2520. Nothing in this section shall require providers
29 to utilize the training offered by the statewide telehealth
30 network, as long as the training utilized is, at a minimum,
31 equivalent to the training offered by the statewide
32 telehealth network.

33 (2) If the provider is not a sexual assault nurse
34 examiner (SANE), or another similarly trained physician or
35 nurse, then the hospital shall utilize telehealth services
36 during the examination, such as those provided by the
37 statewide telehealth network, to provide guidance and
38 support through a SANE, or other similarly trained physician
39 or nurse, who may observe the live forensic examination and
40 who shall communicate with and support the onsite provider
41 with the examination, forensic evidence collection, and
42 proper transmission and storage of the examination evidence.

43 3. The department of health and senior services may
44 issue a waiver of the telehealth requirements of subsection
45 2 of this section if the hospital demonstrates to the
46 department, in writing, a technological hardship in
47 accessing telehealth services or a lack of access to
48 adequate broadband services sufficient to access telehealth
49 services. Such waivers shall be granted sparingly and for
50 no more than a year in length at a time, with the
51 opportunity for renewal at the department's discretion.

52 4. The department shall waive the requirements of this
53 section if the statewide telehealth network established

54 under section 192.2520 ceases operation, the director of the
55 department of health and senior services has provided
56 written notice to hospitals licensed under this chapter that
57 the network has ceased operation, and the hospital cannot,
58 in good faith, comply with the requirements of this section
59 without assistance or resources of the statewide telehealth
60 network. Such waiver shall remain in effect until such time
61 as the statewide telehealth network resumes operation or
62 until the hospital is able to demonstrate compliance with
63 the provisions of this section without the assistance or
64 resources of the statewide telehealth network.

65 5. The provisions of section 595.220 shall apply to
66 the reimbursement of the reasonable costs of the
67 examinations and the provision of the evidentiary collection
68 kits.

69 6. No individual hospital shall be required to comply
70 with the provisions of this section and section 192.2520
71 unless and until the department provides such hospital with
72 access to the statewide telehealth network for the purposes
73 of mentoring and training services required under section
74 192.2520 without charge to the hospital.

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

3 (1) "Appropriate quantity", an amount per day capable
4 of satisfying the individual need of the offender if used
5 for the feminine hygiene product's intended purpose;

6 (2) "Feminine hygiene products", tampons and sanitary
7 napkins.

8 2. The director shall ensure that an appropriate
9 quantity of feminine hygiene products is available at no
10 cost to female offenders while confined in any correctional
11 center of the department. The director shall ensure that

12 the feminine hygiene products conform with applicable
13 industry standards.

14 3. The general assembly may appropriate funds to
15 assist the director in satisfying the requirements of this
16 section.

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

3 (1) "Appropriate quantity", an amount of feminine
4 hygiene products per day capable of satisfying the
5 individual need of the offender if used for the feminine
6 hygiene product's intended purpose;

7 (2) "Feminine hygiene products", tampons and sanitary
8 napkins.

9 2. Every sheriff and jailer who holds a person in
10 custody pursuant to a writ or process or for a criminal
11 offense shall ensure that an appropriate quantity of
12 feminine hygiene products is available at no cost to female
13 persons while in custody. The sheriff or jailer shall
14 ensure that the feminine hygiene products conform with
15 applicable industry standards.

16 3. The general assembly shall appropriate funds to
17 assist sheriffs and jailers in satisfying the requirements
18 of this section.

338.010. 1. The "practice of pharmacy" means the
2 interpretation, implementation, and evaluation of medical
3 prescription orders, including any legend drugs under 21
4 U.S.C. Section 353; receipt, transmission, or handling of
5 such orders or facilitating the dispensing of such orders;
6 the designing, initiating, implementing, and monitoring of a
7 medication therapeutic plan as defined by the prescription
8 order so long as the prescription order is specific to each
9 patient for care by a pharmacist; the compounding,
10 dispensing, labeling, and administration of drugs and

