Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY - THURSDAY, MAY 8, 2025

The Senate met pursuant to adjournment.

Senator Hudson in the Chair.

The Reverend Stephen George offered the following prayer:

"The peace of God, which surpasses all understanding, will guard your hearts and your minds in Christ Jesus." (Philippians 4:7 NIV)

Heavenly Father, we thank You for the gift of a new day and the opportunity to serve. Grant us Your peace—one that surpasses all understanding—to steady our hearts amid debate and our minds amid decision. May this peace guard us from division and guide us in wisdom. Let Your hand be on this chamber as we serve our state today. We ask this in Jesus' 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 ABC 17 News were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16)	Brown (26)
Burger	Carter	Cierpiot	Coleman	Crawford	Fitzwater	Gregory (15)
Gregory (21)	Henderson	Hough	Hudson	Lewis	Luetkemeyer	May
McCreery	Moon	Mosley	Nicola	Nurrenbern	O'Laughlin	Roberts
Schnelting	Schroer	Trent	Washington	Webber	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Mosley offered Senate Resolution No. 484, regarding Henry Jolliff, Florissant, which was adopted.

Senator Brown (26) offered Senate Resolution No. 485, regarding Cole Thomas Pardo, which was adopted.

Senator Roberts offered Senate Resolution No. 486, regarding the death of Martha Jane West, St. Louis, which was adopted.

On motion of Senator Luetkemeyer, the Senate recessed until 1:00 p.m.

RECESS

The time of recess have expired, the Senate was called to order by Senator Hudson.

HOUSE BILLS ON THIRD READING

HCS for **HBs 516**, **290**, and **778**, with **SCS**, entitled:

An Act to repeal section 260.558, RSMo, and to enact in lieu thereof one new section relating to the radioactive waste investigation fund.

Was taken up by Senator Schroer.

SCS for **HCS** for **HBs 516**, **290**, and **778**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 516, 290, and 778

An Act to repeal section 260.558, RSMo, and to enact in lieu thereof one new section relating to the radioactive waste investigation fund.

Was taken up.

Senator Schroer moved that **SCS** for **HCS** for **HBs 516**, **290**, and **778** be adopted.

Senator Schroer offered **SS** for **SCS** for **HCS** for **HBs 516**, **290**, and **778**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 516, 290, and 778

An Act to repeal section 260.558, RSMo, and to enact in lieu thereof one new section relating to the radioactive waste investigation fund.

Senator Schroer moved that **SS** for **SCS** for **HCS** for **HBs 516**, **290**, and **778** be adopted, which motion prevailed.

On motion of Senator Schroer, **SS** for **SCS** for **HCS** for **HBs 516**, **290**, and **778** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (26)	Burger
Carter	Cierpiot	Coleman	Crawford	Fitzwater	Gregory (15)	Gregory (21)
Henderson	Hough	Hudson	Lewis	Luetkemeyer	McCreery	Moon
Mosley	Nicola	Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer
Trent	Washington	Webber	Williams—32			

NAYS—Senators—None

Absent—Senators

Brown (16)	May—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

On motion of Senator Luetkemeyer, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Hudson.

HOUSE BILLS ON THIRD READING

HB 596, introduced by Representative Brown (16), entitled:

An Act to repeal section 339.780, RSMo, and to enact in lieu thereof one new section relating to brokerage services.

Was taken up by Senator Schroer.

Senator Schroer offered **SS** for **HB 596**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 596

An Act to repeal sections 334.031, 339.150, and 339.780, RSMo, and to enact in lieu thereof three new sections relating to professional registration.

Senator Schroer moved that **SS** for **HB 596** be adopted.

Senator McCreery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 596, Page 7, Section 339.780, Line 72, by inserting after all of said line the following:

"345.050. 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;

(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 **speech-language pathologist in good standing**. 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."; and

Further amend the title and enacting clause accordingly.

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

Senator Trent offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 596, Page 1, Section A, Line 4, by inserting after all of said line the following:

"**324.214. 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 this state, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in this state, or has moved to this state 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 this state or an adjacent state and who is a permanent resident of this state, who is domiciled in this state, or who has this state as his or her home of record.

2. Any person who holds a valid current dietitian 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 to the committee an application

for a dietitian license in this state along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

3. The committee 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 committee 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 committee 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 this state; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the committee 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 committee may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the committee from denying a license to an applicant under this section for any reason described in section 324.217.

6. Any person who is licensed under the provisions of this section shall be subject to the committee's jurisdiction and all rules and regulations pertaining to dietetics practice in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees.

324.218. 1. An applicant who has not previously taken or passed an examination recognized by the committee and who meets the qualifications of subsection 2 of section 324.210 may obtain without examination a nonrenewable temporary license by paying a temporary license fee and submitting to the committee an agreement-to-supervise form that is signed by a licensed dietitian who has agreed to supervise the applicant. Such temporary licensee may practice dietetics, but any such practice shall be under the supervision of a dietitian licensed in this state.

2. (1) Any dietitian who has agreed to supervise a temporary licensee shall hold an unencumbered license to practice dietetics in this state and shall provide the committee proof of

active dietetics practice in this state for a minimum of one year before supervising the temporary licensee.

(2) The supervising dietitian shall not be an immediate family member of the temporary licensee. The committee shall define the term "immediate family member" for purposes of this subdivision and the scope of such supervision by rule.

3. (1) The dietitian who has agreed to supervise the applicant for a temporary license shall submit to the committee a signed notarized form prescribed by the committee attesting that the applicant for a temporary license shall begin employment at a location in this state within seven days of issuance of the temporary license.

(2) If the temporary licensee's employment described in subdivision (1) of this subsection ceases, the supervising dietitian shall notify the committee within three days of such cessation.

4. A licensed dietitian shall not supervise more than one temporary licensee at a time.

5. The temporary license obtained by an applicant under this section shall expire the date the committee is notified by the supervising dietitian that the temporary licensee's employment has ceased or within one hundred eighty days of its issuance, whichever occurs first.

