

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 818, Page 1, Section TITLE, Lines 4-5,

2 by striking all of said lines and inserting in lieu thereof
 3 the following: "public health, with an emergency clause for
 4 certain sections."; and

5 Further amend said bill and page, section A, line 3, by
 6 inserting after all of said line the following:

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

16 167.181. 1. The department of health and senior
 17 services, after consultation with the department of
 18 elementary and secondary education, shall promulgate rules
 19 and regulations governing the immunization against
 20 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
 21 diphtheria, and hepatitis B, to be required of children
 22 attending public, private, parochial or parish schools.
 23 Such rules and regulations may modify the immunizations that
 24 are required of children in this subsection. The
 25 immunizations required and the manner and frequency of their
 26 administration shall conform to recognized standards of

27 medical practice. The department of health and senior
28 services shall supervise and secure the enforcement of the
29 required immunization program.

30 2. It is unlawful for any student to attend school
31 unless he has been immunized as required under the rules and
32 regulations of the department of health and senior services,
33 and can provide satisfactory evidence of such immunization;
34 except that if he produces satisfactory evidence of having
35 begun the process of immunization, he may continue to attend
36 school as long as the immunization process is being
37 accomplished in the prescribed manner. It is unlawful for
38 any parent or guardian to refuse or neglect to have his
39 child immunized as required by this section, unless the
40 child is properly exempted.

41 3. This section shall not apply to any child if one
42 parent or guardian objects in writing to his school
43 administrator against the immunization of the child, because
44 of religious beliefs or medical contraindications. In cases
45 where any such objection is for reasons of medical
46 contraindications, a statement from a duly licensed
47 physician must also be provided to the school administrator.

48 4. Each school superintendent, whether of a public,
49 private, parochial or parish school, shall cause to be
50 prepared a record showing the immunization status of every
51 child enrolled in or attending a school under his
52 jurisdiction. The name of any parent or guardian who
53 neglects or refuses to permit a nonexempted child to be
54 immunized against diseases as required by the rules and
55 regulations promulgated pursuant to the provisions of this
56 section shall be reported by the school superintendent to
57 the department of health and senior services.

58 5. The immunization required may be done by any duly
59 licensed physician or by someone under his direction. If

60 the parent or guardian is unable to pay, the child shall be
61 immunized at public expense by a physician or nurse at or
62 from the county, district, city public health center or a
63 school nurse or by a nurse or physician in the private
64 office or clinic of the child's personal physician with the
65 costs of immunization paid through the state Medicaid
66 program, private insurance or in a manner to be determined
67 by the department of health and senior services subject to
68 state and federal appropriations, and after consultation
69 with the school superintendent and the advisory committee
70 established in section 192.630. When a child receives his
71 or her immunization, the treating physician may also
72 administer the appropriate fluoride treatment to the child's
73 teeth.

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

79 7. No student shall be required, as a condition of
80 school attendance or participation in school-sponsored
81 extracurricular activities, to be immunized against COVID-
82 19. No school shall require students to undergo COVID-19
83 diagnostic testing as an alternative to receiving a COVID-19
84 vaccination. This subsection shall expire on December 31,
85 2029.

86 8. No rule or portion of a rule promulgated under the
87 authority of this section shall become effective unless it
88 has been promulgated pursuant to the provisions of chapter
89 536. Any rule or portion of a rule, as that term is defined
90 in section 536.010, that is created under the authority
91 delegated in this section shall become effective only if it
92 complies with and is subject to all of the provisions of

93 chapter 536 and, if applicable, section 536.028. This
94 section and chapter 536 are nonseverable and if any of the
95 powers vested with the general assembly pursuant to chapter
96 536 to review, to delay the effective date or to disapprove
97 and annul a rule are subsequently held unconstitutional,
98 then the grant of rulemaking authority and any rule proposed
99 or adopted after August 28, 2001, shall be invalid and void.

100 174.336. No public institution of higher education in
101 this state shall require any student, whether residing on
102 campus or not, to have received a COVID-19 vaccine in order
103 to access educational and other services, including, but not
104 limited to, in-class attendance, school-sponsored
105 extracurricular activities, and access to school buildings
106 and facilities. No public institution of higher education
107 in this state shall require any student to undergo COVID-19
108 diagnostic testing as an alternative to receiving a COVID-19
109 vaccination. This section shall expire on December 31,
110 2029."; and

111 Further amend said bill, page 2, section 192.020, line
112 31, by inserting after all of said line the following:

113 "210.003. 1. No child shall be permitted to enroll in
114 or attend any public, private or parochial day care center,
115 preschool or nursery school caring for ten or more children
116 unless such child has been adequately immunized against
117 vaccine-preventable childhood illnesses specified by the
118 department of health and senior services in accordance with
119 recommendations of the Centers for Disease Control and
120 Prevention Advisory Committee on Immunization Practices
121 (ACIP), but until December 31, 2029, not including COVID-
122 19. The parent or guardian of such child shall provide
123 satisfactory evidence of the required immunizations.

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

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

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

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

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

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

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

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

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

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

184 6. Nothing in this section shall preclude any
185 political subdivision from adopting more stringent rules
186 regarding the immunization of preschool children.

