

FIRST REGULAR SESSION

# SENATE BILL NO. 21

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0799S.051

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 44.100, 77.530, 79.380, 192.006, 192.020, 192.300, and 192.320, RSMo, and to enact in lieu thereof thirteen new sections relating to public health, with an existing penalty provision and an emergency clause.

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

Section A. Sections 44.100, 77.530, 79.380, 192.006,  
2 192.020, 192.300, and 192.320, RSMo, are repealed and thirteen  
3 new sections enacted in lieu thereof, to be known as sections  
4 44.100, 44.103, 67.265, 77.530, 79.380, 139.305, 192.006,  
5 192.020, 192.300, 192.320, 192.321, 197.145, and 210.067, to  
6 read as follows:

44.100. 1. The emergency powers of the governor shall  
2 be as follows:

3 (1) The provisions of this section shall be operative  
4 only during the existence of a state of emergency (referred  
5 to in this section as "emergency"). The existence of an  
6 emergency may be proclaimed by the governor or by resolution  
7 of the legislature, if the governor in his proclamation, or  
8 the legislature in its resolution, finds that a natural or  
9 man-made disaster of major proportions has actually occurred  
10 within this state, and that the safety and welfare of the  
11 inhabitants of this state require an invocation of the  
12 provisions of this section;

13 (2) Any emergency, whether proclaimed by the governor  
14 or by the legislature, shall terminate upon the proclamation

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

15 thereof by the governor, or the passage by the legislature,  
16 of a resolution terminating such emergency;

17 (3) During the period that the state of emergency  
18 exists or continues, the governor shall:

19 (a) Enforce and put into operation all plans, rules  
20 and regulations relating to disasters and emergency  
21 management of resources adopted under this law and to assume  
22 direct operational control of all emergency forces and  
23 volunteers in the state;

24 (b) Take action and give directions to state and local  
25 law enforcement officers and agencies as may be reasonable  
26 and necessary for the purpose of securing compliance with  
27 the provisions of this law and with the orders, rules and  
28 regulations made pursuant thereof;

29 (c) Seize, take or requisition to the extent necessary  
30 to bring about the most effective protection of the public:

31 a. Any means of transportation, other than railroads  
32 and railroad equipment and fuel, and all fuel necessary for  
33 the propulsion thereof;

34 b. Any communication system or part thereof necessary  
35 to the prompt and efficient functioning of the emergency  
36 management of the state;

37 c. All stocks of fuel;

38 d. Facilities for housing, feeding and hospitalization  
39 of persons, including buildings and plants;

40 (d) Control, restrict and regulate by rationing,  
41 freezing, use of quotas, prohibitions on shipments, price  
42 fixing, allocation or other means the use, sale or  
43 distribution of food, feed, fuel, clothing and other  
44 commodities, materials, goods or services;

45 (e) Prescribe and direct activities in connection with  
46 but not limited to use, conservation, salvage and prevention

47 of waste of materials, services and facilities, including  
48 production, transportation, power and communication  
49 facilities, training and supply of labor, utilization of  
50 industrial plants, health and medical care, nutrition,  
51 housing, including the use of existing and private  
52 facilities, rehabilitation, education, welfare, child care,  
53 recreation, consumer protection and other essential civil  
54 needs;

55 (f) Use or distribute all or any of this property  
56 among the inhabitants of the state in any area adversely  
57 affected by a natural or man-made disaster and to account to  
58 the state treasurer for any funds received thereof;

59 (g) Waive or suspend the operation of any statutory  
60 requirement or administrative rule regarding the licensing,  
61 certification or issuance of permits evidencing  
62 professional, mechanical or other skills;

63 (h) Waive or suspend the operation of any statutory  
64 requirement or administrative rule prescribing procedures  
65 for conducting state business, where strict compliance with  
66 such requirements and rules would prevent, hinder, or delay  
67 necessary action by the department of health and senior  
68 services to respond to a declared emergency or increased  
69 health threat to the population;