324.1800. SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services. This Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure, while also providing for licensure portability through a Compact Privilege granted to qualifying professionals.

This Compact is designed to achieve the following objectives:

A. Increase public access to dietetics services;

B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform requirements;

C. Eliminate the necessity for Licenses in multiple States;

D. Reduce administrative burden on Member States and Licensees;

E. Enhance the States' ability to protect the public's health and safety;

F. Encourage the cooperation of Member States in regulating multistate practice of Licensed Dietitians;

G. Support relocating Active Military Members and their spouses;

H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States; and

I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for meeting all State practice laws in the State in which the patient is located at the time care is rendered.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.

B. "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve.

C. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Licensee, including actions against an individual's License or Compact Privilege such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's authorization to practice, including issuance of a cease and desist action.

D. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority.

E. "Charter Member State" means any Member State which enacted this Compact by law before the Effective Date specified in Section 12.

F. "Continuing Education" means a requirement, as a condition of License renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

G. "CDR" means the Commission on Dietetic Registration or its successor organization.

H. "Compact Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 8, and which shall operate as an instrumentality of the Member States.

I. "Compact Privilege" means a legal authorization, which is equivalent to a License, permitting the Practice of Dietetics in a Remote State.

J. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee 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; or

2. Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond.

K. "Data System" means a repository of information about Licensees, including, but not limited to, Continuing Education, examination, licensure, investigative, Compact Privilege and Adverse Action information.

L. "Encumbered License" means a License in which an Adverse Action restricts a Licensee's ability to practice dietetics.

M. "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.

N. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact, and the Compact Commission.

O. "Home State" means the Member State that is the Licensee's primary State of residence or that has been designated pursuant to Section 6.

P. "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation.

Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Dietetics in such State.

R. "License" means an authorization from a Member State to either:

1. Engage in the Practice of Dietetics (including medical nutrition therapy); or

2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially similar practitioner as the Compact Commission may further define by Rule.

S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 4.

T. "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of the Practice of Dietetics.

U. "Member State" means a State that has enacted the Compact.

V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

W. "Registered Dietitian" means a person who:

1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;

2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

X. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise a Compact Privilege.

Y. "Rule" means a regulation promulgated by the Compact Commission that has the force of law.

Z. "Single State License" means a License issued by a Member State within the issuing State and does not include a Compact Privilege in any other Member State.

AA. "State" means any state, commonwealth, district, or territory of the United States of America.

BB. "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted Practice of Dietetics.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a State must currently:

1. License and regulate the Practice of Dietetics; and

2. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;

2. Notify the Compact Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial Compact Privilege. 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;

a. A Member State must fully implement a criminal history record information requirement, within a time frame established by Rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining Compact Privilege eligibility.

b. Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for a Compact Privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a Member State.

4. Comply with and enforce the Rules of the Compact Commission;

5. Require an applicant for a Compact Privilege to obtain or retain a License in the Licensee's Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; and

6. Recognize a Compact Privilege granted to a Licensee who meets all of the requirements outlined in Section 4 in accordance with the terms of the Compact and Rules.

C. Member States may set and collect a fee for granting a Compact Privilege.

D. 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 a Compact Privilege to engage in the Practice of Dietetics in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. At no point shall the Compact Commission have the power to define the requirements for the issuance of a Single State License to practice dietetics. The Member States shall retain sole jurisdiction over the provision of these requirements.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Satisfy one of the following:

a. Hold a valid current registration that gives the applicant the right to use the term Registered Dietitian; or

b. Complete all of the following:

i. An education program which is either:

(a) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(b) An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph (a) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine.

ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the United States Department of Education which the Compact Commission may by Rule determine and which

involves at least 1000 hours of practice experience under the supervision of a Registered Dietitian or a Licensed Dietitian.

iii. Successful completion of either: (i) the Registration Examination for Dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the Compact Commission by Rule; such completion being no more than five years prior to the date of the Licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the Rules of the Compact Commission.

2. Hold an Unencumbered License in the Home State;

3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);

4. Pay any applicable fees, including any State fee, for the Compact Privilege;

5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within 30 days from the date the action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the Home State License as the Compact Commission may define by Rule. The Licensee must comply with the requirements of Section 4(A) to maintain the Compact Privilege in the Remote State(s).

C. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of the Remote State. Licensees shall be responsible for educating themselves on, and complying with, any and all State laws relating to the Practice of Dietetics in such Remote State.

D. Notwithstanding anything to the contrary provided in this Compact or State law, a Licensee exercising a Compact Privilege shall not be required to complete Continuing Education Requirements required by a Remote State. A Licensee exercising a Compact Privilege is only required to meet any Continuing Education Requirements as required by the Home State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

A. A Licensee may hold a Home State License, which allows for a Compact Privilege in other Member States, in only one Member State at a time.

B. If a Licensee changes Home State by moving between two Member States:

1. The Licensee shall file an application for obtaining a new Home State License based on a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with the Rules of the Compact Commission.

2. Upon receipt of an application for obtaining a new Home State License by virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets the criteria in Section 4 via the Data System, and require that the Licensee complete the following:

a. Federal Bureau of Investigation fingerprint based criminal history record information check;

b. Any other criminal history record information required by the new Home State; and

c. Any Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State License into a Compact Privilege once the new Home State has activated the new Home State License in accordance with applicable Rules adopted by the Compact Commission.

4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensee shall pay all applicable fees to the new Home State in order to be issued a new Home State License.

C. If a Licensee changes their State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State License.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An Active Military Member, 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.

SECTION 7. ADVERSE ACTIONS

A. 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 a Licensee's Compact Privilege within that Member State; and

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 Authority 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 applicable to subpoenas issued in proceedings pending before that court. 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.

B. Only the Home State shall have the power to take Adverse Action against a Licensee's Home State License.

C. 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.

D. The Home State shall complete any pending investigations of a Licensee who changes Home States during the course of the investigations. The Home State shall also have authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.

