

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 589

AN ACT

To repeal sections 192.320, 578.018, and 578.030, RSMo, and to enact in lieu thereof eight new sections relating to public health, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 192.320, 578.018, and 578.030, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 67.270, 192.320, 192.321, 210.067, 578.018, 578.030, 1, and 2, to read as follows:

67.270. No political subdivision of this state shall make and promulgate any orders, ordinances, rules, or regulations during a state of emergency relating to the entrance of infectious, contagious, communicable, or dangerous diseases and pertaining to such emergency governing the number of persons gathering or residing on private residential property.

192.320. Any person or persons violating any of the provisions of sections 192.010, 192.020 to 192.490, 192.600 to 192.620 or who shall leave any pesthouse, or isolation hospital, or quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth or notice posted by the attending physician or by the health officer, or by direction of a

proper health officer, shall be deemed guilty of a class A misdemeanor; provided, that no quarantine order shall require, under penalty of law, that a person subject to quarantine isolate himself or herself from members of the same physical household.

192.321. No public health order issued by any political subdivision, county health board, or state agency during a state of emergency involving the entrance of infectious, contagious, communicable, or dangerous diseases and pertaining to such state of emergency shall infringe on the parental rights of an individual, including, but not limited to, decisions on the minor child's care and custody, upbringing, education, religious instruction, place of habitation, and physical and mental health care. Nothing in this section shall be interpreted to limit the ability of such political subdivision or state agency to protect a child from a child abuse or neglect as otherwise provided for under state law.

210.067. A test result indicating the presence of severe acute respiratory syndrome coronavirus 2, otherwise known as COVID-19, in a child or in a parent or guardian of a child shall not be a sole or determining cause for removal of a child, temporary or otherwise, from the care and custody of such parent or guardian.

578.018. 1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate circuit court to enable [him or her] the law enforcement official to enter private property in order to inspect, care for, or [impound] confiscate neglected or abused animals as set forth in such warrant. All requests for such warrants shall be signed, witnessed, and accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to ~~[578.023]~~ 578.025

has occurred. All warrants shall be served in the presence of a law enforcement official. A person acting under the authority of a warrant shall:

(1) ~~Be given~~ Appear at a disposition hearing before the court through which the warrant was issued, within ~~thirty~~ ten days of ~~the filing of the request~~ confiscation for the purpose of granting immediate disposition of the animals ~~impounded~~. No animal shall be sterilized prior to the completion of such disposition hearing unless necessary to save life or relieve suffering;

(2) Place ~~impounded~~ animals in the care or custody of a veterinarian, the appropriate animal control authority, ~~or~~ an animal shelter, or a third party approved by the court. If no appropriate veterinarian, animal control authority, ~~or~~ animal shelter, or third party is available, the animal shall not be ~~impounded~~ confiscated unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any animal ~~impounded~~ confiscated if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

(4) Not be liable for any reasonable and necessary damage to property while acting under such warrant.

2. (1) The owner of any animal that has been confiscated under this section shall not be responsible for the animal's care and keeping prior to a disposition hearing if, at the disposition hearing, there is no finding of abuse by the court and the court orders the animal returned to the owner.

(2) If, at the disposition hearing, the court finds that abuse likely occurred and does not order the animal returned to the owner, after completion of the disposition hearing the owner or custodian or any person claiming an

interest in any animal that has been [impounded] confiscated because of neglect or abuse may prevent disposition of the animal after the disposition hearing and until final judgment, settlement, or dismissal of any criminal charges by posting reasonable bond or security within seventy-two hours of the disposition hearing in an amount sufficient to provide for the animal's care and keeping [for at least thirty days, inclusive of the date on which the animal was taken into custody] and consistent with the fair market cost of boarding such an animal in an appropriate retail boarding facility. Notwithstanding the fact that reasonable bond may be posted pursuant to this [subsection] subdivision, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which reasonable expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a reasonable bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping, or disposal of the animal.

(3) The authority taking custody of an animal shall give notice of the provisions of this section [by posting a copy of this section at the place where the animal was taken into custody or] by delivering [it] a copy of this section to a person residing on the property.

