

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY - THURSDAY, FEBRUARY 29, 2024

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Steven George offered the following prayer:

“The Lord himself goes before you and will be with you; he will never leave you nor forsake you. Do not be afraid; do not be discouraged.” (Deuteronomy 31:8 NIV)

Almighty God, as we prepare to go home to our families this weekend, we lift up to You those from our State’s Highway Patrol and National Guard who are preparing to go to Texas. We ask that they would be able to sense Your presence and know that You are with them. We also ask that you would give them strength and courage, and protect them. We ask this in Your Holy Name, 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.

Photographers from KOMU-8 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 | Black | Brattin | Brown (16th Dist.) |
| Brown (26th Dist.) | Carter | Cierpiot | Coleman | Crawford | Eigel | Eslinger |
| Fitzwater | Gannon | Hoskins | Hough | Koenig | Luetkemeyer | May |
| McCreery | Moon | Mosley | O’Laughlin | Razer | Rizzo | Rowden |
| Schroer | Thompson Rehder | Trent | Washington | Williams—33 | | |

Absent—Senators—None

Absent with leave—Senator Roberts—1

Vacancies—None

RESOLUTIONS

Senator Bean offered Senate Resolution No. 727, regarding the Neelyville High School Lady Tigers cheerleaders, Neelyville, which was adopted.

Senator Arthur offered Senate Resolution No. 728, regarding Eagle Scout Julian James Abella, Kansas City, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 729, regarding Lisa Borden, Callao, which was adopted.

Senator Hoskins offered Senate Resolution No. 730, regarding the Fiftieth Anniversary of Chuck Anderson Ford, Excelsior Springs, which was adopted.

Senator Fitzwater offered Senate Resolution No. 731, regarding the Fiftieth Wedding Anniversary of Betty and Randy Railton, Fulton, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 1494—By Gannon.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the boarding of certain individuals at hospitals.

SB 1495—By Gannon.

An Act to repeal section 86.213, RSMo, and to enact in lieu thereof one new section relating to surviving spouses in the police retirement system of St. Louis.

SB 1496—By Schroer.

An Act to repeal sections 143.011, 144.014, 144.020, and 144.1021, RSMo, and to enact in lieu thereof four new sections relating to taxation.

SB 1497—By Carter.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to agreements with the department of elementary and secondary education.

SB 1498—By Beck.

An Act to amend chapter 324, RSMo, by adding thereto nine new sections relating to statewide mechanical contractor licenses, with penalty provisions.

SB 1499—By Brattin.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to punishment for certain sexual offenses.

SB 1500—By Brattin.

An Act to repeal section 266.160, RSMo, and to enact in lieu thereof one new section relating to commercial feed.

SB 1501—By Brattin.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the disclosure of personal information online.

SB 1502—By Coleman.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to jail expenses.

SB 1503—By Williams.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to temporary license plates.

SB 1504—By May.

An Act to repeal sections 169.410, 169.450, and 169.490, RSMo, and to enact in lieu thereof three new sections relating to contribution rates for the public school retirement system of the city of St. Louis.

SB 1505—By Eslinger.

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to unlawful merchandising practices in the advertising of legal services.

SB 1506—By Black.

An Act to repeal section 168.500, RSMo, and to enact in lieu thereof one new section relating to the career ladder program.

SB 1507—By Washington.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to digital assets.

SB 1508—By McCreery.

An Act to amend chapter 162, RSMo, by adding thereto five new sections relating to early childhood education.

SB 1509—By Trent.

An Act to amend supreme court rule 52.08, relating to class actions.

SB 1510—By Trent.

An Act to repeal section 302.181, RSMo, and to enact in lieu thereof one new section relating to driver's and nondriver's licenses for United States citizens.

SB 1511—By Washington.

An Act to repeal sections 140.010, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.1000, 140.1006, 140.1009, 140.1012, 141.220, 141.230, 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560, 141.570, 141.580, 141.610, 141.620, 141.680, 141.700, 141.820, 141.830, 141.840, 141.850, 141.860, 141.870, 141.880, 141.890, 141.900, 141.910, 141.920, 141.930, 141.931, 141.940, 141.950, 141.960, 141.970, 141.980, 141.984, 141.1009, and 249.255, RSMo, and section 140.190 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 140.190 as enacted by house bill no. 821, one hundredth general assembly, first regular session, and to enact in lieu thereof forty-eight new sections relating to the collection of delinquent taxes, with penalty provisions.