F. A Member State may take Adverse Action based on the factual findings of another Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

G. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective 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 investigation initiated under the Compact.

H. If Adverse Action is taken by the Home State against a Licensee's Home State License resulting in an Encumbrance on the Home State License, the Licensee's Compact Privilege(s) in all other Member States shall be revoked until all Encumbrances have been removed from the Home State License. All Home State disciplinary orders that impose Adverse Action against a Licensee shall include a statement that the Licensee's Compact Privileges are revoked in all Member States during the pendency of the order.

I. Once an Encumbered License in the Home State is restored to an Unencumbered License (as certified by the Home State's Licensing Authority), the Licensee must meet the requirements of Section 4(A) and follow the administrative requirements to reapply to obtain a Compact Privilege in any Remote State.

J. 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 other Member States of any Adverse Actions.

K. 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.

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact as set forth in Section 12.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Authority.

2. The delegate shall be the primary administrator of the Licensing Authority or their designee.

3. The Compact Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Compact Commission may recommend removal or suspension of any delegate from office.

5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Compact Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the delegates.

7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.

8. The Compact Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in person or by telecommunication, video conference, or other means of communication.

C. The Compact Commission shall have the following powers:

1. Establish the fiscal year of the Compact Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Compact Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Compact Commission, and designate an agent to do so on the Compact Commission's behalf;

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. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Compact Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same; provided that at all times the Compact Commission shall avoid any actual or appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact or the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Compact Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Compact Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Compact Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Compact Commission.

2. The Executive Committee shall be composed of nine members:

a. The chair and vice chair of the Compact Commission shall be voting members of the Executive Committee;

b. Five voting members from the current membership of the Compact Commission, elected by the Compact Commission;

c. One ex-officio, nonvoting member from a recognized professional association representing dietitians; and

d. One ex-officio, nonvoting member from a recognized national credentialing organization for dietitians.

3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).

b. The Executive Committee shall give 30 days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection (F)(1)(b).

E. The Compact Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Compact Commission

1. All meetings shall be open to the public, except that the Compact Commission may meet in a closed, non-public meeting as provided in subsection (F)(2).

a. Public notice for all meetings of the full Compact Commission shall be given in the same manner as required under the rulemaking provisions in Section 10, except that the Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).

b. The Compact Commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all Member States, on the Compact Commission's website, and other means as provided in the Compact Commission's Rules. The Compact Commission's legal counsel shall certify that the Compact Commission's need to meet qualifies as an emergency.

2. The Compact Commission or the Executive Committee or other committees of the Compact Commission may convene in a closed, non-public meeting for the Compact Commission or Executive Committee or other committees of the Compact Commission to receive legal advice or to 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;

c. Current or threatened discipline of a Licensee by the Compact Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as specified in the Rules of the Compact Commission.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Compact 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 such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission

1. The Compact Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Compact Commission may accept any and all appropriate revenue sources as provided in subsection (C)(13).

3. The Compact Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the Compact Commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Compact Commission shall promulgate by Rule.

4. The Compact Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Compact Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Compact Commission shall be immune from suit and liability, both personally and 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 Compact Commission employment, duties, or responsibilities; provided that nothing in this

paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Compact Commission shall defend any member, officer, executive director, employee, and representative of the Compact 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 Compact Commission employment, duties, or responsibilities, or as determined by the Compact Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; 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 Compact Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Compact 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 Compact Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Compact 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.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission.

SECTION 9. DATA SYSTEM

A. The Compact Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

B. The Compact Commission shall assign each applicant for a Compact Privilege a unique identifier, as determined by the Rules.

C. 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 Compact Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a License or Compact Privilege and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Compact Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Compact Commission or an agent thereof, shall constitute the authenticated business records of the Compact Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the Data System to determine whether any Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

G. 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.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

A. The Compact Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Compact Commission shall have the force of law in each Member State, provided however that where the Rules conflict with the laws or regulations of a Member State that relate to the procedures, actions, and processes a Licensed Dietitian is permitted to undertake in that State and the circumstances under which they may do so, as held by a court of competent

jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of the conflict.

C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the Rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty (30) days in advance of the meeting at which the Compact Commission will hold a public hearing on the proposed Rule, the Compact Commission shall provide a Notice of Proposed rulemaking:

1. On the website of the Compact Commission or other publicly accessible platform;

2. To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Compact Commission may by Rule specify.

H. The Notice of Proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Compact Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Compact Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other means of communication, the Compact Commission shall include the mechanism for access to the hearing in the Notice of Proposed rulemaking;

3. The text of the proposed Rule and the reason therefore;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Compact Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Compact Commission at hearings required by this Section.

K. The Compact Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Compact Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Compact Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Compact Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 10(L), the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Compact Commission may consider and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, 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 Compact Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact 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 Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement this Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Compact Commission shall be brought solely and exclusively in a court of competent

jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default.

2. The Compact Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of the Member States' Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of six months after the date of said notice of termination.

G. The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Compact Commission and the defaulting State.

H. The defaulting State may appeal the action of the Compact Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Compact Commission in the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No party other than a Member State shall enforce this Compact against the Compact Commission.

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 11.

b. If any Member State is later found to be in default, or is terminated, or withdraws from the Compact, the Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 8(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Compact Commission coming into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by the Compact Commission.

4. Any State that joins the Compact subsequent to the Compact Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Compact Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. 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 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any 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.

D. 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.

SECTION 13. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules

shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding Section 13(B), the Compact Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 11(B), terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be 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.

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms."; and

Further amend the title and enacting clause accordingly.

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

Senator Lewis offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 596, Page 1, Section A, Line 4, by inserting after all of said line the following:

"195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the

authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone **[**and**],** Schedule II controlled substances for hospice patients**, and Schedule II stimulants for behavioral health patients** pursuant to the provisions of section 334.104. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.”; and

Further amend said bill, page 3, section 334.031, line 59 by inserting after all of said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. (1) Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, **[**and**]** Schedule II - hydrocodone**, and for behavioral health patients, Schedule II stimulants**; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled

substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to an advanced practice registered nurse the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the advanced practice registered nurse is employed by a hospice provider certified pursuant to chapter 197 and the advanced practice registered nurse is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the advanced practice registered nurse is authorized to practice and prescribe.