70 (i) In accordance with rules or regulations, provide  
71 that all law enforcement authorities and other emergency  
72 response workers and agencies of other states who may be  
73 within this state at the request of the governor or pursuant  
74 to state or local mutual-aid agreements or compacts shall  
75 have the same authority and possess the same powers, duties,  
76 rights, privileges and immunities as are possessed by like  
77 law enforcement authorities and emergency response workers  
78 and agencies of this state;

79 (j) Perform and exercise such other functions, powers  
80 and duties as may be necessary to promote and secure the  
81 safety and protection of the civilian population;

82 (k) Authorize the director of finance and the director  
83 of credit unions to waive or suspend the operation of any  
84 statutory requirement or administrative rule applicable to  
85 the division of finance, banking, financial services, or the  
86 division of credit unions and take action and give direction  
87 to banks, credit unions, and financial institutions,  
88 including coordinating actions with emergency responders,  
89 federal agencies, and state banking and credit union  
90 associations as may be reasonable and necessary to preserve  
91 the safety and soundness of banks, credit unions, and  
92 financial institutions; and facilitate disaster response and  
93 recovery efforts to serve essential civil needs and protect  
94 the public interest.

95 2. When any property is seized, taken or requisitioned  
96 under this section, the circuit court of the county in which  
97 the property was taken may on the application of the owner  
98 thereof or on the application of the governor in cases where  
99 numerous claims may be filed, appoint three disinterested  
100 commissioners in the manner provided by section 523.040 to  
101 assess the damages which the owners may have sustained by  
102 reason of the appropriation thereof. Upon the application  
103 the amount due because of the seizure of property shall be  
104 determined in the manner provided in chapter 523 for the  
105 determination of damages in case of the exercise of the  
106 power of eminent domain.

107 **3. No authority granted to the governor under this**  
108 **section, or any law enforcement officers and agencies or**  
109 **state agencies empowered under this section, shall be**  
110 **interpreted to authorize any orders, plans, rules, or**

111 regulations governing the number of persons gathering or  
112 residing on private residential property during a state of  
113 emergency declared under this section.

44.103. Notwithstanding section 1.302 to the contrary,  
2 the state, any state agency, political subdivision, county  
3 commission, county health board, or person shall not enact,  
4 adopt, maintain, or enforce any order, ordinance, rule,  
5 regulation, policy, or other similar measure that imposes  
6 any restrictions, directly or indirectly, on the free  
7 exercise of religion, including attendance or participation  
8 in any prayer, service, meeting, or similar religious  
9 activity, or use of a building or premises owned or operated  
10 for the purpose of religious activity, during a declared  
11 state of emergency.

67.265. 1. No political subdivision of this state  
2 shall make and promulgate any public health orders,  
3 ordinances, rules, or regulations during a declared state of  
4 emergency and pertaining to such state of emergency for a  
5 cumulative period longer than fourteen days in a two year  
6 period, unless so authorized by a concurrent resolution of  
7 the general assembly permitting any political subdivision of  
8 this state to make and promulgate such orders, ordinances,  
9 rules, or regulations for longer durations; provided that  
10 such concurrent resolution shall be for a limited period of  
11 time, apply statewide, and be specific to the declared state  
12 of emergency.

2. No political subdivision of this state shall make  
14 and promulgate any orders, ordinances, rules, or regulations  
15 during a declared state of emergency and pertaining to such  
16 state of emergency governing the number of persons gathering  
17 or residing on private residential property.