SB 1512—By Fitzwater.

An Act to amend chapters 9 and 227, RSMo, by adding thereto three new sections relating to state designations.

SB 1513—By Eigel.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the release of contaminants into public water systems or drinking water sources.

SB 1514—By Eigel.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the vinyl chloride level in drinking water.

SB 1515—By Eigel.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to a pilot program for veterans and first responders.

SB 1516—By Eigel.

An Act to repeal section 643.310, RSMo, and to enact in lieu thereof one new section relating to motor vehicle emissions inspections.

SB 1517—By Eigel.

An Act to repeal sections 142.803 and 142.822, RSMo, and to enact in lieu thereof two new sections relating to taxation of motor fuel, with an emergency clause.

SB 1518—By Eigel.

An Act to amend chapters 34, 347, and 351, RSMo, by adding thereto three new sections relating to prohibiting discrimination against businesses based on environmental, social, and governance scores.

SB 1519—By Eigel.

An Act to repeal section 137.076, RSMo, and to enact in lieu thereof one new section relating to the assessment of real property.

SB 1520—By Hoskins.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to illegal immigrants, with penalty provisions.

SJR 94—By Roberts.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri, by adding thereto one new section relating to the appointment of certain St. Louis City officers.

SJR 95—By Trent.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to access by parents to educational materials.

REPORTS OF STANDING COMMITTEES

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SJR 71**, **SB 1039**, **SS** for **SB 802**, and **SS** for **SB 1298** begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Thompson Rehder moved that **SB 862** be taken up for perfection, which motion prevailed.

Senator Thompson Rehder offered **SS** for **SB 862**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 862

An Act to repeal section 210.560, RSMo, and to enact in lieu thereof one new section relating to money held by the children's division for the benefit of a child.

Senator Thompson Rehder moved that **SS** for **SB 862** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 862, Page 1, In the Title, Lines 3-4, by striking “money held by the children's division for the benefit of a child” and inserting in lieu thereof the following: “child protection”; and

Further amend said bill, page 5, Section 210.560, line 149, by inserting after all of said line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) “Joint physical custody” means an order awarding each of the parents [significant, but not necessarily equal,] **substantially equal** periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. There shall be a rebuttable presumption that an award of equal or [approximately] **substantially** equal parenting time to each parent is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to [(8)] **(9)** of this subsection. The presumption may be rebutted if the court finds that the parents have reached an agreement on all issues related to custody, or if the court finds that a pattern of domestic violence has occurred as set out in subdivision [(6)] **(7)** of this subsection. When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent **and the willingness and ability of parents to cooperate in the rearing of their child, to maximize sharing information and minimize exposure of the child to parental conflict, and to utilize methods for resolving disputes regarding any major decision concerning the life of the child;**

(5) The child's adjustment to the child's home, school, and community **and the child's physical, emotional, educational, and other needs.** The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children;

(6) The mental and physical health of all individuals involved, including **the mental health or substance abuse history experienced by either parent;**

(7) Any history of abuse of any individuals involved, **including domestic and child abuse. In determining whether the presumption is rebutted by a pattern of domestic violence, the court shall consider the nature and context of the domestic violence and the implications of the domestic violence for parenting and for the child's safety, well-being, and developmental needs.** If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm, **whether physical, verbal, emotional, or psychological;**

[(7) The intention of either parent to relocate the principal residence of the child; and]

(8) [The unobstructed input of a child, free of coercion and manipulation, as to the child's custodial arrangement] **The distance between the residences of the parents seeking custody, including consideration of any relocation which has occurred or an intent to relocate; and**

(9) The reasonable input of the child as to the child's custodian, if the court deems the child to be of sufficient ability, age, and maturity to express an independent, reliable preference and that such input is in the best interests of the child and will not be emotionally damaging, with due consideration of the influence that a parent may have on the child's input.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the general assembly encourages the court to enter a temporary parenting plan as early as practicable in a proceeding under this chapter, consistent with the provisions of subsection 2 of this section, and, in so doing, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to [(8)] (9) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: “In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file.”.

