

# Journal of the Senate

SECOND REGULAR SESSION

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**FIFTY-NINTH DAY—WEDNESDAY, MAY 4, 2022**

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The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

Senator Riddle offered the following prayer:

“Know that the Lord is God. It is He that made us, and we are His; we are His people, and the sheep of His pasture.” (Psalm 100:3)

Gracious God, You are loving and true in all Your ways from which we benefit. So, we pray that You accept our praises as we seek You in ways that are worthy of Your greatness. And bless what we do here that it may benefit those who are touched by our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced that photographers from KY3 were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Thompson Rehder	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator White offered Senate Resolution No. 892, regarding Metro Emergency Transport System, Joplin, which was adopted.

Senator Washington offered Senate Resolution No. 893, regarding Mariah Gilmore, Springfield, which was adopted.

Senator Brown offered Senate Resolution No. 894, regarding Big Thunder Marine, Lake Ozark, which was adopted.

Senator Gannon offered Senate Resolution No. 895, regarding Matthew C. Bryant, De Soto, which was adopted.

Senator Brown offered Senate Resolution No. 896, regarding Poly Lift Boat Lifts, Sunrise Beach and Osage Beach, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SS** for **HB 2149**, as amended, and requests a further conference on **SS** for **HB 2149**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 886**, entitled:

An Act to repeal sections 456.4-419, 456.5-504, and 456.5-505, RSMo, and to enact in lieu thereof five new sections relating to trusts.

With House Amendment No. 1.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 886, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“214.160. 1. Under sections 214.140 to 214.180, and as otherwise not prohibited under Article VI, Section 23 of the Constitution of Missouri, the county commission may invest or loan said trust fund or funds in United States government, state, county or municipal bonds, certificates of deposit, first real estate mortgages, or deeds of trust and may utilize investment managers to invest, reinvest, and manage assets, subject to the terms, conditions, and limitations provided in this section and Article IV, Section 15 of the Constitution of Missouri. [They] **When sufficient, the commission** shall use the net income from said trust fund or funds or such investments or so much thereof as is necessary to support and maintain and beautify any public or private cemetery or any particular part thereof which may be designated by the person, persons or firm or association making said gift or bequest. **If the net income from said trust fund or funds is not sufficient to support and maintain and beautify a cemetery, the commission may only use as much of the principal thereof as the commission deems necessary for the purpose of the basic maintenance to control the growth of grass and weeds.** In maintaining or supporting the cemetery or any particular part or portion thereof the commission shall as nearly as possible follow the expressed wishes of the creator of

said trust fund.

2. An investment manager shall discharge his or her duties in the interest of the public or private cemetery and the interest of the person, persons, or firm making the gift or bequest and shall:

(1) Act with the same care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims;

(2) Act with due regard for the management, reputation, and stability of the issuer and the character of the particular investments being considered;

(3) Make investments for the purpose of supporting, maintaining, and beautifying any public or private cemetery or any particular part thereof, which may be designated by the person, persons, or firm or association making said gift or bequest, and of defraying reasonable expenses of investing the assets;

(4) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role the investment or investment course of action plays in that portion of the investments for which the investment fiduciary has responsibility. For purposes of this subdivision, “appropriate consideration” shall include, but is not limited to, a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed to further the purposes of supporting, maintaining, and beautifying any public or private cemetery or any particular part thereof, which may be designated by the person, persons, or firm or association making said gift or bequest, while considering the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action and considering the following factors as they relate to the investment or investment course of action:

(a) The diversification of the investments;

(b) The liquidity and current return of the investments relative to the anticipated cash flow requirements; and

(c) The projected return of the investments relative to the funding objectives; and

(5) Give appropriate consideration to investments that would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments available to the investment fiduciary at the time the investment decision is made.

3. As used in this section, “invest” or “investment” means utilization of moneys in the expectation of future returns in the form of income or capital gain.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 820**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 820**, as amended. Representatives: Haffner, Chipman, Taylor (139), Butz, McCreery.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 681 & 662**. Representatives: Basye, Francis, Haffner, Sharp (36), Proudie.

The Senate observed a moment of silence for Senator Eigel's wife, Amanda.

### REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 2607**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 2120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 2168**, with **SCS**; **HB 2697**, **HB 1589**, **HB 1637**, and **HCS** for **HB 2127**, with **SCS**; **HB 2088**, **HB 1705**, and **HCS** for **HB 1699**, with **SCS**; and **HCS** for **HJR 79**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### HOUSE BILLS ON THIRD READING

Senator Eslinger moved that **SS** for **SCS** for **HCS** for **HB 1606** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 1606** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	O'Laughlin
Riddle	Roberts	Rowden	Thompson Rehder	White	Wieland—20	

#### NAYS—Senators

Arthur	Beck	Burlison	May	Moon	Mosley	Razer
Rizzo	Schupp	Washington	Williams—11			

#### Absent—Senators

Onder	Schatz—2
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Absent with leave—Senator Eigel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **THIRD READING OF SENATE BILLS**

**SB 987**, introduced by Senator Bean, entitled:

An Act to repeal sections 313.800 and 313.805, RSMo, and to enact in lieu thereof two new sections relating to excursion gambling boat facilities.

Was taken up.

On motion of Senator Bean, **SB 987** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	Razer	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Thompson Rehder	Washington	White	Williams—28

#### NAYS—Senators

Burlison	Crawford	O’Laughlin	Wieland—4
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Absent—Senator Onder—1

Absent with leave—Senator Eigel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bean, title to the bill was agreed to.

Senator Bean moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Bean moved that the conferees on **SS** for **SCS** for **HCS** for **HB 1720**, as amended, be allowed to modify the sunset clauses and clarify provisions contained in Sections 348.491 and 348.493, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 1473**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1541**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HB 2455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter assumed the Chair.

### REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 1590**; **HCS** for **HB 1732**, with **SCS**; **HB 1860**, with **SCS**; **HCS** for **HB 2012**, with **SCS**; **HB 2325**; **HCS** for **HB 2382**; and **HB 2694**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

### PRIVILEGED MOTIONS

Senator Eslinger moved that the Senate grant the House further conference on **SS** for **HB 2149**, as amended, which motion prevailed.

Senator Thompson Rehder moved that the Senate refuse to concur in **SS** for **SCS** for **SBs 775, 751 and 640**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

At the request of Senator Crawford, **HCS** for **HJR 79**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1472**, with **SCS**, entitled:

An Act to repeal section 574.105, RSMo, and to enact in lieu thereof one new section relating to the offense of money laundering, with penalty provisions.

Was taken up by Senator White.

**SCS** for **HCS** for **HB 1472**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1472

An Act to repeal sections 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.500, 569.010, 569.100, 570.010, 570.030, and 574.105, RSMo, and to enact in lieu thereof nineteen new sections relating to financial transactions, with penalty provisions.

Was taken up.

Senator White moved that **SCS** for **HCS** for **HB 1472** be adopted.

Senator White offered **SS** for **SCS** for **HCS** for **HB 1472**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1472

An Act to repeal sections 105.721, 191.500, 191.515, 191.520, 191.525, 288.132, 335.230, 335.257, 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 379.011, 407.640, 408.500, 569.010, 569.100, 570.010, 570.030, and 574.105, RSMo, and to enact in lieu thereof thirty new sections relating to financial transactions, with penalty provisions and an effective date for certain sections.

Senator White moved that **SS** for **SCS** for **HCS** for **HB 1472** be adopted.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 1, Section A, Line 11, by inserting after all of said line the following:

**“34.710. 1. A public body, when engaged in procuring or letting contracts for any purpose, shall ensure that bidders, offerors, contractors, or subcontractors are not discriminating based on an environmental, social, and governance score.**

**2. This section applies only to a contract that:**

**(1) Is between a public body and a company with ten or more full-time employees; and**

**(2) Has a value of fifty-thousand dollars or more that is to be paid wholly or partially from public funds of the public body.**

**3. A public body may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not use environmental, social, and governance scoring.**

**4. Subsection 3 of this section shall not apply to a public body that determines the requirements of subsection 3 of this section are inconsistent with the public body’s constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.**

**5. For purposes of this section, the following terms mean:**

**(1) “Company”, a for-profit entity, other than a sole proprietorship, but including an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including any wholly-owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit;**

**(2) “Environmental, social and governance score”, an evaluation conducted by an entity that takes into consideration one or more of the following:**

- (a) The use of energy and raw materials by the bidder, offeror, contractor, or subcontractor;**
  - (b) Whether the bidder, offeror, contractor, or subcontractor spends funds on social welfare or makes charitable donations;**
  - (c) The wages and working hours of the employees of the bidder, offeror, contractor, or subcontractor;**
  - (d) The environmental policies of the bidder, offeror, contractor, or subcontractor; and**
  - (e) The bribery and corruption policies of the bidder, offeror, contractor, or subcontractor;**
- (3) “Public body”, the state, any agency of the state, any political subdivision of the state, or any instrumentality thereof.**

**6. The commissioner of administration or his or her designee may promulgate regulations to implement the provisions of this section so long as they are consistent with this section and do not create any exceptions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Razer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Moon, **SA 1** was withdrawn, rendering the point of order moot.

President Kehoe assumed the Chair.

Senator Moon offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 1, Section A, Line 11, by inserting after all of said line the following:

**“34.715. 1. The state, any agency of the state, any political subdivision of the state, or any instrumentality thereof, when engaged in any financial transaction including, but not limited to, procuring or letting contracts for any purpose shall ensure that bidders, offerors, contractors, or subcontractors are not given preferential treatment or discriminated against based on an environmental, social, and governance score.**



**2. For purposes of this section, the term “environmental, social and governance score” means an evaluation conducted by an entity that takes into consideration one or more of the following:**

**(1) Whether the bidder, offeror, contractor, or subcontractor engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable state and federal law;**

**(2) Whether the bidder, offeror, contractor, or subcontractor engages in production agriculture;**

**(3) Whether the bidder, offeror, contractor, or subcontractor spends funds on social welfare;**

**(4) The wages and working hours of the employees of the bidder, offeror, contractor, or subcontractor; and**

**(5) The environmental policies of the bidder, offeror, contractor, or subcontractor.”; and**

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 1, Section A, Line 11, by inserting after all of said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275.

9. Any political subdivision that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine of five hundred dollars per day.

10. The state auditor shall report any violation of subsection 9 of this section to the department of revenue. Upon notification from the state auditor's office that a political subdivision failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such political subdivision by certified mail that the statement has not been received. Such notice shall clearly set forth the following:

(1) The name of the political subdivision;

(2) That the political subdivision shall be subject to a fine of five hundred dollars per day if the political subdivision does not submit a copy of the annual financial statement to the state auditor's office within thirty days from the postmarked date stamped on the certified mail envelope;

(3) That the fine will be enforced and collected as provided under subsection 11 of this section; and

(4) That the fine will begin accruing on the thirty-first day from the postmarked date stamped on the certified mail envelope and will continue to accrue until the state auditor's office receives a copy of the financial statement.

In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. The state auditor shall report receipt of the financial statement to the department of revenue within ten business days. Failure of the political subdivision to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection 11 of this section.

11. The department of revenue may collect the fine authorized under the provisions of subsection 9 of this section by offsetting any sales or use tax distributions due to the political subdivision. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.

12. Any [transportation development district organized under sections 238.200 to 238.275 having] **political subdivision that has** gross revenues of less than five thousand dollars **or that has not levied or collected sales or use taxes** in the fiscal year for which the annual financial statement was not timely filed shall not be subject to the fine authorized in this section.

**13. If a failure to timely submit the annual financial statement is the result of fraud or other illegal conduct by an employee or officer of the political subdivision, the political subdivision shall not be subject to a fine authorized under this section if the statement is filed within thirty days of the discovery of the fraud or illegal conduct. If a fine is assessed and paid prior to the filing of the**

statement, the department of revenue shall refund the fine upon notification from the political subdivision.

**14. If a political subdivision has an outstanding balance for fines or penalties at the time it files its first annual financial statement after January 1, 2022, the director of revenue shall make a one-time downward adjustment to such outstanding balance in an amount that reduces the outstanding balance by no less than ninety percent.**

**15. The director of revenue shall have the authority to make a one-time downward adjustment to any outstanding penalty imposed under this section on a political subdivision if the director determines the fine is uncollectable. The director of revenue may prescribe rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 1, Section A, Line 11, by inserting after all of said line the following:

**“34.750. 1. As used in this section, the following terms mean:**

**(1) “Ammunition”, a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile;**

**(2) “Company”, a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit, not including a sole proprietorship;**

**(3) “Discriminate”, refusing to engage in the trade of any goods or services with an entity or association based solely on its status as a firearm entity or firearm trade association, refraining from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association, or terminating an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association. This term shall not include when the established policies of a merchant, retail seller, or platform restricts or prohibits the listing or selling of ammunition, firearms, or firearm accessories or when a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship is to comply with federal, state, or local law, policy, or regulation or a directive by a regulatory agency or for any traditional business reason that is specific to the customer or potential customer and not based**

solely on an entity's or association's status as a firearm entity or firearm trade association;

(4) "Firearm", a weapon that expels a projectile by the action of explosive or expanding gases;

(5) "Firearm accessory", a device specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and an item used in conjunction with or mounted on a firearm that is not essential to the basic function of the firearm. This term includes a detachable firearm magazine;

(6) "Firearm entity", a firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, retailer, or a sport shooting range;

(7) "Firearm trade association", any person, corporation, unincorporated association, federation, business league, or business organization that:

(a) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;

(b) Has two or more firearm entities as members; and

(c) Is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code;

(8) "Public entity", as defined in section 34.600.

2. This section applies only to a contract that:

(1) Is between a public entity and a company with at least ten full-time employees; and

(2) Has a value of at least one hundred thousand dollars that is paid wholly or partly from public funds of the public entity.

3. Except as provided in subsection 4 of this section, a public entity shall not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it:

(1) Does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and

(2) Shall not discriminate during the term of the contract against a firearm entity or firearm trade association.

4. This section shall not apply to a public entity that:

(1) Contracts with a sole-source provider; or

(2) Does not receive any bids from a company that is able to provide the written verification required by subsection 2 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Brattin offered SA 1 to SA 4:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 3, Line 60, by inserting after the word “to” the following: “**a financial transaction including, but not limited to,**”; and further amend line 67 by inserting after the word “into” the following: “**a financial transaction including, but not limited to,**”; and further amend line 69 by striking the word “contract” and inserting in lieu thereof the following: “**such financial transaction**”.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 2 to SA 4:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1472, Page 3, Line 82, by inserting after all of said line the following:

“Further amend said bill, page 6, section 191.525, line 11, by inserting after all of said line the following:

“213.010. As used in this chapter, the following terms shall mean:

(1) “Age”, an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;

(2) “Because” or “because of”, as it relates to the adverse decision or action, the protected criterion was the motivating factor;

(3) “Commission”, the Missouri commission on human rights;

(4) “Complainant”, a person who has filed a complaint with the commission alleging that another person has engaged in a prohibited discriminatory practice;

(5) “Disability”, a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term “disability” does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

(a) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

(b) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance;

(6) “Discrimination”, conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, [or] **sexual orientation, gender identity, firearm ownership**, age, as it relates to employment, disability, or familial status as it relates to housing. **Discrimination includes any unfair treatment based on a person’s presumed or assumed race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, firearm ownership, age, as it relates to employment, disability, or familial status as it relates to housing, regardless of whether the presumption or assumption as to such characteristic is correct;**

(7) “Dwelling”, any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

(8) “Employer”, a person engaged in an industry affecting commerce who has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state but does not include corporations and associations owned or operated by religious or sectarian organizations. “Employer” shall not include:

(a) The United States;

(b) A corporation wholly owned by the government of the United States;

(c) An individual employed by an employer;

(d) An Indian tribe;

(e) Any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in 5 U.S.C. Section [2101] **2102**; or

(f) A bona fide private membership club, other than a labor organization, that is exempt from taxation under 26 U.S.C. Section 501(c);

(9) “Employment agency” includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer;

(10) “Executive director”, the executive director of the Missouri commission on human rights;

(11) “Familial status”, one or more individuals who have not attained the age of eighteen years being domiciled with:

(a) A parent or another person having legal custody of such individual; or

(b) The designee of such parent or other person having such custody, with the written permission of such

parent or other person. The protections afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(12) **“Gender identity”, the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's assigned sex at birth;**

(13) **“Human rights fund”, a fund established to receive civil penalties as required by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will be disbursed to offset additional expenses related to compliance with the Department of Housing and Urban Development regulations;**

[(13)] (14) **“Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;**

[(14)] (15) **“Local commissions”, any commission or agency established prior to August 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter city, town, village, or county;**

[(15)] (16) **“Person” includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons;**

[(16)] (17) **“Places of public accommodation”, all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:**

(a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as **[his] the proprietor's** residence;

(b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

(c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

(d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

(f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

[(17)] (18) “Rent” includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

[(18)] (19) “Respondent”, a person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the commission;

(20) “**Sexual orientation**”, one’s actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term “**sexual orientation**” includes a history of such attraction or relationship or a history of no such attraction or relationship;

[(19)] (21) “The motivating factor”, the employee's protected classification actually played a role in the adverse action or decision and had a determinative influence on the adverse decision or action;

[(20)] (22) “Unlawful discriminatory practice”, any act that is unlawful under this chapter.

213.030. 1. The powers and duties of the commission shall be:

(1) To seek to eliminate and prevent discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, age, as it relates to employment, disability, or familial status as it relates to housing and to take other actions against discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, age, disability, or familial status as provided by law; and the commission is hereby given general jurisdiction and power for such purposes;

(2) To implement the purposes of this chapter first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) To formulate policies to implement the purposes of this chapter and to make recommendations to agencies and officers of the state and political subdivisions in aid of such policies and purposes;

(4) To appoint such employees as it may deem necessary, fix their compensation within the appropriations provided and in accordance with the wage structure established for other state agencies, and prescribe their duties;

(5) To obtain upon request and utilize the services of all governmental departments and agencies to be paid from appropriations to this commission;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination in employment, housing or in places of public accommodations because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, age, as it relates to employment, disability, or familial status as it relates to housing and to require the production for examination of any books, papers, records, or other materials relating to any matter under investigation;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission;



(9) To issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination in housing, employment or in places of public accommodation because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, age, as it relates to employment, disability, or familial status as it relates to housing;

(10) To provide each year to the governor and to the general assembly a full written report of all its activities and of its recommendations;

(11) To adopt an official seal;

(12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and other federal agencies and local commissions or agencies to achieve the purposes of this chapter;

(13) To accept grants, private gifts, bequests, and establish funds to dispose of such moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the purposes of this chapter and are used to achieve the purposes of this chapter;

(14) To establish a human rights fund as defined in section 213.010, for the purposes of administering sections 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**.

213.040. 1. It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons because of a particular race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status;

(6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that buyer or renter;

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

2. For purposes of this section and sections 213.045 and 213.050, discrimination includes:

(1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

3. As used in subdivision (3) of subsection 2 of this section, the term "covered multifamily dwelling" means:

- (1) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (2) Ground floor units in other buildings consisting of four or more units.

4. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as “ANSI A117.1”, suffices to satisfy the requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

5. Where a unit of general local government has incorporated into its laws the requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:

(1) A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subdivision (3) of subsection 2 of this section are met;

(2) The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of subdivision (3) of subsection 2 of this section;

(3) Nothing in this chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this section.

6. Nothing in this chapter shall be construed to invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.

7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050 regarding familial status apply with respect to housing for older persons.

9. As used in this section and sections 213.045 and 213.050, “housing for older persons” means housing:

(1) Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

10. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9 of this section; or

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

13. Nothing in this chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply to:

(1) The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

(a) The private individual owner does not own or have any interest in more than three single family houses at any one time; and

(b) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four-month period; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

213.045. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against [him] **such person** in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status of such person or of any person associated with [him] **such person** in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

213.050. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity, firearm ownership**, disability, or familial status.

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

(1) For an employer, because of the race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, age, or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to [his] **such individual's** compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, 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] **such individual's** status as an employee, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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] **such individual's** status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, 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] **such individual's** race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, ancestry, age, as it relates to employment, or disability, or to classify or refer for employment any individual because of [his or her] **such individual's** race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, age, or disability.

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, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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, **sexual orientation, gender identity, firearm ownership**, 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.

213.065. 1. All persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation because of race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, or disability.

2. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public

accommodation, as defined in section 213.010 and this section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, or disability.

3. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in section 213.010 and this section.

213.070. 1. It shall be an unlawful discriminatory practice for an employer, employment agency, labor organization, or place of public accommodation:

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, age, as it relates to employment, disability, or familial status as it relates to housing; or

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

2. This chapter, in addition to chapter 285 and chapter 287, shall provide the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship.

213.101. 1. The provisions of this chapter shall be construed to accomplish the purposes thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin, sex, **sexual orientation, gender identity, firearm ownership**, ancestry, age, disability, or familial status.

2. The general assembly hereby expressly abrogates the case of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the necessity and appropriateness of the issuance of a business judgment instruction. In all civil actions brought under this chapter, a jury shall be given an instruction expressing the business judgment rule.

3. If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.

4. The general assembly hereby expressly abrogates by this statute the cases of *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

5. The general assembly hereby expressly abrogates by this statute the holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may

be applied to actions brought pursuant to this chapter, and the holding in *Thomas v. McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing “but for” causation in actions brought pursuant to this chapter.

6. The general assembly hereby abrogates all Missouri-approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, 2017.”; and”.

Senator Razer moved that the above amendment be adopted.

At the request of Senator White, **HCS** for **HB 1472**, with **SCS**, **SS** for **SCS**, **SA 4**, as amended, and **SA 2** to **SA 4** (pending), was placed on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Luetkemeyer moved that **SCS** for **SB 886**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 886**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 886

An Act to repeal sections 456.4-419, 456.5-504, and 456.5-505, RSMo, and to enact in lieu thereof five new sections relating to trusts.

Was taken up.

Senator Luetkemeyer moved that **HCS** for **SCS** for **SB 886**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown                      Eigel—2

Vacancies—None

On motion of Senator Luetkemeyer, **HCS** for **SCS** for **SB 886**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig



Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown Eigel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 2168**, with **SCS**, entitled:

An Act to repeal section 379.011, RSMo, and to enact in lieu thereof one new section relating to the delivery of documents required for insurance transactions.

Was taken up by Senator Crawford.

**SCS for HCS for HB 2168**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2168**

An Act to repeal sections 288.132, 303.025, 303.041, 319.129, 375.159, 376.380, and 379.011, RSMo, and to enact in lieu thereof thirteen new sections relating to insurance, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Crawford moved that **SCS for HCS for HB 2168** be adopted.

Senator Crawford offered **SS for SCS for HCS for HB 2168**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2168**

An Act to repeal sections 288.132, 303.025, 303.041, 319.129, 375.159, 376.380, and 379.011, RSMo,

and to enact in lieu thereof thirteen new sections relating to insurance, with penalty provisions and an effective date for certain sections.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HB 2168** be adopted.

Senator Koenig offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2168, Page 1, Section A, Line 6, by inserting after all of said line the following:

**“288.104. 1. This section shall be known and may be cited as the “Employment Security Program Integrity Act of 2022”.**

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

**(1) “Department of corrections”, the Missouri department of corrections;**

**(2) “Division”, the division of employment security of the Missouri department of labor and industrial relations;**

**(3) “Employment security rolls”, the list of all persons currently receiving unemployment compensation benefits under this chapter, to be kept and updated by the division;**

**(4) “Integrity Data Hub”, the Integrity Data Hub designed and published by the UI Integrity Center of the National Association of State Workforce Agencies (NASWA);**

**(5) “New-hire records”, the directory of newly hired and rehired employees reported under applicable state and federal laws and managed by the division;**

**(6) “Welfare agency”, any state agency, department, or entity which distributes or administers public assistance benefits, other than unemployment compensation benefits, through the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance (SNAP), Medicaid, or public housing programs.**

**3. The division shall engage with and utilize the Integrity Data Hub to ensure that only eligible individuals receive unemployment compensation benefits pursuant to this chapter.**

**4. The division shall, on a weekly basis, check its employment security rolls against a list of incarcerated individuals, which shall be provided to the division by the department of corrections, to verify the eligibility of unemployment compensation benefit claimants and to ensure that only eligible individuals receive unemployment compensation benefits pursuant to this chapter.**

**5. The division shall, on a weekly basis, check its employment security rolls against state death records.**

**6. The division shall, on a weekly basis, check its new-hire records against the records contained in the National Directory of New Hires in order to verify the eligibility of the individuals named in the division’s new-hire records.**

**7. The division shall verify the identity of unemployment compensation benefit claimants by methods including but not limited to:**

**(1) Verifying the identity of an applicant prior to awarding benefits; and**

**(2) Requiring multi-factor authentication as part of online applications.**

**8. The division shall perform a full eligibility review of suspicious or potentially improper claims, in cases including but not limited to:**

- (1) Multiple or duplicative claims filed online originating from the same internet protocol address;**
- (2) Claims filed online from foreign internet protocol addresses;**
- (3) Multiple or duplicative claims filed which are associated with the same mailing address; and**
- (4) Multiple or duplicative claims filed which are associated with the same bank account.**

**9. Any welfare agency, upon receipt of information that an enrolled individual has become employed, shall notify the division in order that the division may determine whether an individual remains eligible for unemployment compensation benefits.**

**10. (1) The division shall adopt and implement internal administrative policies to prioritize and pursue the recovery of fraudulent or otherwise improper unemployment compensation benefit overpayments to the fullest extent allowable under applicable state and federal law. The division shall, without exception, attempt to recover all outstanding unemployment compensation benefit overpayments unless doing so would violate state or federal law.**

**(2) The division shall maintain records of all of its attempts to recover unemployment compensation benefit overpayments. The division shall issue a written report to the general assembly each year, no later than December thirty-first, describing improper unemployment compensation benefit payments and their recovery, the extent to which any improper unemployment compensation benefit payments have not been corrected or recovered, and the reasons for the failure of the division to secure such correction or recovery.**

**(3) The division shall issue a written report to the general assembly each year, no later than December thirty-first, on the efficacy of employment security fraud detection and on the measures taken by the division to prevent employment security fraud.**

**11. The division is hereby authorized to execute a memorandum of understanding with any governmental entity of this state in order to share and receive such information as may be necessary for the division to administer the provisions of this section.**

**12. If the division receives information relating to an individual who has been found eligible for unemployment compensation benefits and such information indicates a change in circumstances that could affect the individual's eligibility, the division shall review the individual's eligibility case.**

**13. The division may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.”; and**

Further amend said bill, page 84, section B, line 2, by striking “section” and inserting in lieu thereof the

following: “sections 288.104 and”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Rizzo raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Koenig, **SA 1** was withdrawn, rendering the point of order moot.

Senator Burlison offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2168, Page 79, Section 376.380, Line 1233, by inserting after all of said line the following:

“376.1800. 1. As used in this section, the following terms shall mean:

(1) “Medical retainer agreement”, a contract between a [physician] **provider** and an individual patient or such individual patient’s legal representative in which the [physician] **provider** agrees to provide certain health care services described in the agreement to the individual patient for an agreed-upon fee and period of time;

(2) [“Physician”] **“Provider”, a chiropractor licensed under chapter 331, a dentist licensed under chapter 332, or** a physician licensed under chapter 334. [Physician] **Provider** includes an individual [physician] **provider** or a group of [physicians] **providers**.

2. A medical retainer agreement is not insurance and is not subject to this chapter. Entering into a medical retainer agreement is not the business of insurance and is not subject to this chapter.

3. A [physician] **provider** or agent of a [physician] **provider** is not required to obtain a certificate of authority or license under this section to market, sell, or offer to sell a medical retainer agreement.

4. To be considered a medical retainer agreement for the purposes of this section, the agreement shall meet all of the following requirements:

(1) Be in writing;

(2) Be signed by the [physician] **provider** or agent of the [physician] **provider** and the individual patient or such individual patient’s legal representative;

(3) Allow either party to terminate the agreement on written notice to the other party;

(4) Describe the specific health care services that are included in the agreement;

(5) Specify the fee for the agreement;

(6) Specify the period of time under the agreement; and

(7) Prominently state in writing that the agreement is not health insurance.

5. (1) For any patient who enters into a medical retainer agreement under this section and who has

established a health savings account (HSA) in compliance with 26 U.S.C. Section 223, or who has a flexible spending arrangement (FSA) or health reimbursement arrangement (HRA), fees under the patient’s medical retainer agreement may be paid from such health savings account or reimbursed through such flexible spending arrangement or health reimbursement arrangement, subject to any federal or state laws regarding qualified expenditures from a health savings account, or reimbursement through a flexible spending arrangement or a health reimbursement arrangement.

(2) The employer of any patient described in subdivision (1) of this subsection may:

(a) Make contributions to such patient’s health savings account, flexible spending arrangement, or health reimbursement arrangement to cover all or any portion of the agreed-upon fees under the patient’s medical retainer agreement, subject to any federal or state restrictions on contributions made by an employer to a health savings account, or reimbursement through a flexible spending arrangement, or health reimbursement arrangement; or

(b) Pay the agreed-upon fees directly to the [physician] **provider** under the medical retainer agreement.

6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise restricting a [physician] **provider** in a collaborative practice arrangement from entering into a medical retainer agreement under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HB 2168**, as amended, be adopted, which motion prevailed.

On motion of Senator Crawford, **SS** for **SCS** for **HCS** for **HB 2168**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators

Brown Eigel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HB 2400**, introduced by Representative Houx, entitled:

An Act to repeal section 285.730, RSMo, and to enact in lieu thereof one new section relating to professional employer organizations.