18           **3. No political subdivision of this state shall make**  
19 **or modify any orders, ordinances, rules, or regulations**  
20 **during a declared state of emergency that have the effect,**  
21 **directly or indirectly, of a prohibited order, ordinance,**  
22 **rule, or regulation under this section.**

          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 fourteen**  
9 **days in a two year period, unless so authorized by a**  
10 **concurrent resolution of the general assembly permitting any**  
11 **political subdivision of this state to make and promulgate**  
12 **such orders, ordinances, rules, or regulations for longer**  
13 **durations; provided that such concurrent resolution shall be**  
14 **for a limited period of time, apply statewide, and be**  
15 **specific to the declared state of emergency. Additionally,**  
16 **no such regulation or ordinance made and passed during a**  
17 **declared state of emergency pertaining to such state of**  
18 **emergency shall be issued governing the number of persons**  
19 **gathering or residing on private residential property. The**  
20 council may purchase or condemn and hold for the city,  
21 within or without the city limits, within ten miles  
22 therefrom, all necessary lands for hospital purposes,  
23 waterworks, sewer carriage and outfall, and erect, establish  
24 and regulate hospitals, workhouses, poorhouses, police  
25 stations, fire stations and provide for the government and  
26 support of the same, and make regulations to secure the  
27 general health of the city, and to prevent and remove

28 nuisances; provided, however, that the condemnation of any  
29 property outside of the city limits shall be regulated in  
30 all respects as the condemnation of property or railroad  
31 purposes is regulated by law; and provided further, that the  
32 police jurisdiction of the city shall extend over such lands  
33 and property to the same extent as over public cemeteries,  
34 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 fourteen**  
9 **days in a two year period, unless so authorized by a**  
10 **concurrent resolution of the general assembly permitting any**  
11 **political subdivision of this state to make and promulgate**  
12 **such orders, ordinances, rules, or regulations for longer**  
13 **durations; provided that such concurrent resolution shall be**  
14 **for a limited period of time, apply statewide, and be**  
15 **specific to the declared state of emergency. Additionally,**  
16 **no such regulation or ordinance made and passed during a**  
17 **declared state of emergency pertaining to such state of**  
18 **emergency shall be issued governing the number of persons**  
19 **gathering or residing on private residential property.** They  
20 may purchase or condemn and hold for the city, within or  
21 without the city limits, or within ten miles therefrom, all  
22 necessary lands for hospital purposes, waterworks, sewer  
23 carriage and outfall, and erect, establish and regulate  
24 hospitals, workhouses, poorhouses, airports and provide for  
25 the government and support of the same, and make regulations

26 to secure the general health of the city, and to prevent and  
27 remove nuisances; except that the condemnation of any  
28 property outside of the city limits shall be regulated in  
29 all respects as the condemnation of property for railroad  
30 purposes is regulated by law. The police jurisdiction of  
31 the city shall extend over such land and property to the  
32 same extent as over other city property, as provided in this  
33 chapter.

139.305. 1. Notwithstanding any provision of law to  
2 the contrary, beginning January 1, 2021, any taxpayer who is  
3 a resident of a city or county that imposes any city-wide or  
4 county-wide ordinance or order prohibiting or otherwise  
5 restricting the use of such taxpayer's real property,  
6 including, but not limited to, occupancy restrictions, shall  
7 receive a credit on property taxes owed on such affected  
8 real property.

9 2. The amount of the credit authorized by this section  
10 shall be a percentage of the property tax liability that is  
11 equal to the percentage of the calendar year that the  
12 taxpayer was subject to restrictions on the use of his or  
13 her real property.

14 3. Any city or county imposing a city-wide or county-  
15 wide ordinance or order as described in this section shall  
16 adjust its tax bills to reflect any credit authorized by  
17 this section.

18 4. The provisions of this section shall only apply to  
19 real property tax liabilities owed to a city or county  
20 imposing any city-wide or county-wide ordinance or order  
21 prohibiting or otherwise restricting the use of a taxpayer's  
22 real property, and shall not apply to property tax  
23 liabilities owed to any other taxing jurisdiction or to  
24 property tax liabilities owed on tangible personal property.