187 7. All public, private, and parochial day care
188 centers, preschools, and nursery schools shall notify the
189 parent or guardian of each child at the time of initial
190 enrollment in or attendance at the facility that the parent
191 or guardian may request notice of whether there are children

192 currently enrolled in or attending the facility for whom an
193 immunization exemption has been filed. Beginning December
194 1, 2015, all public, private, and parochial day care
195 centers, preschools, and nursery schools shall notify the
196 parent or guardian of each child currently enrolled in or
197 attending the facility that the parent or guardian may
198 request notice of whether there are children currently
199 enrolled in or attending the facility for whom an
200 immunization exemption has been filed. Any public, private,
201 or parochial day care center, preschool, or nursery school
202 shall notify the parent or guardian of a child enrolled in
203 or attending the facility, upon request, of whether there
204 are children currently enrolled in or attending the facility
205 for whom an immunization exemption has been filed.

206 213.055. 1. It shall be an unlawful employment
207 practice:

208 (1) For an employer, because of the race, color,
209 religion, national origin, sex, ancestry, age or disability
210 of any individual:

211 (a) To fail or refuse to hire or to discharge any
212 individual, or otherwise to discriminate against any
213 individual with respect to his compensation, terms,
214 conditions, or privileges of employment, because of such
215 individual's race, color, religion, national origin, sex,
216 ancestry, age or disability;

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

223 (2) For a labor organization to exclude or to expel
224 from its membership any individual or to discriminate in any

225 way against any of its members or against any employer or
226 any individual employed by an employer because of race,
227 color, religion, national origin, sex, ancestry, age or
228 disability of any individual; or to limit, segregate, or
229 classify its membership, or to classify or fail or refuse to
230 refer for employment any individual, in any way which would
231 deprive or tend to deprive any individual of employment
232 opportunities, or would limit such employment opportunities
233 or otherwise adversely affect his status as an employee or
234 as an applicant for employment, because of such individual's
235 race, color, religion, national origin, sex, ancestry, age
236 or disability; or for any employer, labor organization, or
237 joint labor-management committee controlling apprenticeship
238 or other training or retraining, including on-the-job
239 training programs to discriminate against any individual
240 because of his race, color, religion, national origin, sex,
241 ancestry, age or disability in admission to, or employment
242 in, any program established to provide apprenticeship or
243 other training;

244 (3) For any employer or employment agency to print or
245 circulate or cause to be printed or circulated any
246 statement, advertisement or publication, or to use any form
247 of application for employment or to make any inquiry in
248 connection with prospective employment, which expresses,
249 directly or indirectly, any limitation, specification, or
250 discrimination, because of race, color, religion, national
251 origin, sex, ancestry, age or disability unless based upon a
252 bona fide occupational qualification or for an employment
253 agency to fail or refuse to refer for employment, or
254 otherwise to discriminate against, any individual because of
255 his or her race, color, religion, national origin, sex,
256 ancestry, age as it relates to employment, or disability, or
257 to classify or refer for employment any individual because

258 of his or her race, color, religion, national origin, sex,
259 ancestry, age or disability;

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

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

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

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

279 (e) In the case of a public employer, any record of
280 vaccinations, exemptions, testing, or other related employee
281 information containing identifying information of the
282 employee shall be considered a closed record under chapter
283 610.

284 (f) The provisions of this subdivision shall expire
285 December 31, 2029.

286 2. Notwithstanding any other provision of this
287 chapter, it shall not be an unlawful employment practice for
288 an employer to apply different standards of compensation, or
289 different terms, conditions or privileges of employment
290 pursuant to a bona fide seniority or merit system, or a

291 system which measures earnings by quantity or quality of
292 production or to employees who work in different locations,
293 provided that such differences or such systems are not the
294 result of an intention or a design to discriminate, and are
295 not used to discriminate, because of race, color, religion,
296 sex, national origin, ancestry, age or disability, nor shall
297 it be an unlawful employment practice for an employer to
298 give and to act upon the results of any professionally
299 developed ability test, provided that such test, its
300 administration, or action upon the results thereof, is not
301 designed, intended or used to discriminate because of race,
302 color, religion, national origin, sex, ancestry, age or
303 disability.

304 3. Nothing contained in this chapter shall be
305 interpreted to require any employer, employment agency,
306 labor organization, or joint labor-management committee
307 subject to this chapter to grant preferential treatment to
308 any individual or to any group because of the race, color,
309 religion, national origin, sex, ancestry, age or disability
310 of such individual or group on account of an imbalance which
311 may exist with respect to the total number or percentage of
312 persons of any race, color, religion, national origin, sex,
313 ancestry, age or disability employed by any employer,
314 referred or classified for employment by any employment
315 agency or labor organization, admitted to membership or
316 classified by any labor organization, or admitted to or
317 employed in any apprenticeship or other training program, in
318 comparison with the total number or percentage of persons of
319 such race, color, religion, national origin, sex, ancestry,
320 age or disability in any community, state, section, or other
321 area, or in the available workforce in any community, state,
322 section, or other area.

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

328 Section B. Because of the need to secure the rights of
329 Missourians relating to COVID-19 vaccination requirements,
330 the enactment of section 174.336 and the repeal and
331 reenactment of sections 67.308, 167.181, 210.003, and
332 213.055 of this act is deemed necessary for the immediate
333 preservation of the public health, welfare, peace, and
334 safety, and is hereby declared to be an emergency act within
335 the meaning of the constitution, and the enactment of
336 section 174.336 and the repeal and reenactment of sections
337 67.308, 167.181, 210.003, and 213.055 of this act shall be
338 in full force and effect upon its passage and approval."; and
339 Further amend the title and enacting clause accordingly.