Was taken up by Senator Hoskins.

Senator Hoskins offered **SS** for **HB 2400**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2400

An Act to repeal sections 285.730 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to business entities.

Senator Hoskins moved that **SS** for **HB 2400** be adopted.

Senator Burlison offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

**“407.475. 1. Except when specifically required or authorized by federal law, no state agency or state official shall impose any additional annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under sections 407.450 to 407.478 that are more stringent, restrictive, or expansive than the requirements authorized under section 407.462.**

**2. This section shall not apply to state grants or contracts, nor investigations under section 407.472 and shall not restrict enforcement actions against specific charitable organizations. This section shall not apply to labor organizations, as that term is defined in section 105.500.**

**3. This section shall not apply when an organization regulated or specifically exempted from regulation under sections 407.450 to 407.475 is providing any report or disclosure required by state law to be filed with the secretary of state.”; and**

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“130.029. 1. Nothing herein contained shall be construed to prohibit any corporation organized under any general or special law of this state, or any other state or by an act of the Congress of the United States or any labor organization, cooperative association or mutual association from making any contributions or expenditures, provided:**

(1) That the board of directors of any corporation by resolution has authorized contributions or

expenditures, or by resolution has authorized a designated officer to make such contributions or expenditures; or

(2) That the members of any labor organization, cooperative association or mutual association have authorized contributions or expenditures by a majority vote of the members present at a duly called meeting of any such labor organization, cooperative association or mutual association or by such vote has authorized a designated officer to make such contributions or expenditures.

2. No provision of this section shall be construed to authorize contributions or expenditures otherwise prohibited by, or to change any necessary percentage of vote otherwise required by, the articles of incorporation or association or bylaws of such labor organization, corporation, cooperative or mutual association.

3. Authority to make contributions or expenditures as authorized by this section shall be adopted by general or specific resolution. This resolution shall state the total amount of contributions or expenditures authorized, the purposes of such contributions or expenditures and the time period within which such authority shall exist.

**4. (1) Any limited liability company that is duly registered pursuant to chapter 347 and that has not elected to be classified as a corporation under the federal tax code may make contributions to any committee if the limited liability company has:**

**(a) Been in existence for at least one year prior to such contribution; and**

**(b) Electronically filed with the Missouri ethics commission indicating that the limited liability company is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.**

**(2) The Missouri ethics commission shall develop a method for limited liability companies to use for purposes of paragraph (b) of subdivision (1) of this subsection. The commission shall post all information submitted pursuant to this subdivision on its website on a public page in a searchable format.**

143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due pursuant to sections 143.005 to 143.998 for the amount of any income tax imposed for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax pursuant to sections 143.005 to 143.998. For purposes of this subsection, the phrase "income tax imposed" shall be that amount of tax before any income tax credit allowed by such other state or the District of Columbia if the other state or the District of Columbia authorizes a reciprocal benefit for residents of this state.

2. The credit provided pursuant to this section shall not exceed an amount which bears the same ratio to the tax otherwise due pursuant to sections 143.005 to 143.998 as the amount of the taxpayer's Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to the taxpayer's Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. **(1)** For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation.

**(2) A resident S shareholder shall be eligible for a credit issued pursuant to this section in an amount equal to the shareholder's pro rata share of any income tax imposed pursuant to chapter 143 on income derived from sources in another state of the United States, or a political subdivision thereof, or the District of Columbia, and which is subject to tax pursuant to chapter 143 but is not subject to tax in such other jurisdiction.**

4. For purposes of subsection 3 of this section, in the case of an S corporation that is a bank chartered by a state, the Office of Thrift Supervision, or the comptroller of currency, each Missouri resident S shareholder of such out-of-state bank shall qualify for the shareholder's pro rata share of any net tax paid, including a bank franchise tax based on the income of the bank, by such S corporation where bank payment of taxes are made in such state on behalf of the S shareholders by the S bank to the extent of the tax paid.

**143.436. 1. This section shall be known and may be cited as the "SALT Parity Act".**

**2. For the purposes of this section, the following terms shall mean:**

**(1) "Affected business entity", any partnership or S corporation that elects to be subject to tax pursuant to subsection 10 of this section;**

**(2) "Direct member", a member that holds an interest directly in an affected business entity;**

**(3) "Indirect member", a member that itself holds an interest, through a direct or indirect member that is a partnership or an S corporation, in an affected business entity;**

**(4) "Member":**

**(a) A shareholder of an S corporation;**

**(b) A partner in a general partnership, a limited partnership, or a limited liability partnership;**  
or

**(c) A member of a limited liability company that is treated as a partnership or S corporation for federal income tax purposes;**

**(5) "Partnership", the same meaning as provided in 26 U.S.C. Section 7701(a)(2). The term "partnership" shall include a limited liability company that is treated as a partnership for federal income tax purposes;**

**(6) "S corporation", a corporation or limited liability company that is treated as an S corporation for federal income tax purposes;**

**(7) "Tax year", the tax year of a partnership or S corporation for federal income tax purposes.**

**3. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed on each affected business entity that is a partnership and that is doing business in this state. Such affected business entity shall, at the time that the affected business entity's return is due, pay a tax in an amount equal to the sum of the separately and nonseparately computed items, as described in 26**



**U.S.C. Section 702(a), of the affected business entity, to the extent derived from or connected with sources within this state, as determined pursuant to section 143.455, decreased by the deduction allowed under 26 U.S.C. Section 199A computed as if such deduction was allowed to be taken by the affected business entity for federal tax purposes, and increased or decreased by any modification made pursuant to section 143.471 that relates to an item of the affected business entity's income, gain, loss, or deduction, to the extent derived from or connected with sources within this state, as determined pursuant to section 143.455, with such sum multiplied by the highest rate of tax used to determine a Missouri income tax liability for an individual pursuant to section 143.011. An affected entity paying the tax pursuant to this subsection shall include with the payment of such taxes each report provided to a member pursuant to subsection 7 of this section.**

**(2) If the amount calculated pursuant to subdivision (1) of this section results in a net loss, such net loss may be carried forward to succeeding tax years for which the affected business entity elects to be subject to tax pursuant to subsection 11 of this section until fully used.**

**4. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed on each affected business entity that is an S corporation and that is doing business in this state. Such affected business entity shall, at the time that the affected business entity's return is due, pay a tax in an amount equal to the sum of the separately and nonseparately computed items, as described in 26 U.S.C. Section 1366, of the affected business entity, to the extent derived from or connected with sources within this state, as determined pursuant to section 143.455, decreased by the deduction allowed under 26 U.S.C. Section 199A computed as if such deduction was allowed to be taken by the affected business entity for federal tax purposes, and increased or decreased by any modification made pursuant to section 143.471 that relates to an item of the affected business entity's income, gain, loss, or deduction, to the extent derived from or connected with sources within this state, as determined pursuant to section 143.455, with such sum multiplied by the highest rate of tax used to determine a Missouri income tax liability for an individual pursuant to section 143.011. An affected entity paying the tax pursuant to this subsection shall include with the payment of such taxes each report provided to a member pursuant to subsection 7 of this section.**

**(2) If the amount calculated pursuant to subdivision (1) of this section results in a net loss, such net loss may be carried forward to succeeding tax years for which the affected business entity elects to be subject to tax pursuant to subsection 11 of this section until fully used.**

**5. If an affected business entity is a direct or indirect member of another affected business entity, the member affected business entity shall, when calculating its net income or loss pursuant to subsections 3 or 4 of this section, subtract its distributive share of income or add its distributive share of loss from the affected business entity in which it is a direct or indirect member to the extent that the income or loss was derived from or connected with sources within this state, as determined pursuant to section 143.455.**

**6. A nonresident individual who is a member shall not be required to file an income tax return pursuant to this chapter for a tax year if, for such tax year, the only source of income derived from or connected with sources within the state for such member, or the member and the member's spouse if a joint federal income tax return is or shall be filed, is from one or more affected business entities and such affected business entity or entities file and pay the tax due under this section.**

**7. Each partnership and S corporation shall report to each of its members, for each tax year, such**

member's direct pro rata share of the tax imposed pursuant to this section on such partnership or S corporation if it is an affected business entity and its indirect pro rata share of the tax imposed on any affected business entity in which such affected business entity is a direct or indirect member.

8. (1) Each member that is subject to the tax imposed pursuant to section 143.011 shall be entitled to a credit against the tax imposed pursuant to section 143.011. Such credit shall be in an amount equal to such member's direct and indirect pro rata share of the tax paid pursuant to this section by any affected business entity of which such member is directly or indirectly a member.

(2) If the amount of the credit authorized by this subsection exceeds such member's tax liability for the tax imposed pursuant to section 143.011, the excess amount shall not be refunded but may be carried forward to each succeeding tax year until such credit is fully taken.

9. (1) Each member that is subject to the tax imposed pursuant to section 143.011 as a resident or part-year resident of this state shall be entitled to a credit against the tax imposed pursuant to section 143.011 for such member's direct and indirect pro rata share of taxes paid to another state of the United States or to the District of Columbia, on income of any partnership or S corporation of which such person is a member that is derived therefrom, provided the taxes paid to another state of the United States or to the District of Columbia results from a tax that the director of revenue determines is substantially similar to the tax imposed pursuant to this section. Any such credit shall be calculated in a manner to be prescribed by the director of revenue, provided such calculation is consistent with the provisions of this section, and further provided that the limitations provided in subsection 2 of section 143.081 shall apply to the credit authorized by this subsection.

(2) If the amount of the credit authorized by this subsection exceeds such member's tax liability for the tax imposed pursuant to section 143.011, the excess amount shall not be refunded and shall not be carried forward.

10. (1) Each corporation that is subject to the tax imposed pursuant to section 143.071 and that is a member shall be entitled to a credit against the tax imposed pursuant to section 143.071. Such credit shall be in an amount equal to such corporation's direct and indirect pro rata share of the tax paid pursuant to this section by any affected business entity of which such corporation is directly or indirectly a member. Such credit shall be applied after all other credits.

(2) If the amount of the credit authorized by this subsection exceeds such corporation's tax liability for the tax imposed pursuant to section 143.071, the excess amount shall not be refunded but may be carried forward to each succeeding tax year until such credit is fully taken.

11. A partnership or an S corporation may elect to become an affected business entity that is required to pay the tax pursuant to this section in any tax year. A separate election shall be made for each taxable year. Such election shall be made on such form and in such manner as the director of revenue may prescribe by rule. An election made pursuant to this subsection shall be signed by:

(1) Each member of the electing entity who is a member at the time the election is filed; or

(2) Any officer, manager, or member of the electing entity who is authorized to make the election and who attests to having such authorization under penalty of perjury.

12. The provisions of sections 143.425 and 143.601 shall apply to any modifications made to an affected business entity's federal return, and such affected business entity shall pay any resulting

**underpayment of tax to the extent not already paid pursuant to section 143.425.**

**13. (1) With respect to an action required or permitted to be taken by an affected business entity pursuant to this section, a proceeding under section 143.631 for reconsideration by the director of revenue, an appeal to the administrative hearing commission, or a review by the judiciary with respect to such action, the affected business entity shall designate an affected business entity representative for the tax year, and such affected business entity representative shall have the sole authority to act on behalf of the affected business entity, and the affected business entity's members shall be bound by those actions.**

**(2) The department of revenue may establish reasonable qualifications and procedures for designating a person to be the affected business entity representative.**

**(3) The affected business entity representative shall be considered an authorized representative of the affected business entity and its members under section 32.057 for the purposes of compliance with this section, or participating in a proceeding described in subdivision (1) of this subsection.**

**14. The provisions of this section shall only apply to tax years ending on or after December 31, 2022.**

**15. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person engages in business activities within this state or maintains a place of business in this state under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite

quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term gross receipts shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid. The term gross receipts shall not include usual and customary delivery charges that are stated separately from the sale price;

(5) "Instructional class", includes any class, lesson, or instruction intended or used for teaching;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, honey bees, or rabbits raised in confinement for human consumption;

(7) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(8) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(9) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state;

(10) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(11) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(12) “Sale” or “sales” includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(13) “Sale at retail” means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term sale at retail shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events, except amounts paid for any instructional class;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers, **except as provided in subdivision (12) of subsection 1 of section 144.011**;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(14) “Seller” means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(15) The noun “tax” means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require; and

(16) “Telecommunications service”, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs,

signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.011. 1. For purposes of this chapter, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property

contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

**(12) The purchase by persons operating hotels, motels, or other transient accommodation establishments of electricity, electrical current, water, and gas, whether natural or artificial, which are used to heat, cool, or provide water or power to the guests' accommodations of such establishments, including sleeping rooms, meeting and banquet rooms, and any other customer space rented by guests, and which are included in the charge made for such accommodations. Any person required to remit sales tax on such purchases prior to August 28, 2022, shall be entitled to a refund on such taxes remitted;**

(13) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Repossessed Title" to a resident of this state if the tax imposed by this chapter was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by this chapter was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

[(13)] **(14) Charges for initiation fees or dues to:**

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes;

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Williams offered SA 3:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program’s enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) [“All tax credit programs”, or “any tax credit program”, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) [“Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

[(5)] (4) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

[(6)] (5) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section



135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, [the health care access fund tax credit created pursuant to section 135.575,] the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, the shared care tax credit created pursuant to section 192.2015, **the health, hunger, and hygiene tax credit created pursuant to section 135.1125**, and the diaper bank tax credit created pursuant to section 135.621;

[(7)] (6) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

[(8)] (7) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

[(9)] (8) “Financial and insurance tax credits”, the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

[(10)] (9) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

[(11)] (10) “Recipient”, the individual or entity who **both**:

(a) Is the original applicant for [and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805] **a tax credit; and**

(b) **Who directly receives a tax credit or the right to transfer a tax credit under a tax credit program, regardless as to whether the tax credit has been used or redeemed; a recipient shall not include the transferee of a transferable tax credit;**

[(12)] (11) “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to

135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

**(12) “Tax credit program”, any of the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;**

(13) “Training and educational tax credits”, the Missouri works new jobs tax credit and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

135.802. 1. Beginning January 1, 2005, all applications for all tax credit programs shall include, in addition to any requirements provided by the enacting statutes of a particular credit program, the following information to be submitted to the department administering the tax credit:

(1) Name, address, and phone number of the applicant or applicants, and the name, address, and phone number of a contact person or agent for the applicant or applicants;

(2) Taxpayer type, whether individual, corporation, nonprofit or other, and taxpayer identification number, if applicable;

(3) Standard industry code, if applicable;

(4) Program name and type of tax credit, including the identity of any other state or federal program being utilized for the same activity or project; and

(5) Number of estimated jobs to be **directly** created, as a result of the tax credits, if applicable, separated by construction, part-time permanent, and full-time permanent.

2. In addition to the information required by subsection 1 of this section, an applicant for a community development tax credit shall also provide information detailing the title and location of the corresponding project, the estimated time period for completion of the project, and all geographic areas impacted by the project.

3. In addition to the information required by subsection 1 of this section, an applicant for a redevelopment tax credit shall also provide information detailing the location and legal description of the property, age of the structure, if applicable, whether the property is residential, commercial, or governmental, and the projected project cost, labor cost, and projected date of completion. Where a redevelopment tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection.

4. In addition to the information required by subsection 1 of this section, an applicant for a business recruitment tax credit shall also provide information detailing the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the application, the number of employees projected to increase as a result of the completion of the project, and the estimated project cost.

5. In addition to the information required by subsection 1 of this section, an applicant for a training and

educational tax credit shall also provide information detailing the name and address of the educational institution to be used, the average salary of workers to be served, the estimated project cost, and the number of employees and number of students to be served.

6. In addition to the information required by subsection 1 of this section, an applicant for a housing tax credit also shall provide information detailing the address, legal description, and fair market value of the property, and the projected labor cost and projected completion date of the project. Where a housing tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection. For the purposes of this subsection, “fair market value” means the value as of the purchase of the property or the most recent assessment, whichever is more recent.

7. In addition to the information required by subsection 1 of this section, an applicant for an entrepreneurial tax credit shall also provide information detailing the amount of investment and the names of the project, fund, and research project.

8. In addition to the information required by subsection 1 of this section, an applicant for an agricultural tax credit shall also provide information detailing the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

9. In addition to the information required by subsection 1 of this section, an applicant for an environmental tax credit shall also include information detailing the type of equipment, if applicable, purchased and any environmental impact statement, if required by state or federal law.

10. An administering agency, **or the department of economic development with the consent of an administering agency**, may, by rule, require additional information to be submitted by an applicant. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be void.

11. Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the application requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

12. It shall be the duty of each administering agency to provide information to every applicant, at some time prior to authorization of an applicant’s tax credit application, wherein the requirements of this section, the annual reporting requirements of section 135.805, and the penalty provisions of section 135.810 are described in detail. **Every applicant for a tax credit under a tax credit program, as part of the application process and as a condition of receiving such tax credit, shall sign a statement affirming that the applicant is aware of the reporting requirements of section 135.805 and the penalty provisions of section 135.810.**

135.805. 1. A recipient of any tax credit program, except domestic and social tax credits[, environmental tax credits,] or financial and insurance tax credits, shall [annually] **on June thirtieth of each year**, for a period of three years following the issuance of the tax credits, provide to the administering agency the actual

number of jobs **directly** created **that year as of June thirtieth** as a result of the tax credits, [at the location on the last day of the annual reporting period,] separated by part-time permanent and full-time permanent for each month of the preceding twelve-month period.

2. A recipient of a community development tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the title and location of the corresponding project, **the estimated and actual project cost**, the estimated [or] **and** actual time period for completion of the project, and all geographic areas impacted by the project.

3. A recipient of a redevelopment tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming whether the property is used for residential, commercial, or governmental purposes, and the projected [or] **and** actual project cost, labor cost, and date of completion.

4. A recipient of a business recruitment tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the annual update, an updated estimate of the number of employees projected to increase as a result of the completion of the project, and the estimated [or] **and** actual project cost.

5. A recipient of a training and educational tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the name and address of the educational institution used, the average salary of workers served as of such annual update, the estimated [or] **and** actual project cost, and the number of employees and number of students served as of such annual update.

6. A recipient of a housing tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the address of the property, the fair market value of the property, as defined in subsection 6 of section 135.802, and the projected [or] **and** actual labor [cost] **and project costs** and completion date of the project.

7. A recipient of an entrepreneurial tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the amount of investment and the names of the project, fund, and research project.

8. A recipient of an agricultural tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility, except that if the agricultural credit is issued as a result of a producer member investing in a new generation processing entity or new generation cooperative then the new generation processing entity or new generation cooperative, and not the recipient, shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

9. A recipient of an environmental tax credit shall [annually] **on June thirtieth of each year**, for a period of three years following issuance of tax credits, provide to the administering agency information

detailing any change to the type of equipment purchased, if applicable, and any change to any environmental impact statement, if such statement is required by state or federal law.

10. [The reporting requirements established in this section shall be due annually on June thirtieth of each year.] No person or entity shall be required to make an annual report until at least one [year] **month** after the credit issuance date.

11. Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the reporting requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

12. Where the enacting statutes of a particular tax credit program or the rules of a particular administering agency require reporting of information that includes the information required in sections 135.802 to 135.810, upon reporting of the required information, the applicant shall be deemed to be in compliance with the requirements of sections 135.802 to 135.810. The administering agency shall notify in writing the department of economic development of the administering agency's status as custodian of any particular tax credit program and that all records pertaining to the program are available at the administering agency's office **or electronically** for review by the department of economic development.

13. The provisions of subsections 1 to 10 of this section shall apply beginning on June 30, 2005.

14. Notwithstanding provisions of law to the contrary, every agency of this state charged with administering a tax credit program authorized under the laws of this state shall make available for public inspection the name of each tax credit recipient and the amount of tax credits issued to each such recipient. **An administering agency may satisfy this requirement by making such information available to the public through the department of economic development's website or the Missouri accountability portal.**

15. The department of economic development shall make all information provided under the provisions of this section available for public inspection on the department's website and the Missouri accountability portal.

16. The administering agency of any tax credit program for which reporting requirements are required under the provisions of subsection 1 of this section shall publish guidelines and may promulgate rules to implement the provisions of such subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

135.810. 1. After credits have been issued, any failure to meet the annual reporting requirements established in section 135.805 or any determination of fraud in the application **or reporting** process shall result in penalties as follows:

(1) Failure to **file the first annual report due under section 135.805** for more than [six] **three** months [but less than one year] shall result in a penalty equal to [two] **one** percent of the value of the credits issued for each month of delinquency [during such time period], **provided such penalty shall not exceed a**

**maximum of ten percent of the value of the credits issued;**

(2) Failure to [report] **file the second or third annual reports due under section 135.805** for more than [one year] **three months** shall result in a penalty equal to [ten] **one and one-half** percent of the value of the credits issued for each month of delinquency [during such time period] up to [one hundred percent of the value of the credit issued is assessed by way of penalty] **a maximum of twenty percent, per report, of the value of the credits issued;**

(3) Fraud in the application **or reporting** process shall result in a penalty equal to [one] **two** hundred percent of the credits issued. No [taxpayer] **recipient** shall be deemed to have committed fraud in the application **or reporting** process for any credit unless such conclusion has been reached by [a court of competent jurisdiction or] the administrative hearing commission. **The department of revenue, the department of economic development, or the administering agency may, by filing a complaint, submit to the administrative hearing commission the question of whether fraud in the application or reporting process for any credit has occurred. The burden of proof shall be on the governmental agency in such disputes. The issue shall be decided by the administrative hearing commission under the same procedural and evidentiary rules as ordinary contested cases before it.**

2. [Ninety] **Thirty** days after the annual report is past due, the administering agency shall send notice by registered **or certified** mail to the last known address of the person or entity obligated to complete the annual reporting informing such person or entity of the past-due annual report and describing in detail the pending penalties and their respective deadlines. [Six] **Three** months after the annual report is past due, the administering agency shall notify the department of revenue of any [taxpayer] **recipient** subject to penalties. The [taxpayer shall be liable for any penalties as of December thirty-first of any tax year and such liability] **payment of a penalty under this section** shall be due as of the filing date of the [taxpayer's] **recipient's** next income tax return. If the [taxpayer] **recipient** is not required to file an income tax return, the [taxpayer's] **recipient's** liability for penalties shall be due as of **the next** April fifteenth[ of each year]. The director of the department of revenue shall prepare forms and promulgate rules to allow for the reporting and satisfaction of liability for such penalties, **and, for valuable consideration, may enter into agreements to compromise or abate some or all of the penalty amount.** The director of the department of revenue shall offset any credits claimed on a contemporaneously filed tax return against an outstanding penalty before applying such credits to the tax year against which they were originally claimed. Any nonpayment of liability for penalties **by the date due under this subsection** shall be subject to the same provisions of law as a liability for unpaid income taxes, including[, but not limited to, interest and penalty provisions] **underpayment interest provisions but excluding income tax penalty and addition to tax provisions.**

3. Penalties shall remain the liability of the person or entity obligated to complete the annual reporting, without regard to any transfer of the credits.

4. Any person or entity obligated to complete the annual reporting requirements provided in section 135.805 shall provide the proper administering agency with notice of change of address when [necessary] **a change of address occurs. The administering agency shall notify the department of revenue and the department of economic development of such change of address.**

5. An administering agency may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions

of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

135.815. 1. Prior to authorization of any tax credit application, an administering agency shall verify through the department of revenue that the tax credit applicant does not owe any delinquent income, sales, or use taxes, or interest, **additions**, or penalties on such taxes, and through the department of commerce and insurance that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of commerce and insurance concludes that a taxpayer is delinquent after June fifteenth but before July first of any year, and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits towards a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

2. Any applicant of a tax credit program [contained in the definition of the term "all tax credit programs"] who [purposely and directly] **knowingly** employs unauthorized aliens shall forfeit any tax credits issued to such applicant which have not been redeemed, and shall repay the amount of any tax credits redeemed by such applicant during the period of time such unauthorized alien was employed by the applicant. **Such forfeiture and repayment shall be additional to, and not in lieu of, any penalties imposed pursuant to section 135.810.** As used in this subsection, the term "unauthorized alien" shall mean an alien who does not have the legal right or authorization under federal law to work in the United States, as defined under Section 8 U.S.C. 1324a(h)(3). **The amount of tax credits required to be repaid under this subsection, but which are not repaid by the applicant, shall be subject to the same procedure and provisions of law as a liability for unpaid income tax arising on the date that the department of revenue became aware of the violation of this provision.**

135.825. 1. The administering agencies for all tax credit programs shall, in cooperation with the department of revenue **and the department of economic development**, implement a system for tracking the amount of tax credits authorized, issued, and redeemed. Any such agency may promulgate rules for the implementation of this section.

2. The provisions of this section shall not apply to any credit that is issued and redeemed simultaneously.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

143.119. 1. A self-employed taxpayer, as such term is used in the federal internal revenue code, who is otherwise ineligible for the federal income tax health insurance deduction under Section 162 of the federal

internal revenue code shall be entitled to a credit against the tax otherwise due under this chapter, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross income. **To be eligible for a credit under this section, the self-employed taxpayer shall have a Missouri income tax liability, before any other tax credits, of less than three thousand dollars.** The tax credits authorized under this section shall be nontransferable, **nonrefundable, and shall not be carried back or forward to any other tax year.** [To the extent tax credit issued under this section exceeds a taxpayer's state income tax liability, such excess shall be considered an overpayment of tax and shall be refunded to the taxpayer.] **A self-employed taxpayer shall not claim both a tax credit under this section and a subtraction under section 143.113, for the same tax year.**

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**3. Pursuant to section 23.253 of the Missouri sunset act:**

**(1) The provisions of this section shall sunset automatically on December 31, 2028, unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, this section shall sunset automatically December thirty-first six years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and**

**(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax credits.";** and

Further amend said bill, page 5, Section 285.730, line 143, by inserting after all of said line the following:

"620.1039. 1. As used in this section, the [term] **following terms shall mean:**

**(1) "Additional qualified research expenses", the difference between qualified research expenses, as certified by the director of economic development, incurred in a tax year subtracted by the average of the taxpayer's qualified research expenses incurred in the three immediately preceding tax years;**

**(2) "Minority business enterprise", a business that is:**

**(a) A sole proprietorship owned and controlled by a minority;**

**(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or**



**(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it and that is at least fifty-one percent owned by one or more minorities or, if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;**

**(3) “Missouri qualified research and development equipment”, tangible personal property that has not previously been used in this state for any purpose and is acquired by the purchaser for the purpose of research and development activities devoted to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products;**

**(4) “Qualified research expenses”, for expenses within this state, the same meaning as prescribed in 26 U.S.C. 41;**

**(5) “Small business”, a corporation, partnership, sole proprietorship or other business entity, including its affiliates, that:**

**(a) Is independently owned and operated; and**

**(b) Employs fifty or fewer full-time employees;**

**(6) “Taxpayer” [means], an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation as described in section 143.441 or 143.471, or section 148.370], and the term “qualified research expenses” has the same meaning as prescribed in 26 U.S.C. 41];**

**(7) “Women’s business enterprise”, a business that is:**

**(a) A sole proprietorship owned and controlled by a woman;**

**(b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or**

**(c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it and that is at least fifty-one percent owned by women or, if stock is issued, at least fifty-one percent of the stock is owned by one or more women.**

2. **(1) For tax years beginning on or after January 1, 2001, and ending before January 1, 2005,** the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, or chapter 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in an amount up to six and one-half percent of the excess of the taxpayer’s qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer’s qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer’s qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer’s average qualified research expenses incurred during the immediately preceding three taxable years.

**(2) For all tax years beginning on or after January 1, 2023, the director of economic development**

may authorize a taxpayer to receive a tax credit against the tax otherwise due under chapters 143 and 148, other than the taxes withheld under sections 143.191 to 143.265 in an amount equal to the greater of:

(a) Fifteen percent of the taxpayer's additional qualified research expenses; or

(b) If such qualified research expenses relate to research conducted in conjunction with a public or private college or university located in this state, twenty percent of the taxpayer's additional qualified research expenses.

However, in no case shall a tax credit be allowed for any portion of qualified research expenses that exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the three immediately preceding tax years.

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143 or chapter 148 that becomes due in the tax year during which such qualified research expenses were incurred. **For tax years ending before January 1, 2005**, where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. **For all tax years beginning on or after January 1, 2023, where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next twelve succeeding tax years or until the full credit has been claimed, whichever occurs first.** The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. **(1)** Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

**(2)** Up to one hundred percent of tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

5. [No rule or portion of a rule promulgated under the authority of this section shall become effective

unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.] **Purchases of Missouri qualified research and development equipment are hereby specifically exempted from all state and local sales and use tax including, but not limited to, sales and use tax authorized or imposed under section 32.085 and chapter 144.**

**6. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

**7. (1) For tax years ending before January 1, 2005, the aggregate of all tax credits authorized pursuant to this section shall not exceed nine million seven hundred thousand dollars in any year.**

**(2) (a) For all tax years beginning on or after January 1, 2023, the aggregate of all tax credits authorized under this section shall not exceed ten million dollars in any year.**

**(b) Five million dollars of such ten million dollars shall be reserved for minority business enterprises, women's business enterprises, and small businesses. Any reserved amount not issued or awarded to a minority business enterprise, women's business enterprise, or small business by November first of the tax year may be issued to any taxpayer otherwise eligible for a tax credit under this section.**

**(c) No single taxpayer shall be issued or awarded more than three hundred thousand dollars in tax credits under this section in any year.**

**(d) In the event that total eligible claims for credits received in a calendar year exceed the annual cap, each eligible claimant shall be issued credits based upon a pro-rata basis, given that all new businesses, defined as a business less than five years old, are issued full tax credits first.**

[7. For all tax years beginning on or after January 1, 2005, no tax credits shall be approved, awarded, or issued to any person or entity claiming any tax credit under this section.]