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision of law to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of

domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Luetkemeyer assumed the Chair.

Senator Arthur offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 862, Page 1, Section 452.375, Lines 19-20, by striking the opening and closing brackets and the underlined words; and

Further amend said amendment and section, page 2, line 32, by striking the opening and closing brackets and the underlined word.

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

Senator Brattin moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Fitzwater assumed the Chair.

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 862, Page 5, Section 210.560, Line 149, by inserting after all of said line the following:

“211.221. In placing a child in or committing a child to the custody of an individual or of a private agency or institution, the court, **children's division, or any child-placing agency contracting with the state to provide foster care services** shall, whenever practicable, select either a person, or an agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.”; and

Further amend the title and enacting clause accordingly.

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

Senator Moon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 862, Page 1, Section A, Line 3, by inserting after all of said line the following:

“191.1720. 1. This section shall be known and may be cited as the “Missouri Save Adolescents from Experimentation (SAFE) Act”.

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

(1) “Biological sex”, the biological indication of male or female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender;

(2) “Cross-sex hormones”, testosterone, estrogen, or other androgens given to an individual in amounts that are greater or more potent than would normally occur naturally in a healthy individual of the same age and sex;

(3) “Gender”, the psychological, behavioral, social, and cultural aspects of being male or female;

(4) “Gender transition”, the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

(5) “Gender transition surgery”, a surgical procedure performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures that sterilize, including, but not limited to, castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy;

(b) Surgical procedures that artificially construct tissue with the appearance of genitalia that differs from the individual's biological sex, including, but not limited to, metoidioplasty, phalloplasty, or vaginoplasty; or

(c) Augmentation mammoplasty or subcutaneous mastectomy;

(6) “Health care provider”, an individual who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(7) “Puberty-blocking drugs”, gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone secretion and follicle stimulating hormone secretion, synthetic antiandrogen drugs to block the androgen receptor, or any other drug used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

3. A health care provider shall not knowingly perform a gender transition surgery on any individual under eighteen years of age.

4. (1) A health care provider shall not knowingly prescribe or administer cross-sex hormones or puberty-blocking drugs for the purpose of a gender transition for any individual under eighteen years of age.

(2) The provisions of this subsection shall not apply to the prescription or administration of cross-sex hormones or puberty-blocking drugs for any individual under eighteen years of age who was prescribed or administered such hormones or drugs prior to August 28, 2023, for the purpose of assisting the individual with a gender transition.

[(3) The provisions of this subsection shall expire on August 28, 2027.]

5. The performance of a gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age in violation of this section shall be considered unprofessional conduct and any health care provider doing so shall have his or her license to practice revoked by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

6. (1) The prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age for the purpose of a gender transition shall be considered grounds for a cause of action against the health care provider. The provisions of chapter 538 shall not apply to any action brought under this subsection.

(2) An action brought pursuant to this subsection shall be brought within fifteen years of the individual injured attaining the age of twenty-one or of the date the treatment of the injury at issue in the action by the defendant has ceased, whichever is later.

(3) An individual bringing an action under this subsection shall be entitled to a rebuttable presumption that the individual was harmed if the individual is infertile following the prescription or administration of cross-sex hormones or puberty-blocking drugs and that the harm was a direct result of the hormones or drugs prescribed or administered by the health care provider. Such presumption may be rebutted only by clear and convincing evidence.

(4) In any action brought pursuant to this subsection, a plaintiff may recover economic and noneconomic damages and punitive damages, without limitation to the amount and no less than five hundred thousand dollars in the aggregate. The judgment against a defendant in an action brought pursuant to this subsection shall be in an amount of three times the amount of any economic and noneconomic damages or punitive damages assessed. Any award of damages in an action brought pursuant to this subsection to a prevailing plaintiff shall include attorney's fees and court costs.

(5) An action brought pursuant to this subsection may be brought in any circuit court of this state.

(6) No health care provider shall require a waiver of the right to bring an action pursuant to this subsection as a condition of services. The right to bring an action by or through an individual under the age of eighteen shall not be waived by a parent or legal guardian.