(3) Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

(4) An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except as specified in this paragraph. The following provisions shall apply with respect to this requirement:

a. Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another. An incarcerated patient who requests or requires a physician consultation shall be treated by a physician as soon as appropriate;

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by Pub.L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic;

c. The collaborative practice arrangement may allow for geographic proximity to be waived when the arrangement outlines the use of telehealth, as defined in section 191.1145;

d. In addition to the waivers and exemptions provided in this subsection, an application for a waiver for any other reason of any applicable geographic proximity shall be available if a physician is collaborating with an advanced practice registered nurse in excess of any geographic proximity limit. The board of nursing and the state board of registration for the healing arts shall review each application for a waiver of geographic proximity and approve the application if the boards determine that adequate supervision exists between the collaborating physician and the advanced practice registered nurse. The boards shall have forty-five calendar days to review the completed application for the waiver of geographic proximity. If no action is taken by the boards within forty-five days after the submission of the application for a waiver, then the application shall be deemed approved. If the application is denied by the boards, the provisions of section 536.063 for contested cases shall apply and govern proceedings for appellate purposes; and

e. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days;

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection; and

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating advanced practice registered nurse provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to geographic proximity shall allow a collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which

have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his or her medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, or physician assistant collaborative practice arrangement and also report to the board the name of each licensed professional with whom the physician has entered into such arrangement. The board shall make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services, as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to collaborative practice arrangements between a primary care physician and a primary care advanced practice registered nurse or a behavioral health physician and a behavioral health advanced practice registered nurse, where the collaborating physician is new to a patient population to which the advanced practice registered nurse is familiar.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other term of employment shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other term of employment shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

13. (1) The provisions of this section shall not apply to an advanced practice registered nurse who has been in a collaborative practice arrangement for a cumulative two thousand documented hours with a collaborating physician and whose license is in good standing. Any such advanced practice registered nurse shall not be required to enter into or remain in an arrangement in order to practice in this state. Any other provisions of law requiring a collaborative practice arrangement or delegation shall not be required for an advanced practice registered nurse described in this subsection.

(2) The provisions of this subsection shall not apply to certified registered nurse anesthetists.

(3) Notwithstanding any provision of this section to the contrary, an advanced practice registered nurse applying for licensure by endorsement may demonstrate to the state board of nursing completion of a cumulative two thousand documented hours of practice. Such advanced practice registered nurses shall not be required to enter into a collaborative practice arrangement in order to practice in this state.

335.019. 1. An advanced practice registered nurse's prescriptive authority shall include authority to:

(1) Prescribe, dispense, and administer medications and nonscheduled legend drugs, as defined in section 338.330, **and controlled substances, as provided in subsection 2 of section 195.070,** within such APRN's practice and specialty; and

(2) Notwithstanding any other provision of this chapter to the contrary, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.

2. **In addition to advanced practice registered nurses who have a collaborative practice arrangement, the provisions of subsection 1 of this section shall apply to an advanced practice registered nurse who meets the requirements described in subsection 13 of section 334.104 and is no longer required to hold a collaborative practice arrangement.**

3. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

[(4)**] (a)** Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse**; or**

(b) Provides documentation of a minimum of two thousand hours of practice in advanced practice nursing, as provided in subsection 13 of section 334.104."; and

Further amend the title and enacting clause accordingly.

Senator Lewis moved that the above amendment be adopted.

At the request of Senator Schroer, **SS** for **HB 596** was withdrawn, rendering **SA 3** moot.

Senator Schroer offered **SS No. 2** for **HB 596**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 596

An Act to repeal sections 339.150 and 339.780, RSMo, and to enact in lieu thereof two new sections relating to brokerage services.

Senator Schroer moved that **SS No. 2** for **HB 596** be adopted, which motion prevailed.

On motion of Senator Schroer, **SS No. 2** for **HB 596** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16)	Brown (26)
Burger	Carter	Crawford	Fitzwater	Gregory (15)	Gregory (21)	Henderson
Hough	Hudson	Lewis	Luetkemeyer	McCreery	Moon	Mosley
Nicola	Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer	Trent
Washington	Webber	Williams—31				

NAYS—Senators—None

Absent—Senators

Cierpiot	Coleman	May—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1041, introduced by Representative Diehl, entitled:

An Act to repeal sections 311.332, 311.355, and 311.520, RSMo, and to enact in lieu thereof four new sections relating to alcoholic beverages.

Was taken up by Senator Gregory (21).

Senator Gregory (21) offered **SS** for **HB 1041**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1041

An Act to repeal sections 311.332, 311.355, 311.520, 311.550, and 311.554, RSMo, and to enact in lieu thereof six new sections relating to alcoholic beverages, with penalty provisions and an effective date for certain sections.

Senator Gregory (21) moved that **SS** for **HB 1041** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1041, Pages 3-4, Section 311.520, by striking all of said section from the bill and inserting in lieu thereof the following:

"311.520. As a charge for the inspection and gauging of all malt liquors, the director of revenue shall collect the sum of **[**one dollar and eighty-six**]** **sixty-two** cents per barrel.".

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

Senator Gregory (21) moved that **SS** for **HB 1041** be adopted, which motion prevailed.

On motion of Senator Gregory (21), **SS** for **HB 1041** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16)	Burger
Carter	Cierpiot	Crawford	Fitzwater	Gregory (15)	Gregory (21)	Henderson
Hough	Hudson	Lewis	Luetkemeyer	McCreery	Moon	Mosley
Nicola	Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer	Trent
Webber	Williams—30					

NAYS—Senator Washington—1

Absent—Senators

Brown (26)	Coleman	May—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gregory (21), title to the bill was agreed to.

Senator Gregory (21) moved that the vote by which the bill passed be reconsidered.

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

At the request of Senator Brattin, **HCS** for **HB 607**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 145** and **59**, with **SCS**, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Was taken up by Senator Henderson.