**8. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the program authorized under this section shall automatically sunset December thirty-first, six years after the effective date of this section;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first, twelve years after the effective date of the reauthorization of this**

section; and

**(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Williams moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.110. 1. Any taxpayer who shall establish a new business facility shall be allowed a credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this section, whichever is applicable, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or an insurance company which shall establish a new business facility by satisfying the requirements in subdivision (9) of section 135.100 shall be allowed a credit against the tax otherwise imposed by chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916, except that no taxpayer shall be entitled to multiple ten-year periods for subsequent expansions at the same facility, except as otherwise provided in this section. For the purpose of this section, the term “facility” shall mean, and be limited to, the facility or facilities which are located on the same site in which the new business facility is located, and in which the business conducted at such facility or facilities is directly related to the business conducted at the new business facility. Notwithstanding the provisions of this subsection, a taxpayer may be entitled to an additional ten-year period, **and an additional six-year period after the expiration of such additional ten-year period**, if a new business facility is expanded in the eighth, ninth or tenth year of the current ten-year period or in subsequent years following the expiration of the ten-year period, if the number of new business facility employees attributed to such expansion is at least twenty-five and the amount of new business facility investment attributed to such expansion is at least one million dollars. Credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years. A letter of intent, as provided for in section 135.258, must be filed with the department of economic development no later than fifteen days prior to the commencement of commercial operations at the new business facility. The initial application for claiming tax credits must be made in the taxpayer’s tax period immediately following the tax period in which commencement of commercial operations began at the new business facility. This provision shall have effect on all initial applications filed on or after August 28, 1992. No credit shall be allowed pursuant to this section unless the number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; except that the number of new business facility employees engaged or maintained in employment by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of section 135.100 which establishes an office as defined in subdivision (9) of section 135.100 shall equal or exceed twenty-five.

2. For tax periods beginning after August 28, 1991, in the case of a taxpayer operating an existing business facility, the credit allowed by subsection 1 of this section shall offset the greater of:

(1) Some portion of the income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916 with respect to such taxpayer's new business facility income for the taxable year for which such credit is allowed; or

(2) Up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916 if the business operates no other facilities in Missouri. In the case of an existing business facility operating more than one facility in Missouri, the credit allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision. Such credit shall be an amount equal to the sum of one hundred dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred fifty dollars for each new business facility employee plus one hundred dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred fifty dollars for each one hundred thousand dollars, or major fraction thereof (which shall be deemed to be fifty-one percent or more) in new business facility investment. For the purpose of this section, tax credits earned by a taxpayer, who establishes a new business facility because it satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100, shall offset the greater of the portion prescribed in subdivision (1) of this subsection or up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business' tax provided the business operates no other facilities in Missouri. In the case of a business operating more than one facility in Missouri, the credit allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision.

3. For tax periods beginning after August 28, 1991, in the case of a taxpayer not operating an existing business facility, the credit allowed by subsection 1 of this section shall offset the greater of:

(1) Some portion of the income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section

375.916 with respect to such taxpayer's new business facility income for the taxable year for which such credit is allowed; or

(2) Up to one hundred percent of the business income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916 if the business has no other facilities operating in Missouri. In the case of a taxpayer not operating an existing business and operating more than one facility in Missouri, the credit allowed by subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision. Such credit shall be an amount equal to the sum of seventy-five dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred twenty-five dollars for each new business facility employee plus seventy-five dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred twenty-five dollars for each one hundred thousand dollars, or major fraction thereof (which shall be deemed to be fifty-one percent or more) in new business facility investment.

4. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility because it qualifies as a separate facility pursuant to subsection 6 of this section, and, in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100, or subdivision (11) of section 135.100, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation or the establishment of a new facility.

5. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility because it qualifies as a separate facility pursuant to subsection 6 of this section, and, in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100 or subdivision (11) of section 135.100, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (8) of section 135.100 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition.

Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation or the establishment of a new facility.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered a separate facility eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars, or, if less, one hundred percent of the investment in the original facility prior to expansion and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, except that the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which the credit is claimed equals or exceeds twenty-five if an office as defined in subdivision (9) of section 135.100 is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of section 135.100 and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion, except that the total number of employees at the facility after the expansion is at least greater than the number of employees before the expansion by twenty-five, if an office as defined in subdivision (9) of section 135.100 is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of section 135.100; and

(2) The expansion otherwise constitutes a new business facility. The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (8) of section 135.100.

7. No credit shall be allowed pursuant to this section to a public utility, as such term is defined in section 386.020. Notwithstanding any provision of this subsection to the contrary, motor carriers, barge lines or railroads engaged in transporting property for hire, or any interexchange telecommunications company or local exchange telecommunications company that establishes a new business facility shall be eligible to qualify for credits allowed in this section.

8. For the purposes of the credit described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, this credit shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership. This credit shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

9. Notwithstanding any provision of law to the contrary, any employee-owned engineering firm classified as SIC 8711, architectural firm as classified SIC 8712, or accounting firm classified SIC 8721 establishing a new business facility because it qualifies as a headquarters as defined in subsection 10 of this section, shall be allowed the credits described in subsection 11 of this section under the same terms and conditions prescribed in sections 135.100 to 135.150; provided:

(1) Such facility maintains an average of at least five hundred new business facility employees as defined in subdivision (6) of section 135.100 during the taxpayer's tax period in which such credits are being claimed; and

(2) Such facility maintains an average of at least twenty million dollars in new business facility investment as defined in subdivision (8) of section 135.100 during the taxpayer's tax period in which such credits are being claimed.

10. For the purpose of the credits allowed in subsection 9 of this section:

(1) "Employee-owned" means the business employees own directly or indirectly, including through an employee stock ownership plan or trust at least:

(a) Seventy-five percent of the total business stock, if the taxpayer is a corporation described in section 143.441; or

(b) One hundred percent of the interest in the business if the taxpayer is a corporation described in section 143.471, a partnership, or a limited liability company; and

(2) "Headquarters" means:

(a) The administrative management of at least three integrated facilities operated by the taxpayer or related taxpayer; and

(b) The taxpayer's business has been headquartered in this state for more than fifty years.

11. The tax credits allowed in subsection 9 of this section shall be the greater of:

(1) Four hundred dollars for each new business facility employee as computed in subsection 4 of this section and four percent of new business facility investment as computed in subsection 5 of this section; or

(2) Five hundred dollars for each new business facility employee as computed in subsection 4 of this section, and five hundred dollars of each one hundred thousand dollars of new business facility investment as computed in subsection 5 of this section.

12. For the purpose of the credit described in subsection 9 of this section, in the case of a small corporation described in section 143.471, or a partnership, or a limited liability company, the credits allowed in subsection 9 of this section shall be apportioned in proportion to the share of ownership of each shareholder, partner or stockholder on the last day of the taxpayer's tax period for which such credits are being claimed.

13. For the purpose of the credit described in subsection 9 of this section, tax credits earned, to the extent such credits exceed the taxpayer's Missouri tax on taxable business income, shall constitute an overpayment of taxes and in such case, be refunded to the taxpayer provided such refunds are used by the taxpayer to purchase specified facility items. For the purpose of the refund as authorized in this subsection, "specified facility items" means equipment, computers, computer software, copiers, tenant finishing, furniture and fixtures installed and in use at the new business facility during the taxpayer's taxable year. The taxpayer shall perfect such refund by attesting in writing to the director, subject to the penalties of perjury, the requirements prescribed in this subsection have been met and submitting any other information the director may require.

14. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange,



convey or otherwise transfer tax credits allowed in subsection 9 of this section under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer, referred to as the assignor for the purpose of this subsection, may sell, assign, exchange or otherwise transfer earned tax credits:

(1) For no less than seventy-five percent of the par value of such credits; and

(2) In an amount not to exceed one hundred percent of such earned credits. The taxpayer acquiring the earned credits referred to as the assignee for the purpose of this subsection may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.261, or chapter 148, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916. Unused credits in the hands of the assignee may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which commencement of commercial operations occurred at the new business facility. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the director in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the director to administer and carry out the provisions of this subsection. Notwithstanding any other provision of law to the contrary, the amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the difference between the amount paid by the assignee and the par value of the credits shall be taxable as income of the assignee.

135.155. 1. Notwithstanding any provision of the law to the contrary, no revenue-producing enterprise other than headquarters as defined in subsection 10 of section 135.110 shall receive the incentives set forth in sections 135.100 to 135.150 for facilities commencing operations on or after January 1, 2005. No headquarters shall receive the incentives set forth in subsections 9 to 14 of section 135.110 for facilities commencing or expanding operations on or after January 1, [2025] **2031**.

2. Notwithstanding subsection 9 of section 135.110 to the contrary, expansions at headquarters facilities shall each be considered a separate new business facility and each be entitled to the credits as set forth in subsections 9 to 14 of section 135.110 if the number of new business facility employees attributed to each such expansion is at least twenty-five and the amount of new business facility investment attributed to each such expansion is at least one million dollars. In any year in which a new business facility is not created, the jobs and investment for that year shall be included in calculating the credits for the most recent new business facility and not an earlier created new business facility.

3. Notwithstanding any provision of law to the contrary, for headquarters, buildings on multiple noncontiguous real properties shall be considered one facility if the buildings are located within the same county or within the same municipality.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after

all of said line the following:

“620.800. The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) “Agreement”, the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;

**(2) “Application”, a form developed by and submitted to the department by a local education agency on behalf of a qualified company applying for benefits under section 620.806;**

[(2)] **(3)** “Board of trustees”, the board of trustees of a community college district established under the provisions of chapter 178;

[(3)] **(4)** “Certificate”, a new or retained jobs training certificate issued under section 620.809;

[(4) “Committee”, the Missouri one start job training joint legislative oversight committee, established under the provisions of section 620.803;]

(5) “Department”, the Missouri department of economic development;

(6) “Employee”, a person employed by a qualified company;

(7) [“Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(8) [“Full-time employee”, an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

[(9)] **(8)** “Local education agency”, a community college district, two-year state technical college, or technical career education center;

[(10)] **(9)** “Missouri one start program”, the [training] program established under sections 620.800 to 620.809;

[(11)] **(10)** “New capital investment”, costs incurred by the qualified company at the project facility for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the **application or** notice of intent;

[(12)] **(11)** “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the **application or** notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, is on the facility's payroll, **and** one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county's average wage;

[(13)] **(12)** “New jobs credit”, the credit from withholding remitted by a qualified company provided under subsection 7 of section 620.809;

[(14)] (13) “Notice of intent”, a form developed by and submitted to the department that states the qualified company's intent to request benefits under [this program] **section 620.809**;

[(15)] (14) “Project facility”, the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated[, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located]. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(16)] (15) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the **application or** notice of intent or, for the twelve-month period prior to the date of the **application or** notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the **application or** notice of intent;

[(17)] (16) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term “qualified company” shall not mean:

(a) Gambling establishments (NAICS industry group 7132);

(b) **Store-front consumer-based** retail trade establishments (**under** NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food services and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

**(17) “Recruitment services”, promoting workforce opportunities in Missouri;**

(18) “Related company”:

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or
- (c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and “ownership” shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(19) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(20) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the **application or** notice of intent or, for the twelve-month period prior to the date of the **application or** notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

**(21) “Relocation costs”, costs paid by a qualified company for a full-time employee in a new job, excluding costs for residents relocating from a Kansas border county to a Missouri border county, as such terms are defined in subsection 1 of section 135.1670, provided subsection 2 of section 135.1670 is in effect. Relocation costs shall only apply to an employee relocating to Missouri from out of state to work in the new job. Reimbursement for relocation costs shall be limited to fifty percent of the amount paid by the employer to cover actual relocation expenses, including, but not limited to, reasonable moving and related travel expenses. The amount paid to a qualified company shall not exceed three thousand five hundred dollars per employee, and shall not exceed fifty percent of the total training project award;**

(22) “Retained jobs”, the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the **application or** notice of intent is submitted;

[(22)] **(23)** “Retained jobs credit”, the credit from withholding remitted by a qualified company provided under subsection 7 of section 620.809;

[(23)] **(24)** “Targeted industry”, an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

[(24) “Training program”, the Missouri one start program established under sections 620.800 to 620.809;]

(25) “Training project”, the project or projects established through the Missouri one start program for the creation or retention of jobs by providing education and training of workers;

(26) “Training project costs”, may include all necessary and incidental costs of providing program services through the [training] **Missouri one start** program, such as:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; [and]

(p) **Relocation costs;**

**(q)** Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates; **and**

**(r) Costs of training project services not otherwise included in this subdivision;**

(27) “Training project services”, may include, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses at a reasonable amount determined by the department;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a “Missouri One Start Program” to assist [qualified] companies [in the] **with recruitment services**, training of employees in new jobs, and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The [training] **Missouri one start** program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the [training] **Missouri one start** program to assist qualified companies in targeted industries.

2. [There is hereby created the “Missouri One Start Job Training Joint Legislative Oversight Committee”. The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to qualified companies under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3.] The department shall publish guidelines and may promulgate rules and regulations governing the [training] **Missouri one start** program. In establishing such guidelines and promulgating such rules and regulations, the department shall consider such factors as the potential number of new jobs to be created **or the number of jobs to be retained**, the potential number of new minority jobs created, the amount of new capital investment in new **or existing** facilities and equipment, the significance of state benefits to the qualified company’s decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the qualified company to the economic development of the state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers

vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

[4.] **3.** The department shall make **Missouri one start** program applications and guidelines available online.

[5.] **4.** The department may contract with other entities for the purposes of advertising, marketing, or promoting the [training] **Missouri one start** program established in sections 620.800 to 620.809. Any assistance through the [training] **Missouri one start** program shall be provided under an agreement.

[6.] **5.** Prior to the authorization of any application submitted through the [training] **Missouri one start** program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

[7.] **6.** Any qualified company that is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

[8.] **7.** The department may require repayment of all benefits awarded, increased by an additional amount that shall provide the state a reasonable rate of return, to any qualified company under sections 620.800 to 620.809 that fails to maintain the new or retained jobs within five years of approval of the benefits or that leaves the state within five years of approval of the benefits.

[9.] **8.** The department shall be authorized to contract with other entities, including businesses, industries, other state agencies, and political subdivisions of the state for the purpose of implementing a training project **or providing recruitment services** under the provisions of sections 620.800 to 620.809.

620.806. 1. There is hereby created in the state treasury a fund to be known as the “Missouri One Start Job Development Fund”, that shall be administered by the department for the purposes of the Missouri one start program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department may provide financial assistance **for training projects** through the [training] **Missouri one start** program **from the Missouri one start job development fund** to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of a majority of qualified companies organized to provide common training to the consortium members’ employees.

**3.** Funds in the Missouri one start job development fund shall be appropriated, **for recruitment services,**

**and** for financial assistance **for training projects** through the [training] **Missouri one start** program, by the general assembly to the department [and]. **Recruitment services shall be administered by the department. Financial assistance for training projects** shall be administered by a local education agency certified by the department for such purpose. [Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri one start job development fund.] No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri one start job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for **training** assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

[3.] **4.** Upon appropriation, a local education agency may petition the department to utilize the Missouri one start job development fund in order to create or improve training facilities, training equipment, training staff, training expertise, training programming, and administration. The department shall review all petitions and may award funds from the Missouri one start job development fund for reimbursement of training project costs and training project services as it deems necessary.

[4.] **5.** The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

620.809. 1. There is hereby established in the state treasury a fund to be known as the “Missouri One Start Community College New Jobs Training Fund”, that shall be administered by the department for **training projects** in the [training] **Missouri one start** program. **Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all new jobs credits. [For existing Missouri businesses creating new jobs, the training project may include retained jobs.] The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. [The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.] **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection [5] **6** of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **All unobligated funds in the Missouri one start community college new jobs training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized pursuant to subsection 3 of this section.**

2. There is hereby created in the state treasury a fund to be known as the “Missouri One Start



Community College Job Retention Training Fund”, that shall be administered by the department for the Missouri one start program. **Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all retained jobs credits. [For existing Missouri businesses retaining jobs, the training project may include new jobs.] The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. [The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.] **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training [program] **project costs**[, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project]. Such disbursements by the department shall be made to the special fund for each project as provided under subsection [5] **6** of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **All unobligated funds in the Missouri One Start Community College Job Retention Training Fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized pursuant to subsection 3 of this section.**

3. **There is hereby created in the state treasury the “Missouri One Start Community College Training Fund”, that shall be administered by the department for training projects in the Missouri one start program. Beginning July 1, 2023, the department of revenue shall credit to the fund, as received, all new and retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Beginning July 1, 2023, the department shall disburse moneys in the fund under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection 6 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.**

4. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid **through June 30, 2023**, into the Missouri one start community college new jobs training fund or retained jobs credit paid **through June 30, 2023**, into the Missouri one start community college job retention training fund. **The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company’s new or retained jobs credit, or both, as applicable, paid beginning July 1, 2023, into the Missouri one start community college jobs training fund.** The new or retained jobs credits, **or both, as applicable**, shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. **Through June 30, 2023**, reimbursements made by all qualified companies to the Missouri one start community college new jobs training fund and the Missouri one start community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. **Beginning July 1, 2023, reimbursements made by all qualified companies to the Missouri one start community college training fund shall be no less than all allocations made by the department to all community college districts for all projects.** The qualified company shall remit the amount of the new or retained jobs

credit, **or both**, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265. **A qualified company's training project may include both new jobs and retained jobs.**

[4.] **5.** A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. **The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.** As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the community college district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 6 of this section for a qualified company applying to receive a new or retained job credit, **or both, as applicable**, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

(a) **Through June 30, 2023**, funds appropriated by the general assembly to the Missouri one start community college new jobs training program fund or Missouri one start community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) **Beginning July 1, 2023, funds appropriated by the general assembly to the Missouri one start community college jobs training program fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;**

(c) Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

[(c)] (d) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, **or both, if applicable**, general revenue fund appropriations, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon

the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at a tax sale shall obtain the property subject to the remaining payments.

[5.] **6.** (1) For projects that are funded exclusively under [paragraph] **paragraphs (a) and (b)** of subdivision (1) of subsection [4] **5** of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) [and], (b), **and (c)** of subdivision (1) of subsection [4] **5** of this section, the department shall disburse funds appropriated under paragraph [(b)] **(c)** of subdivision (1) of subsection [4] **5** of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under [paragraph] **paragraphs (a) and (b)** of subdivision (1) of subsection [4] **5** of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph [(b)] **(c)** of subdivision (1) of subsection [4] **5** of this section.

[6.] **7.** Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made; and

(2) Made or agrees to make a new capital investment of greater than five times the amount of any award under [this training] **the Missouri one start** program at the project facility over a period of two consecutive years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state;  
or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

[7.] **8.** If an agreement provides that all or part of the training [program] **project** costs are to be met by receipt of new or retained jobs credit, **or both, if applicable**, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit, **or both, if applicable**, from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified

company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit, **or both, if applicable**, to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training [program] **project** costs have been paid, the new or retained jobs credits, **or both, if applicable**, shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under [subsections 1 and 2 of] this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit, **or both, if applicable**, is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training [program] **project** costs are to be met by receipt of new or retained jobs credit, **or both, if applicable**, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

[8.] **9.** To provide funds for the present payment of the training project costs [of new or retained jobs training project] through the [training] **Missouri one start** program **as provided in this section**, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the [Missouri one start community college new jobs training fund or the Missouri one start community college job retention training fund] **funds established under this section**, to the special fund established by the community college district for each **training** project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013[, unless an increased amount is authorized in writing by a majority of members of the committee]. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the

par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single **training** project or multiple **training** projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

[9.] **10.** Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

[10.] **11.** Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

[11.] **12.** The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

[12.] **13.** Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection [4] 5 of this section which are pledged in the agreement.

[13.] **14.** Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under sections 620.800 to 620.809 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

[14.] **15.** Any agreement or obligation entered into by the department that was made under the provisions of sections 620.800 to 620.809 prior to August 28, 2019, shall remain in effect according to the provisions of such agreement or obligation.”; and

Further amend the title and enacting clause accordingly.

Senator Eslinger moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

“620.515. 1. This section shall be known and may be cited as the “Show-Me Heroes” program, the purpose of which is to:

(1) Assist the spouse of an active duty National Guard or reserve component service member reservist and active duty United States military personnel to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the five-year period following discharge from deployment; and

(2) Assist returning National Guard troops or reserve component service member reservists and recently separated United States military personnel with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of [economic development] **higher education and workforce development** shall operate the Show-Me heroes program through existing programs. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to five years following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills;

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

(e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;

- (f) Paid internships and subsidized employment to train on the job; and
- (g) Job placement assistance for those who don't require skills training.

**3. (1) In addition to the benefits provided to those meeting the criteria established by subsection 2 of this section, the department of higher education and workforce development may award grants from the Show-Me heroes program or programs administering the Show-Me heroes program to one or more nonprofit organizations that facilitate the participation in apprenticeship training programs of veterans and active duty United States military personnel who are transitioning into civilian employment.**

**(2) A grant awarded pursuant to this subsection shall be used only to recruit or assist veterans or active duty United States military personnel who are transitioning into civilian employment to participate in an apprenticeship training program in this state.**

**(3) As used in this subsection, the term “apprenticeship training program” means a training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in a trade that has been certified as an apprenticeable occupation by the Office of Apprenticeship of the United States Department of Labor.**

**4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator May offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

**“620.850. 1. This section shall be known and may be cited as the “Citizen’s Land Development Cooperative Act”.**

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

**(1) “Commission”, the citizen’s land development cooperative commission established in subsection 3 of this section;**

**(2) “Citizen’s land development cooperative”, a for-profit, citizen-owned, professionally managed real estate planning and development corporation or land cooperative that may:**

**(a) Receive title to land, natural resources, physical infrastructure, or facilities donated by a not-for-profit organization or government entity;**

**(b) Borrow money on behalf of its shareholders to purchase land, plan its use, and develop the land and natural resources for productive and ecologically suitable purposes; and**

**(c) Enable each citizen whose principal residence is situated in a local or regional area for which future development will be controlled by a citizen's land development cooperative to acquire, free as a right of citizenship, an equal, lifetime, non-transferable, private property ownership stake in local land use and infrastructure development, share profits from land rentals, natural resource use or extraction revenues, and infrastructure user fees, and have a voice as an owner in the governance of future land development in the community;**

**(3) "Department", the Missouri department of economic development.**

**3. (1) There is hereby established within the department the citizen's land development cooperative commission.**

**(2) The commission shall consist of eleven members to be appointed by the governor, with the advice and consent of the senate, one of whom shall be designated as chair of the commission at the time of appointment.**

**(3) Of the members initially appointed, three members shall serve a term of one year, three members shall serve a term of two years, three members shall serve a term of three years, and two members, one of whom shall be the chair, shall serve a term of four years. Thereafter, all terms shall be for four years.**

**4. (1) The commission may begin to conduct business upon the appointment of a majority of the voting members, including the chair. The commission may adopt bylaws, and may establish committees and officers as it deems necessary.**

**(2) A majority of members of the commission shall constitute a quorum, and meetings of the commission shall be subject to the provisions of chapter 610. The commission shall afford an opportunity for public comment at each public meeting.**

**(3) All members of the commission shall serve without compensation for such service, but shall be reimbursed for all necessary and actual expenses incurred by them in the performance of their official duties.**

**(4) Subject to appropriation, the department shall provide staff and administrative support services to the commission.**

**5. The commission shall gather information and make annual reports of recommendations to the governor and to the general assembly regarding the establishment and operation of citizen's land development cooperatives. The reports shall include recommendations concerning, without limitation:**

**(1) The establishment of policies regarding citizen's land development cooperatives;**

**(2) The approval of citizen's land development cooperatives throughout the state;**

**(3) The establishment of guidelines for citizens of localities to petition for local referenda to create citizen's land development cooperatives and to determine the participation plan for allocation, shareholder governance, and ownership rights, the issuance and cancellation of shares of citizen's land development cooperatives, and the disposition of assets in the event of the dissolution of a citizen's land development cooperative;**



**(4) The establishment of tax reforms that encourage the use and effectiveness of citizen’s land development cooperatives through the exemption from all state and local taxes on the holdings of land, natural resources, improvements, other tangible and intangible assets, undistributed capital gains, and undistributed profits, provided that at least ninety percent of the annual profits are distributed as taxable dividends, other forms of taxable distributions to its shareholders and workers, and debt service payments on its loans;**

**(5) The rendering of assistance to localities on problems, concerns, and issues related to the development of citizen’s land development cooperatives;**

**(6) The undertaking of studies and gathering information and data to accomplish the purposes as set forth in this section and to formulate and present recommendations to the governor and the general assembly;**

**(7) Applying for, accepting, and expending gifts, grants, loans, or donations from public, quasi-public, or private sources, including any matching funds as may be designated in an appropriation to the department, to enable the commission to carry out its purpose; and**

**(8) Accounting annually on its fiscal activities, including any matching funds received or expended by the commission.**

**6. (1) Subject to appropriation, the department shall develop and maintain a program to make grants to communities seeking to establish citizen’s land development cooperatives and encourage them to become self-sustaining from land rentals and other fees within the first five years of their formation. The procedures for grant application shall be established by the department by rule.**

**(2) The commission shall seek funding from local, state, federal, and private sources to make grants and loans and otherwise enhance the development of citizen’s land development cooperatives. The department shall advise the commission of all available sources of funding for economic development that it is aware of and shall assist the commission and citizen’s land development cooperatives in securing such funding.**

**(3) Funds received pursuant to this section shall be deposited into the citizen’s land development cooperative fund, which is hereby created in the state treasury. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Moneys in the fund shall be expended solely for the purposes of this section.**

**7. The department shall establish rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“105.1500. 1. This section shall be known and may be cited as “The Personal Privacy Protection Act”.**

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

**(1) “Personal information”, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;**

**(2) “Public agency”, the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.**

**3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:**

**(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;**

**(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;**

**(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or**

**(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.**

**(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.**

**4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:**

**(1) Submitting any report or disclosure required by this chapter or chapter 130;**

**(2) Responding to any lawful request or subpoena for personal information from the Missouri**

**ethics commission as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;**

**(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;**

**(4) Responding to any lawful request for discovery of personal information in litigation if:**

**(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and**

**(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;**

**(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause; or**

**(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law.**

**5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:**

**(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or**

**(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.**

**(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.**

**(3) A person who knowingly violates this section is guilty of a class B misdemeanor.”; and**

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Bean offered SA 9:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) “Capital, cultural, and special law enforcement purpose expenditures” shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) “Commission”, the Missouri gaming commission;

(7) “Credit instrument”, a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person’s banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) “Excursion gambling boat”, a boat, ferry, other floating facility, or any nonfloating facility licensed by the commission on **or inside of** which gambling games are allowed;

(10) “Fiscal year”, the fiscal year of a home dock city or county;

(11) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) “Gambling excursion”, the time during which gambling games may be operated on an excursion

gambling boat whether docked or during a cruise;

(13) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) “Games of chance”, any gambling game in which the player’s expected return is not favorably increased by the player’s reason, foresight, dexterity, sagacity, design, information or strategy;

(15) “Games of skill”, any gambling game in which there is an opportunity for the player to use the player’s reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player’s expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold’em”, “double down stud”, and any video representation of such games;

(16) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

(17) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) “Licensee”, any person licensed under sections 313.800 to 313.850;

(19) “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled wholly or partially by the water of those rivers in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) “Nonfloating facility”, any structure within one thousand feet **from the closest edge of the main channel** of the Missouri or Mississippi River, **as established by the United States Army Corps of Engineers**, that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers, **tanks**, or structures;

(21) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant’s or licensee’s home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the petitioner’s case by a preponderance of evidence including:

(a) Is it in the best interest of gaming to allow the game; and

(b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and

issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production

of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) The commission shall base its decision to license excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for excursion gambling boats that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding **or findings** concerning the transition from a boat, barge, or floating facility to a nonfloating facility within thirty days after a hearing on any request from an applicant or **existing** licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850

and the commission rules.”; and

Further amend the title and enacting clause accordingly.

Senator Bean moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“34.715. 1. The state, any agency of the state, any political subdivision of the state, or any instrumentality thereof, when engaged in procuring or letting contracts for any purpose shall ensure that bidders, offerors, contractors, subcontractors, or business entities are not given preferential treatment or discriminated against based on an environmental, social, and governance score.**

**2. For purposes of this section, the term “environmental, social and governance score” means an evaluation conducted by an entity that takes into consideration one or more of the following:**

**(1) Whether the bidder, offeror, contractor, subcontractor, or business entity engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable state and federal law;**

**(2) Whether the bidder, offeror, contractor, subcontractor, or business entity engages in production agriculture;**

**(3) Whether the bidder, offeror, contractor, subcontractor, or business entity spends funds on social welfare;**

**(4) The wages and working hours of the employees of the bidder, offeror, contractor, subcontractor, or business entity; and**

**(5) The environmental policies of the bidder, offeror, contractor, subcontractor, or business entity.”; and**

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Beck raised the point of order that **SA 10** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Beck offered **SA 1** to **SA 10**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for House Bill No. 2400, Page 2, Line 30, by inserting after all of said line the following:

“Further amend said bill, page 5, section 285.730, line 143, by inserting after all of said line the following:



“442.571. 1. Except as provided in sections 442.586 and 442.591, [no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser] **beginning August 28, 2022, no alien or foreign business entity shall acquire by grant, purchase, devise, descent, or otherwise any agricultural land in this state. Any alien or foreign business entity who acquired any agricultural land in this state prior to August 28, 2022, shall not grant, sell, or otherwise transfer such agricultural land to any other alien or foreign business on or after August 28, 2022.** No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as [he or she] **the alien or foreign business entity** holds an interest in the land, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

3. Subject to the provisions of subsection 1 of this section, [such] **all** proposed [acquisitions] **transfers on or after August 28, 2022**, by grant, purchase, devise, descent, or otherwise of **any interest in agricultural land held by any alien or foreign business entity** in this state shall be submitted to the department of agriculture to determine whether such [acquisition] **transfer** of agricultural land is conveyed in accordance with the [one percent restriction on the total aggregate] **prohibition on** alien and foreign ownership of agricultural land in this state **under this section**. The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.”; and”.