11 devices pursuant to medical prescription orders and
12 administration of viral influenza, pneumonia, shingles,
13 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis,
14 and meningitis vaccines by written protocol authorized by a
15 physician for persons at least seven years of age or the age
16 recommended by the Centers for Disease Control and
17 Prevention, whichever is higher, or the administration of
18 pneumonia, shingles, hepatitis A, hepatitis B, diphtheria,
19 tetanus, pertussis, meningitis, and viral influenza vaccines
20 by written protocol authorized by a physician for a specific
21 patient as authorized by rule; the administration of
22 vaccines by physician protocol for the prevention of COVID-
23 19 as authorized or approved by the United States Food and
24 Drug Administration and recommended by the Advisory
25 Committee on Immunization Practices of the Centers for
26 Disease Control and Prevention except that the
27 administration of vaccines in a pharmacy shall not be
28 delegated to a person who is not a licensed pharmacist under
29 this chapter; the participation in drug selection according
30 to state law and participation in drug utilization reviews;
31 the proper and safe storage of drugs and devices and the
32 maintenance of proper records thereof; consultation with
33 patients and other health care practitioners, and
34 veterinarians and their clients about legend drugs, about
35 the safe and effective use of drugs and devices; the
36 prescribing and dispensing of any nicotine replacement
37 therapy product under section 338.665; the dispensing of HIV
38 postexposure prophylaxis pursuant to section 338.730; and
39 the offering or performing of those acts, services,
40 operations, or transactions necessary in the conduct,
41 operation, management and control of a pharmacy. No person
42 shall engage in the practice of pharmacy unless he or she is
43 licensed under the provisions of this chapter. This chapter

44 shall not be construed to prohibit the use of auxiliary
45 personnel under the direct supervision of a pharmacist from
46 assisting the pharmacist in any of his or her duties. This
47 assistance in no way is intended to relieve the pharmacist
48 from his or her responsibilities for compliance with this
49 chapter and he or she will be responsible for the actions of
50 the auxiliary personnel acting in his or her assistance.
51 This chapter shall also not be construed to prohibit or
52 interfere with any legally registered practitioner of
53 medicine, dentistry, or podiatry, or veterinary medicine
54 only for use in animals, or the practice of optometry in
55 accordance with and as provided in sections 195.070 and
56 336.220 in the compounding, administering, prescribing, or
57 dispensing of his or her own prescriptions.

58 2. Any pharmacist who accepts a prescription order for
59 a medication therapeutic plan shall have a written protocol
60 from the physician who refers the patient for medication
61 therapy services. The written protocol and the prescription
62 order for a medication therapeutic plan shall come from the
63 physician only, and shall not come from a nurse engaged in a
64 collaborative practice arrangement under section 334.104, or
65 from a physician assistant engaged in a collaborative
66 practice arrangement under section 334.735.

67 3. Nothing in this section shall be construed as to
68 prevent any person, firm or corporation from owning a
69 pharmacy regulated by sections 338.210 to 338.315, provided
70 that a licensed pharmacist is in charge of such pharmacy.

71 4. Nothing in this section shall be construed to apply
72 to or interfere with the sale of nonprescription drugs and
73 the ordinary household remedies and such drugs or medicines
74 as are normally sold by those engaged in the sale of general
75 merchandise.

76 5. No health carrier as defined in chapter 376 shall
77 require any physician with which they contract to enter into
78 a written protocol with a pharmacist for medication
79 therapeutic services.

80 6. This section shall not be construed to allow a
81 pharmacist to diagnose or independently prescribe
82 pharmaceuticals.

83 7. The state board of registration for the healing
84 arts, under section 334.125, and the state board of
85 pharmacy, under section 338.140, shall jointly promulgate
86 rules regulating the use of protocols for prescription
87 orders for medication therapy services and administration of
88 viral influenza vaccines. Such rules shall require
89 protocols to include provisions allowing for timely
90 communication between the pharmacist and the referring
91 physician, and any other patient protection provisions
92 deemed appropriate by both boards. In order to take effect,
93 such rules shall be approved by a majority vote of a quorum
94 of each board. Neither board shall separately promulgate
95 rules regulating the use of protocols for prescription
96 orders for medication therapy services and administration of
97 viral influenza vaccines. Any rule or portion of a rule, as
98 that term is defined in section 536.010, that is created
99 under the authority delegated in this section shall become
100 effective only if it complies with and is subject to all of
101 the provisions of chapter 536 and, if applicable, section
102 536.028. This section and chapter 536 are nonseverable and
103 if any of the powers vested with the general assembly
104 pursuant to chapter 536 to review, to delay the effective
105 date, or to disapprove and annul a rule are subsequently
106 held unconstitutional, then the grant of rulemaking
107 authority and any rule proposed or adopted after August 28,
108 2007, shall be invalid and void.