(7) A plaintiff to an action brought under this subsection may enter into a voluntary agreement of settlement or compromise of the action, but no agreement shall be valid until approved by the court. No agreement allowed by the court shall include a provision regarding the nondisclosure or confidentiality of the terms of such agreement unless such provision was specifically requested and agreed to by the plaintiff.

(8) If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the court in any action brought pursuant to this subsection, as well as any judgments issued by the court in such actions, shall not include the personal identifying information of the plaintiff. Such information shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

7. The provisions of this section shall not apply to any speech protected by the First Amendment of the United States Constitution.

8. The provisions of this section shall not apply to the following:

(1) Services to individuals born with a medically-verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46,XX chromosomes with virilization, 46,XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sex development and determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs regardless of whether the surgery was performed or the hormones or drugs were prescribed or administered in accordance with state and federal law; or

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless surgery is performed.”; 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 3** is not germane to the underlying bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 862**, with **SS** and **SA 3** (pending), on the Informal Calendar.

RE-REFERRALS

President Pro Tem Rowden re-referred **SB 1372** to the Committee on Judiciary and Civil and Criminal Jurisprudence.

President Pro Tem Rowden re-referred **SB 882** and **SB 885** to the Select Committee on Empowering Missouri Parents and Children.

President Pro Tem Rowden re-referred **SB 998** to the Committee on Transportation, Infrastructure and Public Safety.

REFERRALS

President Pro Tem Rowden referred **SS** for **SCS** for **SJR 71**, **SS** for **SB 802**, and **SS** for **SB 1298** to the Committee on Fiscal Oversight.

MESSAGES FROM THE HOUSE

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2430**, entitled:

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof two new sections relating to personal property valuations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1912**, entitled:

An Act to repeal sections 143.081 and 143.436, RSMo, and to enact in lieu thereof two new sections relating to the taxation of pass-through entities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2057**, entitled:

An Act to repeal section 67.2677, RSMo, and to enact in lieu thereof one new section relating to municipal franchise fees for video service providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HBs 2134 and 1956**, entitled:

An Act to repeal sections 644.016, 644.041, 644.051, and 644.145, RSMo, and to enact in lieu thereof four new sections relating to the Missouri clean water law, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HBs 1626 and 1940**, entitled:

An Act to repeal sections 302.177, 302.272, and 302.735, RSMo, and to enact in lieu thereof three new sections relating to school bus endorsements, with an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator Brattin introduced to the Senate, Kathy and her daughter, Hannah Thomas, Lee's Summit; and Angie and her daughter, Emma Dubbert, Pleasant Hill; and Hannah and Emma were made honorary pages.

Senator Arthur introduced to the Senate, Dr. Steven Cohen.

On motion of Senator O'Laughlin, the Senate adjourned until 4:00 p.m., Monday, March 4, 2024.

SENATE CALENDAR

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TWENTY-NINTH DAY—MONDAY, MARCH 4, 2024
—————

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

| | |
|-------------------------|---------------------|
| SB 1428-Carter | SB 1453-Brown (16) |
| SB 1429-Carter | SB 1454-Brown (16) |
| SB 1430-Bernskoetter | SB 1455-Eslinger |
| SB 1431-Bernskoetter | SB 1456-Rizzo |
| SB 1432-Mosley | SB 1457-Razer |
| SB 1433-Eslinger | SB 1458-Razer |
| SB 1434-Thompson Rehder | SB 1459-Koenig |
| SB 1435-Rowden | SB 1460-Brown (26) |
| SB 1436-Schroer | SB 1461-Trent |
| SB 1437-Schroer | SB 1462-Trent |
| SB 1438-May | SB 1463-O'Laughlin |
| SB 1439-Roberts | SB 1464-Schroer |
| SB 1440-Coleman | SB 1465-Schroer |
| SB 1441-Trent | SB 1466-Schroer |
| SB 1442-McCreery | SB 1467-Schroer |
| SB 1443-McCreery | SB 1468-Luetkemeyer |
| SB 1444-McCreery | SB 1469-Cierpiot |
| SB 1445-McCreery | SB 1470-Cierpiot |
| SB 1446-Williams | SB 1471-McCreery |
| SB 1447-Williams | SB 1472-McCreery |
| SB 1448-Razer | SB 1473-Carter |
| SB 1449-Razer | SB 1474-Carter |
| SB 1450-Thompson Rehder | SB 1475-Trent |
| SB 1451-Thompson Rehder | SB 1476-Brown (16) |
| SB 1452-Moon | SB 1477-Brown (16) |

