

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 702, 636, 651 & 693

101ST GENERAL ASSEMBLY

4351S.06C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 67.308, 167.181, 210.003, and 213.055, RSMo, and to enact in lieu thereof five new sections relating to COVID-19 vaccination mandates, with an emergency clause.

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

Section A. Sections 67.308, 167.181, 210.003, and
2 213.055, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 67.308, 167.181, 174.336,
4 210.003, and 213.055, to read as follows:

67.308. No [county, city, town or village] **public or**
2 **private entity** in this state receiving public funds **or any**
3 **other public accommodation** shall require documentation of an
4 individual having received a vaccination against COVID-19 in
5 order for the individual to access transportation systems
6 [or], **facilities**, services, or any other public
7 accommodations. **As used in this section, public**
8 **accommodation shall have the same meaning as "places of**
9 **public accommodation" in section 213.010.**

167.181. 1. The department of health and senior
2 services, after consultation with the department of
3 elementary and secondary education, shall promulgate rules
4 and regulations governing the immunization against
5 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
6 diphtheria, and hepatitis B, to be required of children

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

7 attending public, private, parochial or parish schools.
8 Such rules and regulations may modify the immunizations that
9 are required of children in this subsection. The
10 immunizations required and the manner and frequency of their
11 administration shall conform to recognized standards of
12 medical practice. The department of health and senior
13 services shall supervise and secure the enforcement of the
14 required immunization program.

15 2. It is unlawful for any student to attend school
16 unless he has been immunized as required under the rules and
17 regulations of the department of health and senior services,
18 and can provide satisfactory evidence of such immunization;
19 except that if he produces satisfactory evidence of having
20 begun the process of immunization, he may continue to attend
21 school as long as the immunization process is being
22 accomplished in the prescribed manner. It is unlawful for
23 any parent or guardian to refuse or neglect to have his
24 child immunized as required by this section, unless the
25 child is properly exempted.

26 3. This section shall not apply to any child if one
27 parent or guardian objects in writing to his school
28 administrator against the immunization of the child, because
29 of religious beliefs or medical contraindications. In cases
30 where any such objection is for reasons of medical
31 contraindications, a statement from a duly licensed
32 physician must also be provided to the school administrator.

33 4. Each school superintendent, whether of a public,
34 private, parochial or parish school, shall cause to be
35 prepared a record showing the immunization status of every
36 child enrolled in or attending a school under his
37 jurisdiction. The name of any parent or guardian who
38 neglects or refuses to permit a nonexempted child to be

immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health and senior services.

5. The immunization required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630. When a child receives his or her immunization, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

7. No student shall be required, as a condition of school attendance or participation in school-sponsored extracurricular activities, to be immunized against COVID-19. No school shall require students to undergo COVID-19 diagnostic testing as an alternative to receiving a COVID-19 vaccination. This subsection shall expire on December 31, 2027.

71 8. No rule or portion of a rule promulgated under the
72 authority of this section shall become effective unless it
73 has been promulgated pursuant to the provisions of chapter
74 536. Any rule or portion of a rule, as that term is defined
75 in section 536.010, that is created under the authority
76 delegated in this section shall become effective only if it
77 complies with and is subject to all of the provisions of
78 chapter 536 and, if applicable, section 536.028. This
79 section and chapter 536 are nonseverable and if any of the
80 powers vested with the general assembly pursuant to chapter
81 536 to review, to delay the effective date or to disapprove
82 and annul a rule are subsequently held unconstitutional,
83 then the grant of rulemaking authority and any rule proposed
84 or adopted after August 28, 2001, shall be invalid and void.

**174.336. No public institution of higher education in
2 this state shall require any student, whether residing on
3 campus or not, to have received a COVID-19 vaccine in order
4 to access educational and other services, including, but not
5 limited to, in-class attendance, school-sponsored
6 extracurricular activities, and access to school buildings
7 and facilities. No public institution of higher education
8 in this state shall require any student to undergo COVID-19
9 diagnostic testing as an alternative to receiving a COVID-19
10 vaccination. This section shall expire on December 31, 2027.**

 210.003. 1. No child shall be permitted to enroll in
2 or attend any public, private or parochial day care center,
3 preschool or nursery school caring for ten or more children
4 unless such child has been adequately immunized against
5 vaccine-preventable childhood illnesses specified by the
6 department of health and senior services in accordance with
7 recommendations of the Centers for Disease Control and
8 Prevention Advisory Committee on Immunization Practices

(ACIP), but until December 31, 2027, not including COVID-

19. The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his or her age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule;

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator; or

(3) The child is homeless or in the custody of the children's division and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of enrollment and shall confirm either that the child has completed all immunizations appropriate for his or her age or has begun the process of immunization. If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished according to the schedule recommended by the department of health and senior services.

Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian. Exemption forms shall be provided by the department of health and senior services.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and Occupational Diseases".

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his or her jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, "satisfactory evidence of immunization" means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

72 6. Nothing in this section shall preclude any
73 political subdivision from adopting more stringent rules
74 regarding the immunization of preschool children.

75 7. All public, private, and parochial day care
76 centers, preschools, and nursery schools shall notify the
77 parent or guardian of each child at the time of initial
78 enrollment in or attendance at the facility that the parent
79 or guardian may request notice of whether there are children
80 currently enrolled in or attending the facility for whom an
81 immunization exemption has been filed. Beginning December
82 1, 2015, all public, private, and parochial day care
83 centers, preschools, and nursery schools shall notify the
84 parent or guardian of each child currently enrolled in or
85 attending the facility that the parent or guardian may
86 request notice of whether there are children currently
87 enrolled in or attending the facility for whom an
88 immunization exemption has been filed. Any public, private,
89 or parochial day care center, preschool, or nursery school
90 shall notify the parent or guardian of a child enrolled in
91 or attending the facility, upon request, of whether there
92 are children currently enrolled in or attending the facility
93 for whom an immunization exemption has been filed.

 213.055. 1. It shall be an unlawful employment
2 practice:

3 (1) For an employer, because of the race, color,
4 religion, national origin, sex, ancestry, age or disability
5 of any individual:

6 (a) To fail or refuse to hire or to discharge any
7 individual, or otherwise to discriminate against any
8 individual with respect to his compensation, terms,
9 conditions, or privileges of employment, because of such

individual's race, color, religion, national origin, sex,
ancestry, age or disability;

(b) To limit, segregate, or classify his employees or
his employment applicants in any way which would deprive or
tend to deprive any individual of employment opportunities
or otherwise adversely affect his status as an employee,
because of such individual's race, color, religion, national
origin, sex, ancestry, age or disability;

(2) For a labor organization to exclude or to expel
from its membership any individual or to discriminate in any
way against any of its members or against any employer or
any individual employed by an employer because of race,
color, religion, national origin, sex, ancestry, age or
disability of any individual; or to limit, segregate, or
classify its membership, or to classify or fail or refuse to
refer for employment any individual, in any way which would
deprive or tend to deprive any individual of employment
opportunities, or would limit such employment opportunities
or otherwise adversely affect his status as an employee or
as an applicant for employment, because of such individual's
race, color, religion, national origin, sex, ancestry, age
or disability; or for any employer, labor organization, or
joint labor-management committee controlling apprenticeship
or other training or retraining, including on-the-job
training programs to discriminate against any individual
because of his race, color, religion, national origin, sex,
ancestry, age or disability in admission to, or employment
in, any program established to provide apprenticeship or
other training;

(3) For any employer or employment agency to print or
circulate or cause to be printed or circulated any
statement, advertisement or publication, or to use any form

of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, sex, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual because of his or her race, color, religion, national origin, sex, ancestry, age or disability;

(4) (a) For an employer to require an employee to receive COVID-19 vaccination as a condition of employment without permitting the employee to be exempted from such vaccination requirements because of the employee's religious, moral, ethical, or philosophical beliefs, medical condition, including pregnancy or future pregnancies, or previous exposure to and recovery from COVID-19.

(b) The employer may require the employee seeking the exemption to provide such request in writing. No employer shall require the employee to explain, prove, defend, or otherwise substantiate his or her religious, moral, ethical, or philosophical beliefs or medical conditions relating to requesting the vaccination exemption.

(c) The commission shall develop a form and make such form available to employers and employees to utilize in requesting a vaccination exemption.

(d) No employer shall require an employee who has requested or received a vaccination exemption to undergo COVID-19 diagnostic testing in place of a vaccination.

(e) In the case of a public employer, any record of vaccinations, exemptions, testing, or other related employee information containing identifying information of the employee shall be considered a closed record under chapter 610.

(f) The provisions of this subdivision shall expire December 31, 2027.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, ancestry, age or disability of such individual or group on account of an imbalance which

may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. Section 623 relating to employment as firefighters or law enforcement officers.

Section B. Because of the need to secure the rights of Missourians relating to COVID-19 vaccination requirements, section A 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 section A of this act shall be in full force and effect upon its passage and approval.

✓