109 8. The state board of pharmacy may grant a certificate
110 of medication therapeutic plan authority to a licensed
111 pharmacist who submits proof of successful completion of a
112 board-approved course of academic clinical study beyond a
113 bachelor of science in pharmacy, including but not limited
114 to clinical assessment skills, from a nationally accredited
115 college or university, or a certification of equivalence
116 issued by a nationally recognized professional organization
117 and approved by the board of pharmacy.

118 9. Any pharmacist who has received a certificate of
119 medication therapeutic plan authority may engage in the
120 designing, initiating, implementing, and monitoring of a
121 medication therapeutic plan as defined by a prescription
122 order from a physician that is specific to each patient for
123 care by a pharmacist.

124 10. Nothing in this section shall be construed to
125 allow a pharmacist to make a therapeutic substitution of a
126 pharmaceutical prescribed by a physician unless authorized
127 by the written protocol or the physician's prescription
128 order.

129 11. "Veterinarian", "doctor of veterinary medicine",
130 "practitioner of veterinary medicine", "DVM", "VMD", "BVSe",
131 "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
132 equivalent title means a person who has received a doctor's
133 degree in veterinary medicine from an accredited school of
134 veterinary medicine or holds an Educational Commission for
135 Foreign Veterinary Graduates (EDFVG) certificate issued by
136 the American Veterinary Medical Association (AVMA).

137 12. In addition to other requirements established by
138 the joint promulgation of rules by the board of pharmacy and
139 the state board of registration for the healing arts:

140 (1) A pharmacist shall administer vaccines by protocol
141 in accordance with treatment guidelines established by the
142 Centers for Disease Control and Prevention (CDC);

143 (2) A pharmacist who is administering a vaccine shall
144 request a patient to remain in the pharmacy a safe amount of
145 time after administering the vaccine to observe any adverse
146 reactions. Such pharmacist shall have adopted emergency
147 treatment protocols;

148 (3) In addition to other requirements by the board, a
149 pharmacist shall receive additional training as required by
150 the board and evidenced by receiving a certificate from the
151 board upon completion, and shall display the certification
152 in his or her pharmacy where vaccines are delivered.

153 13. A pharmacist shall inform the patient that the
154 administration of the vaccine will be entered into the
155 ShowMeVax system, as administered by the department of
156 health and senior services. The patient shall attest to the
157 inclusion of such information in the system by signing a
158 form provided by the pharmacist. If the patient indicates
159 that he or she does not want such information entered into
160 the ShowMeVax system, the pharmacist shall provide a written
161 report within fourteen days of administration of a vaccine
162 to the patient's [primary] health care provider, if provided
163 by the patient, containing:

- 164 (1) The identity of the patient;
- 165 (2) The identity of the vaccine or vaccines
166 administered;
- 167 (3) The route of administration;
- 168 (4) The anatomic site of the administration;
- 169 (5) The dose administered; and
- 170 (6) The date of administration.

338.710. 1. There is hereby created in the Missouri
2 board of pharmacy the "RX Cares for Missouri Program". The

3 goal of the program shall be to promote medication safety
4 and to prevent prescription drug abuse, misuse, and
5 diversion in Missouri.

6 2. The board, in consultation with the department,
7 shall be authorized to expend, allocate, or award funds
8 appropriated to the board to private or public entities to
9 develop or provide programs or education to promote
10 medication safety or to suppress or prevent prescription
11 drug abuse, misuse, and diversion in the state of Missouri.
12 In no case shall the authorization include, nor the funds be
13 expended for, any state prescription drug monitoring program
14 including, but not limited to, such as are defined in 38 CFR
15 1.515. Funds disbursed to a state agency under this section
16 may enhance, but shall not supplant, funds otherwise
17 appropriated to such state agency.

18 3. The board shall be the administrative agency
19 responsible for implementing the program in consultation
20 with the department. The board and the department may enter
21 into interagency agreements between themselves to allow the
22 department to assist in the management or operation of the
23 program. The board may award funds directly to the
24 department to implement, manage, develop, or provide
25 programs or education pursuant to the program.

26 4. After a full year of program operation, the board
27 shall prepare and submit an evaluation report to the
28 governor and the general assembly describing the operation
29 of the program and the funds allocated. Unless otherwise
30 authorized by the general assembly, the program shall expire
31 on August 28, ~~[2019]~~ 2026.

338.730. 1. Notwithstanding any other law to the
2 contrary, a pharmacist may dispense HIV postexposure
3 prophylaxis in accordance with this section. Such
4 prophylaxis shall be dispensed only if the pharmacist

5 follows a written protocol authorized by a licensed
6 physician.