SCS for **HCS** for **HBs 145** and **59**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 145 and 59

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Was taken up.

Senator Henderson moved that **SCS** for **HCS** for **HBs 145** and **59** be adopted.

Senator Henderson offered **SS** for **SCS** for **HCS** for **HBs 145** and **59**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 145 and 59

An Act to repeal sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, and 610.021, RSMo, and to enact in lieu thereof eight new sections relating to the disclosure of certain records.

Senator Henderson moved that **SS** for **SCS** for **HCS** for **HBs 145** and **59** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 145 and 59, Page 18, Section 610.021, Line 234, by inserting after all of said line the following:

"610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. **(1)** Payment of **[**such copying**]** fees may be requested prior to **[**the making of copies**]** **fulfilling the request**.

(2) A request for public records to a public governmental body shall be considered withdrawn if the requester fails to remit all fees within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, of a request for payment of the fees by the public governmental body, prior to fulfilling the request. The public governmental body shall include notice to the requester that if the requester fails to remit payment of the fees within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, then the request for public records shall be considered withdrawn. If the public governmental body responds to a request for public records in order to seek a clarification of the request and no response to the request for clarification is received by the public governmental body within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, of sending the request for clarification, then such request for public records shall be considered withdrawn. The request for clarification by the public governmental body shall include notice to the requester that if the requester fails to respond within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, then the request shall be considered withdrawn. If the same or a substantially similar request for public records is made within six months after the expiration of the ninety-day period, or within one hundred fifty days if the requested fees are greater than one thousand dollars, and no fee was remitted for such request or no response was received to the request for clarification, then the public governmental body may

request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request. Any request for records to a public governmental body that is pending on August 28, 2025, shall be considered withdrawn if the requester fails to remit all fees by January 1, 2026. The provisions of this subdivision shall not apply if a lawsuit has been filed against the public governmental body with regard to the records that are the subject of the request under this subdivision.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980."; and

Further amend the title and enacting clause accordingly.

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

Senator Washington offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 145 and 59, Page 2, Section 476.1300, Line 16, by inserting after the word “including” the following: “**all**”; and further amend lines 17-18 by striking the words “assistant prosecuting or circuit attorney” and inserting in lieu thereof the following: “**any employee of a prosecuting or circuit attorney**”.

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

Senator Henderson moved that **SS** for **SCS** for **HCS** for **HBs 145** and **59**, as amended, be adopted which motion prevailed.

On motion of Senator Henderson, **SS** for **SCS** for **HCS** for **HBs 145** and **59**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (26)	Burger
Carter	Cierpiot	Crawford	Fitzwater	Gregory (15)	Gregory (21)	Henderson
Hough	Lewis	Luetkemeyer	McCreery	Moon	Mosley	Nicola
Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer	Trent	Washington
Webber	Williams—30					

NAYS—Senator Hudson—1

Absent—Senators
Brown (16) Coleman May—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Henderson assumed the Chair.

HCS for **HB 105**, entitled:

An Act to authorize the conveyance of certain state property.

Was taken up by Senator Bernskoetter.

On motion of Senator Bernskoetter, **HCS** for **HB 105** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (26)	Burger
Carter	Cierpiot	Crawford	Fitzwater	Gregory (15)	Gregory (21)	Henderson
Hough	Hudson	Lewis	Luetkemeyer	McCreery	Moon	Mosley
Nicola	Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer	Trent
Washington	Williams—30					

NAYS—Senators—None

Absent—Senators
Brown (16) Coleman May Webber—4

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Bernskoetter, Chair of the Committee on Fiscal Oversight, submitted the following reports:

Madam President: Your Committee on Fiscal Oversight, to which were referred **HCS** for **HB 87**, with **SCS**, **HCS** for **HJR 73**, and **HCS** for **HB 1346**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

CONCURRENT RESOLUTIONS

Senator Beck moved that **SCR 2** be taken up for adoption, which motion prevailed.

SCR 2 was taken up.

On motion of Senator Beck, **SCR 2** was adopted by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (26)	Burger
Carter	Cierpiot	Crawford	Fitzwater	Gregory (15)	Gregory (21)	Henderson
Hough	Hudson	Lewis	Luetkemeyer	McCreery	Moon	Mosley
Nicola	Nurrenbern	O'Laughlin	Roberts	Schnelting	Schroer	Trent
Washington	Williams—30					

NAYS—Senators—None

Absent—Senators

Brown (16)	Coleman	May	Webber—4

Absent with leave—Senators—None

Vacancies—None

HOUSE BILLS ON THIRD READING

HB 199, introduced by Representative Falkner, with **SCS**, entitled:

An Act to repeal sections 107.170 and 513.455, RSMo, and to enact in lieu thereof two new sections relating to contracts with public entities.

Was called from the Informal Calendar and taken up by Senator Gregory (15).

SCS for **HB 199**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 199

An Act to repeal sections 8.690, 50.800, 50.810, 64.231, 67.399, 67.453, 67.547, 67.582, 67.1367, 67.1461, 67.2500, 67.5050, 67.5060, 82.1025, 82.1026, 82.1027, 82.1031, 94.900, 107.170, 137.115, 137.1050, 140.984, 144.757, 182.645, 221.105, 221.400, 221.402, 221.405, 221.407, 221.410, 238.060, 321.552, 483.083, and 513.455, RSMo, and section 50.327 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 50.327 as enacted by house bill no. 271 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, section 50.815 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 50.815 as enacted by house bill no. 669, seventy-seventh general assembly, first regular session, section 50.820

as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 50.820 as enacted by house bill no. 669, seventy-seventh general assembly, first regular session, section 55.160 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 55.160 as enacted by house bill no. 58 merged with senate bill no. 210 merged with senate bill no. 507, ninety-third general assembly, first regular session, section 57.317 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 57.317 as enacted by senate bills nos. 53 & 60, one hundred first general assembly, first regular session, section 58.095 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 58.095 as enacted by house bill no. 2046, one hundredth general assembly, second regular session, section 58.200 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 58.200 as codified as section 13145 in the 1939 revised statutes of Missouri, section 67.1421 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 67.1421 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, section 105.145 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 105.145 as enacted by senate bill no. 112, ninety-ninth general assembly, first regular session, section 473.742 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 473.742 as enacted by senate bill no. 808, ninety-fifth general assembly, second regular session, and to enact in lieu thereof fifty new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections and an effective date for a certain section.