3. The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled beyond recovery for any useful purpose, or if the owner or custodian failed to post bond or security for the care, keeping, and disposition of the

animal after being notified of [impoundment] confiscation  
and after completion of the disposition hearing.

4. All animals confiscated under this section shall  
receive proper care as determined by state law and  
regulations for each specific animal and facility or  
organization where the animal is placed after such  
confiscation. Any such facility or organization shall be  
liable to the animal owner for damages for any negligent  
acts or abuse of such animal that occurs while the animal is  
in the care, custody, and control of the facility or  
organization.

5. In the event that the animal owner is not liable  
for the costs incurred for the placement and care of an  
animal or animals while charges were pending, such costs  
relating to placement and care, as well as liability for the  
life or death of the animal and for medical procedures  
performed while charges were pending, shall be the  
responsibility of and shall be borne and paid by the  
confiscating agency. Such costs shall be consistent with  
the fair market value of boarding an animal at a retail  
establishment and with the usual and customary costs of  
veterinary medical services provided by a clinic licensed  
under chapter 340.

6. If the owner posted a sufficient bond and is  
acquitted or there is a final discharge without conviction,  
unless there is a settlement agreement, consent judgment, or  
a suspended imposition of sentence, the owner may demand the  
return of the animal held in custody. Any entity with care,  
custody, and control of such animal shall immediately return  
such animal to the owner upon demand and proof of such  
acquittal or final discharge without conviction. Upon  
acquittal or final discharge without conviction, unless  
there is a settlement agreement, consent judgment, or a

suspended imposition of sentence, the owner shall not be liable for any costs incurred relating to the placement or care of the animal during the pendency of the charges.

7. Any person or entity that intentionally euthanizes, other than as permissible under this section, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which reasonable bond was secured for the animal's care is guilty of a class B misdemeanor and shall be liable to the owner of the animal for damages, including the actual value of the animal. Each violation against each individual animal is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law shall be subject to licensure sanction by its governing body.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050. All requests for such warrants shall be signed, witnessed, and accompanied by an affidavit stating the probable cause to believe a violation of sections 578.025 to 578.050 has occurred.

2. Any member of the state highway patrol or other law enforcement officer making an arrest under section 578.025 shall lawfully take possession of all dogs or other animals in accordance with the provisions of section 578.018 and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made

against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of section 578.025. [He or she] The officer shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by [him or her] such officer or other proper person named and designated in such order until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. If the property includes animals, the placement of the animals shall be handled in accordance with the provisions of section 578.018. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.

Section 1. 1. No entity in this state shall require documentation of an individual having received a vaccination against any disease in order for the individual to access transportation systems or services, including but not limited to buses, air travel, rail travel, taxicab or limousine services, prearranged rides as defined in section 387.400, other public transportation, or any public transportation facilities, including but not limited to bus and airport facilities.

2. No Missouri government entity, subdivision, agency, or agent, is authorized to issue vaccine passports, vaccine passes, or other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status to a third party, or otherwise publish or share any individual's COVID-19 vaccination record or similar health information.

3. Missouri business entities are prohibited from requiring patrons, customers, or employees to provide any documentation certifying COVID-19 vaccination or post-transmission recovery to gain access to, entry upon, or service from the business entity.

4. All businesses must comply with this act to be eligible for grants or contracts funded through state revenue.

5. The requirements in this act do not otherwise restrict businesses from instituting COVID-19 screening protocols in accordance with state and federal law to protect public health, and nothing herein shall be construed to interfere with individuals' rights to access their own personal health information under federal law.

Section 2. At all times, including during declared emergencies, religious services and activities of a religious organization shall be considered essential



services and no rule, order, declaration, or direction of the state government shall treat any religious organization less favorably or more strictly than any other similarly situated organization in terms of function, service, assembly, size, or conduct. Any restriction of this right shall be subject to strict scrutiny.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, the repeal and reenactment of section 192.320 and the enactment of sections 67.270, 192.321, and 210.067 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 192.320 and the enactment of sections 67.270, 192.321, and 210.067 of this act shall be in full force and effect upon its passage and approval.