

FIRST REGULAR SESSION

SENATE BILL NO. 12

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

0738S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 77.530, 79.380, 192.300, and 205.031, RSMo, and to enact in lieu thereof six new sections relating to public health, with an existing penalty provision.

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

Section A. Sections 77.530, 79.380, 192.300, and 205.031, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 44.103, 67.265, 77.530, 79.380, 192.300, and 205.031, to read as follows:

44.103. Notwithstanding section 1.302 to the contrary, the state, any state agency, political subdivision, county commission, county health board, or person shall not enact, adopt, maintain, or enforce any order, ordinance, rule, regulation, policy, or other similar measure than imposes any greater restrictions, directly or indirectly, on the free exercise of religion, including attendance or participation in any prayer, service, meeting, or similar religious activity, during an emergency related to the entrance of infectious, contagious, communicable, or dangerous diseases than are imposed on any nonreligious activity.

67.265. 1. No political subdivision of this state shall make and promulgate any public health orders, ordinances, rules, or regulations during a declared state of emergency and pertaining to such state of emergency for a cumulative period longer than thirty days in a sixty day

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

6 period. Nothing in this section shall be interpreted to
7 otherwise alter the authority of the department of health
8 and senior services to issue any orders, rules, and
9 regulations affecting the political subdivision and
10 pertaining to the state of emergency, including for
11 durations in excess of thirty cumulative days in a sixty day
12 period.

13 2. No political subdivision of this state shall make
14 and promulgate any public health orders, ordinances, rules,
15 or regulations for longer than seven consecutive days at a
16 time without the approval of a two-thirds vote of the
17 governing body of the political subdivision.

77.530. The council may make regulations and pass
2 ordinances for the prevention of the introduction of
3 contagious diseases into the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; **provided, that no such**
6 **regulation or ordinance made and passed during a declared**
7 **state of emergency and pertaining to such state of emergency**
8 **shall be issued for a cumulative period longer than thirty**
9 **days in a sixty day period. Nothing in this section shall**
10 **be interpreted to otherwise alter the authority of the**
11 **department of health and senior services to issue any**
12 **orders, rules, and regulations affecting the city and**
13 **pertaining to the state of emergency, including for**
14 **durations in excess of thirty cumulative days in a sixty day**
15 **period. No regulation or ordinance passed under this**
16 **section issued for longer than seven consecutive days at a**
17 **time shall be valid unless approved by a two-thirds vote of**
18 **the council.** The council may purchase or condemn and hold
19 for the city, within or without the city limits, within ten
20 miles therefrom, all necessary lands for hospital purposes,

21 waterworks, sewer carriage and outfall, and erect, establish
22 and regulate hospitals, workhouses, poorhouses, police
23 stations, fire stations and provide for the government and
24 support of the same, and make regulations to secure the
25 general health of the city, and to prevent and remove
26 nuisances; provided, however, that the condemnation of any
27 property outside of the city limits shall be regulated in
28 all respects as the condemnation of property or railroad
29 purposes is regulated by law; and provided further, that the
30 police jurisdiction of the city shall extend over such lands
31 and property to the same extent as over public cemeteries,
32 as provided in this chapter.

79.380. The board of aldermen may make regulations and
2 pass ordinances for the prevention of the introduction of
3 contagious diseases in the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; **provided, that no such**
6 **regulation or ordinance made and passed during a declared**
7 **state of emergency and pertaining to such state of emergency**
8 **shall be issued for a cumulative period longer than thirty**
9 **days in a sixty day period. Nothing in this section shall**
10 **be interpreted to otherwise alter the authority of the**
11 **department of health and senior services to issue any**
12 **orders, rules, and regulations affecting the city and**
13 **pertaining to the state of emergency, including for**
14 **durations in excess of thirty cumulative days in a sixty day**
15 **period. No regulation or ordinance passed under this**
16 **section issued for longer than seven consecutive days at a**
17 **time shall be valid unless approved by a two-thirds vote of**
18 **the board.** They may purchase or condemn and hold for the
19 city, within or without the city limits, or within ten miles
20 therefrom, all necessary lands for hospital purposes,

21 waterworks, sewer carriage and outfall, and erect, establish
22 and regulate hospitals, workhouses, poorhouses, airports and
23 provide for the government and support of the same, and make
24 regulations to secure the general health of the city, and to
25 prevent and remove nuisances; except that the condemnation
26 of any property outside of the city limits shall be
27 regulated in all respects as the condemnation of property
28 for railroad purposes is regulated by law. The police
29 jurisdiction of the city shall extend over such land and
30 property to the same extent as over other city property, as
31 provided in this chapter.