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Arthur, Razer, Roberts, and Schupp.

At the request of Senator Moon, **SA 10** was withdrawn, rendering **SA 1** to **SA 10** moot.

Senator Roberts offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Bill No. 2400, Page 1, Section A, Line 3, by inserting after all of said line the following:

“208.798. The provisions of sections 208.780 to 208.798 shall terminate on August 28, [2022] **2029**.”; and

Further amend said bill, page 5, section 285.730, line 143, by inserting after all of said line the following:

“620.1620. 1. This section shall be known and may be cited as the “Meet in Missouri Act”.

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

(1) “Director”, the director of the department of economic development;

(2) “Eligible commission”, any regional convention and visitors commission created under section 67.601; any body designated by the division of tourism official destination marketing organization for a Missouri county which is designated as the single representative organization for the county to solicit and service tourism;

(3) “Eligible major convention event costs”, all operational costs of the venue of a major convention event including, but not limited to, costs related to the following: security, venue utilities, cleaning, production of the event, installation and dismantling, facility rental charges, personnel, construction to prepare the venue, and other temporary facility construction;

(4) “Fund”, the major economic convention event in Missouri fund established in this section;

(5) “Grant”, an amount of money equal to the total amount of eligible major convention event costs listed in an approved major convention plan to be disbursed at the requested date from the fund to an eligible commission by the state treasurer at the direction of the director which shall not exceed the amount of estimated total sales taxes to be received by the state generated by sleeping rooms paid by guests of hotels and motels reasonably believed to be occupied due to the major convention event;

(6) “Major convention event”, any convention if more than fifty percent of attendees travel to the convention from outside of Missouri and require overnight hotel accommodations;

(7) “Major convention plan”, a written plan for the administration of a major convention event, containing such information as shall be requested by the director to establish that the event covered by the application is a major convention event including, but not limited to, the start and end dates of the major convention event, an identification of the organization planning the event, the location of the event, projected total and out-of-state attendance, projected contracted and actual hotel room nights, projected costs and revenues anticipated to be received by the eligible commission in connection with the event, the eligible major convention event costs, and evidence of satisfaction of the conditions of subsection 5 of this section.

3. (1) There is hereby created in the state treasury the “Major Economic Convention Event in Missouri Fund”, which shall consist of moneys appropriated from the general revenue fund as prescribed in subsection 6 of this section and any gifts, contributions, grants, or bequests received from federal, private, or other sources. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. For major convention plans which have complied with subsection 5 of this section, in addition to funds otherwise made available under Missouri law, a grant shall be paid from the fund by the department of economic development to the eligible commission at the requested date. Any transfer of a grant from the fund to the treasurer or other designated financial officer of an eligible commission with an approved major convention plan shall be deposited in a separate, segregated account of such commission. The eligible commission shall agree to hold such funds until the major convention event has occurred and not disburse the funds until such time as the report in subsection 7 has been submitted.

5. The director shall not disburse a grant until the director or his or her designee has approved a written major convention plan submitted to the department of economic development by an eligible commission requesting a grant. The director or his or her designee shall not approve any submitted major convention plan unless he or she finds that the following conditions have been met:

(1) The applicant submitting the major convention plan is an eligible commission;

(2) The projected start and end dates of the planned major convention event and the requested date of disbursement of the grant are no later than five years from the date of the application; and

(3) There is sufficient evidence that:

(a) The event shall qualify as a major convention event under this section including, but not limited to, evidence of the actual number of contracted advance hotel reservations or projected out-of-state attendance numbers and actual hotel room usage from comparable past events;

(b) A request for proposal or similar documentation demonstrates the applicant eligible commission is competing for the event against non-Missouri cities;

(c) Without the grant, the major convention event would not be reasonably anticipated to occur in Missouri; and

(d) The positive net fiscal impact to general revenue of the state through any and all taxes attributable to the major convention event exceeds the amount of the major convention grant.

In reviewing such evidence, the director shall take into account any expenditures by an attendee for sleeping rooms paid by guests of the hotels and motels typically constitutes less than fifty percent of the expenditures by such attendees at a major convention event.

6. (1) Upon verification that the major convention plan complies with the terms of subsection 5 of this section, the director or his or her designee shall issue a certificate of approval to the eligible commission stating the date on which such grant shall be disbursed and the total amount of the grant, which shall be equal to the eligible major convention event costs listed in the approved major convention plan. The amount of any grant shall not exceed more than fifty percent of the cost of hosting the major convention event, positive net fiscal impact to general revenue, or one million dollars, whichever is less.

(2) All approved grants scheduled for disbursement each year shall be disbursed from the general revenue fund subject to appropriation by the general assembly. Any such appropriation shall not exceed three million dollars in any year.

(3) Upon such annual appropriation and transfer into the fund from the general revenue fund, the director shall disburse all grants pursuant to certificates of approval.

7. (1) Within one hundred eighty days of the conclusion of any major convention event for which a grant

was disbursed under this section, the eligible commission that received such grant shall provide a written report to the director detailing the final amount of eligible major convention event costs incurred and actual attendance figures which certify compliance with this section. If the final amount of total eligible major convention event costs is less than the amount of the grant disbursed to the eligible commission under an approved major convention plan, such commission shall refund to the state treasurer the excess greater than fifty percent of the actual cost for deposit into the fund.

(2) An eligible commission shall refund the following amounts to the state treasurer based on the actual attendance figures in relation to the projected total attendance for the event as provided in the major convention plan:

(a) If the actual attendance figure is less than twenty-five percent of the projected total attendance, the commission shall refund an amount equal to the full amount of the grant;

(b) If the actual attendance figure is equal to or less than eighty-five percent and greater than or equal to twenty-five percent of the projected total attendance, the commission shall keep a portion of the grant received under this section equal to the proportion of the actual attendance figure to the projected attendance figure rounded to the nearest dollar and refund the remaining amount;

(c) If the actual attendance figure is greater than eighty-five percent of the projected total attendance, the commission shall keep the entire grant amount received under this section unless otherwise provided by this section.

(3) The provisions of this subdivision shall not apply where attendance at the convention is adversely affected by a man-made disaster including, but not limited to, an uprising or other civil unrest or where attendance at the convention is adversely affected by a substantial inclement weather-related event.

8. Any amounts that are refunded from a grant under this section shall be returned to the major economic convention event in Missouri fund to be used for future grants.

9. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) The program authorized under the provisions of this section shall automatically sunset six years after August 28, [2016] **2022**; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

**“431.201. As used in section 431.202, unless the context otherwise requires, the following terms mean:**

**(1) “Business entity”, any natural person, business, corporation, limited liability company, series limited liability company, partnership, sole or other proprietorship, professional practice, or any other business organization or commercial enterprise, whether for profit or not for profit, including, without limitation, any successor in interest to an entity who conducts business or who, directly or indirectly, owns any equity interest, ownership, or profit participation in the entity;**

**(2) “Customers with whom the employee dealt”, each customer or prospective customer:**

**(a) Who was serviced, directly or indirectly, by an employee of a business entity;**

**(b) Whose business or other dealings with a business entity were supervised, coordinated, or otherwise worked on, directly or indirectly, by an employee;**

**(c) Who was solicited, produced, induced, persuaded, encouraged, or otherwise dealt with, directly or indirectly, by an employee;**

**(d) About whom an employee, directly or indirectly, obtained, had knowledge of, had access to, or is in possession of confidential business or proprietary information or trade secrets in the course of or as a result of the employee’s relationship with the business entity;**

**(e) Who has purchased or otherwise obtained products or services from a business entity and the sale or provision of which resulted in compensation, commissions, earnings, or profits to or for the employee within two years prior to the end of the employee’s employment or business relationship with the business entity; or**

**(f) With whom an employee had contact, directly or indirectly, of sufficient quality, frequency, and duration during the employee’s employment or other business relationship with the business entity such that the employee had influence over the customer;**

**(3) “Employee”:**

**(a) A natural person currently or formerly employed or retained by a business entity in any capacity, or who has performed work for a business entity, including, but not limited to, a member of a board of directors, an officer, a supervisor, an independent contractor, or a vendor;**

**(b) A natural person who, by reason of having been employed by or having a business relationship with a business entity:**

**a. Obtained specialized skills, training, learning, or abilities; or**

**b. Obtained, had knowledge of, had access to, or is in possession of confidential or proprietary business information or trade secrets of the business entity, including, but not limited to, customer contact information or information of or belonging to customers of the business entity; or**

**(c) A current or former owner or seller of all or any part of the assets of a business entity or of any interest in a business entity, including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or a series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity;**

**(d) The term “employee” set forth in this subdivision shall be applicable only with respect to section 431.202 and shall have no application in any other context. The term “employee” is not**

**intended, and shall not be relied upon, to create, change, or affect the employment status of any natural person or the meaning of the terms “employee”, “employment”, or “employer” that may be applicable in any other context or pursuant to any other provision of law.**

431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire, **induce, persuade, encourage,** or otherwise interfere with, **directly or indirectly,** the employment **or other business relationship** of one or more employees **of a business entity** shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if:

(1) Between two or more [corporations or other] business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each [corporation or] **such** business entity) during, and for a reasonable period following, negotiations between such [corporations or] **business** entities for the acquisition of all or a part of one or more of such [corporations or] **business** entities;

(2) Between two or more [corporations or] business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential **business or proprietary information** or trade [secret business information] **secrets** shared or to be shared between or among such [corporations or] entities;

(3) Between [an employer] **a business entity** and one or more employees **of such business entity** seeking on the part of the [employer] **business entity** to protect:

(a) Confidential **business or proprietary information** or trade [secret business information] **secrets**;  
or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the [employer] **business entity**; or

(4) Between [an employer] **a business entity** and one or more employees **of such business entity**, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than [one year] **two years** following the employee’s employment **or business relationship with the business entity**; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services **and who own no shares, partnership interest, membership or membership interest in a limited liability company or series limited liability company, or equity interest, ownership, profit participation, or other interest of any type in the business entity.**

2. Whether a covenant covered by **subsection 1** of this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its postemployment **or postbusiness** duration is no more than [one year] **two years.**

3. A reasonable covenant in writing promising not to solicit, induce, persuade, encourage, service, accept business from, or otherwise interfere with, **directly or indirectly,** a business entity’s customers, **including, without limitation, any reduction, termination, or transfer of any customer’s business, in whole or in part, for purposes of providing any product or any service that is competitive with those provided by the business entity,** shall be enforceable, and not a restraint of trade pursuant to subsection 1 of section 416.031, if the covenant is limited to customers with whom the employee dealt during the employee’s employment or other business relationship with the business entity, and if:

**(1) The covenant is between a business entity and one or more current or former employees of the business entity and is not associated with the sale or ownership of all or any part of:**

**(a) The assets of a business entity; or**

**(b) Any interest in a business entity, including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity;**

**so long as the covenant does not continue for more than two years following the end of the employee's employment or business relationship with the business entity. Notwithstanding the foregoing, this subdivision shall not apply to covenants with current or former distributors, dealers, franchisees, lessees of real or personal property, or licensees of a trademark, trade dress, or service mark;**

**(2) The covenant is between a business entity and a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark, and is not associated with the sale or ownership of all or any part of any of the items provided in paragraphs (a) or (b) of subdivision (1) of this subsection, so long as such covenant does not continue for more than three years following the end of the business relationship; or**

**(3) The covenant is between a business entity and the owner or seller of all or any part of any of the items provided in paragraphs (a) or (b) of subdivision (1) of this subsection, so long as the covenant does not continue for more than the longer of five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale measured from the date of termination, closing, or disposition of such items.**

**(a) A breach or threatened breach of a covenant described in this subdivision shall create a conclusive presumption of irreparable harm in the absence of an issuance of injunctive relief in connection with the enforcement of the covenant, without the necessity of establishing by prima facie evidence any actual or threatened damages or harm. Nothing in this paragraph shall be construed to change any other applicable evidentiary standard or other standards necessary for obtaining temporary, preliminary, or permanent injunctive relief relating to the enforcement of covenants.**

**(b) A provision in writing by which an employee promises to provide prior notice to a business entity of the employee's intent to terminate, sell, or otherwise dispose of all or any part of any of the items covered by this subdivision shall be conclusively presumed to be enforceable, and not a restraint of trade pursuant to subsection 1 of section 416.031, if the specified notice period is no longer than thirty days in duration and the business entity agrees in writing to pay the employee at the employee's regular rate of pay and to provide the employee with the employee's regular benefits during the applicable notice period even if the business entity does not require the employee to provide services during the notice period.**

**4. Whether a covenant covered by subsection 3 of this section is reasonable shall be determined based upon the facts and circumstances pertaining to the covenant, but a covenant covered by subdivisions (1) to (3) of subsection 3 of this section shall be conclusively presumed to be reasonable if its postemployment, posttermination, postbusiness relationship, postsale, or postdisposition duration is consistent with the applicable duration set forth in subdivisions (1) to (3) of subsection 3 of this section.**

**5. No express reference to geographic area shall be required for a covenant described in this section to be enforceable.**

**6. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the legitimate business interests of the person seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.**

**7. Nothing in subdivision (3) or (4) of subsection 1 or subdivisions (1) to (3) of subsection 3 of this section is intended to create, or to affect the validity or enforceability of, [employer-employee] covenants not to compete, other types of covenants, or nondisclosure or confidentiality agreements, except as expressly provided in this section.**

**[4.] 8. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, or a covenant described in subsection 3 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (3) of subsection 3 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.**

**[5.] 9. Except as otherwise expressly provided in this section, nothing [is] in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or nonvoluntary.**

**[6.] 10. This section shall have retrospective as well as prospective effect.”; and**

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted.

Senator Beck offered SA 1 to SA 12:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for House Bill No. 2400, Page 8, Line 239, by insert after “effect.” the following:

**“431.203. 1. For purposes of this section, “covenant not to compete” means an agreement, understanding, contract, or contractual term in which an employee or prospective employee agrees not to compete against an employer or prospective employer or agrees not to accept any positions with a competitor of an employer or prospective employer following the termination of a business or employment relationship between the employee or prospective employee and the employer or prospective employer. A covenant not to compete may, but need not, contain time-based or geographic limitations.**

**2. Notwithstanding any provision of section 431.202 or any other provision of law to the contrary, a covenant not to compete shall be void and unenforceable to the extent that it applies to an employment arrangement wherein an employee is or would be paid hourly wages.”.**

Senator Beck moved that the above amendment be adopted.



Senator Luetkemeyer requested a roll call vote be taken and was joined in his request by Senators Crawford, Hoskins, O’Laughlin, and Onder.

**SA 1 to SA 12** failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

NAYS—Senators

Bean	Brattin	Burlison	Crawford	Hegeman	Hoskins	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Riddle	Rowden	Schatz
White	Wieland—16					

Absent—Senators

Bernskoetter	Cierpiot	Eslinger	Gannon	Hough	Thompson Rehder—6
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Absent with leave—Senators

Brown	Eigel—2
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Vacancies—None

Senator O’Laughlin assumed the Chair.

Senator May requested a roll call vote be taken on the adoption of **SA 12** and was joined in her request by Senators Luetkemeyer, Razer, Roberts, and Schupp.

At the request of Senator Luetkemeyer, **SA 12** was withdrawn.

Senator Hoskins offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after all of said line the following:

“313.230. The commission shall:

(1) Issue rules and regulations concerning the operation of the Missouri state lottery. The rules and regulations shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted, [except no lottery may use any coin- or token-operated amusement device and no lottery game shall be based in any form on the outcome of sporting events. However, it shall be legal to] **including the use of clerk- or player-activated terminals, which are coin- or currency-operated, lottery games based on the outcome of a sporting event, and to dispense lottery tickets. Lottery games based on the outcome of a sporting event shall be limited to “parlay games”, which term shall mean a game in which two or more teams are involved in determining the winning outcome of the game;**

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

- (d) The manner of selecting the winning tickets or shares;
- (e) The manner of payment of prizes to the holders of winning tickets or shares;
- (f) The frequency of the drawings or selections of winning tickets or shares, without limitation;
- (g) The types or numbers of locations at which tickets or shares may be sold and the method to be used in selling tickets or shares;
- (h) The method to be used in selling tickets or shares;
- (i) The licensing of lottery game retailers to sell tickets or shares;
- (j) The manner and amount of compensation, including commissions, ticket discounts, incentives and any other remuneration, to be paid to or retained by lottery game retailers;
- (k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among:
  - a. The payment of prizes to the holders of winning tickets or shares;
  - b. The payment of costs incurred in the operation and administration of the lottery, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials;
  - c. For the repayment to the general revenue fund of any amount appropriated for initial start-up of the lottery; and
  - d. For timely transfer to the state lottery fund as provided by law;
- (1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares. The commission may disburse money for payment of lottery prizes;
- (2) Amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable;
- (3) Advise and make recommendations to the director regarding the operation and administration of the lottery;
- (4) Report quarterly to the governor and the general assembly the total lottery revenues, prize disbursements and other expenses for the preceding quarter, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the governor and the general assembly, and including such recommendations for changes in sections 313.200 to 313.350 as it deems necessary or desirable;
- (5) Report to the governor and general assembly any matters which shall require immediate changes in the laws of this state in order to prevent abuses and evasions of sections 313.200 to 313.350 or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery;
- (6) Carry on a continuous study and investigation of the lottery throughout the state and to make a continuous study and investigation of the operation and the administration of similar laws which may be

in effect in other states or countries, any literature on the subject which from time to time may be published or available, any federal laws which may affect the operation of the lottery, and the reaction of Missouri citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of sections 313.200 to 313.350;

(7) Ensure that all employees of the state lottery commission hired after July 12, 1990, shall not be related to any member of the state lottery commission or any employee of the state lottery commission within the third degree of consanguinity or affinity.

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) “Capital, cultural, and special law enforcement purpose expenditures” shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) “Commission”, the Missouri gaming commission;

(7) “Credit instrument”, a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking

of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) “Excursion gambling boat”, a boat, ferry, other floating facility, or any nonfloating facility licensed by the commission on **or inside of** which gambling games are allowed;

(10) “Fiscal year”, the fiscal year of a home dock city or county;

(11) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

(13) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat [but does not include gambling on sporting events]; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) “Games of chance”, any gambling game in which the player’s expected return is not favorably increased by the player’s reason, foresight, dexterity, sagacity, design, information or strategy;

(15) “Games of skill”, any gambling game in which there is an opportunity for the player to use the player’s reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player’s expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold’em”, “double down stud”, “**sports wagering**”, and any video representation of such games;

(16) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

(17) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) “Licensee”, any person licensed under sections 313.800 to 313.850;

(19) “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled wholly or partially by the water of those rivers in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) “Nonfloating facility”, any structure within one thousand feet **from the closest edge of the main channel** of the Missouri or Mississippi River, **as established by the United States Army Corps of Engineers**, that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers, **tanks**, or structures;

(21) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public

notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the petitioner's case by a preponderance of evidence including:

- (a) Is it in the best interest of gaming to allow the game; and
- (b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.813. The commission may promulgate rules allowing a person that is a problem gambler to voluntarily exclude him/herself from an excursion gambling boat, **or a licensed facility or platform regulated under sections 313.1000 to 313.1022**. Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140 if such person enters an excursion gambling boat. **Any person who has been self-excluded and is found to have placed a wager under sections 313.1000 to 313.1022 shall forfeit his or her winnings and such winnings shall be credited to the compulsive gamblers fund created under section 313.842.**

313.842. **1.** There [may] **shall** be established programs which shall provide treatment, prevention, **recovery**, and education services for compulsive gambling. As used in this section, "compulsive gambling" means a condition suffered by a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Subject to appropriation, such programs shall be funded from the one-cent admission fee authorized pursuant to section 313.820, and in addition, may be funded from the taxes collected and distributed to any city or county under section 313.822 **or any other funds appropriated by the general assembly**. Such moneys shall be submitted to the state and credited to the "Compulsive Gamblers Fund", which is hereby established within the department of mental health. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The department of mental health shall administer programs, either directly or by contract, for compulsive gamblers. The commission [may] **shall** administer programs to educate the public about problem gambling and promote treatment programs offered by the department of mental health. In addition, the commission shall administer the voluntary exclusion program for problem gamblers authorized by section [313.833] **313.813**.

**2. Effective January 1, 2023, every five years the commission shall conduct a socioeconomic study on the impact of gaming. Results of the study shall be submitted to the governor, president pro tempore of the senate and speaker of the house of representatives. The commission shall ensure the results of each study are readily accessible to the public.**

**313.1000. 1.** As used in sections 313.1000 to 313.1022, the following terms shall mean:

- (1) **“Adjusted gross receipts”, the same meaning as defined in section 313.800;**
- (2) **“Certificate holder”, a licensed applicant issued a certificate of authority by the commission;**
- (3) **“Certificate of authority”, a certificate issued by the commission authorizing a licensed applicant to conduct sports wagering under sections 313.1000 to 313.1022;**
- (4) **“Commission”, the Missouri gaming commission;**
- (5) **“Covered persons”, includes athletes; umpires, referees, and officials; personnel associated with clubs, teams, leagues, and athletic associations; medical professionals, including athletic trainers, who provide services to athletes and players; and the family members and associates of such persons where required to serve the purposes of sections 313.1000 to 313.1022;**
- (6) **“Department”, the department of revenue;**
- (7) **“Designated sports district”, the premises of a facility located in this state with a capacity of eleven thousand five hundred people or more, at which one or more professional sports teams that is a member of the National Football League, Major League Baseball, the National Hockey League, the National Basketball Association, Major League Soccer, the Women’s National Basketball Association, or the National Women’s Soccer League plays its home games, and the surrounding area within four hundred yards of such premises;**
- (8) **“Designated sports district mobile licensee”, a person or entity, registered to do business within this state, that is designated by a professional sports team entity to be a licensed applicant and an interactive sports wagering platform operator authorized to offer sports wagering only via the internet in this state, subject to the commission’s approval and licensure under sections 313.1000 to 313.1022; provided, however, for purposes of clarification and avoidance of doubt, the designated person or entity, rather than the applicable professional sports team entity, shall be the party that submits to the commission for licensure under sections 313.1000 to 313.1022;**
- (9) **“Excursion gambling boat”, the same meaning as defined under section 313.800;**
- (10) **“Gross receipts”, the total amount of cash and cash equivalents paid by sports wagering patrons to a sports wagering operator to participate in sports wagering;**
- (11) **“Interactive sports wagering platform” or “platform”, a platform operated by an interactive sports wagering platform operator that offers sports wagering through an individual account registered to an eligible person, under section 313.1014, over the internet, including on websites and mobile devices, on behalf of a licensed facility or designated sports district. Except as otherwise provided, an interactive sports wagering platform may also offer in-person sports wagering on behalf of a licensed facility that is an excursion gambling boat at its licensed facility, including through sports wagering devices;**
- (12) **“Interactive sports wagering platform operator”, a suitable legal entity that holds a license issued by the commission to operate an interactive sports wagering platform;**
- (13) **“Licensed applicant”, a person holding a license issued under section 313.807 to operate an excursion gambling boat, an interactive sports wagering platform operator, or a designated sports district mobile licensee;**
- (14) **“Licensed facility”, an excursion gambling boat licensed under this chapter or a designated**

sports district for which a certificate holder is licensed under sections 313.1000 to 313.1022;

(15) “Licensed supplier”, a person holding a supplier’s license issued by the commission;

(16) “Occupational license”, a license issued by the commission;

(17) “Official league data”, statistics, results, outcomes, and other data related to a sports event or other event utilized to determine the outcome of tier 2 bets obtained pursuant to an agreement with the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information that authorizes a sports wagering operator to use such data for determining the outcome of tier 2 bets;

(18) “Person”, an individual, sole proprietorship, partnership, association, fiduciary, corporation, limited liability company, or any other business entity;

(19) “Personal biometric data”, any information about an athlete that is derived from the athlete’s DNA, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density, or sleep patterns or other information as may be prescribed by the commission;

(20) “Professional sports team entity”, a person or entity, registered to do business in this state, which owns or operates a professional sports team that is a member of the National Football League, Major League Baseball, the National Hockey League, the National Basketball Association, Major League Soccer, the Women’s National Basketball Association, or the National Women’s Soccer League and that plays its home games within a designated sports district;

(21) “Prohibited conduct”, any statement, action, or other communication intended to influence, manipulate, or control a betting outcome of a sporting contest or of any individual occurrence or performance in a sporting contest in exchange for financial gain or to avoid financial or physical harm. “Prohibited conduct” shall include statements, actions, and communications made to a covered person by a third party, such as a family member or through social media, but shall not include statements, actions, or communications made or sanctioned by a team or sports governing body;

(22) “Sports governing body”, an organization headquartered in the United States that prescribes final rules and enforces codes of conduct with respect to a sports event and participants therein;

(23) “Sports wagering”, “sports wager”, “sports bet”, or “bet”, wagering on athletic, sporting, and other competitive events involving human competitors or on other events as approved by the commission. Such terms shall include, but not be limited to, bets or wagers made on: portions of athletic and sporting events, including those on outcomes determined prior to the start of a sporting event, or on the individual statistics of athletes in a sporting event or compilation of sporting events, involving human competitors. The term includes, but is not limited to, single-game wagers, teaser wagers, parlays, over-unders, moneyline bets, pools, exchange wagering, in-game wagers, in-play wagers, proposition wagers, and straight wagers or other wagers approved by the commission. Sports wagering shall not include fantasy sports under section 313.900 to 313.955 or those games and contests in which the outcome is determined purely on chance and without any human skill, intention, interaction, or direction;

(24) “Sports wagering commercial activity”, any operation, promotion, signage, advertising, or other business activity relating to sports wagering, including the operation or advertising of a business

or location at which sports wagering is offered or a business or location at which sports wagering through one or more interactive platforms is promoted or advertised;

(25) “Sports wagering device” or “sports wagering kiosk”, a self-service mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the commission for conducting sports wagering under sections 313.1000 to 313.1022. “Sports wagering device” shall not include a device used by a sports wagering patron to access an interactive sports wagering platform. The hardware of a sports wagering device not capable of accepting wagers shall not be considered a sports wagering device;

(26) “Sports wagering operator” or “operator”, a licensed facility that is an excursion gambling boat or an interactive sports wagering platform operator offering sports wagering on behalf of a licensed facility;

(27) “Sports wagering supplier”, a person that provides goods, services, software, or any other components necessary for the creation of sports wagering markets and determination of wager outcomes, directly or indirectly, to any sports wagering operator or applicant involved in the acceptance of wagers, including any of the following: providers of data feeds and odds services, providers of kiosks used for self-wagering made in-person, risk management providers, integrity monitoring providers, and other providers of sports wagering supplier services as determined by the commission; provided, however, that no sports governing body shall be a sports wagering supplier for any purposes under sections 313.1000 to 313.2022;

(28) “Supplier’s license”, a license issued by the commission under section 313.807;

(29) “Tier 1 bet”, an internet bet that is determined solely by the final score or final outcome of the sports event and is placed before the sports event has begun;

(30) “Tier 2 bet”, an internet bet that is not a tier 1 bet.

313.1002. 1. The state of Missouri shall be exempt from the provisions of 15 U.S.C. Section 1172, as amended.

2. All shipments of gambling devices, which shall include devices capable of accepting sports wagers used to conduct sports wagering under sections 313.1000 to 313.1022 to licensed applicants or sports wagering operators, the registering, recording, and labeling of which have been completed by the manufacturer or dealer thereof in accordance with 15 U.S.C. Sections 1171 to 1178, as amended, shall be legal shipments of gambling devices into this state. Point-of-contact devices or kiosks not yet capable of accepting sports wagers shall not be considered gambling devices for purposes of this section.

313.1003. 1. Sports wagering shall not be offered in this state except by a certificate holder.

2. A certificate holder may offer sports wagering:

(1) In person within its applicable licensed facility, provided that such certificate holder is an excursion gambling boat licensed under this chapter; and

(2) Over the internet through an interactive sports wagering platform to persons physically located in this state.