| | |
|--------------------|---------------------|
| SB 1478-Fitzwater | SB 1503-Williams |
| SB 1479-Hough | SB 1504-May |
| SB 1480-Eigel | SB 1505-Eslinger |
| SB 1481-Gannon | SB 1506-Black |
| SB 1482-Crawford | SB 1507-Washington |
| SB 1483-Bean | SB 1508-McCreery |
| SB 1484-Eslinger | SB 1509-Trent |
| SB 1485-Brown (16) | SB 1510-Trent |
| SB 1486-McCreery | SB 1511-Washington |
| SB 1487-Brown (26) | SB 1512-Fitzwater |
| SB 1488-Rizzo | SB 1513-Eigel |
| SB 1489-Rizzo | SB 1514-Eigel |
| SB 1490-Washington | SB 1515-Eigel |
| SB 1491-Trent | SB 1516-Eigel |
| SB 1492-Hoskins | SB 1517-Eigel |
| SB 1493-Eigel | SB 1518-Eigel |
| SB 1494-Gannon | SB 1519-Eigel |
| SB 1495-Gannon | SB 1520-Hoskins |
| SB 1496-Schroer | SJR 89-Eigel |
| SB 1497-Carter | SJR 90-Cierpiot |
| SB 1498-Beck | SJR 91-Rowden |
| SB 1499-Brattin | SJR 92-Fitzwater |
| SB 1500-Brattin | SJR 93-Bernskoetter |
| SB 1501-Brattin | SJR 94-Roberts |
| SB 1502-Coleman | SJR 95-Trent |

HOUSE BILLS ON SECOND READING

| | |
|------------------------|-------------------------|
| HCS for HB 1989 | HB 1495-Griffith |
| HB 1488-Shields | HB 1909-Taylor (48) |
| HCS for HB 1511 | HCS for HB 1749 |
| HB 1960-Riley | HB 2430-McGill |
| HCS for HB 1720 | HB 1912-McGill |
| HB 2062-Brown, C. (16) | HB 2057-Keathley |
| HCS for HB 1659 | HCS for HBs 2134 & 1956 |
| HB 1803-Thompson | HCS for HBs 1626 & 1940 |

THIRD READING OF SENATE BILLS

SB 736-Crawford (In Fiscal Oversight)
SS#2 for SCS for SBs 754, 746, 788,
765, 841, 887 & 861-Luetkemeyer
(In Fiscal Oversight)
SS for SCS for SJR 71-Black
(In Fiscal Oversight)

SB 1039-Roberts and Beck
SS for SB 802-Trent (In Fiscal Oversight)
SS for SB 1298-Bean
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 756-Luetkemeyer, with SCS
SB 1392-Trent

SB 1375-Eslinger

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 727-Koenig, with SCS
SB 739-Cierpiot
SB 742-Arthur, with SS (pending)
SB 745-Bernskoetter, with SS & SA 1 (pending)
SB 748-Hough
SB 778-Eslinger, with SS & SA 1 (pending)
SB 799-Fitzwater and Eigel, with SCS &
SS for SCS (pending)
SB 811-Coleman, with SCS, SS for SCS & SA 1
(pending)

SB 830-Rowden, with SS, SA 2 & point of
order (pending)
SB 862-Thompson Rehder, with SS, SA 3 &
point of order (pending)
SB 872-Eslinger, with SS & SA 1 (pending)
SBs 1168 & 810-Coleman, with SCS, SS for
SCS, SA 2, SA 1 to SA 2 & point of order
(pending)

RESOLUTIONS

SR 557-Eigel
SR 558-Eigel
SR 561-Moon
SR 562-Moon

SR 563-Moon
SR 631-May
SR 647-Coleman

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