Was taken up.

Senator Gregory (15) moved that **SCS** for **HB 199** be adopted.

Senator Gregory (15) offered **SS** for **SCS** for **HB 199**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 199

An Act to repeal sections 8.690, 50.800, 50.810, 58.030, 58.035, 58.096, 58.208, 64.231, 67.399, 67.453, 67.547, 67.582, 67.1366, 67.1367, 67.1461, 67.1521, 67.2500, 67.5050, 67.5060, 82.1025, 82.1026, 82.1027, 82.1031, 94.838, 94.900, 107.170, 137.115, 137.1050, 140.984, 144.757, 162.014, 193.145, 193.265, 221.105, 221.400, 221.402, 221.405, 221.407, 221.410, 238.060, 238.230, 238.232, 247.220, 321.552, 321.554, 321.556, 407.932, 442.404, 483.083, and 513.455, RSMo, and section 50.815 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 50.815 as enacted by house bill no. 669, seventy-seventh general assembly, first regular session, section 50.820 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 50.820 as enacted by house bill no. 669, seventy-seventh general assembly, first regular session, section 58.095 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 58.095 as enacted by house bill no. 2046, one hundredth general assembly, second regular session, section 58.200 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, section 58.200 as codified as section 13145 in the 1939 revised statutes of Missouri, section 67.1421 as enacted by house bill no. 1606, one hundred first general assembly, second regular

session, section 67.1421 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, section 105.145 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 105.145 as enacted by senate bill no. 112, ninety-ninth general assembly, first regular session, and to enact in lieu thereof sixty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections and an effective date for a certain section.

Senator Gregory (15) moved that **SS** for **SCS** for **HB 199** be adopted.

Senator Nurrenbern offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 183, Section 407.932, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Beck offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Pages 145-146, Section 160.421, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Roberts offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 74, Section 67.1461, Line 165, by inserting after "power" the following: "**, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district,**"; and

Further amend said bill, page 99, section 67.5060, line 360, by inserting after all of said line the following:

"68.080. 1. There is hereby established in the state treasury the "Waterways and Ports Trust Fund". The fund shall consist of revenues appropriated to it by the general assembly.

2. The fund may also receive any gifts, contributions, grants, or bequests received from federal, private, or other sources.

3. The fund shall be a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of unexpended balances by the state treasurer to the general revenue fund of the state. All interest earned upon the balance in the fund shall be deposited to the credit of the fund.

4. Moneys in the fund shall be withdrawn only **at the request of a Missouri port authority for statutorily permitted port purposes and** upon appropriation by the general assembly, to be administered by the state highways and transportation commission and the department of transportation, in consultation with Missouri public ports, for the purposes in subsection 2 of section 68.035 and for no other purpose. To be eligible to receive an appropriation from the fund, a project shall be:

(1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;

(2) Located on land owned or held in long-term lease by a Missouri port authority**, or on land owned by a city not within a county and managed by a Missouri port authority**, or within a navigable river adjacent to such land, and within the boundaries of a port authority;

(3) Funded by alternate sources so that moneys from the fund comprise no more than eighty percent of the cost of the project;

(4) Selected and approved by the highways and transportation commission, in consultation with Missouri public ports, to support a statewide plan for waterborne commerce, in accordance with subdivision (1) of section 68.065; and

(5) Capable of completion within two years of approval by the highways and transportation commission.

5. Appropriations made from the fund established in this section may be used as a local share in applying for other grant programs.

6. The provisions of this section shall terminate on August 28, 2033, pending the discharge of all warrants. On December 31, 2033, the fund shall be dissolved and the unencumbered balance shall be transferred to the general revenue fund."; and

Further amend said bill, page 156-157, section 221.108, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Pursuant to Rule 91, Senator Luetkemeyer excused himself from voting on the adoption and 3rd reading and final passage of **SS** for **SCS** for **SB 199**, as amended.

Senator McCreery offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 133, Section 137.115, Lines 206-209, by striking said lines and inserting in lieu thereof the following:

"money of the motor vehicle"; and

Further amend the title and enacting clause accordingly.

Senator McCreery moved that the above amendment be adopted, which motion failed.

Senator Brattin offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 165, Section 221.410, Line 30, by inserting after all of said line the following:

"233.425. **1.** Whenever a petition, signed by the owners of a majority of the acres of land owned by residents of the county residing within the district organized under the provisions of sections 233.320 to 233.445, shall be filed with the county commission of any county in which such district is situated, setting forth the name of the district and the number of acres owned by each signer of such petition and the whole number of acres in such district, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. Notwithstanding any provision of law to the contrary, any special road district located in any county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than four thousand two hundred ten but fewer than six thousand inhabitants shall have placed on the ballot by no later than the general election in November 2026 whether to dissolve such special road district. If the voters approve such question to dissolve the special road district, the responsibilities and outstanding obligations of the district shall be transferred to the county."; and

Further amend the title and enacting clause accordingly.

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

Senator Burger assumed the Chair.

Senator McCreery offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 133, Section 137.115, Line 206, by inserting after "vehicle.", the following:

"**For motor vehicles with a true value exceeding fifty thousand dollars as of January 1, 2025**,".