3. Notwithstanding any other provision of law to the contrary, except as provided under sections



**313.1000 to 313.1022, sports wagering commercial activity shall be prohibited from occurring within any designated sports district without the approval of each professional sports team entity applicable to such designated sports district, provided, however, that no such approval shall be required for the sole activity of offering sports wagering over the internet via an interactive sports wagering platform that is accessible to persons physically located within such designated sports district.**

**313.1004. 1. The commission shall have full jurisdiction to supervise all gambling operators governed by sections 313.1000 to 313.1022 and shall adopt rules and regulations to implement the provisions of sections 313.1000 to 313.1022. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

**2. Rules adopted under this section shall include, but not be limited to, the following:**

**(1) Standards and procedures to govern the conduct of sports wagering, including the manner in which:**

- (a) Wagers are received;**
- (b) Payouts are paid; and**
- (c) Point spreads, lines, and odds are disclosed;**

**(2) Standards governing how a sports wagering operator offers sports wagering over the internet through an interactive sports wagering platform to patrons physically located in Missouri;**

**(3) The manner in which a sports wagering operator's books and financial records relating to sports wagering are maintained and audited, including standards for the daily counting of a sports wagering operator's gross receipts from sports wagering and standards to ensure that internal controls are followed; and**

**(4) Standards concerning the detection and prevention of compulsive gambling, including:**

- (a) Use of a commission-approved problem gambling helpline number in promotional activity;**
- (b) Training for all staff regarding responsible gambling and identifying compulsive or problem gamblers;**
- (c) Policies for handling situations in which players indicate they are experiencing a problem with gambling responsibly; and**
- (d) Policies to address third party concerns about a player's gambling behavior.**

**3. Rules adopted under this section shall require a sports wagering operator to make commercially reasonable efforts to do the following:**

**(1) Designate one or more areas within the licensed facility operated by the sports wagering operator if the sports wagering operator is a licensed facility that is an excursion gambling boat;**

**(2) Ensure the security and integrity of sports wagers accepted through any interactive sports wagering platform operated or authorized by such sports wagering operator;**

**(3) Ensure that the sports wagering operator's surveillance system covers all areas of the in-person sports wagering activity conducted within a licensed facility that is an excursion gambling boat;**

**(4) Allow the commission to be present through the commission's gaming agents when sports wagering is conducted in all areas of the sports wagering operator's licensed facility that is an excursion gambling boat in which sports wagering is conducted to do the following:**

**(a) Ensure maximum security of the counting and storage of the sports wagering revenue received by the sports wagering operator;**

**(b) Certify the sports wagering revenue received by the sports wagering operator; and**

**(c) Receive complaints from the public;**

**(5) Ensure that wager results are determined only from data that is provided by the applicable sports governing body or the licensed sports wagering suppliers;**

**(6) Ensure that persons who are under twenty-one years of age do not make sports wagers;**

**(7) Establish house rules specifying the amounts to be paid on winning wagers and the effect of schedule changes. The house rules shall be displayed in the sports wagering operator's sports wagering area or posted on the sports wagering operator's internet site or mobile application and included in the terms and conditions thereof or another approved area; and**

**(8) Establish industry-standard procedures regarding the voiding or cancelling of wagers in the sports wagering operator's internal controls and house rules.**

**4. (1) A sports governing body or other authorized entity that maintains official league data may notify the commission that official league data for settling tier 2 bets is available for sports wagering operators.**

**(2) The commission shall notify sports wagering operators within seven days of receipt of the notification from the sports governing body or other authorized entity that maintains official league data of the availability of official league data. Within sixty days following such notification by the commission, each sports wagering operator shall use only official league data to settle tier 2 bets on athletic events sanctioned by the applicable sports governing body, except:**

**(a) During the pendency of a request by such sports wagering operator to the commission, under subdivision (4) of this subsection, to use alternative data sources approved by the commission to settle such tier 2 bets; or**

**(b) Following approval by the commission of a request by such sports wagering operator to use alternative data sources approved by the commission in accordance with subdivision (4) of this subsection.**

**(3) Official league data made available to sports wagering operators by the sports governing body or other authorized entity that maintains official league data shall be offered on commercially reasonable terms.**

**(4) A sports wagering operator may submit a written request to the commission for the use, or**

continued use, of alternative data sources approved by the commission within sixty days of receiving the notification from the commission regarding the availability of official league data. The request shall demonstrate in detail that the sports governing body or other authorized entity that maintains official league data is unable or unwilling to offer official league data on commercially reasonable terms. Within sixty days of receipt of the written request from a sports wagering operator to use an alternative data source, the commission shall issue a written approval or disapproval of such a request.

(5) The commission shall publish a list of official league data providers on its website.

(6) For the purposes of this subsection, “commercially reasonable terms” shall include the following nonexclusive factors:

(a) The extent to which sports wagering operators have purchased the same or similar official league data on the same or similar terms;

(b) The speed, accuracy, timeliness, reliability, quality, and quantity of the official league data as compared to comparable alternative data sources;

(c) The quality and complexity of the process used to collect and distribute the official league data as compared to comparable alternative data sources; and

(d) The availability and cost of similar league data from multiple sources.

5. The commission may enter into agreements with other jurisdictions to facilitate, administer, and regulate multi-jurisdictional sports betting by sports betting operators to the extent that entering into the agreement is consistent with state and federal laws and the sports betting agreement is conducted only in the United States.

6. (1) The commission shall establish a hotline or other method of communication that allows any person to confidentially report information about prohibited conduct to the commission.

(2) The commission shall investigate all reasonable allegations of prohibited conduct and refer any allegations it deems credible to the appropriate law enforcement entity.

(3) The identity of any reporting person shall remain confidential unless such person authorizes the disclosure of his or her identity or until such time as the allegation of prohibited conduct is referred to law enforcement.

(4) If the commission receives a complaint of prohibited conduct by an athlete, the commission shall notify the appropriate sports governing body of the athlete to review the complaint as provided by rule.

(5) The commission shall adopt rules governing investigations of prohibited conduct and referrals to law enforcement entities. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

**313.1006. 1. A licensed applicant holding a license issued under section 313.807 to operate an excursion gambling boat who wishes to offer sports wagering under sections 313.1000 to 313.1022 shall:**

**(1) Submit an application to the commission in the manner prescribed by the commission for each licensed facility in which the licensed applicant wishes to conduct sports wagering; and**

**(2) Pay an initial application fee not to exceed one hundred thousand dollars, which shall be deposited in the gaming commission fund and distributed according to section 313.835.**

**2. Upon receipt of the application and fee required under subsection 1 of this section, the commission shall issue a certificate of authority to a licensed applicant authorizing the licensed applicant to conduct sports wagering under sections 313.1000 to 313.1022 in a licensed facility or through an interactive sports wagering platform.**

**313.1008. 1. The commission shall ensure that new sports wagering devices and new forms, variations, or composites of sports wagering are tested under the terms and conditions that the commission considers appropriate prior to authorizing a sports wagering operator to offer a new sports wagering device or a new form, variation, or composite of sports wagering. The commission may utilize an approved independent testing laboratory to assist with any requirements of this section. The commission shall accept such testing of another sports wagering governing body in the United States if the commission determines the testing of that governing body is substantially similar to the testing that would otherwise be required by the commission and the sports wagering operator verifies that its sports wagering devices and forms have not materially changed since such testing.**

**2. A licensed facility that is an excursion gambling boat may also offer sports wagering through up to three individually branded interactive sports wagering platforms under the brand, trade name, or another name it is doing business as (d/b/a) selected by the sports wagering operator or, as applicable, the interactive sports wagering platform operator. A sports wagering operator may operate each interactive sports wagering platform or contract with one or more interactive sports wagering platform operators to administer any or all of the interactive sports wagering platforms on the licensed facility's behalf. Notwithstanding any provision of this section and anything to the contrary set forth under sections 313.1000 through 313.1022, in no event shall sports wagering be offered through more than six sports wagering platforms contracting with any one owner of a licensed facility, directly or indirectly through any parent company, subsidiary, or affiliate of such owner.**

**3. Each designated sports district mobile licensee may offer sports wagering within the state through one interactive sports wagering platform. Each designated sports district mobile licensee shall be required to be licensed by the commission as an interactive sports wagering platform operator. Sports wagering over the internet through any interactive sports wagering platform may be offered by any licensed sports wagering operator within any designated sports district.**

**4. Notwithstanding anything to the contrary set forth under sections 313.1000 through 313.1022, no sports wagering operator may offer sports wagering in person or through any sports wagering kiosk, except within a licensed facility that is an excursion gambling boat.**

**5. (1) Sports wagering may be conducted with chips, tokens, electronic cards, cash, cash equivalents, debit or credit cards, other negotiable currency, online payment services, automated clearing houses, promotional funds, or any other means approved by the commission.**

**(2) A sports wagering operator shall in its internal controls or house rules determine a minimum wager amount in sports wagering conducted by the sports wagering operator and may determine a maximum wager amount.**

**6. A sports wagering operator shall not permit any sports wagering on the premises of the licensed facility except as provided under this chapter.**

**7. A sports wagering device, point-of-contact sports wagering device, or sports wagering kiosk shall be approved by the commission and acquired by a sports wagering operator from a licensed supplier.**

**8. The commission shall determine the occupations related to sports wagering that require an occupational license, which shall not include employees that do not possess the authority or ability to alter material systems required for sports wagering in this state.**

**9. A sports wagering operator may lay off one or more sports wagers. The commission may promulgate rules permitting sports wagering operators or platforms to employ systems that offset loss or manage risk in the operation of sports wagering under sections 313.1000 to 313.1022 through the use of liquidity pools in other jurisdictions in which the sports wagering operator, platform, an affiliate of the sports wagering operator or platform, or a third party also holds licenses to conduct sports wagering; provided that, at all times adequate protections are maintained to ensure sufficient funds are available to pay winnings to patrons.**

**10. A sports wagering operator shall include information and tools to assist players in making responsible decisions. The sports wagering operator shall provide at a minimum:**

**(1) Displayed tools to set limits on the amount of time and money a player spends on any interactive sports wagering platform; and**

**(2) Displayed information regarding compulsive gambling and ways to seek treatment and support if a player believes he or she has a problem.**

**313.1010. 1. An interactive sports wagering platform operator shall offer sports wagering on behalf of a licensed facility only if the interactive sports wagering platform operator is properly licensed by the commission and has contracted with a licensed facility.**

**2. An applicant for an interactive sports wagering platform license shall:**

**(1) Submit an application to the commission in the manner prescribed by the commission to verify the platform's eligibility under this section; and**

**(2) Pay an initial application fee not to exceed one hundred fifty thousand dollars.**

**3. On or before the anniversary date of the payment of the initial application fee under this section, an interactive sports wagering platform provider holding a license issued under this section shall pay to the commission a license renewal fee not to exceed one hundred twenty-five thousand dollars. Such funds shall be deposited into the gaming commission fund established under section 313.835.**

**4. Notwithstanding any other provision of law to the contrary, the following information shall be confidential and shall not be disclosed to the public unless required by court order or by any other provision of sections 313.1000 to 313.1022:**

**(1) Any application submitted to the commission relating to sports wagering in this state; and**

**(2) All documents, reports, and data submitted by an applicant relating to sports wagering in this state to the commission containing proprietary information, trade secrets, financial information, or personally identifiable information about any person.**

**313.1011. 1. The commission may issue a supplier's license to a sports wagering supplier.**

**2. A sports wagering supplier may provide its services to licensees under a fixed-fee or revenue-sharing agreement only if the supplier is properly licensed by the commission.**

**3. At the request of an applicant for a sports wagering supplier's license, the commission may issue a provisional license to the applicant, as long as the applicant has submitted a completed application for the license, including paying the required application fee. The commission may prescribe by rule the requirements to receive a provisional license.**

**4. An applicant for a sports wagering supplier's license shall disclose the identity of:**

**(1) The applicant's principal owners who directly own ten percent or more of the applicant;**

**(2) Each holding, intermediary, or parent company that directly owns fifteen percent or more of the applicant; and**

**(3) The applicant's CEO and CFO, or their equivalents, as determined by the commission.**

**5. Government-created entities, including statutory authorized pension investment boards and Canadian Crown corporations, that are direct or indirect shareholders of an applicant shall be waived in the applicant's disclosure of ownership and control as determined by the commission.**

**6. Investment funds or entities registered with the Securities and Exchange Commission (SEC), including investment advisors and entities under the management of the SEC-registered entity, that are direct or indirect shareholders of an applicant shall be waived in the applicant's disclosure of ownership and control as determined by the commission.**

**7. A supplier's license or provisional supplier's license shall be sufficient to provide sports wagering supplier services to licensees. A renewal fee shall be submitted biennially as determined by the commission.**

**313.1012. 1. A sports wagering operator shall verify that a person placing a wager is at least the legal minimum age for placing a wager under sections 313.1000 to 313.1022.**

**2. The commission shall establish an online method for a player to apply for placement in the self-exclusion program. Each sports wagering operator shall include a link to such application on all sports wagering platforms.**

**3. The commission shall adopt rules and regulations that incorporate a sports wagering self-exclusion program into the program adopted under sections 313.800 to 313.850. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**

grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

**4. The commission shall adopt rules to ensure that advertisements for sports wagering:**

**(1) Do not knowingly target minors or other persons who are ineligible to place wagers, problem gamblers, or other vulnerable persons;**

**(2) Disclose the identity of the sports wagering operator;**

**(3) Provide information about or links to resources relating to gambling addiction;**

**(4) Are not otherwise false, misleading, or deceptive to a reasonable consumer;**

**(5) Are not included on internet sites or pages dedicated to compulsive or problem gambling; and**

**(6) Include responsible gambling messages and a commission-approved problem gambling helpline number in all promotional activity.**

**5. The commission shall establish penalties of not less than ten thousand dollars but not more than one hundred thousand dollars for any sports wagering operator who violates the restrictions placed on advertising to persons listed in subdivision (1) of subsection 4 of this section.**

**313.1014. 1. The commission shall conduct background checks on individuals seeking licenses under sections 313.1000 to 313.1022. A background check conducted under this section shall include a search for criminal history and any charges or convictions involving corruption or manipulation of sporting events. A background check under this section shall be consistent with the provisions of section 313.810.**

**2. (1) A sports wagering operator shall employ commercially reasonable methods to:**

**(a) Prohibit the sports wagering operator; directors, officers, and employees of the sports wagering operator; and any relative of an operator, director, or officer living in the same household from placing sports wagers with the sports wagering operator;**

**(b) Prohibit any person with access to nonpublic confidential information held by the sports wagering operator from placing sports wagers with the sports wagering operator;**

**(c) Prevent the sharing of confidential information that could affect sports wagering offered by the sports wagering operator or by third parties until the information is made publicly available;**

**(d) Prohibit persons from placing sports wagers as agents or proxies for other persons; and**

**(e) Prohibit the purchase or use by the sports wagering operator of any personal biometric data of an athlete, unless the sports wagering operator has received written permission from the athlete or the athlete's representative.**

**(2) Nothing in this section shall preclude the use of internet-based hosting or cloud-based hosting of data or any disclosure of information required by court order or other provisions of law.**

**3. (1) The following individuals are prohibited from engaging in sports wagering under sections 313.1000 to 313.1022:**

**(a) Any person whose participation may undermine the integrity of the betting or sports event;**

or

**(b) Any person who is prohibited for other good cause including, but not limited to:**

**a. Any person placing a wager as an agent or proxy;**

**b. Any person who is an athlete, coach, referee, player, or referee personnel member in or on any sports event overseen by that person's sports governing body based on publicly available information;**

**c. Any person who holds a position of authority or influence sufficient to exert influence over the participants in a sporting contest including, but not limited to, coaches, managers, handlers, or athletic trainers;**

**d. Any person under twenty-one years of age;**

**e. Any person with access to certain types of exclusive information on any sports event overseen by that person's sports governing body based on publicly available information; or**

**f. Any person identified by any lists provided by the commission.**

**(2) The direct or indirect legal or beneficial owner of five percent or more of a sports governing body or any of its member teams shall not place or accept any wager on a sports event in which any member team of that sports governing body participates. Any violation of this subdivision shall constitute disorderly conduct. Disorderly conduct under this subdivision shall be a class C misdemeanor.**

**(3) The provisions of subdivision (1) of this subsection shall not apply to any person who is a direct or indirect owner of a specific sports governing body member team and:**

**(a) Has less than five percent direct or indirect ownership interest in a casino or sports wagering operator; or**

**(b) The value of the ownership of such team represents less than one percent of the person's total enterprise value and such shares of such person are registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. Section 781, as amended.**

**(4) (a) A sports wagering operator shall adopt procedures to prevent wagering on sports events by persons who are prohibited from placing sports wagers.**

**(b) A sports wagering operator shall not knowingly accept wagers from any person whose identity is known to the operator and:**

**a. Whose name appears on the exclusion list maintained by the commission;**

**b. Who is the operator, director, officer, owner, or employee of the operator;**

**c. Who has access to nonpublic confidential information held by the operator; or**

**d. Who is an agent or proxy for any other person.**

**(5) An operator shall adopt procedures to obtain personally identifiable information from any individual who places any single wager of ten thousand dollars or more on a sports event while physically present at a casino.**

**4. Given good and sufficient reason, each of the commission and sports wagering operators shall**



cooperate with investigations conducted by law enforcement agencies or sports governing bodies, including providing or facilitating the provision of relevant betting information and audio or video files relating to persons placing sports wagers; except that, with respect to any such information or files disclosed by a sports wagering operator to a sports governing body, the sports governing body shall:

- (1) Maintain the confidentiality of such information or files;
- (2) Comply with all privacy laws applicable to such information or files; and
- (3) Use the information or files solely in connection with the sports governing body's investigation.

5. A sports wagering operator shall immediately report to the commission any information relating to:

- (1) Criminal or disciplinary proceedings commenced against the sports wagering operator in connection with its operations;
- (2) Bets or wagers that violate state or federal law;
- (3) Abnormal wagering activity or patterns that may indicate a concern regarding the integrity of a sporting event or events;
- (4) Any other conduct that corrupts the wagering outcome of a sporting event or events for purposes of financial gain; and
- (5) Suspicious or illegal wagering activities.

A sports wagering operator shall also immediately report any information relating to conduct described in subdivision (3) or (4) of this subsection to the applicable sports governing body.

6. A sports wagering operator shall maintain the confidentiality of information provided by a sports governing body to the sports wagering operator unless disclosure is required by court order, the commission, or any other provision of law.

7. A sports governing body may submit to the commission a request in writing to restrict, limit, or exclude a type or form of sports wagering on its sporting events if such body believes that such sports wagering affects the integrity or perceived integrity of its sport. The commission may grant the request upon a showing of good cause by the applicable sports governing body. The commission shall promptly review any information provided and respond as expeditiously as practicable to the request. Prior to making a determination, the commission shall notify and consult with sports wagering operators. If the commission deems it relevant, it may also consult with any applicable independent monitoring providers or other jurisdictions. No restrictions, limitations, or exclusions of wagers shall be conducted without the express written approval of the commission. Sports wagering operators shall be notified of any restrictions, limitations, or exclusions granted by the commission.

8. (1) No sports wagering operator shall offer any sports wagers on an elementary or secondary school athletic or sporting event in which a school team from this state is a participant, or on the individual performance statistics of an athlete in an elementary or secondary school athletic or sporting event in which a school team from this state is a participant.

- (2) No sports wager shall be placed on the performance or nonperformance of any individual

athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this state is a participant.

**313.1016. 1. A sports wagering operator shall, for a wager that exceeds ten thousand dollars and that is placed in person by a patron, maintain the following records for a period of at least three years after the sporting event occurs:**

- (1) Personally identifiable information of the patron;**
- (2) The amount and type of bet placed;**
- (3) The time and date the bet was placed;**
- (4) The location, including specific information pertaining to the betting window or sports wagering device, where the bet was placed;**
- (5) The outcome of the bet; and**
- (6) Any discernible pattern of abnormal betting activity by the patron.**

**2. A licensed facility, interactive sports wagering platform operator, or sports wagering supplier where applicable, for all bets and wagers placed through an interactive sports wagering platform, shall maintain the following records for a period of at least three years after the sporting event occurs:**

- (1) Personally identifiable information of the patron;**
- (2) The amount and type of bet placed;**
- (3) The time and date the bet was placed;**
- (4) The location, including specific information pertaining to the internet protocol address, where the bet was placed;**
- (5) The outcome of the bet; and**
- (6) Any discernible pattern of abnormal betting activity by the patron.**

**3. A sports wagering operator shall make the records and data that it is required to maintain under this section available for inspection upon request of the commission or as required by court order.**

**313.1018. A sports wagering operator is not liable under the laws of this state to any party, including patrons, for disclosing information as required under sections 313.1000 to 313.1022 and is not liable for refusing to disclose information unless required under sections 313.1000 to 313.1022.**

**313.1021. 1. A wagering tax equal to the rate imposed pursuant to section 313.822 is imposed on the adjusted gross receipts received from sports wagering conducted by a sports wagering operator under sections 313.1000 to 313.1022. If an interactive sports wagering platform operator is contracted to conduct sports wagering at a certificate holder's licensed facility that is an excursion gambling boat, or through an interactive sports wagering platform, the licensed interactive sports wagering platform operator may fulfill the certificate holder's duties under this section.**

**2. A certificate holder or interactive sports wagering platform operator shall remit the tax imposed by subsection 1 of this section to the department no later than one day prior to the last**

**business day of the month following the month in which the taxes were generated. In a month when the adjusted gross receipts of a certificate holder or interactive sports wagering platform operator is a negative number, the certificate holder or interactive sports wagering platform operator may carry over the negative amount for a period of twelve months.**

**3. The payment of the tax under this section shall be by an electronic funds transfer by an automated clearing house.**

**4. Revenues received from the tax imposed under subsection 1 of this section shall be deposited in the state treasury to the credit of the “Gaming Proceeds for Education Fund”, which shall be distributed as provided under section 313.822.**

**5. (1) A licensed facility that is an excursion gambling boat shall pay to the commission an annual license renewal fee not to exceed fifty thousand dollars. The fee imposed shall be due on the anniversary date of issuance of the license and on each anniversary date thereafter. The commission shall deposit the annual license renewal fees received under this subdivision in the gaming commission fund established under section 313.835.**

**(2) In addition to the annual license renewal fee required in this subsection, a certificate holder shall pay to the commission a fee of ten thousand dollars to cover the costs of a full reinvestigation of the certificate holder in the fourth year after the date on which the certificate holder commences sports wagering operations under sections 313.1000 to 313.1022 and on each fourth year thereafter. The commission shall deposit the fees received under this subdivision in the gaming commission fund established under section 313.835.**

**6. Subject to appropriation, five hundred thousand dollars shall be appropriated from the gaming commission fund created under section 313.835 and credited annually to the compulsive gamblers fund created under section 313.842.**

**313.1022. 1. All sports wagers authorized under sections 313.1000 to 313.1022 shall be deemed initiated, received, and otherwise made on the property of an excursion gambling boat within this state.**

**2. Only to the extent required by federal law, all servers necessary to the placement or resolution of wagers, other than backup servers, shall be physically located within a certificate holder’s licensed facility that is an excursion gambling boat in the state. Consistent with the intent of the United States Congress as articulated in the Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. Sections 5361 to 5367, as amended, the intermediate routing of electronic data relating to lawful intrastate sports wagers authorized under sections 313.1000 to 313.1022 shall not determine the location or locations in which such wager is initiated, received, or otherwise made. This subsection shall apply only to the extent required by federal law.”; and**

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted.

Senator Hoskins offered SA 1 to SA 13:

SENATE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute for House Bill No. 2400, Page 21, Section 313.1006, Line 677, by striking “hundred” and inserting in lieu thereof the following: “**million two hundred fifty**”; and

Further amend said amendment, page 22, section 313.1008, lines 702-710, by striking said lines; and

Further amend said amendment and section, page 23, lines 711-719, by striking said lines and inserting in lieu thereof the following:

**“2. (1) A licensed facility that is an excursion gambling boat may also offer sports wagering through an individually branded interactive sports wagering platform under the brand, trade name, or another name it is doing business as (d/b/a) selected by the sports wagering operator or, as applicable, the interactive sports wagering platform operator. A sports wagering operator may operate the interactive sports wagering platform or contract with an interactive sports wagering platform operator to administer the interactive sports wagering platform on the licensed facility’s behalf.**

**(2) Subject to the approval of the commission, a licensed facility that is an excursion gambling boat may offer sports wagering through an additional two individually branded interactive sports wagering platforms under the brand, trade name, or another name it is doing business as (d/b/a) selected by the sports wagering operator or, as applicable, the interactive sports wagering platform operator, provided that such licensed facility shall pay to the commission an annual administrative fee of one million two hundred fifty thousand dollars for each additional interactive sports wagering platform, with such administrative fee deposited in the gaming commission fund established under section 313.835. A sports wagering operator may operate the interactive sports wagering platform or contract with one or more interactive sports wagering platform operators to administer the interactive sports wagering platforms on the licensed facility’s behalf.**

**(3) Notwithstanding any provision of this section and anything to the contrary set forth under sections 313.1000 through 313.1022, in no event shall sports wagering be offered through more than six interactive sports wagering platforms contracting with any one owner of a licensed facility, directly or indirectly through any parent company, subsidiary, or affiliate of such owner.”; and**

Further amend said amendment, page 34, section 313.1021, lines 1086-1087, by striking “equal to the rate imposed pursuant to section 313.822” and inserting in lieu thereof the following: **“of fifteen percent”**; and

Further amend said amendment and section, page 35, line 1117, by inserting after “exceed” the following: **“one million two hundred”**; and

Further amend said amendment and section, page 36, line 1133, by striking “hundred thousand” and inserting in lieu thereof the following: **“million”**; and further amend line 1136, by inserting at the end of said line the following: **“The amount required to be appropriated pursuant to this subsection shall be increased annually by the percentage increase in the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency.”**

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Hoskins, SA 13 was withdrawn, rendering SA 1 to SA 13 moot.

Senator Onder offered SA 14:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Bill No. 2400, Page 5, Section 285.730, Line 143, by inserting after

all of said line the following:

**“290.147. 1. It shall be unlawful for an employer to require an employee or prospective employee to receive a vaccination against COVID-19 as a condition of commencing or continuing employment.**

**2. For purposes of this section, the term “employer” includes any private employer or public body, including the state of Missouri and any department, division, commission, board, or political subdivision thereof but shall not include any facility that meets the definition of hospital in section 197.020, any long term care facility licensed under chapter 198, any entity that meets the definition of facility in section 199.170, or any facility certified by the Centers for Medicare and Medicaid Services.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator May raised the point of order that **SA 14** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Onder, **SA 14** was withdrawn, rendering the point of order moot.

Senator Hoskins moved that **SS** for **HB 2400**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **HB 2400**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HB 2400**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **REFERRALS**

President Pro Tem Schatz referred **HCS** for **HB 2120**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 1:30 a.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Thompson Rehder.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 2005**, entitled:

#### **HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2005**

An Act to repeal sections 393.170, 523.010, 523.039, 523.040, and 523.060, RSMo, and to enact in lieu thereof five new sections relating to eminent domain for certain utilities.

Was taken up by Senator Bean.

Senator Bean offered **SS** for **HCS** for **HB 2005**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

An Act to repeal sections 523.010, 523.039, 523.040, and 523.256, RSMo, and to enact in lieu thereof five new sections relating to eminent domain for certain utilities.

Senator Bean moved that **SS** for **HCS** for **HB 2005** be adopted.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 2005, Page 4, Section 523.010, Line 104, by striking “except”; and further amend line 105, by striking “for” and inserting in lieu thereof the following: “**a rural electric cooperative organized or operating under the provisions of chapter 394, a corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or**”; and

Further amend said bill, section 523.025, page 5, line 2, by striking “except for” and inserting in lieu thereof the following: “**a rural electric cooperative organized or operating under the provisions of chapter 394, a corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or**”; and

Further amend said bill, section 523.039, page 6, line 35, by striking “except for” and inserting in lieu thereof the following: “**a rural electric cooperative organized or operating under the provisions of chapter 394, a corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or**”.

Senator Beck moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Hough assumed the Chair.

Senator Rowden offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 2005, Page 5, Section 523.025, Line 4, by inserting after “easement” the following: “**in this state**”; and further amend line 7 by inserting after “needed” the following: “**in this state**”; and

Further amend said bill, page 6, section 523.039, line 37, by inserting after “393.110,” the following: “**for the purposes of constructing electric plant subject to a certificate of convenience and necessity under subsection 1 of section 393.170**”; and further amend line 39 by inserting after “court.” the following: “**The provisions of this subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28, 2022.**”; and

Further amend said bill, page 8, section 523.040, line 64 by inserting after “property,” the following: “**for purposes of constructing electric plant subject to a certificate of convenience and necessity under**

**subsection 1 of section 393.170**”; and further amend line 68 by inserting after “situated.” the following: **“The provisions of this subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28, 2022.”**; and

Further amend said bill, page 9, section 523.256, lines 19-28, by striking all of said lines and inserting in lieu thereof the following: **“hundred forty-five kilovolts or greater, but not for condemnation of such property by an electrical corporation operating under a cooperative business plan as described in section 393.110, for the purposes of constructing electric plant subject to a certificate of convenience and necessity under subsection 1 of section 393.170, the total compensation package offered was no lower than the amount reflected in an appraisal performed by a state-licensed or state-certified appraiser for the condemning authority multiplied by one hundred fifty percent. The provisions of this subdivision shall not apply to applications filed pursuant to section 393.170 prior to August 28, 2022;”**.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Bean moved that **SS for HCS for HB 2005**, as amended, be adopted, which motion prevailed.

On motion of Senator Bean, **SS for HCS for HB 2005**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eslinger	Hoskins	Hough	Koenig	Luetkemeyer	Moon	O’Laughlin
Onder	Rowden	Schatz	Thompson Rehder	White—19		

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators

Gannon	Hegeman	Riddle	Wieland—4
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Absent with leave—Senator Eigel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bean, title to the bill was agreed to.