7 2. For purposes of this section, "postexposure
8 prophylaxis" shall mean any drug approved by the Food and
9 Drug Administration that meets the same clinical eligibility
10 recommendations provided in CDC guidelines.

11 3. For purposes of this section, "CDC guidelines"
12 shall mean the current HIV guidelines published by the
13 federal Centers for Disease Control and Prevention.

14 4. The state board of registration for the healing
15 arts and the state board of pharmacy shall jointly
16 promulgate rules and regulations for the administration of
17 this section. Neither board shall separately promulgate
18 rules governing a pharmacist's authority to dispense HIV
19 postexposure prophylaxis under this section.

20 5. Any rule or portion of a rule, as that term is
21 defined in section 536.010, that is created under the
22 authority delegated in this section shall become effective
23 only if it complies with and is subject to all of the
24 provisions of chapter 536 and, if applicable, section
25 536.028. This section and chapter 536 are nonseverable and
26 if any of the powers vested with the general assembly
27 pursuant to chapter 536 to review, to delay the effective
28 date, or to disapprove and annul a rule are subsequently
29 held unconstitutional, then the grant of rulemaking
30 authority and any rule proposed or adopted after August 28,
31 2021, shall be invalid and void.

376.1228. 1. For purposes of this section, the terms
2 "health carrier" and "health benefit plan" shall have the
3 same meanings given to the terms under section 376.1350, and
4 the term "hearing aid" shall have the same meaning given to
5 the term under section 345.015.

6 2. Each health carrier or health benefit plan that
7 offers or issues health benefit plans that are delivered,
8 issued for delivery, continued, or renewed in this state on
9 or after January 1, 2022, shall, at a minimum, provide
10 coverage to children under eighteen years of age for all
11 hearing aids covered for children who receive MO HealthNet
12 benefits under section 208.151.

13 3. The provisions of this section shall not apply to a
14 supplemental insurance policy, including a life care
15 contract, accident-only policy, specified disease policy,
16 hospital policy providing a fixed daily benefit only,
17 Medicare supplement policy, long-term care policy, short-
18 term major medical policies of six months' or less duration,
19 or any other supplemental policy as determined by the
20 director of the department of commerce and insurance.

 376.1575. As used in sections 376.1575 to 376.1580,
2 the following terms shall mean:

3 (1) "Completed application", a practitioner's
4 application to a health carrier that seeks the health
5 carrier's authorization for the practitioner to provide
6 patient care services as a member of the health carrier's
7 network and does not omit any information which is clearly
8 required by the application form and the accompanying
9 instructions;

10 (2) "Credentialing", a health carrier's process of
11 assessing and validating the qualifications of a
12 practitioner to provide patient care services and act as a
13 member of the health carrier's provider network;

14 (3) "Health carrier", the same meaning as such term is
15 defined in section 376.1350. The term "health carrier"
16 shall also include any entity described in subdivision (4)
17 of section 354.700;

18 (4) "Practitioner":

- 19 (a) A physician or physician assistant eligible to
20 provide treatment services under chapter 334;
- 21 (b) A pharmacist eligible to provide services under
22 chapter 338;
- 23 (c) A dentist eligible to provide services under
24 chapter 332;
- 25 (d) A chiropractor eligible to provide services under
26 chapter 331;
- 27 (e) An optometrist eligible to provide services under
28 chapter 336;
- 29 (f) A podiatrist eligible to provide services under
30 chapter 330;
- 31 (g) A psychologist or licensed clinical social worker
32 eligible to provide services under chapter 337; or
- 33 (h) An advanced practice nurse eligible to provide
34 services under chapter 335.

545.940. 1. Pursuant to a motion filed by the
2 prosecuting attorney or circuit attorney with notice given
3 to the defense attorney and for good cause shown, in any
4 criminal case in which a defendant has been charged by the
5 prosecuting attorney's office or circuit attorney's office
6 with any offense under chapter 566 or section 565.050,
7 assault in the first degree; section 565.052 or 565.060,
8 assault in the second degree; section 565.054 or 565.070,
9 assault in the third degree; section 565.056, assault in the
10 fourth degree; section 565.072, domestic assault in the
11 first degree; section 565.073, domestic assault in the
12 second degree; section 565.074, domestic assault in the
13 third degree; section 565.075, assault while on school
14 property; section 565.076, domestic assault in the fourth
15 degree; section 565.081, 565.082, or 565.083, assault of a
16 law enforcement officer, corrections officer, emergency
17 personnel, highway worker in a construction zone or work