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

Senator McCreery offered **SA 7**:

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 3, Section 1.2060, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Gregory (21) offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 199, Page 99, Section 67.5060, Line 360, by inserting after all of said line the following:

"77.150. In addition to other powers, the mayor and council of cities of the third class are hereby authorized and empowered to acquire by gift, devise, purchase or condemnation, within such cities or within a mile thereof, such real and personal property as may be necessary or desirable for the purpose of the erection or construction of dams, lake and flood protection systems, bathhouses, therapeutic bathhouses, mineral water vending houses and in connection therewith, auditoriums and lecture rooms and for the laying of pipelines for the distribution of mineral waters and to so acquire, improve and operate mineral springs and wells, and to construct all necessary and appropriate buildings and works therefor, and to do any and all things necessary to maintain and operate said properties so acquired and constructed as a self-liquidating revenue producing public project, and for that purpose to lease or convey the same**[**; provided such properties shall be so acquired, constructed and thereafter maintained and operated without increasing the indebtedness of such city and shall not be paid for, maintained or operated by taxes, either general or special**]**."; and

Further amend the title and enacting clause accordingly.

Senator Gregory (21) moved that the above amendment be adopted, which motion prevailed.

Senator Gregory (15) moved that **SS** for **SCS** for **HB 199**, as amended, be adopted, which motion prevailed on a standing division vote.

At the request of Senator Gregory (15), **SS** for **SCS** for **HB 199**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2** for **SCS** for **HB 147** and has taken up and passed **SS No. 2** for **SCS** for **HB 147**.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 225**, as amended, and has taken up and passed **SS** for **SCS** for **HB 225**, as amended.

Emergency Clause Defeated.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 121** and has taken up and passed **SS** for **SCS** for **HB 121**.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 63**, as amended, and

has taken up and passed **CCS** for **HCS** for **SS** for **SB 63**.

Bill ordered enrolled.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 43**, entitled:

An Act to repeal sections 135.341, 135.460, 160.775, 210.112, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 451.040, 451.080, 451.090, 491.075, 492.304, 537.046, 566.151, 567.030, 568.045, 578.365, and 595.045, RSMo, and to enact in lieu thereof thirty-one new sections relating to child protection, with penalty provisions.

With HA 1, HA 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 43, Page 1, In the Title, Line 5, by deleting the words "child protection" and inserting in lieu thereof the words "the protection of vulnerable persons"; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 43, Page 6, Section 135.460, Line 78, by inserting after said section and line the following:

"135.621. 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, other marketable securities, or real property;

(2) "Department", the department of social services;

(3) "Diaper bank", **a national diaper bank or** a nonprofit entity located in this state established and operating primarily for the purpose of collecting or purchasing disposable diapers or other hygiene products for infants, children, or incontinent adults and that regularly distributes such diapers or other hygiene products through two or more schools, health care facilities, governmental agencies, or other nonprofit entities for eventual distribution to individuals free of charge;

(4) **"National diaper bank", a nonprofit entity located in this state that meets the following criteria:**

(a) Collects, purchases, warehouses, and manages a community inventory of disposable diapers or other hygiene products for infants, children, or incontinent adults;

(b) Regularly distributes a consistent and reliable supply of such diapers or other hygiene products through two or more schools, health care facilities, governmental agencies, or other

nonprofit entities for eventual distribution to individuals free of charge, with the intention of reducing diaper need; and

(c) Is a member of a national network organization serving all fifty states through which certification demonstrates nonprofit best practices, data-driven program design, and equitable distribution focused on best serving infants, children, and incontinent adults;

(5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 148 or 153;

[(5)**] (6)** "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143; an insurance company paying an annual tax on its gross premium receipts in this state; any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148; an express company that pays an annual tax on its gross receipts in this state under chapter 153; an individual subject to the state income tax under chapter 143; or any charitable organization that 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.

2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount of such taxpayer's contributions to a diaper bank.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next subsequent tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit that is carried over under subsection 3 of this section, no taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes at least one hundred dollars to one or more diaper banks during the tax year for which the credit is claimed.

5. The department shall determine, at least annually, which entities in this state qualify as diaper banks. The department may require of an entity seeking to be classified as a diaper bank any information which is reasonably necessary to make such a determination. The department shall classify an entity as a diaper bank if such entity satisfies the definition under subsection 1 of this section.

6. The department shall establish a procedure by which a taxpayer can determine if an entity has been classified as a diaper bank.

7. Diaper banks may decline a contribution from a taxpayer.

8. The cumulative amount of tax credits that may be claimed by all the taxpayers contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand dollars. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a tax year is less than five hundred thousand dollars, the difference shall be added to the cumulative limit created under this subsection for the next fiscal year and carried over to subsequent fiscal years until claimed.

9. The department shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the department, the cumulative amount of tax credits are equally apportioned among all entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of its apportioned tax credits during this predetermined period of time, the department may reapportion such unused tax credits to diaper banks that have used all, or some percentage to be determined by the department, of their apportioned tax credits during this predetermined period of time. The department may establish multiple periods each fiscal year and reapportion accordingly. To the maximum extent possible, the department shall establish the procedure described under this subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as possible, up to the cumulative limit created under subsection 8 of this section.

10. Each diaper bank shall provide information to the department concerning the identity of each taxpayer making a contribution and the amount of the contribution. The department shall provide the information to the department of revenue. The department shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, **[**2018**]** **2025**, unless reauthorized by an act of the general assembly;

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

(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 issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits."; and

Further amend said bill, Pages 6-10, Section 160.775, Lines 1-153, by deleting said section and lines from the bill; and

Further amend said bill, Pages 15-22, Section 210.145, Lines 1-258, by deleting said lines and inserting in lieu thereof the following:

"210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. (1) The division shall utilize structured decision-making protocols, including a standard risk assessment that shall be completed within seventy-two hours of the report of abuse or neglect, for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

(2) The director of the division and the office of state courts administrator shall develop a joint safety assessment tool before December 31, 2020, and such tool shall be implemented before January 1, 2022. The safety assessment tool shall replace the standard risk assessment required under subdivision (1) of this subsection and shall also be completed within seventy-two hours of the report of abuse or neglect.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an

attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.