192.006. The department of health and senior services  
2 may adopt, appeal and amend rules necessary to carry out the  
3 duties assigned to it. All rules shall be promulgated  
4 pursuant to the provisions of this section and chapter 536.  
5 **The department of health and senior services may be**  
6 **permitted, pursuant to an executive order issued in a**  
7 **declared state of emergency under chapter 44, to delegate**  
8 **the power and authority to promulgate rules; provided that**  
9 **such delegation shall be limited to county commissions,**  
10 **county councils, or county health boards of trustees.** No  
11 rule or portion of a rule promulgated under the authority of  
12 this chapter shall become effective unless it has been  
13 promulgated pursuant to the provisions of section 536.024.

192.020. 1. It shall be the general duty and  
2 responsibility of the department of health and senior  
3 services to safeguard the health of the people in the state  
4 and all its subdivisions. It shall make a study of the  
5 causes and prevention of diseases. It shall designate those  
6 diseases which are infectious, contagious, communicable or  
7 dangerous in their nature and shall make and enforce  
8 adequate orders, findings, rules and regulations to prevent  
9 the spread of such diseases and to determine the prevalence  
10 of such diseases within the state. It shall have power and  
11 authority, with approval of the director of the department,  
12 to make such orders, findings, rules and regulations as will  
13 prevent the entrance of infectious, contagious and  
14 communicable diseases into the state.

2. The department of health and senior services shall  
15 include in its list of communicable or infectious diseases  
16 which must be reported to the department methicillin-  
17 resistant staphylococcus aureus (MRSA), carbapenem-resistant  
18

19 enterobacteriaceae (CRE) as specified by the department, and  
20 vancomycin-resistant enterococcus (VRE).

21 **3. The department of health and senior services may be**  
22 **permitted, pursuant to an executive order issued in a**  
23 **declared state of emergency under chapter 44, to delegate**  
24 **the power and authority to promulgate rules; provided that**  
25 **such delegation shall be limited to county commissions,**  
26 **county councils, or county health boards of trustees, and no**  
27 **rule or portion of a rule promulgated under this authority**  
28 **of this subsection shall become effective unless it has been**  
29 **promulgated pursuant to the provisions of chapter 536.**

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

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

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

19 **(3) Be issued for a cumulative period longer than**  
20 **fourteen days in a two year period in cases of orders,**  
21 **ordinances, rules, or regulations made and promulgated**

22 during a declared state of emergency and pertaining to such  
23 state of emergency, unless so authorized by a concurrent  
24 resolution of the general assembly permitting any county  
25 health board of this state to make and promulgate such  
26 orders, ordinances, rules, or regulations for longer  
27 durations; provided that such concurrent resolution shall be  
28 for a limited period of time, apply statewide, and be  
29 specific to the declared state of emergency. Additionally,  
30 no such order, ordinance, rule, or regulation made and  
31 passed during a declared state of emergency pertaining to  
32 such state of emergency shall be issued governing the number  
33 of persons gathering or residing on private residential  
34 property.

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

46 3. After the promulgation and adoption of such orders,  
47 ordinances, rules or regulations by such county commission,  
48 **county council**, or county health **center board of trustees**,  
49 such commission, **county council**, or county health **center**  
50 **board of trustees** shall make and enter an order or record  
51 declaring such orders, ordinances, rules or regulations to  
52 be printed and available for distribution to the public in  
53 the office of the county clerk, and shall require a copy of

54 such order to be published in some newspaper in the county  
55 in three successive weeks, not later than thirty days after  
56 the entry of such order, ordinance, rule or regulation.

57 4. Any person, firm, corporation or association which  
58 violates any of the orders or ordinances adopted,  
59 promulgated and published by such county commission, **county**  
60 **council, or county health center board of trustees in**  
61 **compliance with the provisions of this section** is guilty of  
62 a misdemeanor and shall be prosecuted, tried and fined as  
63 otherwise provided by law. The county commission, **county**  
64 **council, or county health board of trustees** of any such  
65 county has full power and authority to initiate the  
66 prosecution of any action under this section.