192.300. 1. The county commissions and the county
2 health center boards of the several counties may make and
3 promulgate orders, ordinances, rules or regulations,
4 respectively as will tend to enhance the public health and
5 prevent the entrance of infectious, contagious, communicable
6 or dangerous diseases into such county, but any orders,
7 ordinances, rules or regulations shall not:

8 (1) Be in conflict with any rules or regulations
9 authorized and made by the department of health and senior
10 services in accordance with this chapter or by the
11 department of social services under chapter 198; [or]

12 (2) Impose standards or requirements on an
13 agricultural operation and its appurtenances, as such term
14 is defined in section 537.295, that are inconsistent with or
15 more stringent than any provision of this chapter or
16 chapters 260, 640, 643, and 644, or any rule or regulation
17 promulgated under such chapters;

18 (3) **Be issued for more than seven consecutive days at**
19 **a time unless approved by a two-thirds vote of the governing**
20 **body of the county or political subdivision; or**

21 (4) Be issued for a cumulative period longer than
22 thirty days in a sixty day period in cases of orders,
23 ordinances, rules, or regulations made and promulgated
24 during a declared state of emergency and pertaining to such
25 state of emergency. Nothing in this subdivision shall be
26 interpreted to otherwise alter the authority of the
27 department of health and senior services to issue any
28 orders, rules, and regulations affecting the county and
29 pertaining to the state of emergency, including for
30 durations in excess of thirty cumulative days in a sixty day
31 period.

32 2. The county commissions and the county health center
33 boards of the several counties may establish reasonable fees
34 to pay for any costs incurred in carrying out such orders,
35 ordinances, rules or regulations, however, the establishment
36 of such fees shall not deny personal health services to
37 those individuals who are unable to pay such fees or impede
38 the prevention or control of communicable disease. Fees
39 generated shall be deposited in the county treasury. All
40 fees generated under the provisions of this section shall be
41 used to support the public health activities for which they
42 were generated.

43 3. After the promulgation and adoption of such orders,
44 ordinances, rules or regulations by such county commission
45 or county health board, such commission or county health
46 board shall make and enter an order or record declaring such
47 orders, ordinances, rules or regulations to be printed and
48 available for distribution to the public in the office of
49 the county clerk, and shall require a copy of such order to
50 be published in some newspaper in the county in three
51 successive weeks, not later than thirty days after the entry
52 of such order, ordinance, rule or regulation.

53 4. Any person, firm, corporation or association which
54 violates any of the orders or ordinances adopted,
55 promulgated and published by such county commission is
56 guilty of a misdemeanor and shall be prosecuted, tried and
57 fined as otherwise provided by law. The county commission
58 or county health board of any such county has full power and
59 authority to initiate the prosecution of any action under
60 this section.

 205.031. 1. The county governing body shall appoint
2 five trustees chosen from the citizens at large with
3 reference to their fitness for such office, all voters of
4 the county, not more than three of the trustees to be
5 residents of the city, town or village in which the county
6 health center is to be located, who shall constitute a board
7 of trustees for the county health center.

8 2. The trustees shall hold their offices until the
9 next following municipal election, when five health center
10 trustees shall be elected who shall hold their offices,
11 three for two years and two for four years. The county
12 governing body shall by order of record specify the terms of
13 the trustees.

14 3. At each subsequent municipal election the offices
15 of the trustees whose terms of office are about to expire
16 shall be filled by the election of health center trustees
17 who each shall serve for a term of four years and
18 notwithstanding any other law of this state to the contrary
19 all elective officers in each city of the fourth class with
20 a population of at least thirty thousand but no more than
21 thirty-three thousand, and which is located within a county
22 of the first class having a charter form of government and
23 containing the greater part of a city with a population of
24 four hundred fifty thousand or more inhabitants, beginning

25 with the first election after January 1, 1987, shall be
26 elected every four years.

27 4. Any vacancy in the board of trustees occasioned by
28 removal, resignation or otherwise shall be reported to the
29 county governing body and be filled in like manner as
30 original appointments, the appointee to hold office until
31 the next following municipal election, when such vacancy
32 shall be filled by election of a trustee to serve during the
33 remainder of the term of his predecessor.

34 5. No trustee shall have a personal pecuniary
35 interest, either directly or indirectly, in the purchase of
36 any supplies for the health center, unless the same are
37 purchased by competitive bidding.

38 6. The filing and withdrawal of candidates shall be
39 governed by the provisions of chapter 115[, except that if
40 the number of candidates is no greater than the number of
41 directors to be elected, no election shall be held, and the
42 candidates shall assume the responsibilities of their
43 offices at the same time and in the same manner as if they
44 had been elected].

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