Senator Bean moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS #2 for SB 710**, entitled:

An Act to repeal sections 167.630, 172.800, 191.116, 191.500, 191.515, 191.520, 191.525, 191.743, 191.900, 191.905, 192.005, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 195.010, 196.866, 196.868, 197.100, 197.256, 197.258, 197.415, 198.006, 198.022, 198.026, 198.036, 198.525, 198.526, 198.545, 208.909, 210.921, 251.070, 301.020, 302.171, 335.230, 335.257, 565.184, 630.155, and 660.010, RSMo, and to enact in lieu thereof fifty-three new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8, 9, 10, 11, 12, 13, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14, as amended, House Amendment No. 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16, as amended, House Amendment Nos. 17, 18, 19, 20, House Amendment No. 1 to House Amendment No. 21, House Amendment No. 3 to House Amendment No. 21, House Amendment No. 4 to House Amendment No. 21, and House Amendment No. 21, as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 9, Line 59, by deleting the phrase “**January 1, 2023**” and inserting in lieu thereof the phrase “**November 1, 2022**”; and

Further amend said bill, Page 28, Section 194.297, Line 4, by deleting the phrase “**state treasurer**” and inserting in lieu thereof the phrase “**director of revenue**”; and

Further amend said bill, Page 40, Section 195.010, Line 348, by inserting after all of said section and line the following:

**“196.1170. 1. This section shall be known and may be cited as the “Kratom Consumer Protection Act”.**

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

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

**(2) “Department”, the department of health and senior services;**

**(3) “Director”, the director of the department or the director’s designee;**

**(4) “Food”, a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption;**

**(5) “Kratom product”, a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.**

**3. The general assembly hereby occupies and preempts the entire field of regulating kratom products to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision’s existing or future orders, ordinances, or regulations relating to kratom products are hereby void.**



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

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

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

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

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

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

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

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

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

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

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

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

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

**8. The department shall promulgate rules to implement the provisions of this section including, but not limited to, the requirements for the format, size, and placement of the disclosure label**

**required under subdivision (1) of subsection 4 of this section and for the information to be included in the disclosure label. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 12, Section 191.900, Line 38, by deleting the word “**substantial**” and inserting in lieu thereof the word “**reasonable**”; and

Further amend said bill, section 191.1400, Page 16, Lines 15 to 20, by deleting all of said lines and inserting in lieu thereof the following:

**“member, or other person requested by the patient or resident for the purpose of a”;** and

Further amend said bill, page, and section, Lines 27 to 29, by deleting all of said lines and inserting in lieu thereof the following:

**“visitation hours shall include evenings, weekends, and holidays. Minor children under twelve years of age shall be allowed as compassionate care visitors, but access to a patient or resident may be limited by a health care facility due to any of the provisions under subdivision (3) of subsection 6 of this section.”;** and

Further amend said bill, page and section, lines 31 and 32, by deleting the words “**when appropriate**” and inserting in lieu thereof the following:

**“unless the patient’s or resident’s attending physician deems twenty-four-hour attendance to be medically or therapeutically contraindicated as attested to in a patient’s or resident’s chart;”;** and

Further amend said bill and section, Page 18, Line 79, by inserting after all of said line the following:

**“10. The health care facility shall have the burden of proof to establish that it is entitled to limit access under the provisions of this section.**

**11. Any individual aggrieved by a violation of this section may bring a civil action for injunctive relief, damages, or both.”;** and

Further amend said bill by renumbering all subsequent subsections accordingly; and

Further amend said bill, page and section, Line 82, by inserting after the word “**section**” the following:

**“if they have used the degree of care that a reasonable and prudent person would use under the same or similar circumstances”;** and

Further amend said bill, page, and section, Lines 87 to 88, by deleting all of said lines and inserting in lieu thereof the following:

**“by a health care facility, the department of health and senior services, the department of social**

services, or the governor upon declaring a state of emergency under chapter 44.

**12. The provisions of this section shall not apply to any inpatient facility operated by the department of mental health.”; and**

Further amend said bill, Pages 18 to 20, Section 191.2290, Lines 1 to 80, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 70 to 72, Section 630.202, Lines 1 to 77, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 72, Section 630.202, Line 77, by inserting after all of said section and line the following:

**“630.1150. 1. The department of mental health and the department of social services shall oversee and implement a collaborative project to:**

**(1) Assess the incidence and implications of continued hospitalization of foster children and clients of the department of mental health that occurs without medical justification because appropriate post-discharge placement options are unavailable;**

**(2) Assess the incidence and implications of continued hospitalization of foster children with mental illnesses, mental disorders, intellectual disabilities, and developmental disabilities that occurs without medical justification because they are awaiting screening for appropriateness of residential services; and**

**(3) Develop recommendations to ensure that patients described in this subsection receive treatment in the most cost-effective and efficacious settings, consistent with federal and state standards for treatment in the least restrictive environment.**

**2. The departments shall also solicit and consider data and recommendations from foster children, clients of the department of mental health, and other stakeholders who may provide or coordinate treatment for, or have responsibility for, such children or patients, including:**

**(1) Hospital social workers and discharge planners;**

**(2) Health insurers;**

**(3) Psychiatrists and psychologists;**

**(4) Hospitals, as defined in section 197.020;**

**(5) Skilled nursing facilities and intermediate care facilities licensed under chapter 198;**

**(6) Vendors, as defined in section 630.005;**

**(7) Vulnerable persons or persons under the care and custody of the children’s division of the department of social services;**

**(8) Consumers;**

- (9) Public elementary and secondary schools;**
- (10) Family support teams and case workers; and**
- (11) The courts.**

**3. The departments shall issue interim reports before December 31, 2022, and before July 1, 2023, and a final report before December 1, 2023. Copies of each report shall be submitted concurrently to the general assembly.**

- 4. The provisions of this section shall expire on January 1, 2024.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 1, Line 10, by deleting said line and inserting in lieu thereof the following:

**“dignity to the elderly and infirm.**

**9.350. October first each year is hereby designated as “Biliary Atresia Awareness Day” in Missouri, in memory of Annistyn Kate Rackley. The citizens of this state are encouraged to participate in appropriate events and activities to raise awareness about this rare congenital liver disease that occurs when bile ducts do not develop normally.”; and”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 2, Section 9.236, Line 7, by inserting after all of said section and line the following:

**“9.275. The month of June is hereby designated as “Myasthenia Gravis Awareness Month” in Missouri. The citizens of this state are encouraged to celebrate the month with events and activities to raise awareness about this treatable, but progressive and difficult to diagnose, disease.**

**9.348. September fifteenth each year is hereby designated as “Caregiver Appreciation Day” in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to recognize the efforts of home health, hospice, and unpaid relative caregivers who give care and dignity to the elderly and infirm.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 1, Line 4, by inserting after said line the following:

“Further amend said bill, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

“376.427. 1. As used in this section, the following terms mean:

(1) “Health benefit plan”, as such term is defined in section 376.1350. **The term “health benefit plan” shall also include a prepaid dental plan, as defined in section 354.700;**

(2) “Health care services”, medical, surgical, dental, podiatric, pharmaceutical, chiropractic, licensed ambulance service, and optometric services;

(3) “Health carrier” or “carrier”, as such term is defined in section 376.1350. **The term “health carrier” or “carrier” shall also include a prepaid dental plan corporation, as defined in section 354.700;**

(4) “Insured”, any person entitled to benefits under a contract of accident and sickness insurance, or medical-payment insurance issued as a supplement to liability insurance but not including any other coverages contained in a liability or a workers’ compensation policy, issued by an insurer;

(5) “Insurer”, any person, reciprocal exchange, interinsurer, fraternal benefit society, health services corporation, self-insured group arrangement to the extent not prohibited by federal law, **prepaid dental plan corporation as defined in section 354.700**, or any other legal entity engaged in the business of insurance;

(6) “Provider”, a physician, hospital, dentist, podiatrist, chiropractor, pharmacy, licensed ambulance service, or optometrist, licensed by this state.

2. Upon receipt of an assignment of benefits made by the insured to a provider, the insurer shall issue the instrument of payment for a claim for payment for health care services in the name of the provider. All claims shall be paid within thirty days of the receipt by the insurer of all documents reasonably needed to determine the claim.

3. Nothing in this section shall preclude an insurer from voluntarily issuing an instrument of payment in the single name of the provider.

4. Except as provided in subsection 5 of this section, this section shall not require any insurer, health services corporation, **prepaid dental plan as defined in section 354.700**, health maintenance corporation or preferred provider organization which directly contracts with certain members of a class of providers for the delivery of health care services to issue payment as provided pursuant to this section to those members of the class which do not have a contract with the insurer.

5. When a patient’s health benefit plan does not include or require payment to out-of-network providers for all or most covered services, which would otherwise be covered if the patient received such services from a provider in the [carrier’s] **health benefit plan’s** network, including but not limited to health maintenance organization plans, as such term is defined in section 354.400, or a health benefit plan offered by a carrier consistent with subdivision (19) of section 376.426, payment for all services shall be made directly to the providers when the health carrier has authorized such services to be received from a provider outside the [carrier’s] **health benefit plan’s** network.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 30, Section 194.321, Line 7, by inserting after “2.” the following:

**“Except if the organ being transplanted is a lung,”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

“345.015. As used in sections 345.010 to 345.080, the following terms mean:

(1) “Audiologist”, a person who is licensed as an audiologist pursuant to sections 345.010 to 345.080 to practice audiology;

(2) “Audiology aide”, a person who is registered as an audiology aide by the board, who does not act independently but works under the direction and supervision of a licensed audiologist. Such person assists the audiologist with activities which require an understanding of audiology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person’s educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision are provided on a regular and systematic basis by a licensed audiologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising audiologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(3) “Board”, the state board of registration for the healing arts;

**(4) “Clinical fellowship”, the supervised professional employment period following completion of the academic and practicum requirements of an accredited training program as described in sections 345.010 to 345.080;**

(5) “Commission”, the advisory commission for speech-language pathologists and audiologists;

[(5)] (6) “Hearing instrument” or “hearing aid”, any wearable device or instrument designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers and repairs;

[(6)] (7) “Person”, any individual, organization, or corporate body, except that only individuals may be licensed pursuant to sections 345.010 to 345.080;

**[(7)] (8) “Practice of audiology”:**

- (a) The application of accepted audiologic principles, methods and procedures for the measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory system, balance system or related structures and systems;
- (b) Provides consultation or counseling to the patient, client, student, their family or interested parties;
- (c) Provides academic, social and medical referrals when appropriate;
- (d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;
- (e) Provides for involvement in related research, teaching or public education;
- (f) Provides for rendering of services or participates in the planning, directing or conducting of programs which are designed to modify audition, communicative, balance or cognitive disorder, which may involve speech and language or education issues;
- (g) Provides and interprets behavioral and neurophysiologic measurements of auditory balance, cognitive processing and related functions, including intraoperative monitoring;
- (h) Provides involvement in any tasks, procedures, acts or practices that are necessary for evaluation of audition, hearing, training in the use of amplification or assistive listening devices;
- (i) Provides selection, assessment, fitting, programming, and dispensing of hearing instruments, assistive listening devices, and other amplification systems;
- (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim molds and industrial noise protectors;
- (k) Provides assessment of external ear and cerumen management;
- (l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear or auditory brain stem devices;
- (m) Provides information in noise control and hearing conservation including education, equipment selection, equipment calibration, site evaluation and employee evaluation;
- (n) Provides performing basic speech-language screening test;
- (o) Provides involvement in social aspects of communication, including challenging behavior and ineffective social skills, lack of communication opportunities;
- (p) Provides support and training of family members and other communication partners for the individual with auditory balance, cognitive and communication disorders;
- (q) Provides aural rehabilitation and related services to individuals with hearing loss and their families;
- (r) Evaluates, collaborates and manages audition problems in the assessment of the central auditory processing disorders and providing intervention for individuals with central auditory processing disorders;
- (s) Develops and manages academic and clinical problems in communication sciences and disorders;

(t) Conducts, disseminates and applies research in communication sciences and disorders;

[(8)] (9) “Practice of speech-language pathology”:

(a) Provides screening, identification, assessment, diagnosis, treatment, intervention, including but not limited to prevention, restoration, amelioration and compensation, and follow-up services for disorders of:

a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;

b. Language, involving the parameters of phonology, morphology, syntax, semantics and pragmatic; and including disorders of receptive and expressive communication in oral, written, graphic and manual modalities;

c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia, including disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;

d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;

e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;

(b) Provides consultation and counseling and makes referrals when appropriate;

(c) Trains and supports family members and other communication partners of individuals with speech, voice, language, communication and swallowing disabilities;

(d) Develops and establishes effective augmentative and alternative communication techniques and strategies, including selecting, prescribing and dispensing of augmentative aids and devices; and the training of individuals, their families and other communication partners in their use;

(e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking valves;

(f) Uses instrumental technology to diagnose and treat disorders of communication and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

(g) Provides aural rehabilitative and related counseling services to individuals with hearing loss and to their families;

(h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;

(i) Conducts pure-tone air conduction hearing screening and screening tympanometry for the purpose of the initial identification or referral;

(j) Enhances speech and language proficiency and communication effectiveness, including but not limited to accent reduction, collaboration with teachers of English as a second language and improvement of voice, performance and singing;

(k) Trains and supervises support personnel;

(l) Develops and manages academic and clinical programs in communication sciences and disorders;



(m) Conducts, disseminates and applies research in communication sciences and disorders;

(n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness of practices and programs to improve and maintain quality of services;

[(9)] (10) “Speech-language pathologist”, a person who is licensed as a speech-language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language pathology as defined in sections 345.010 to 345.080;

[(10)] (11) “Speech-language pathology aide”, a person who is registered as a speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist. Such person assists the speech-language pathologist with activities which require an understanding of speech-language pathology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person’s educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision is provided on a regular and systematic basis by a licensed speech-language pathologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language pathologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

[(11)] (12) “Speech-language pathology assistant”, a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist practicing for at least one year or speech-language pathologist practicing under subdivision (1) or (6) of subsection 1 of section 345.025 for at least one year and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, supervising speech-language pathologist information if employment is confirmed, if not such information shall be provided after registration, and furnish evidence of the person’s educational qualifications which meet the following:

(a) Hold a bachelor’s level degree from an institution accredited or approved by a regional accrediting body recognized by the United States Department of Education or its equivalent; and

(b) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor’s level course work and requirements in the field of speech-language pathology as established by the board through rules and regulations;

(c) Submit proof of completion of the number and type of clinical hours as established by the board through rules and regulations.

**345.022. 1. Any person in the person's clinical fellowship as defined in sections 345.010 to 345.080 shall hold a provisional license to practice speech-language pathology or audiology. The board may issue a provisional license to an applicant who:**

**(1) Has met the requirements for practicum and academic requirements from an accredited training program as defined in sections 345.010 to 345.080;**

**(2) Submits an application to the board on a form prescribed by the board. Such form shall include a plan for the content and supervision of the clinical fellowship, as well as evidence of good moral and ethical character; and**

**(3) Submits to the board an application fee, as set by the board, for the provisional license.**

**2. A provisional license is effective for one year. A provisional license may be extended for an additional twelve months only for purposes of completing the postgraduate clinical experience portion of the clinical fellowship; provided that, the applicant has passed the national examination and shall hold a master's degree from an approved training program in his or her area of application.**

**3. Within twelve months of issuance of the provisional license, the applicant shall pass an examination promulgated or approved by the board.**

**4. Within twelve months of issuance of a provisional license, the applicant shall complete the requirements for the master's or doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought.**

345.025. 1. The provisions of sections 345.010 to 345.080 do not apply to:

(1) The activities, services, and the use of an official title on the part of a person in the employ of a federal agency insofar as such services are part of the duties of the person's office or position with such agency;

(2) The activities and services of certified teachers of the deaf;

(3) The activities and services of a student in speech-language pathology or audiology pursuing a course of study at a university or college that has been approved by its regional accrediting association, or working in a recognized training center, if these activities and services constitute a part of the person's course of study supervised by a licensed speech-language pathologist or audiologist as provided in section 345.050;

(4) The activities and services of physicians and surgeons licensed pursuant to chapter 334;

(5) Audiometric technicians who are certified by the council for accreditation of occupational hearing conservationists when conducting pure tone air conduction audiometric tests for purposes of industrial hearing conservation and comply with requirements of the federal Occupational Safety and Health Administration;

(6) A person who holds a current valid certificate as a speech-language pathologist issued before January 1, 2016, by the Missouri department of elementary and secondary education and who is an employee of a public school while providing speech-language pathology services in such school system;

(7) Any person completing the required number and type of clinical hours required by paragraph (c) of subdivision [(11)] **(12)** of section 345.015 as long as such person is under the direct supervision of a licensed speech-language pathologist and has not completed more than the number of clinical hours required by rule.

2. No one shall be exempt pursuant to subdivision (1) or (6) of subsection 1 of this section if the person does any work as a speech-language pathologist or audiologist outside of the exempted areas outlined in this section for which a fee or compensation may be paid by the recipient of the service. When college or university clinics charge a fee, supervisors of student clinicians shall be licensed.

345.050. [1.] To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's current competence and shall:

(1) Hold a master's or a doctoral degree from a program that was awarded "accreditation candidate" status or is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; [and]

**(3) Present written evidence of completion of a clinical fellowship from supervisors. The experience required by this subdivision shall follow the completion of the requirements of subdivisions (1) and (2) of this section. This period of employment shall be under the direct supervision of a person who is licensed by the state of Missouri in the profession in which the applicant seeks to be licensed. Persons applying with an audiology clinical doctoral degree are exempt from this provision; and**

(4) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

[2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another country and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought. ]

**345.052. 1. For purposes of this section, the following terms mean:**

**(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;**

(2) “Military”, the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term “military” also includes the military reserves and militia of any United States territory or state;

(3) “Nonresident military spouse”, a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) “Oversight body”, any board, department, agency, or office of a jurisdiction that issues licenses;

(5) “Resident military spouse”, a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current speech-language pathologist or audiologist license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a speech-language pathologist or audiologist license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction to the board.

### 3. The board shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The board may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The board shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the board receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the board shall

determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the board may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the board from denying a license to an applicant under this section for any reason described in section 345.065.

6. Any person who is licensed under the provisions of this section shall be subject to the board's jurisdiction and all rules and regulations pertaining to the practice as a speech-language pathologist or audiologist in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees.

345.170. Sections 345.170 to 345.240 shall be known and may be cited as the "Audiology and Speech-Language Pathology Interstate Compact".

345.175. 1. The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

2. This Compact is designed to achieve the following objectives:

(1) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

(2) Enhance the states' ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

(4) Support spouses of relocating active duty military personnel;

(5) Enhance the exchange of licensure, investigative and disciplinary information between member states;

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

(7) Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

345.180. As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 1211.

(2) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice

such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

(3) "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

(4) "Audiologist" means an individual who is licensed by a state to practice audiology.

(5) "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

(6) "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

(7) "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

(8) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

(9) "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(10) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

(11) "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(12) "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

(13) "Home state" means the member state that is the licensee's primary state of residence.

(14) "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

(15) "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

(16) "Member state" means a state that has enacted the Compact.

(17) "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

**(18) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.**

**(19) “Rule” means a regulation, principle or directive promulgated by the Commission that has the force of law.**

**(20) “Single-state license” means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.**

**(21) “Speech-language pathologist” means an individual who is licensed by a state to practice speech-language pathology.**

**(22) “Speech-language pathology” means the care and services provided by a licensed speech-language pathologist as set forth in the member state’s statutes and rules.**

**(23) “State” means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.**

**(24) “State practice laws” means a member state’s laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.**

**(25) “Telehealth” means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.**

**345.185. 1. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.**

**2. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state’s criminal records.**

**(1) A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.**

**(2) Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.**

**3. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.**

**4. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.**

**5. For an audiologist:**

**(1) Must meet one of the following educational requirements:**

**(a) On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or**

**(b) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or**

**(c) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States a. for which the program and institution have been approved by the authorized accrediting body in the applicable country and b. the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.**

**(2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the Commission;**

**(3) Has successfully passed a national examination approved by the Commission;**

**(4) Holds an active, unencumbered license;**

**(5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law;**

**(6) Has a valid United States Social Security or National Practitioner Identification number.**

**6. For a speech-language pathologist:**

**(1) Must meet one of the following educational requirements:**

**(a) Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or**

**(b) Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States a. for which the program and institution have been approved by the authorized accrediting body in the applicable country and b. the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.**



**(2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;**

**(3) Has completed a supervised postgraduate professional experience as required by the Commission;**

**(4) Has successfully passed a national examination approved by the Commission;**

**(5) Holds an active, unencumbered license;**

**(6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law;**

**(7) Has a valid United States Social Security or National Practitioner Identification number.**

**7. The privilege to practice is derived from the home state license.**

**8. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.**

**9. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.**

**10. Member states may charge a fee for granting a compact privilege.**

**11. Member states must comply with the bylaws and rules and regulations of the Commission.**

**345.190. 1. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:**

**(1) Hold an active license in the home state;**

**(2) Have no encumbrance on any state license;**

**(3) Be eligible for a compact privilege in any member state in accordance with section 345.185;**

**(4) Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;**

**(5) Notify the Commission that the licensee is seeking the compact privilege within a remote state or states;**

**(6) Pay any applicable fees, including any state fee, for the compact privilege;**

**(7) Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.**

**2. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.**

**3. Except as provided in section 345.200, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.**

**4. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.**

**5. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.**

**6. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.**

**7. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection 1 of this section to maintain the compact privilege in the remote state.**

**8. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.**

**9. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.**

**10. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:**

- (1) The home state license is no longer encumbered; and**
- (2) Two years have elapsed from the date of the adverse action.**

**11. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection 1 of this section to obtain a compact privilege in any remote state.**

**12. Once the requirements of subsection 10 of this section have been met, the licensee must meet the requirements in subsection 1 of this section to obtain a compact privilege in a remote state.**

**345.195. Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with section 345.185 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.**

**345.200. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.**

**345.205. 1. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:**

**(1) Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.**

**(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.**

**(3) Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.**

**2. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.**

**3. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action or actions and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.**

**4. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.**

**5. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.**

**6. (1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.**

**(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.**

**7. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all**

other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

8. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

9. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

345.210. 1. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

2. (1) Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

(2) An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring on the Commission, within 90 days.

(5) Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

3. The Commission shall have the following powers and duties:

(1) Establish the fiscal year of the Commission;

(2) Establish bylaws;

- (3) Establish a Code of Ethics;**
- (4) Maintain its financial records in accordance with the bylaws;**
- (5) Meet and take actions as are consistent with the provisions of this Compact and the bylaws;**
- (6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;**
- (7) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;**
- (8) Purchase and maintain insurance and bonds;**
- (9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;**
- (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**
- (11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;**
- (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;**
- (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;**
- (14) Establish a budget and make expenditures;**
- (15) Borrow money;**
- (16) Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;**
- (17) Provide and receive information from, and cooperate with, law enforcement agencies;**
- (18) Establish and elect an Executive Committee; and**
- (19) Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.**

**4. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact:**

- (1) The Executive Committee shall be composed of ten (10) members:**

**(a) Seven (7) voting members who are elected by the Commission from the current membership of the Commission;**

**(b) Two (2) ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and**

**(c) One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.**

**5. The ex-officio members shall be selected by their respective organizations.**

**(1) The Commission may remove any member of the Executive Committee as provided in bylaws.**

**(2) The Executive Committee shall meet at least annually.**

**(3) The Executive Committee shall have the following duties and responsibilities:**

**(a) Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;**

**(b) Ensure Compact administration services are appropriately provided, contractual or otherwise;**

**(c) Prepare and recommend the budget;**

**(d) Maintain financial records on behalf of the Commission;**

**(e) Monitor Compact compliance of member states and provide compliance reports to the Commission;**

**(f) Establish additional committees as necessary; and**

**(g) Other duties as provided in rules or bylaws.**

**(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 345.220.**

**(5) The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:**

**(a) Non-compliance of a member state with its obligations under the Compact;**

**(b) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;**

**(c) Current, threatened, or reasonably anticipated litigation;**

**(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;**

**(e) Accusing any person of a crime or formally censuring any person;**

**(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;**

**(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;**

**(h) Disclosure of investigative records compiled for law enforcement purposes;**

**(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or**

**(j) Matters specifically exempted from disclosure by federal or member state statute.**

**(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.**

**(7) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.**

**(8) (a) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.**

**(b) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.**

**(c) The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.**

**(9) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.**

**(10) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.**

**6. (1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the**

**intentional or willful or wanton misconduct of that person.**

**(2) The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.**

**(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.**

**345.215. 1. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.**

**2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:**

**(1) Identifying information;**

**(2) Licensure data;**

**(3) Adverse actions against a license or compact privilege;**

**(4) Non-confidential information related to alternative program participation;**

**(5) Any denial of application for licensure, and the reason or reasons for denial; and**

**(6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.**

**3. Investigative information pertaining to a licensee in any member state shall only be available to other member states.**

**4. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.**

**5. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.**

**6. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.**



**345.220. 1. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.**

**2. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.**

**3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.**

**4. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:**

**(1) On the website of the Commission or other publicly accessible platform; and**

**(2) On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.**

**5. The Notice of Proposed Rulemaking shall include:**

**(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;**

**(2) The text of the proposed rule or amendment and the reason for the proposed rule;**

**(3) A request for comments on the proposed rule from any interested person; and**

**(4) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.**

**6. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.**

**7. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:**

**(1) At least twenty-five (25) persons;**

**(2) A state or federal governmental subdivision or agency; or**

**(3) An association having at least twenty-five (25) members.**

**8. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.**

**(1) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.**

**(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair**

and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

10. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

11. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

12. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of Commission or member state funds; or

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

13. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

345.225. 1. (1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

2. (1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices

against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

**345.230. 1.** The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

2. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

3. Any member state may withdraw from this Compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

5. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**345.235.** This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**345.240. 1.** Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

2. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

**3. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.**

**4. All agreements between the Commission and the member states are binding in accordance with their terms.**

**5. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

**“338.061. 1. This section shall be known and may be cited as the “Tricia Leann Tharp Act”.**

**2. The board of pharmacy shall recommend that all licensed pharmacists who are employed at a licensed retail or clinical pharmacy obtain two hours of continuing education in suicide awareness and prevention. Any such board-approved continuing education shall count toward the total hours of continuing education hours required by the board for the renewal of a license under subsection 3 of section 338.060.**

**3. The board of pharmacy shall develop guidelines suitable for training materials that may be used by accredited schools of pharmacy and other organizations and courses approved by the Accreditation Council for Pharmacy Education; except that, schools of pharmacy may approve materials to be used in providing training for faculty and other employees.**

**4. The board of pharmacy may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 5, Section 135.690, Line 108, by inserting after all of said section and line:

**“135.1140. 1. As used in this section, the following terms mean:**

**(1) “Dentist”, any person currently licensed to practice dentistry under chapter 332;**

**(2) “Primary care physician”, a physician licensed and registered under chapter 334 engaged in general or family practice;**

**(3) “Qualified amount”, for any qualified taxpayer in a given tax year, fifteen thousand dollars;**

**(4) “Qualified taxpayer”, any individual subject to the state income tax imposed under chapter 143, excluding the withholding tax imposed under sections 143.191 to 143.265, who is a primary care physician or dentist that practices and resides in a rural county;**

**(5) “Rural county”, a county in Missouri with fewer than thirty-five thousand inhabitants;**

**(6) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.**

**2. For all tax years beginning on or after January 1, 2023, a qualified taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to the taxpayer’s qualified amount.**

**3. The cumulative amount of tax credits allowed to all taxpayers under this section shall not exceed three million dollars per tax year. If the amount of tax credits claimed in a tax year under this section exceeds three million dollars, tax credits shall be apportioned among all eligible tax payers.**

**4. No tax credit claimed under this section shall be assigned, transferred, sold, or otherwise conveyed. If the amount of the tax credit exceeds the taxpayer’s state tax liability, the difference shall not be refundable but may be carried forward to any of the five subsequent tax years.**

**5. The department of revenue shall promulgate all necessary rules and regulations for the administration of this section including, but not limited to, rules relating to the verification of a taxpayer’s qualified amount. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

**6. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such provisions of this section are reauthorized, such provisions shall automatically sunset twelve years after the effective date of their reauthorization; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the provisions of this section are sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 9**

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 42, Section 197.258, Line 23, by inserting after all of said section and line the following:

“197.400. As used in sections 197.400 to 197.475, unless the context otherwise requires, the following terms mean:

(1) “Council”, the home health services advisory council created by sections 197.400 to 197.475;

(2) “Department”, the department of health and senior services;

(3) “Home health agency”, a public agency or private organization or a subdivision or subunit of an agency or organization that provides two or more home health services at the residence of a patient according to a [physician’s] written [and signed] plan of treatment **signed by a physician, nurse practitioner, clinical nurse specialist, or physician assistant;**

(4) “Home health services”, any of the following items and services provided at the residence of the patient on a part-time or intermittent basis: nursing, physical therapy, speech therapy, occupational therapy, home health aid, or medical social service;

(5) **“Nurse practitioner, clinical nurse specialist”, a person recognized by the state board of nursing pursuant to the provisions of chapter 335 to practice in this state as a nurse practitioner or clinical nurse specialist;**

(6) “Part-time or intermittent basis”, the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;

[(6)] (7) “Patient’s residence”, the actual place of residence of the person receiving home health services, including institutional residences as well as individual dwelling units;

[(7)] (8) “Physician”, a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334 to practice in this state as a physician and surgeon;

**(9) “Physician assistant”, a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334 to practice in this state as a physician assistant;**

[(8)] (10) “Plan of treatment”, a plan reviewed and signed as often as [medically] necessary by a physician [or], podiatrist, **nurse practitioner, clinical nurse specialist, or a physician assistant**, not to exceed sixty days in duration, **and reviewed by a physician at least once every six months**, prescribing items and services for an individual patient’s condition;

[(9)] (11) “Podiatrist”, a person licensed by the state board of podiatry pursuant to the provisions of chapter 330 to practice in this state as a podiatrist;

[(10)] (12) “Subunit” or “subdivision”, any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of sections 197.400 to 197.475 independent of the larger organization, which can be held accountable for the care of patients it is serving, and which provides to all patients care and services meeting the standards and requirements of sections 197.400 to 197.475.”; and

Further amend said bill, Page 43, Section 197.415, Line 28, by inserting after all of said section and line the following:

“197.445. 1. The department may adopt reasonable rules and standards necessary to carry out the provisions of sections 197.400 to 197.477. The rules and standards adopted shall not be less than the standards established by the federal government for home health agencies under Title XVIII of the Federal Social Security Act. The reasonable rules and standards shall be initially promulgated within one year of September 28, 1983.