67 5. **Before the promulgation and adoption of orders,**  
68 **ordinances, rules, or regulations made under subdivision (3)**  
69 **of subsection 1 of this section, the county commission,**  
70 **county health center board of trustees, or county health**  
71 **officer shall submit such orders, ordinances, rules, or**  
72 **regulations to the governing body of the county or political**  
73 **subdivision for approval, rejection, or modification. If**  
74 **the governing body fails to approve, with or without**  
75 **modification, such orders, ordinances, rules, or regulations**  
76 **within thirty days of submission, then the orders,**  
77 **ordinances, rules, or regulations shall be considered**  
78 **rejected and shall not go into effect or become operative**  
79 **unless resubmitted for the governing body's consideration.**

80 6. The county health officer may submit recommended  
81 orders, ordinances, rules, or regulations to the county  
82 commission, county council, or county health center board of  
83 trustees for consideration and adoption, but shall not have  
84 the authority to enact any orders, ordinances, rules, or  
85 regulations. Such authority under this section shall be

86 **reserved for the county commissions, county councils, or**  
87 **county health center board of trustees.**

192.320. Any person or persons violating any of the  
2 provisions of sections 192.010, 192.020 to 192.490, 192.600  
3 to 192.620 or who shall leave any pesthouse, or isolation  
4 hospital, or quarantined house or place without the consent  
5 of the health officer having jurisdiction, or who evades or  
6 breaks quarantine or knowingly conceals a case of  
7 contagious, infectious, or communicable disease, or who  
8 removes, destroys, obstructs from view, or tears down any  
9 quarantine card, cloth or notice posted by the attending  
10 physician or by the health officer, or by direction of a  
11 proper health officer, shall be deemed guilty of a class A  
12 misdemeanor; **provided, that no quarantine order shall**  
13 **require, under penalty of law, that a person subject to**  
14 **quarantine isolate himself or herself from members of the**  
15 **same physical household.**

192.321. 1. The department shall not make and  
2 promulgate any public health orders, rules, or regulations  
3 during a declared state of emergency and pertaining to such  
4 state of emergency for a cumulative period longer than  
5 fourteen days in two year period, unless so authorized by a  
6 concurrent resolution of the general assembly permitting the  
7 department to make and promulgate such orders, rules, or  
8 regulations for longer durations; provided that such  
9 concurrent resolution shall be for a limited period of time  
10 and be specific to the declared state of emergency.

11 2. The department shall not make and promulgate any  
12 orders, rules, or regulations during a declared state of  
13 emergency and pertaining to such state of emergency  
14 governing the number of persons gathering or residing on  
15 private residential property.

16           3. No public health order issued by any political  
17 subdivision, county health board, or state agency shall  
18 infringe on the parental rights of an individual, including,  
19 but not limited to, decisions on the minor child's care and  
20 custody, upbringing, education, religious instruction, place  
21 of habitation, and physical and mental health care. Nothing  
22 in this subsection shall be interpreted to limit the ability  
23 of such political subdivision or state agency to protect a  
24 child from a clear, immediate, and substantial threat of  
25 child abuse or neglect as otherwise provided for under state  
26 law.

          197.145. No hospital shall adopt, nor any political  
2 subdivision impose, any policy restricting:

3           (1) The presence of or visitation by one visitor if  
4 requested by pregnant and new mother patients, in accordance  
5 with the hospital's established regular visitation hours; and

6           (2) The presence or visitation by a parent or guardian  
7 of a minor child; provided that such parent or guardian has  
8 legal custody or visitation privileges with the child.

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

          Section B. Because of the immediate threat of  
2 government overreach to the residents of Missouri, section A  
3 of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace and  
5 safety, and is hereby declared to be an emergency act within  
6 the meaning of the constitution, and section A of this act

7 shall be in full force and effect upon its passage and  
8 approval.

✓