18 zone, utility worker, cable worker, or probation and parole
19 officer in the first, second, or third degree; section
20 567.020, prostitution; section 568.045, endangering the
21 welfare of a child in the first degree; section 568.050,
22 endangering the welfare of a child in the second degree;
23 section 568.060, abuse of a child; section 575.150,
24 resisting or interfering with an arrest; or [paragraph (a),
25 (b), or (c), of] subdivision (2) or (3) of subsection [1] 2
26 of section 191.677, knowingly or recklessly exposing a
27 person to [HIV] a serious infectious or communicable
28 disease, the court may order that the defendant be conveyed
29 to a state-, city-, or county-operated HIV clinic for
30 testing for HIV, hepatitis B, hepatitis C, syphilis,
31 gonorrhea, and chlamydia. The results of such tests shall
32 be released to the victim and his or her parent or legal
33 guardian if the victim is a minor. The results of such
34 tests shall also be released to the prosecuting attorney or
35 circuit attorney and the defendant's attorney. The state's
36 motion to obtain said testing, the court's order of the
37 same, and the test results shall be sealed in the court file.

38 2. As used in this section, "HIV" means the human
39 immunodeficiency virus that causes acquired immunodeficiency
40 syndrome.

565.058. 1. Any special victim as defined under
2 section 565.002 shall not be required to reveal any current
3 address or place of residence except to the court in camera
4 for the purpose of determining jurisdiction and venue.

5 2. Any special victim as defined under section 565.002
6 may file a petition with the court alleging assault in any
7 degree by using his or her identifying initials instead of
8 his or her legal name if said petition alleges that he or
9 she would be endangered by such disclosure.

574.203. 1. Except as otherwise protected by state or federal law, a person, excluding any person who has a developmental disability, mental disorder, or mental illness as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

(1) Causing a peace disturbance while inside a health care facility;

(2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility; or

(3) Threatening to inflict injury on the patients or employees of a health care facility or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees and protect an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, "health care facility" means a hospital that provides health care services directly to patients.

574.204. 1. Except as otherwise protected by state or federal law, a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to

7 inflict injury on any person providing ambulance services or
8 damage the ambulance.

9 2. The offense of interference with an ambulance
10 service is a class D misdemeanor for a first offense and a
11 class C misdemeanor for any second or subsequent offense.

12 3. As used in this section, "ambulance service" means
13 a person who or entity that provides emergency or
14 nonemergency ambulance transportation and services, or both.

575.155. 1. An offender or prisoner commits the
2 offense of endangering a corrections employee, a visitor to
3 a correctional center, county or city jail, or another
4 offender or prisoner if he or she attempts to cause or
5 knowingly causes such person to come into contact with
6 blood, seminal fluid, urine, feces, or saliva.

7 2. For the purposes of this section, the following
8 terms mean:

9 (1) "Corrections employee", a person who is an
10 employee, or contracted employee of a subcontractor, of a
11 department or agency responsible for operating a jail,
12 prison, correctional facility, or sexual offender treatment
13 center or a person who is assigned to work in a jail,
14 prison, correctional facility, or sexual offender treatment
15 center;

16 (2) "Offender", a person in the custody of the
17 department of corrections;

18 (3) "Prisoner", a person confined in a county or city
19 jail;

20 (4) "Serious infectious or communicable disease", the
21 same meaning given to the term in section 191.677.

22 3. The offense of endangering a corrections employee,
23 a visitor to a correctional center, county or city jail, or
24 another offender or prisoner is a class E felony unless the
25 substance is unidentified in which case it is a class A

26 misdemeanor. If an offender or prisoner is knowingly
27 infected with [the human immunodeficiency virus (HIV),
28 hepatitis B or hepatitis C] a serious infectious or
29 communicable disease and exposes another person to [HIV or
30 hepatitis B or hepatitis C] such serious infectious or
31 communicable disease by committing the offense of
32 endangering a corrections employee, a visitor to a
33 correctional center, county or city jail, or another
34 offender or prisoner and the nature of the exposure to the
35 bodily fluid has been scientifically shown to be a means of
36 transmission of the serious infectious or communicable
37 disease, it is a class D felony.