2. The rules and standards adopted by the department pursuant to the provisions of sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to 197.477 rendered to any patient being served by a home health agency regardless of source of payment for the service, patient's condition, or place of residence, at which the home health services are ordered by the physician [or], podiatrist, **nurse practitioner, clinical nurse specialist, or physician assistant**. No rule or portion of a rule promulgated pursuant to the authority of sections 197.400 to 197.477 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after said section and line the following:

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

(1) “Completed application”, a practitioner’s application to a health carrier that seeks the health carrier’s authorization for the practitioner to provide patient care services as a member of the health carrier’s network and does not omit any information which is clearly required by the application form and the accompanying instructions;

(2) “Credentialing”, a health carrier’s process of assessing and validating the qualifications of a practitioner to provide patient care services and act as a member of the health carrier’s provider network;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350. **The term “health carrier” shall also include any entity described in subdivision (4) of section 354.700;**

(4) “Practitioner”:

(a) A physician or physician assistant eligible to provide treatment services under chapter 334;

(b) A pharmacist eligible to provide services under chapter 338;

(c) A dentist eligible to provide services under chapter 332;

(d) A chiropractor eligible to provide services under chapter 331;

(e) An optometrist eligible to provide services under chapter 336;

(f) A podiatrist eligible to provide services under chapter 330;

(g) A psychologist or licensed clinical social worker eligible to provide services under chapter 337; or

(h) An advanced practice nurse eligible to provide services under chapter 335.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 10, Section 191.116, Line 64, by inserting after all of said section and line the following:

“**191.240. 1. For purposes of this section, the following terms mean:**

(1) “**Health care provider**”, the same meaning given to the term in section 191.900;

**(2) “Patient examination”, a prostate, anal, or pelvic examination.**

**2. A health care provider, or any student or trainee under the supervision of a health care provider, shall not knowingly perform a patient examination upon an anesthetized or unconscious patient in a health care facility unless:**

**(1) The patient or a person authorized to make health care decisions for the patient has given specific informed consent to the patient examination;**

**(2) The patient examination is necessary for diagnostic or treatment purposes; or**

**(3) The collection of evidence through a forensic examination, as defined under subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or unconscious patient is necessary because the evidence will be lost or the patient is unable to give informed consent due to a medical condition.**

**3. A health care provider shall notify a patient of any patient examination performed under subsection 2 of this section.**

**4. A health care provider who violates the provisions of this section, or who supervises a student or trainee who violates the provisions of this section, shall be subject to discipline by any licensing board that licenses the health care provider.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

“407.925. As used in sections [407.925] **407.924** to 407.934, the following terms mean:

(1) “Alternative nicotine product”, any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;

(2) [“Center of youth activities”, any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes;

(3)] “Distribute”, a conveyance to the public by sale, barter, gift or sample;

[(4)] **(3) “Minor”, a person under [the age of eighteen] twenty-one years of age;**

[(5)] **(4) “Municipality”, the city, village or town within which tobacco products, alternative nicotine products or vapor products are sold or distributed or, in the case of tobacco products, alternative nicotine products or vapor products that are not sold or distributed within a city, village or town, the county in which they are sold or distributed;**

[(6)] **(5) “Person”, an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by**



law as the subject of rights and duties;

[(7)] (6) “Proof of age”, a driver’s license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

[(8)] (7) “Rolling papers”, paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette;

[(9)] (8) “Sample”, a tobacco product, alternative nicotine product, or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

[(10)] (9) “Sampling”, the distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples;

[(11)] (10) “Tobacco products”, any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but does not include alternative nicotine products, or vapor products;

[(12)] (11) “Vapor product”, any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product;

[(13)] (12) “Vending machine”, any mechanical electric or electronic[,] self-service device [which] **that**, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products, or vapor products.

407.926. 1. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to [any person who is less than eighteen years of age] **minors**.

2. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

3. Alternative nicotine products and vapor products shall [only] **not** be sold to [persons eighteen years of age or older] **minors**, shall be subject to local and state sales tax, but shall not be otherwise taxed or regulated as tobacco products.

4. (1) Any nicotine liquid container that is sold at retail in this state shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on August 28, 2015, when tested in accordance with the method described in 16 CFR 1700.20 as in effect on August 28, 2015.

(2) For the purposes of this subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such

cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

(3) Any person who engages in retail sales of liquid nicotine containers in this state in violation of this subsection shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

(4) The department of health and senior services may adopt rules necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

(5) The provisions of this subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the federal Food and Drug Administration or from any other federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

407.927. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products, or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, or vapor products are sold and on every vending machine where tobacco products are purchased a sign that shall:

(1) Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes, other tobacco products, alternative nicotine products, or vapor products to be sold or otherwise provided to any person under [the age of eighteen] **twenty-one years of age** or for such person to purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products or vapor products."; and

(2) Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under [18] **21**".

407.929. 1. A person or entity selling tobacco products, alternative nicotine products, or vapor products or rolling papers or distributing tobacco product, alternative nicotine product, or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be [under the age of eighteen] **a minor**.

2. The operator's or chauffeur's license issued pursuant to the provisions of section 302.177, or the operator's or chauffeur's license issued pursuant to the laws of any state or possession of the United States to residents of those states or possessions, or an identification card as provided for in section 302.181, or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the division of liquor control or any owner or employee of an establishment that sells tobacco, alternative nicotine products, or vapor products, for the purpose of aiding the registrant, agent or employee to determine whether or not the person is [at least eighteen years of age] **a minor** when such person desires to purchase or possess tobacco products, alternative nicotine products, or vapor products procured from a registrant. Upon such presentation, the

owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 1, 2 and 3 of section 407.931. No person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on any single day.

407.931. 1. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products, or vapor products to [persons under eighteen years of age] **a minor**.

2. All vending machines that dispense tobacco products, alternative nicotine products, or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing [persons less than eighteen years of age] **minors** from purchasing any tobacco product, alternative nicotine product, or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where [persons less than eighteen years of age] **minors** are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this subsection shall be subject to the penalties contained in subsection 5 of this section. A determination of noncompliance may be made by a local law enforcement agency or the division of liquor control. Nothing in this section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

3. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product, or vapor product or rolling papers to any minor, or sell any individual cigarettes to any person in this state. This subsection shall not apply to the distribution by family members on property that is not open to the public.

4. Any person including, but not limited to, a sales clerk, owner or operator who violates subsection 1, 2 or 3 of this section or section 407.927 shall be penalized as follows:

- (1) For the first offense, twenty-five dollars;
- (2) For the second offense, one hundred dollars;
- (3) For a third and subsequent offense, two hundred fifty dollars.

5. Any owner of the establishment where tobacco products, alternative nicotine products, or vapor products are available for sale who violates subsection 3 of this section, in addition to the penalties established in subsection 4 of this section, shall be penalized in the following manner:

- (1) For the first violation per location within two years, a reprimand shall be issued by the division of liquor control;

(2) For the second violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products, alternative nicotine products, or vapor products for a twenty-four-hour period;

(3) For the third violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products, alternative nicotine products, or vapor products for a forty-eight-hour period;

(4) For the fourth and any subsequent violations per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products for a five-day period.

6. Any owner of the establishment where tobacco products are available for sale who violates subsection 3 of this section shall not be penalized pursuant to this section if such person documents the following:

(1) An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the state and federal regulations regarding sales of tobacco products, alternative nicotine products, or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products, or vapor products to the general public;

(2) A signed statement by the employee stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco products, alternative nicotine products, or vapor products to minors; and

(3) Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety minutes in length, established by the division of liquor control.

7. The exemption in subsection 6 of this section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products, or vapor products are available for sale if:

(1) Four or more violations per location of subsection 3 of this section occur within a one-year period;  
or

(2) Such person knowingly violates or knowingly allows his or her employees to violate subsection 3 of this section.

8. If a sale is made by an employee of the owner of an establishment in violation of sections 407.925 to 407.934, the employee shall be guilty of an offense established in subsections 1, 2 and 3 of this section. If a vending machine is in violation of section 407.927, the owner of the establishment shall be guilty of an offense established in subsections 3 and 4 of this section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in subsections 3 and 4 of this section.

9. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product, or vapor product to [any individual less than eighteen years of age] **a minor** in violation of subsection 1, 2 or 3 of this section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was [eighteen years of age or older] **not a minor**.

10. Any person adversely affected by this section may file an appeal with the administrative hearing commission which shall be adjudicated pursuant to the procedures established in chapter 621.

407.933. 1. No [person less than eighteen years of age] **minor** shall purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products, or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products, or vapor products and is in such possession to effect a sale in the course of employment, or an employee of the division of liquor control for enforcement purposes pursuant to subsection 5 of section 407.934.

2. [Any person less than eighteen years of age] **No minor** shall [not] misrepresent his or her age to purchase cigarettes, tobacco products, alternative nicotine products, or vapor products.

3. Any person who violates the provisions of this section shall be penalized as follows:

(1) For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products, or vapor products confiscated;

(2) For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products, or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

407.934. 1. No person shall sell cigarettes, tobacco products, alternative nicotine products, or vapor products unless the person has a retail sales tax license.

2. The department of revenue shall permit persons to designate through the internet or by including a place on all sales tax license applications for the applicant to designate himself or herself as a seller of tobacco products, alternative nicotine products, or vapor products and to provide a list of all locations where the applicant sells such products.

3. On or before July first of each year, the department of revenue shall make available to the division of liquor control and the department of mental health a complete list of every establishment which sells cigarettes, other tobacco products, alternative nicotine products, or vapor products in this state.

4. The division of liquor control shall have the authority to inspect stores and tobacco outlets for compliance with all laws related to access of tobacco products, alternative nicotine products, or vapor products to minors. The division may employ a [person seventeen years of age] **minor**, with parental consent **if the minor is under eighteen years of age**, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

5. The supervisor of the division of liquor control shall not use minors to enforce the provisions of this chapter unless the supervisor promulgates rules that establish standards for the use of minors. The supervisor shall establish mandatory guidelines for the use of minors in investigations by a state, county, municipal or other local law enforcement authority which shall be followed by such authority and which shall, at a minimum, provide for the following:

(1) The minor shall be seventeen years of age **or older**;

(2) The minor shall have a youthful appearance, and the minor, if a male, shall not have facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive jewelry;

(3) The state, county, municipal or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian, **if necessary**, before the use of such minor on a form approved by the

supervisor;

(4) The state, county, municipal or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;

(5) Any attempt by such minor to purchase tobacco products, alternative nicotine products, or vapor products shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the tobacco product;

(6) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the tobacco product, alternative nicotine product, or vapor product;

(7) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;

(8) The minor shall not lie to the seller of the tobacco product, alternative nicotine product, or vapor product to induce a sale of tobacco products;

(9) The minor shall not be employed by the state, county, municipal or other local law enforcement agency on an incentive or quota basis;

(10) The state, county, municipal or other local law enforcement agency shall, within forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the establishment if a violation occurs;

(11) The state, county, municipal or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

- (a) The signed consent form of the minor's parent or legal guardian, **if necessary**;
- (b) A Polaroid photograph of the minor;
- (c) A photocopy of the minor's valid identification, showing the minor's correct date of birth;
- (d) An information sheet completed by the minor on a form approved by the supervisor; and
- (e) The name of each establishment visited by the minor, and the date and time of each visit.

6. If the state, county, municipal or other local law enforcement authority uses minors in investigations or in enforcing or determining violations of this chapter or any local ordinance and does not comply with the mandatory guidelines established by the supervisor of liquor control in subsection 5 of this section, the supervisor of liquor control shall not take any disciplinary action against the establishment or seller pursuant to this chapter based on an alleged violation discovered when using a minor and shall not cooperate in any way with the state, county, municipal or other local law enforcement authority in prosecuting any alleged violation discovered when using a minor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 57, Section 198.644, Lines 43-

49, by deleting said lines and inserting in lieu thereof the following:

**“(10) Indemnify and hold harmless a health care facility for any damages, sanctions, or civil monetary penalties that are proximately caused by an action or failure to act of any health care personnel the agency provides to the health care facility; provided that the amount for which the supplemental health care services agency may be liable to a health care facility for civil monetary penalties and sanctions shall not exceed one hundred thousand dollars for civil monetary penalties and sanctions that can be assessed against skilled nursing facilities by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services. If the damages, sanctions, or civil monetary penalties are proximately caused by the negligence, action, or failure to act by the health care facility, then liability shall be determined by a percentage of fault and shall be the sole responsibility of the party against whom such determination is made. Such determinations shall be made by the agreement of the parties or a neutral third party who considers all of the relevant factors in making a determination.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 1, Line 7, by inserting after said line the following:

“Further amend said bill, Page 73, Section 660.010, Line 46, by inserting after all of said section and line the following:

**“Section 1. April 11 through April 17 of each year is hereby designated as “Black Maternal Health Week”. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate black maternal health.**

**Section 2. The month of April of each year is hereby designated as “Minority Health Month”. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate minority health month.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 2, Section 9.236, Line 7, by inserting after all of the said section and line the following:

**“9.351. The sixteenth of April each year is hereby designated as “Missouri Donate Life Day” in the state of Missouri. The citizens of this state are encouraged to participate in appropriate activities and events to increase public awareness of the need for organ donation and organ donors.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

**“376.414. 1. For purposes of this section, the following terms mean:**

**(1) “340B drug”, a drug that is:**

**(a) A covered outpatient drug as defined in Section 340B of the Public Health Service Act, 42 U.S.C. Section 256b, enacted by Section 602 of the Veterans Health Care Act of 1992, Pub. L. 102-585; and**

**(b) Purchased under an agreement entered into under 42 U.S.C. Section 256b;**

**(2) “Covered entity”, the same meaning given to the term in Section 340B(a)(4) of the Public Health Service Act, 42 U.S.C. Section 256b(a)(4);**

**(3) “Health carrier”, the same meaning given to the term in section 376.1350;**

**(4) “Pharmacy benefits manager”, the same meaning given to the term in section 376.388;**

**(5) “Specified pharmacy”, a pharmacy licensed under chapter 338 with which a covered entity has contracted to dispense 340B drugs on behalf of the covered entity regardless of whether the 340B drugs are distributed in person or through the mail.**

**2. A health carrier or pharmacy benefits manager shall not discriminate against a covered entity or a specified pharmacy by doing any of the following:**

**(1) Reimbursing a covered entity or specified pharmacy for a quantity of a 340B drug in an amount less than such health carrier or pharmacy benefits manager would pay to any other similarly situated pharmacy that is not a covered entity or a specified pharmacy for such quantity of such drug on the basis that the entity or pharmacy is a covered entity or specified pharmacy or that the entity or pharmacy dispenses 340B drugs;**

**(2) Imposing any terms or conditions on covered entities or specified pharmacies that differ from such terms or conditions applied to other similarly situated pharmacies that are not covered entities or specified pharmacies on the basis that the entity or pharmacy is a covered entity or specified pharmacy or that the entity or pharmacy dispenses 340B drugs including, but not limited to, terms or conditions with respect to any of the following:**

**(a) Fees, chargebacks, clawbacks, adjustments, or other assessments;**

**(b) Professional dispensing fees;**

**(c) Restrictions or requirements regarding participation in standard or preferred pharmacy networks;**

**(d) Requirements relating to the frequency or scope of audits or to inventory management systems using generally accepted accounting principles; and**

**(e) Any other restrictions, conditions, practices, or policies that, as specified by the director of the department of commerce and insurance, interfere with the ability of a covered entity to maximize the value of discounts provided under 42 U.S.C. Section 256b;**

**(3) Interfering with an individual’s choice to receive a 340B drug from a covered entity or specified pharmacy, whether in person or via direct delivery, mail, or other form of shipment; or**

**(4) Refusing to contract with a covered entity or specified pharmacy for reasons other than those that apply equally to entities or pharmacies that are not covered entities or specified pharmacies, or**



on the basis that:

(a) The entity or pharmacy is a covered entity or a specified pharmacy; or

(b) The entity or pharmacy is described in any of subparagraphs (A) to (O) of 42 U.S.C. Section 256b(a)(4).

3. The director of the department of commerce and insurance shall impose a civil penalty on any pharmacy benefits manager that violates the requirements of this section. Such penalty shall not exceed five thousand dollars per violation per day.

4. The director of the department of commerce and insurance shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 16

Amend House Amendment No. 16 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 3, Lines 19-20, by deleting all of said lines and renumbering subsequent subdivisions accordingly; and

Further amend said amendment Page 4, Lines 1-2, by deleting all of said lines and renumbering subsequent subdivisions accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 2, Section 9.236, Line 7, by inserting after all of said section and line the following:

“67.265. 1. For purposes of this section, the [term “order” shall] **following terms** mean:

(1) **“Local elected governing body”**, the board of aldermen, city council, county commission, or other like body of officials elected to represent an entire city or county. **“Local elected governing body” shall not include any inferior body whose duties are limited to a specific area of responsibility or expertise within the city or county including, but not limited to, a local health authority;**

(2) **“Order”**, a public health order, ordinance, rule, or regulation issued by a political subdivision[, including by a health officer, local public health agency, public health authority, or the political subdivision’s executive, as such term is defined in section 67.750,] in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease;

(3) **“Prohibited order”**, any order that has been terminated under subsection 3 or expired under subsection 2 of this section;

**(4) “Statewide pandemic”, an outbreak of a particularly dangerous disease affecting a high proportion of the population, appearing in three or more counties.**

**2. Notwithstanding any other provision of law to the contrary, all orders shall be approved by a vote of the local elected governing body of the city or county, shall be issued by the same, and shall be subject to the following:**

(1) Any order issued during and related to an emergency declared pursuant to chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability [or] that prohibits or otherwise limits attendance at any public or private gatherings, **or requires the wearing of face coverings**, [shall not remain in effect for longer than thirty calendar days in a one hundred eighty-day-period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and] shall automatically expire at the end of [the] thirty days or as specified in the order, whichever is shorter, unless so authorized by a simple majority vote of the [political subdivision’s] **local elected** governing body to extend such order or approve a similar order **prior to the expiration or termination of the original order**; provided that such extension or approval of similar orders shall not [exceed thirty calendar days in duration and any order may be extended more than once] **extend beyond sixty days from the effective date of the original order passed pursuant to this subdivision**; [and]

(2) Any order of general applicability issued at a time other than an emergency declared pursuant to chapter 44 that directly or indirectly closes, **partially closes, or places restrictions on the opening of or access to any one or more business organizations**, an entire classification of business organizations, churches, schools, or other places of public or private gathering or assembly, **including any order, ordinance, rule, or regulation of general applicability that prohibits or otherwise limits attendance at any public or private gatherings, or requires the wearing of face coverings**, shall [not remain in effect for longer than twenty-one calendar days in a one hundred eighty-day-period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall] automatically expire at the end of [the twenty-one] **twenty** days or as specified in the order, whichever is shorter, unless so authorized by a two-thirds majority vote of the [political subdivision’s] **local elected** governing body to extend such order or approve a similar order **prior to the expiration or termination of the original order** ; provided that such extension or approval of similar orders [may be extended more than once] **shall not extend beyond sixty days from the effective date of the original order passed pursuant to this subdivision; and**

**(3) Upon the expiration of sixty days as set forth in subdivision (1) or (2) of this subsection, only the director of the department of health and senior services shall be authorized to issue or extend any further order relating to the actual or perceived threat to public health or safety that gave rise to the order authorized by the local elected governing body or to terminate the same.**

[2.] **3.** The [governing bodies of the political subdivisions] **local elected governing body** issuing orders under this section shall at all times have the authority to terminate [an order] **local orders** issued or extended under this section upon a simple majority vote of the body.

[3.] **4.** In the case of local public health agencies created through an agreement by multiple counties under chapter 70, all of the participating counties’ **local elected** governing bodies shall be required to approve or terminate orders in accordance with the provisions of this section.

[4.] **5.** Prior to or concurrent with the issuance or extension of any order under subdivisions (1) and (2) of subsection [1] **2** of this section, the health officer, local public health agency, public health authority, or executive shall provide a report to the **local elected** governing body containing information supporting the need for such order **and may submit a draft order, which shall not have any legal effect until it is approved by a vote of the local elected governing body taken in a session that is open to the public. Such report shall include specific studies or other evidence relied upon in the creation of the order, along with an explanation of the legal authority upon which the order is based. Such report shall also include a summary of the general nature and extent of the comments submitted in support of or opposition to the proposed order and a concise summary of the testimony presented at all hearings in which the order was discussed. In addition, the report shall contain a summary of the findings regarding the merits of any such testimony or comments submitted by members of the public who are opposed, in whole or in part, to the proposed order.**

[5.] **6.** No [political subdivision] **local elected governing body** of this state shall make or modify any orders that have the effect, directly or indirectly, of a prohibited order under this section.

[6.] **7.** No **directive**, rule, or regulation issued by the department of health and senior services shall authorize a local health official, health officer, local public health agency, or public health authority to create or enforce any order, ordinance, rule, or regulation described in section 192.300 or this section that is inconsistent with the provisions of this section.

**8. (1) No local elected governing body shall issue or authorize any order relating to a statewide pandemic pursuant to this section unless the governor has, by executive order pursuant to an emergency declared under chapter 44, directed the director of the department of health and senior services to authorize, by written directive containing sufficiently specific criteria, local elected governing bodies to issue or approve such order; except that, no such local order shall be more expansive than the written directive issued by the department and shall be subject to review and alteration by the director.**

**(2) Not less than thirty days after the issuance of a written directive by the director of the department, as provided in this subsection, the department shall replace such directive with an emergency rule promulgated as set forth in chapter 536.**

**(3) Any order issued by a local elected governing body that is not in compliance with this subsection shall be void ab initio.**

**(4) Any order issued by a local elected governing body shall be subject to the time limitations set forth in subsection 2 of this section.**

**9. Except as provided in subsection 11 of this section, the existence of a statewide pandemic may be declared by the governor or the director of the department of health and senior services. During a statewide pandemic, only the director shall have the authority to close a public or private school or other place of public or private assembly or to reduce, alter, suspend, or otherwise restrict the operations or hours thereof. The director shall consult with the local health authorities prior to any closing.**

**10. (1) Any person aggrieved by the actions of a political subdivision, including its local elected governing body, its officers, employees, or agents, in violation of this section shall have a civil claim for damages against such political subdivision for:**

- (a) Injunctive relief;**
- (b) Treble compensatory damages;**
- (c) Punitive damages;**
- (d) Costs of litigation including, but not limited to, court costs and expert witness fees; and**
- (e) Reasonable attorneys fees.**

**(2) Neither sovereign immunity nor official immunity shall be a defense in any such civil action.**

**(3) Venue for any civil action filed pursuant to this section shall, at the election of the aggrieved party, be in the county within which the aggrieved party resides, in the county within which the alleged harm occurred, or Cole County.**

**(4) In any civil action filed by a person with standing or by the attorney general under this section, upon a showing that a material fact is in dispute, the political subdivision shall bear the burden of showing, by clear and convincing evidence, that its order was necessary to prevent the actual or anticipated harm and that no less restrictive means to prevent such actual or anticipated harm were available.**

**11. The general assembly may, by the passage of a concurrent resolution, declare the existence of a statewide pandemic. Such resolution shall not extend the declaration of a statewide pandemic for more than thirty days beyond the convening of the next regular session of the general assembly but may by its own provisions specify the expiration date of the declaration prior to that time. The general assembly may approve subsequent declarations in like manner and subject to the same limitations.**

67.308. **1. No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.**

**2. No private person, business, corporation, organization, or other nongovernment entity shall be required to assist in any manner in the enforcement of any order issued pursuant to section 67.265, nor shall such person or entity suffer any adverse action including, but not limited to, a fine, loss of a business license, closure, or citation for any such refusal to assist.**

**3. (1) Any person aggrieved by the actions of a political subdivision or any public official under this section shall have a civil claim for damages against such political subdivision or public official for:**

- (a) Injunctive relief;**
- (b) Treble compensatory damages;**
- (c) Punitive damages;**
- (d) Costs of litigation including, but not limited to, court costs and expert witness fees; and**
- (e) Reasonable attorneys fees.**

**(2) Neither sovereign immunity nor official immunity shall be a defense in any such civil action.**

**(3) Venue for any civil action filed pursuant to this section or section 67.265 shall, at the election**

**of the aggrieved party, be the county in which the aggrieved party resides, the county where the alleged harm occurred or Cole County.**

**(4) In any civil action filed by a person with standing or by the attorney general under this section, upon a showing that a material fact is in dispute, the political subdivision shall bear the burden of showing, by clear and convincing evidence, that its order was necessary to prevent the actual or anticipated harm and that no less restrictive means to prevent such actual or anticipated harm were available.”; and**

Further amend said bill, Page 5, 135.690, Line 108, by inserting after all of said section and line the following:

“167.029. 1. A public school district may require students to wear a school uniform or restrict student dress to a particular style in accordance with the law. The school district may determine the style and color of the school uniform.

**2. No public or charter school shall implement or enforce any student dress requirements that include a mask or other face covering or respirator.**

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

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

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

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who 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 wear face masks or other face coverings or respirators as an alternative to receiving a COVID-19 vaccination. No school shall require students to undergo COVID-19 diagnostic testing or otherwise implement a "test to stay" policy requiring testing as an alternative to receiving a COVID-19 vaccination; provided, that nothing in this subsection shall be interpreted to preclude a school from requiring a student to be tested as described in section 167.191 as a condition for school attendance or participation in school-sponsored extracurricular activities. For purposes of the section, "COVID 19" shall include any variant thereof.**

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

167.191. 1. It is unlawful for any child to attend any of the public schools of this state while afflicted with any contagious or infectious disease, or while liable to transmit such disease after having been exposed to it. For the purpose of determining the diseased condition, or the liability of transmitting the disease, the teacher or board of directors may require any child to be examined by a physician, **physician assistant, or advanced practice registered nurse** and exclude the child from school so long as there is any liability of such disease being transmitted by the pupil. **For purposes of this section, the term "liability" shall mean that symptoms of such a contagious or infectious disease are present and that disease transmission is more likely than not to occur.** If the parent or guardian refuses to have an examination made by a physician, **physician assistant, or advanced practice registered nurse pursuant to [at] the written request of [the teacher] a school administration or school board of directors,** the [teacher or board of directors] **child may be [exclude the child] excluded** from school. Any parent or guardian who persists in sending a child to school, after having been examined as provided by this section, and found to be afflicted with any contagious or infectious disease, or liable to transmit the disease, or refuses to have the child examined as herein provided, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five nor more than one hundred dollars.

**2. If the parent or guardian of the child presents a written document, signed by a physician, physician assistant, or advanced practice registered nurse stating that the child is not afflicted with**

**any contagious or infectious disease, or liable to transmit the disease, the child shall not be excluded from school under subsection 1.”; and**

Further amend said bill, Page 7, Section 167.630, Line 19, by inserting after all of said section and line the following:

“171.011. **1.** The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner.

**2. No school administrator, teacher, staff, or other personnel of any public school or charter school, nor any school board, shall have authority to adopt rules, regulations, policies, directives, or any other order relating to quarantines, isolation, or other health-related requirements for students except as provided in section 167.191; except that, nothing in this section or section 167.191 shall be construed to authorize any such order relating to masking or vaccinations.**

**3. During a statewide pandemic as defined in section 67.265, all generally applicable orders relating to the spread of an infectious or contagious disease shall be made by a local elected governing body as provided in section 67.265.”; and**

Further amend said bill, Page 21, Section 192.005, Line 27, by inserting after all of said section and line the following:

“192.290. All rules and regulations authorized and made by the department of health and senior services in accordance with this chapter shall supersede as to those matters to which this chapter relates, all local **orders**, ordinances, rules, and regulations and shall be observed throughout the state and enforced by all local and state health authorities. Nothing herein shall limit the right of local authorities **under section 192.300** to make such further **orders**, ordinances, rules, and regulations not inconsistent with **or more restrictive than** the rules and regulations prescribed by the department of health and senior services, which may be necessary for the particular locality under the jurisdiction of such local authorities; **except that, all such orders, ordinances, rules and regulations made by local authorities shall comply with the provisions of section 67.265.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 58, Section 198.648, Line 9, by inserting after all of the said section and line the following:

“208.030. 1. The family support division shall make monthly payments to each person who was a recipient of old age assistance, aid to the permanently and totally disabled, and aid to the blind and who:

(1) Received such assistance payments from the state of Missouri for the month of December, 1973, to which they were legally entitled; and

(2) Is a resident of Missouri.

2. The amount of supplemental payment made to persons who meet the eligibility requirements for and receive federal supplemental security income payments shall be in an amount, as established by rule and

regulation of the family support division, sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payments, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. As long as the recipient continues to receive a supplemental security income payment, the supplemental payment shall not be reduced. The minimum supplemental payment for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be in an amount which, when added to the federal supplemental security income payment, equals the amount of the blind pension grant as provided for in chapter 209.

3. The amount of supplemental payment made to persons who do not meet the eligibility requirements for federal supplemental security income benefits, but who do meet the December, 1973, eligibility standards for old age assistance, permanent and total disability and aid to the blind or less restrictive requirements as established by rule or regulation of the family support division, shall be in an amount established by rule and regulation of the family support division sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payment, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any other benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payments for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be a blind pension payment as prescribed in chapter 209.

4. The family support division shall make monthly payments to persons meeting the eligibility standards for the aid to the blind program in effect December 31, 1973, who are bona fide residents of the state of Missouri. The payment shall be in the amount prescribed in subsection 1 of section 209.040, less any federal supplemental security income payment.

5. The family support division shall make monthly payments to persons age twenty-one or over who meet the eligibility requirements in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who were receiving old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance lawfully, who are not eligible for nursing home care under the Title XIX program, and who reside in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri and whose total cash income is not sufficient to pay the amount charged by the facility; and to all applicants age twenty-one or over who are not eligible for nursing home care under the Title XIX program who are residing in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri, who make application after December 31, 1973, provided they meet the eligibility standards for old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who are bona fide residents of the state of Missouri, and whose total cash income is not sufficient to pay the amount charged by the facility. [Until July 1, 1983, the amount of the total state payment for home care in licensed residential care facilities shall not exceed one hundred twenty dollars monthly, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred twenty-five dollars monthly. Beginning July 1, 1983, for fiscal year 1983-1984 and each year thereafter,] The amount of the total state payment for home care in licensed residential care facilities **and for care in**



**licensed assisted living facilities** shall [not exceed one hundred fifty-six dollars monthly,] **be subject to appropriation. The amount of total state payment** for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred ninety dollars monthly[, and for care in licensed assisted living facilities shall not exceed two hundred ninety-two dollars and fifty cents monthly]. No intermediate care or skilled nursing payment shall be made to a person residing in a licensed intermediate care facility or in a licensed skilled nursing facility unless such person has been determined, by his or her own physician or doctor, to medically need such services subject to review and approval by the department. Residential care payments may be made to persons residing in licensed intermediate care facilities or licensed skilled nursing facilities. Any person eligible to receive a monthly payment pursuant to this subsection shall receive an additional monthly payment equal to the Medicaid vendor nursing facility personal needs allowance. The exact amount of the additional payment shall be determined by rule of the department. This additional payment shall not be used to pay for any supplies or services, or for any other items that would have been paid for by the family support division if that person would have been receiving medical assistance benefits under Title XIX of the federal Social Security Act for nursing home services pursuant to the provisions of section 208.159. Notwithstanding the previous part of this subsection, the person eligible shall not receive this additional payment if such eligible person is receiving funds for personal expenses from some other state or federal program.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 58, Section 208.184, Line 16, by inserting after all of said section and line the following:

“208.798. The provisions of sections 208.780 to 208.798 shall terminate on August 28, [2022] **2029.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

“376.1800. 1. As used in this section, the following terms shall mean:

(1) **“Dentist”, a dentist licensed under chapter 332. The term “dentist” includes an individual dentist or a group of dentists;**

(2) **“Medical retainer agreement”, a contract between a physician or a dentist and an individual patient or such individual patient’s legal representative in which the physician or dentist agrees to provide certain health care services described in the agreement to the individual patient for an agreed-upon fee and period of time;**

[(2)] (3) **“Physician”, a physician licensed under chapter 331 or 334. Physician includes an individual physician or a group of physicians.**

2. A medical retainer agreement is not insurance and is not subject to this chapter. Entering into a medical retainer agreement is not the business of insurance and is not subject to this chapter.

3. A physician, **a dentist**, or **an** agent of a physician **or dentist** is not required to obtain a certificate of

authority or license under this section to market, sell, or offer to sell a medical retainer agreement.

4. To be considered a medical retainer agreement for the purposes of this section, the agreement shall meet all of the following requirements:

(1) Be in writing;

(2) Be signed by the physician, **the dentist**, or **the** agent of the physician **or dentist** and the individual patient or such individual patient's legal representative;

(3) Allow either party to terminate the agreement on written notice to the other party;

(4) Describe the specific health care services that are included in the agreement;

(5) Specify the fee for the agreement;

(6) Specify the period of time under the agreement; and

(7) Prominently state in writing that the agreement is not health insurance.

5. (1) For any patient who enters into a medical retainer agreement under this section and who has established a health savings account (HSA) in compliance with 26 U.S.C. Section 223, or who has a flexible spending arrangement (FSA) or health reimbursement arrangement (HRA), fees under the patient's medical retainer agreement may be paid from such health savings account or reimbursed through such flexible spending arrangement or health reimbursement arrangement, subject to any federal or state laws regarding qualified expenditures from a health savings account, or reimbursement through a flexible spending arrangement or a health reimbursement arrangement.

(2) The employer of any patient described in subdivision (1) of this subsection may:

(a) Make contributions to such patient's health savings account, flexible spending arrangement, or health reimbursement arrangement to cover all or any portion of the agreed-upon fees under the patient's medical retainer agreement, subject to any federal or state restrictions on contributions made by an employer to a health savings account, or reimbursement through a flexible spending arrangement, or health reimbursement arrangement; or

(b) Pay the agreed-upon fees directly to the physician **or dentist** under the medical retainer agreement.

6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise restricting a physician in a collaborative practice arrangement from entering into a medical retainer agreement under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 20

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257, Line 4, by inserting after all of said section and line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; **the** receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding,

dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; the dispensing of HIV postexposure prophylaxis pursuant to section 338.730; **the dispensing of self-administered oral hormonal contraceptives under section 338.720**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

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

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

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

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

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

7. The state board of registration for the healing arts, under section [334.125] **334.120**, and the state board of pharmacy, under [section 338.140] **this chapter**, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication

between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

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

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

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

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

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

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

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the

patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

**338.720. 1. For purposes of this section, “self-administered oral hormonal contraceptive” shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed takes orally.**

**2. A pharmacist may dispense self-administered oral hormonal contraceptives to a person who is eighteen years of age or older under a prescription order for medication therapy services as described in section 338.010. A prescription order for a self-administered oral hormonal contraceptive shall have no expiration date.**

**3. The board of pharmacy, under this chapter, and the state board of registration for the healing arts, under section 334.120, shall jointly promulgate rules regulating the use of protocols for prescription orders for self-administered oral hormonal contraceptives. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

**4. The rules adopted under this section shall require a pharmacist to:**

**(1) Complete a training program approved by the board of pharmacy that is related to dispensing self-administered oral hormonal contraceptives under this section;**

**(2) Provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's dispensing the self-administered oral hormonal contraceptive under this section;**

**(3) At least once every twelve months, refer the patient to the patient's primary care practitioner, women's health care practitioner, or physician with whom the pharmacist has a prescription order before dispensing the self-administered oral hormonal contraceptive to the patient;**

**(4) Provide the patient with a written record of the self-administered oral hormonal contraceptive dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and**

**(5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as practicable.**

**5. All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered oral hormonal contraceptives dispensed by a pharmacist under this section.**

**6. The provisions of this section shall terminate upon the enactment of any laws allowing the provision of oral hormonal contraceptives from a pharmacist without a prescription or prescription order.**

**7. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a self-administered oral hormonal contraceptive prescribed by a physician unless authorized by the written protocol or the physician's written prescription order.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 21

Amend House Amendment No. 21 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 1, Line 1, by inserting after the number “710,” the following:

“Page 5, Section 135.690, Line 108, by inserting after all of said section and line the following:

**“160.485. 1. This section shall be known and may be cited as the “Stop the Bleed Act”.**

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

**(1) “Bleeding control kit”, a first aid response kit that contains at least the following:**

**(a) Tourniquets that are:**

**a. Endorsed by the United States Department of Defense Committee on Tactical Combat Casualty Care or its successor entity; or**

**b. Approved for use in battlefield trauma care by the Armed Forces of the United States;**

**(b) Bleeding control bandages;**

**(c) Latex-free protective gloves;**

**(d) Permanent markers;**

**(e) Instructional documents developed by the United States Department of Homeland Security’s Stop the Bleed national awareness campaign or the American College of Surgeons Committee on Trauma, or both; and**

**(f) Other medical materials and equipment similar to those described in paragraphs (a) and (b) of this subdivision;**

**(2) “Department”, the department of elementary and secondary education;**

**(3) “Emergency medical services personnel”, paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians, or other emergency service personnel acting within the ordinary course and scope of those professions, but excluding physicians;**

**(4) “School personnel”, any employee of a public school district or charter school, or any volunteer**

servicing at a public school or charter school, who is designated to use a bleeding control kit under this section.

**3. (1) Before January 1, 2023, the department shall develop a traumatic blood loss protocol for school personnel to follow in the event of an injury involving traumatic blood loss. The protocol shall meet the requirements of this section and shall be made available to each school district and charter school.**

**(2) The traumatic blood loss protocol shall:**

**(a) Require that a bleeding control kit be placed in areas where there is likely to be high traffic or congregation, such as auditoriums, cafeterias, or gymnasiums, and areas where risk of injury may be elevated, including vocational classes such as wood working or automotive classes of each school district's school building and each charter school in an easily accessible location of such areas to be determined by local emergency medical services personnel;**

**(b) Include bleeding control kits in the emergency plans of each school district and charter school, including the presentation and use of the bleeding control kits in all drills and emergencies;**

**(c) Require each school district and charter school to designate a school nurse or school health care provider, or if no school nurse or school health care provider is available, a school personnel member, in each school building who shall obtain appropriate training annually in the use of a bleeding control kit including, but not limited to:**

- a. The proper application of pressure to stop bleeding;**
- b. The proper application of dressings or bandages;**
- c. Additional pressure techniques to control bleeding; and**
- d. The correct application of tourniquets;**

**(d) Require each bleeding control kit in school inventories to be inspected annually to ensure that the materials, supplies, and equipment contained in the bleeding control kit have not expired and that any expired materials, supplies, and equipment are replaced as necessary; and**

**(e) Require a bleeding control kit to be restocked after each use and any materials, supplies, and equipment to be replaced as necessary to ensure that the bleeding control kit contains all necessary materials, supplies, and equipment.**

**4. (1) The department shall, in collaboration with the United States Department of Homeland Security and the state department of public safety, include requirements in the traumatic blood loss protocol for school personnel to receive annual training in the use of bleeding control kits.**

**(2) The training requirements shall be satisfied by successful completion and certification under the "STOP THE BLEED" course as promulgated by the American College of Surgeons Committee on Trauma or the American Red Cross.**

**(3) The training requirements may allow online instruction.**

**5. (1) A bleeding control kit may contain any additional items that:**

**(a) Are approved by emergency medical services personnel, as such term is defined in section**

**190.600;**

**(b) Can adequately treat an injury involving traumatic blood loss; and**

**(c) Can be stored in a readily available kit.**

**(2) Quantities of each item required to be in a bleeding control kit may be determined by each school district.**

**6. (1) The department and each school district and charter school shall maintain information regarding the traumatic blood loss protocol and the Stop the Bleed national awareness campaign on each entity's website.**

**(2) Upon request by a school district or a charter school, the department may, in collaboration with the department of public safety, direct the school district or charter school to resources that are available to provide bleeding control kits to the school district or charter school.**

**7. (1) Except as otherwise provided in this subsection, each school district and charter school shall implement the traumatic blood loss protocol developed under this section before the end of the 2022-23 school year.**

**(2) The requirements that a bleeding control kit be placed in each classroom, that each kit be restocked as necessary, and that school personnel receive training under this section shall be subject to an appropriation to cover all costs related to such requirements by the general assembly.**

**(3) Any school district or charter school may receive donations of funds for the purchase of bleeding control kits that meet the requirements of this section and may receive donations of bleeding control kits that meet the requirements of this section.**

**8. This section shall not be construed to create a cause of action against a school district, a charter school, or any school personnel. Any school personnel who in good faith uses a bleeding control kit as provided by this section shall be immune from all civil liability for any act or omission in the use of a bleeding control kit unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.”; and**

Further amend said bill,”

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 3 TO  
HOUSE AMENDMENT NO. 21**

Amend House Amendment No. 21 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 1, Line 1, by inserting after the number “710,” the following:

“ Page 8, Section 172.800, Line 16, by inserting after all of said section and line the following:

“190.100. As used in sections 190.001 to 190.245 **and section 190.257**, the following words and terms mean:

(1) “Advanced emergency medical technician” or “AEMT”, a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations



adopted by the department pursuant to sections 190.001 to 190.245;

(2) “Advanced life support (ALS)”, an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) “Ambulance”, any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national

curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services

(EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

**(46) “Time-critical diagnosis”, trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;**

**(47) “Time-critical diagnosis advisory committee”, a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;**

(48) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(47)] (49) “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(48)] (50) “Trauma center”, a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT’s, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

**4. The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.**

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

[5.] 6. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

[6.] 7. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri

delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

**8. The council shall consult with the time-critical diagnosis advisory committee, as described under section 190.257, regarding time-critical diagnosis.**

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The

agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

**11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.**

**12.** Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

- (1) Departmental regulation of trauma centers; or
- (2) [The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or
- (3)] Abstracts of inpatient hospital data; or
- [(4)] **(3)** If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to 190.245.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center**, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile [and], assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection [1] **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall



waive the requirements of rules promulgated under sections 190.100 to 190.245 that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by [or in consultation with] the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.**

2. Except as provided for in subsection [5] 4 of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, [appropriate] peer-reviewed [or] **and** evidence-based **clinical** research [on such topics] **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology [and], **the American Heart Association [for STEMI centers, or the Joint Commission’s Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by], or the American Stroke Association.** Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every [five] **three** years, conduct [an on-site] **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and stroke centers** designated pursuant to subsection [5] 4 of this section; however, this provision is not intended to limit the department’s ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. [On-site] **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has [reasonable cause to believe that] **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement**

**agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has [reasonable cause to believe] **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive [on-site] **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. **(1)** Instead of applying for **trauma, STEMI, or stroke** center designation under subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [from a hospital] on a form prescribed by the department, the department shall designate such hospital[:

(1) A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally recognized organization that provides comparable STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally recognized organization that provides STEMI receiving center accreditation.

5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines] **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

**(2)** Except as provided by subsection [6] **5** of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or stroke** designations **under this subsection**. The designation shall continue if such hospital remains certified **or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or stroke center** if the hospital requests removal of the designation or the department determines that the certificate [recognizing] **or verification that qualified** the hospital [as a stroke center] **for the designation under this**

**subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [stroke] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [stroke] center [certification of a stroke center] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [stroke] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6.] **5.** Any hospital receiving designation as a **trauma center, STEMI center, or stroke center** pursuant to subsection [5] **4** of this section shall:

(1) [Annually and] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [stroke] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [of the stroke center]; **and**

(2) [Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems [by reviewing and sharing outcome data and] **for purposes of providing training [and], sharing clinical educational resources, and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] **4** of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

[7.] **6.** Hospitals designated as a **trauma center, STEMI center, or stroke center** by the department[, including those designated pursuant to subsection 5 of this section,] shall submit data [to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done] by **one of** the following methods:

(1) Entering hospital data [directly] into a state registry [by direct data entry]; **or**

(2) [Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the] **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision [(2) or (3) of this subsection] shall not be required to collect and submit any additional **trauma, STEMI, or stroke center** data elements. **No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data**

**bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

[8.] 7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care; **and**

(4) [The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and

(5)] **Trauma, STEMI, and stroke center data elements** shall conform to [nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines] **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

[9. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

**10.] 8. The department shall not have authority to establish additional education requirements for physicians who are emergency medicine board certified or board eligible through the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) and who are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.**

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center [reviews] **surveys**.

[11.] **10.** No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma

center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[12.] **11.** Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.245. [The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035.] Failure of a hospital to provide all medical records **and quality improvement documentation** necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital's designation as a trauma **center**, STEMI **center**, or stroke center. Any medical records obtained by the department [or peer review committees] shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review [committees] **teams**.

**190.257. 1. There is hereby established the “Time-Critical Diagnosis Advisory Committee”, to be designated by the director for the purpose of advising and making recommendations to the department on:**

- (1) Improvement of public and professional education related to time-critical diagnosis;**
- (2) Engagement in cooperative research endeavors;**
- (3) Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and**
- (4) Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.**

**2. The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.**

**3. The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:**

**(1) Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:**

- (a) One member who is a physician serving as a regional EMS medical director;**
- (b) One member who serves on an air ambulance service;**
- (c) One member who resides in an urban area; and**
- (d) One member who resides in a rural area; and**

**(2) Ten members who represent hospitals, with at least:**

- (a) One member who is employed by a level I or level II trauma center;**
- (b) One member who is employed by a level I or level II STEMI center;**
- (c) One member who is employed by a level I or level II stroke center;**
- (d) One member who is employed by a rural or critical access hospital; and**

**(e) Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.**

**4. In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.**

**5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.**

**6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee**

wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. **The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.**”; and

Further amend said bill,”; and;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4 TO  
HOUSE AMENDMENT NO. 21

Amend House Amendment No. 21 to House Committee Substitute No. 2 for Senate Bill No. 710, Page 10, Line 1, by inserting after all of said line the following:

“Further amend said bill, Page 68, Section 302.171, Line 130, by inserting after all of the following section and line the following:

“334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person’s educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board **or eligibility to graduate from such a program within ninety days.** A candidate who presents satisfactory evidence of the person’s graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. **Applicants shall meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board-approved examination.** Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section **and meets the requirements established to qualify for examination.** Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. **No person who has failed on six or more occasions to achieve a passing score on the examination**

**required by this section shall be eligible for licensure by examination under this section.**

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education **or eligibility to graduate from such a program within ninety days.**

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. **Applicants shall meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board-approved examination.** Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section **and meets the requirements established to qualify for examination.** Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

**5. No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.**

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

[6.] 7. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

[7.] 8. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written



evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute No. 2 for Senate Bill No. 710, Page 58, Section 198.648, Line 9, by inserting after all of the said section and line the following:

“208.151. 1. Medical assistance on behalf of needy persons shall be known as “MO HealthNet”. For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and

regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives

budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that,

on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care;

(27) Any homeless child or homeless youth, as those terms are defined in section 167.020, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services;

**(28) (a) Beginning April 1, 2022, or the effective date of this act, whichever is later, pregnant women who are eligible for, have applied for, and have received MO HealthNet benefits under subdivision (2), (10), (11), or (12) of this subsection shall be eligible for medical assistance during the pregnancy and during the twelve-month period that begins on the last day of the woman's pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1396a(e)(16). The department shall submit a state plan amendment to the Centers for Medicare and Medicaid Services within sixty days of the effective date of this act;**

**(b) The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1396a(e)(16), as amended, or any successor statutes or implementing regulations, is in effect.**

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family

receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(1)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

7. (1) Notwithstanding any provision of law to the contrary, a military service member, or an immediate family member residing with such military service member, who is a legal resident of this state and is eligible for MO HealthNet developmental disability services, shall have his or her eligibility for MO HealthNet developmental disability services temporarily suspended for any period of time during which such person temporarily resides outside of this state for reasons relating to military service, but shall have his or her eligibility immediately restored upon returning to this state to reside.

(2) Notwithstanding any provision of law to the contrary, if a military service member, or an immediate family member residing with such military service member, is not a legal resident of this state, but would otherwise be eligible for MO HealthNet developmental disability services, such individual shall be deemed eligible for MO HealthNet developmental disability services for the duration of any time in which such

individual is temporarily present in this state for reasons relating to military service.”; and

Further amend said bill and page, Section 208.184, Line 16, by inserting after all of the said section and line the following:

“208.662. 1. There is hereby established within the department of social services the “Show-Me Healthy Babies Program” as a separate children’s health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children’s Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. **(1)** Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

**(2) Beginning April 1, 2022, or the effective date of this act, whichever is later, mothers eligible to receive coverage under this section shall receive medical assistance benefits during the pregnancy and during the twelve-month period that begins on the last day of the woman’s pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1397gg(e)(1)(J). The department shall seek any necessary state plan amendments or waivers to implement the provisions of this subdivision within sixty days of the effective date of this**

**act. The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1397gg(e)(1)(J), as amended, or any successor statutes or implementing regulations, is in effect.**

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after August 28, 2014, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall



be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **HB 2149**, as amended: Senators Eslinger, Riddle, Brown, Schupp, and Beck.

### **RESOLUTIONS**

Senator Eigel offered Senate Resolution No. 897, regarding Anne Sankale, St. Peters, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 1:00 p.m., Thursday, May 5, 2022.

### **SENATE CALENDAR**

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SIXTIETH DAY –THURSDAY, MAY 5, 2022

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### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HB 1859-Eggleston

HB 1692-Boggs

HCS for HB 2381

HB 1977-Kelley (127)

HJR 114-Coleman (32)

HCS for HB 1704

HB 1973-Gregory (51)

HCS for HB 2140

HCS for HB 2600

HB 2439-Hovis

HB 2160-Dinkins

HB 2660-Veit

HCS for HB 2638

HCS for HB 2136

HCS for HB 1489  
 HS for HB 2310  
 HCS for HB 2177

HB 1564-Griffith  
 HCS for HB 1559

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 649-Eigel, as amended  
 (In Fiscal Oversight)

SS for SCS for SB 741-Crawford, as amended  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

- |                                 |  |
|---------------------------------|--|
| 1. SB 1179-Hough                | 13. SB 958-Bean, with SCS                |
| 2. SB 994-Washington            | 14. SB 694-Brattin                       |
| 3. SBs 961 & 733-Beck, with SCS | 15. SB 1063-Crawford                     |
| 4. SB 739-Eigel                 | 16. SB 963-Brown, with SCS               |
| 5. SB 874-Arthur                | 17. SB 978-Eslinger, with SCS            |
| 6. SB 1040-Burlison             | 18. SB 843-Moon, with SCS                |
| 7. SB 1143-Brown                | 19. SB 1178-White and Cierpiot, with SCS |
| 8. SB 685-May                   | 20. SB 1133-White, with SCS              |
| 9. SB 833-Luetkemeyer           | 21. SB 684-May                           |
| 10. SB 1023-Gannon              | 22. SB 923-Brattin                       |
| 11. SB 809-Koenig, with SCS     | 23. SJRs 52 & 53-Koenig, with SCS        |
| 12. SB 800-Hegeman              | 24. SB 839-Brattin, with SCS             |

### HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1686 (Brown)<br>(In Fiscal Oversight)                | 5. HCS for HB 1858 (O'Laughlin)<br>(In Fiscal Oversight) |
| 2. HCS for HJR 117 (Hegeman)<br>(In Fiscal Oversight)              | 6. HCS for HB 2000, with SCS (Williams)                  |
| 3. HCS for HB 2304, with SCS<br>(O'Laughlin) (In Fiscal Oversight) | 7. HCS for HB 2587 (Hoskins)<br>(In Fiscal Oversight)    |
| 4. HCS for HB 1462, with SCS (Burlison)<br>(In Fiscal Oversight)   | 8. HCS for HB 2485, with SCS (O'Laughlin)                |
|  | 9. HCS for HB 1734, with SCS (White)                     |
|  | 10. HCS for HB 2151, with SCS (Arthur)                   |

11. HJR 116-Schnelting (White)
12. HCS for HBs 2116, 2097, 1690 & 2221, with SCS (White)
13. HB 2090-Griffith, with SCS (Bernskoetter)
14. HB 2697, HB 1589, HB 1637 & HCS for HB 2127, with SCS (Luetkemeyer)
15. HB 2088, HB 1705 & HCS for HB 1699, with SCS (Luetkemeyer)
16. HB 1962-Copeland (Eslinger)
17. HB 2202-Fitzwater, with SCS (Cierpiot) (In Fiscal Oversight)
18. HCS for HB 1662 (Koenig)
19. HB 1738-Dogan, with SCS (Roberts)
20. HB 2365-Shields (In Fiscal Oversight)
21. HCS for HB 3017, with SCS (Hegeman)
22. HCS for HB 3018, with SCS (Hegeman)
23. HCS for HB 3019, with SCS (Hegeman)
24. HCS for HB 3020, with SCS (Hegeman)
25. HB 2331-Baker, with SCS (White)
26. HCS for HB 1590 (Hoskins) (In Fiscal Oversight)
27. HCS for HB 1583 (Koenig)
28. HCS for HB 1597, with SCS (O’Laughlin)
29. HB 1860-Eggleston, with SCS (Bernskoetter) (In Fiscal Oversight)
30. HCS for HB 2382 (Koenig) (In Fiscal Oversight)
31. HB 2593-Lovasco, with SCS (Koenig)
32. HCS for HB 1732, with SCS (Crawford) (In Fiscal Oversight)
33. HCS for HB 2012, with SCS (White) (In Fiscal Oversight)
34. HB 2694-Hudson, with SCS (Crawford) (In Fiscal Oversight)
35. HB 2325-Patterson (Bean) (In Fiscal Oversight)
36. HB 2607-Rone (Bean)
37. HCS for HB 2120, with SCS (Crawford) (In Fiscal Oversight)
38. HB 1473-Pike (Onder)
39. HB 1541-McGill, with SCS (Gannon)
40. HB 2455-Griffith, with SCS (White)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 631-Hegeman, with SCS, SS for SCS & SA 4 (pending) | SB 667-Burlison, with SS (pending)                                   |
| SB 648-Rowden   | SB 671-White, with SCS, SS for SCS, SA 1 & point of order (pending)  |
| SB 650-Eigel  | SB 674-Hough, with SCS   |
| SB 654-Crawford, with SCS                             | SBs 698 & 639-Gannon, et al, with SCS, SA 1 & SA 1 to SA 1 (pending) |
| SB 657-Cierpiot, with SS (pending)                    | SBs 702, 636, 651, & 693-Eslinger, with SCS                          |
| SB 663-Bernskoetter, with SCS                         | SB 713-Razer, with SCS   |
| SB 664-Bernskoetter                                   |  |
| SB 665-Bernskoetter, with SS (pending)                |  |

SB 723-Hegeman, with SA 1 (pending)  
 SB 726-Onder, with SS & SA 6 (pending)  
 SB 732-Hoskins, with SCS  
 SB 762-Brown, with SS & SA 4 (pending)  
 SBs 777 & 808-Brattin, with SCS  
 SB 781-Moon, with SCS & SS for  
 SCS (pending)  
 SB 850-Bean, with SCS & SS for  
 SCS (pending)

SB 864-Hoskins, with SCS  
 SB 867-Koenig, with SCS  
 SB 869-Koenig, with SS (pending)  
 SB 918-Burlison, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 938-White, with SCS & SS#2 for SCS &  
 SA 1 (pending)  
 SB 1153-Eslinger, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 1472, with SCS, SS for SCS,  
 SA 4, as amended & SA 2 to SA 4  
 (pending) (White)  
 HB 1856-Baker, with SCS (O'Laughlin)  
 SS for SCS for HB 1878-Simmons, as amended  
 (Crawford) (In Fiscal Oversight)

SS for HB 2400-Houx, as amended (Hoskins)  
 (In Fiscal Oversight)  
 HCS for HBs 2502 & 2556, with SS, SA 1 &  
 SA 1 to SA 1 (pending) (Hegeman)  
 HCS for HJR 79, with SCS (Crawford)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 710-Beck, with HCS#2, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SS for SCS for SBs 681 & 662-O'Laughlin  
 and Arthur, with HCS, as amended  
 SB 820-Burlison, with HCS, as amended  
 (Senate conferees allowed to exceed  
 the differences)  
 HCS for HB 1720, with SS for SCS, as  
 amended (Bean) (Conferees allowed to  
 exceed the differences)

HB 2149-Shields, with SS, as amended  
 (Eslinger) (Further conference  
 granted)  
 HCS for HB 3002, with SS for SCS  
 (Hegeman)  
 HCS for HB 3003, with SS for SCS  
 (Hegeman)  
 HCS for HB 3004, with SCS (Hegeman)

HCS for HB 3005, with SCS (Hegeman)  
HCS for HB 3006, with SCS (Hegeman)  
HCS for HB 3007, with SCS (Hegeman)  
HCS for HB 3008, with SS for SCS  
(Hegeman)  
HCS for HB 3009, with SCS (Hegeman)  
HCS for HB 3010, with SS for SCS  
(Hegeman)

HCS for HB 3011, with SS for SCS  
(Hegeman)  
HCS for HB 3012, with SS for SCS  
(Hegeman)  
HCS for HB 3013, with SCS (Hegeman)  
HCS for HB 3015, with SCS (Hegeman)

Requests to Recede or Grant Conference

SS for SCS for SBs 775, 751 &  
640-Thompson Rehder and Schupp, with  
HCS, as amended (Senate requests  
House recede or grant conference)

HCS for HB 2117, with SS#2, as amended  
(Bernskoetter) (House requests  
Senate recede or grant conference)

RESOLUTIONS

SR 435-Schatz  
SR 448-Eigel  
SR 453-Eigel  
SR 466-Eigel  
SR 467-Eigel  
SR 468-Hoskins

SR 469-Hoskins  
SR 472-White  
SR 496-Hoskins  
SR 783-Hough  
HCR 52-Plocher (Rowden)

Reported from Committee

SR 594-Bernskoetter and Schupp

SR 626-Schatz

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