575.157. 1. An offender commits the offense of
2 endangering a department of mental health employee, a
3 visitor or other person at a secure facility, or another
4 offender if he or she attempts to cause or knowingly causes
5 such individual to come into contact with blood, seminal
6 fluid, urine, feces, or saliva.

7 2. For purposes of this section, the following terms
8 mean:

9 (1) "Department of mental health employee", a person
10 who is an employee of the department of mental health, an
11 employee or contracted employee of a subcontractor of the
12 department of mental health, or an employee or contracted
13 employee of a subcontractor of an entity responsible for
14 confining offenders as authorized by section 632.495;

15 (2) "Offender", persons ordered to the department of
16 mental health after a determination by the court that such
17 persons may meet the definition of a sexually violent
18 predator, persons ordered to the department of mental health
19 after a finding of probable cause under section 632.489, and
20 persons committed for control, care, and treatment by the

21 department of mental health under sections 632.480 to
22 632.513;

23 (3) "Secure facility", a facility operated by the
24 department of mental health or an entity responsible for
25 confining offenders as authorized by section 632.495;

26 (4) "Serious infectious or communicable disease", the
27 same meaning given to the term in section 191.677.

28 3. The offense of endangering a department of mental
29 health employee, a visitor or other person at a secure
30 facility, or another offender is a class E felony. If an
31 offender is knowingly infected with [the human
32 immunodeficiency virus (HIV), hepatitis B, or hepatitis C]
33 a serious infectious or communicable disease and exposes
34 another individual to [HIV or hepatitis B or hepatitis C]
35 such serious infectious or communicable disease by
36 committing the offense of endangering a department of mental
37 health employee, a visitor or other person at a mental
38 health facility, or another offender and the nature of the
39 exposure to the bodily fluid has been scientifically shown
40 to be a means of transmission of the serious infectious or
41 communicable disease, the offense is a class D felony.

579.040. 1. A person commits the offense of unlawful
2 distribution, delivery, or sale of drug paraphernalia if he
3 or she unlawfully distributes, delivers, or sells, or
4 possesses with intent to distribute, deliver, or sell drug
5 paraphernalia knowing, or under circumstances in which one
6 reasonably should know, that it will be used to plant,
7 propogate, cultivate, grow, harvest, manufacture, compound,
8 convert, produce, process, prepare, test, analyze, pack,
9 repack, store, contain, conceal, inject, ingest, inhale, or
10 otherwise introduce into the human body a controlled
11 substance or an imitation controlled substance in violation
12 of this chapter. Any entity registered with the department

13 of health and senior services that possesses, distributes,
14 or delivers hypodermic needles or syringes for the purpose
15 of operating a syringe access program or otherwise
16 mitigating health risks associated with unsterile injection
17 drug use shall be exempt from the provisions of this section.

18 2. No entity shall be present within five hundred feet
19 of any school building, unless such entity is in operation
20 prior to the school building commencing operations.

21 3. The offense of unlawful delivery of drug
22 paraphernalia is a class A misdemeanor, unless done for
23 commercial purposes, in which case it is a class E felony.

579.076. 1. A person commits the offense of unlawful
2 manufacture of drug paraphernalia if he or she unlawfully
3 manufactures with intent to deliver drug paraphernalia,
4 knowing, or under circumstances where one reasonably should
5 know, that it will be used to plant, propagate, cultivate,
6 grow, harvest, manufacture, compound, convert, produce,
7 process, prepare, test, analyze, pack, repack, store,
8 contain, conceal, inject, ingest, inhale, or otherwise
9 introduce into the human body a controlled substance or an
10 imitation controlled substance in violation of this chapter
11 or chapter 195. Any entity registered with the department
12 of health and senior services that delivers or manufactures
13 hypodermic needles or syringes for the purpose of operating
14 a syringe access program or otherwise mitigating health
15 risks associated with unsterile injection drug use shall be
16 exempt from the provisions of this section.

17 2. The offense of unlawful manufacture of drug
18 paraphernalia is a class A misdemeanor, unless done for
19 commercial purposes, in which case it is a class E felony.

Section B. Because immediate action is necessary to
2 ensure women incarcerated or held in custody are able to
3 address their basic health needs, the enactment of sections

4 217.199 and 221.065 of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace,
6 and safety, and is hereby declared to be an emergency act
7 within the meaning of the constitution, and the enactment of
8 sections 217.199 and 221.065 of this act shall be in full
9 force and effect upon its passage and approval.

✓

Holly Rehder

Phil Christofanelli