5. If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

8. **(1)** The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being

interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

[(1)**]** (a) **a.** No person is present in the home at the time of the home visit; and

[(b)**]** **b.** The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

[(2)**]** **(b)** The alleged perpetrator will be alerted regarding the attempted visit; or

[(3)**]** **(c)** The family has a history of domestic violence or fleeing the community.

(2) If the division is responding to an investigation of abuse or neglect, the person responding shall first ensure safety of the child through direct observation and communication with the child. If the **parent or** alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall **present identification and verbally identify himself or herself and his or her role in the investigation and shall** provide written material to the **parent or** alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The **parent or** alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

(3) If the division is responding to an assessment of abuse or neglect, the person responding shall present identification and verbally identify himself or herself and his or her role in the investigation and provide a parent of the child with notification prior to the child being interviewed by the person responding and shall provide written material to the parent informing him or her of his or her rights regarding such visit, including, but not limited to, the right to contact an attorney. The parent shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces immediate threat or danger, the person

responding to or investigating the report is or feels threatened or in danger of physical harm, or any of the exceptions in subdivision (1) of this subsection would apply.

9. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

10. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

11. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

12. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

14. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, **the child's counsel,** and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged

perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

15. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

16. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects

of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

18. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the

reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

19. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

20. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

22. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

24. 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, 2000, shall be invalid and void."; and

Further amend said bill, Page 28, Section 210.762, Line 28, by inserting after said section and line the following:

"210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

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

(1) "Hospital", as defined in section 197.020;

(2) "Maternity home", the same meaning as such term is defined in section 135.600;

(3) "Newborn safety incubator", a medical device used to maintain an optimal environment for the care of a newborn infant;

(4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section;

(5) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;

(6) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to **[**forty-five**] ninety** days old pursuant to this section if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to a newborn safety incubator or to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, maternity home, or pregnancy resource center in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than **[**forty-five**]** **ninety** days old when delivered by the parent to the newborn safety incubator or to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

(1) A birth parent who has waived anonymity or the child's adoptive parent;

(2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;

(3) A person performing juvenile court intake or dispositional services;

(4) The attending physician;

(5) The child's foster parent or any other person who has physical custody of the child;

(6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;

(7) The attorney representing the interests of the public in proceedings relating to the child; and

(8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than **[**forty-five**]** **ninety** days old and is delivered in accordance with this section by a person purporting to be the child's parent or is delivered in accordance with this section to a newborn safety incubator. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197.

6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the children's division and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and

request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the children's division shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

8. (1) If a relinquishing parent of a child relinquishes custody of the child to a newborn safety incubator or to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection 7 of this section.

(2) If either parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, either parent may have all of his or her rights terminated with respect to the child.

(3) When either parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer such parent to the children's division and the juvenile court exercising jurisdiction over the child.

9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

10. The children's division shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

11. It shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old under this section.

12. Nothing in this section shall be construed as conflicting with section 210.125.

13. **(1) There is hereby created in the state treasury the "Safe Place for Newborns Fund", which shall consist of moneys appropriated by the general assembly from general revenue and any gifts, bequests, or donations. 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 this fund shall be used solely for the installation of newborn safety incubators.**

(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.

14. The state of Missouri shall provide matching moneys from the general revenue fund for the installation of newborn safety incubators. The total amount available to the fund from state sources under such a match program shall be up to ten thousand dollars for each newborn safety incubator installed.

15. The director of the department of health and senior services may promulgate all necessary rules and regulations for the administration of this section, including rules governing the specifications, installation, maintenance, and oversight of newborn safety incubators. 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 said bill, Page 29, Section 211.032, Line 44, by inserting after said section and line the following:

"211.033. 1. No person under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071**,** shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. **[**A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility.**]**

2. Nothing in this section shall be construed as creating any civil or criminal liability for any law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken or failure to take any action involving a minor child who remains under the jurisdiction of the juvenile court under this section if such action or failure to take action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

211.071. 1. If a petition **or motion to modify** alleges that a child between the ages of fourteen and eighteen has committed an offense **[**which**] that** would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child**,** or the child's custodian, order a hearing and may, in its discretion, dismiss the petition **or motion to modify** and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that**,** if a petition alleges that a child between the ages of twelve and eighteen has committed an offense **[**which**] that** would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, **[**or**]** robbery in the first degree under section 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055, **if committed by an adult, or** a dangerous felony as defined in section 556.061, **or** any felony involving the use, assistance, or aid of a deadly weapon, or has committed two or more prior unrelated offenses **[**which**] that** would be felonies if committed by an adult, the court shall order a hearing, and may**,** in its discretion, dismiss the petition **or motion to modify** and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition **or motion to modify** will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition **or motion to modify** and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition **or motion to modify** has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition **or motion to modify** has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition **or motion to modify** to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law unless otherwise ordered by the juvenile court. Upon the judgment dismissing the petition to allow prosecution under the general laws becoming final and adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not believe juvenile detention would be

the appropriate placement or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the following shall have the right to be present and have the opportunity to present evidence and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pretrial-certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pretrial-certified juvenile.

2. Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court shall order that the pretrial-certified juvenile be held in an adult jail but only after the court has made findings that it would be in the best interest of justice to move the pretrial-certified juvenile to an adult jail. The court shall weigh the following factors when deciding whether to detain a certified juvenile in an adult facility:

(1) The certified juvenile's age;

(2) The certified juvenile's physical and mental maturity;

(3) The certified juvenile's present mental state, including whether he or she presents an imminent risk of self-harm;

(4) The nature and circumstances of the charges;

(5) The certified juvenile's history of delinquency;

(6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile and to protect the public and other youth in their custody;

(7) The opinion of the juvenile officer in the circuit of the proposed placement as to the ability of that juvenile detention facility to provide for appropriate care, custody, and control of the pretrial-certified juvenile; and

(8) Any other relevant factor.

3. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice. **If a pretrial-**

certified juvenile under eighteen years of age is ordered released on the juvenile's adult criminal case from an adult jail following a transfer order under subsection 2 of this section and the juvenile is detained on violation of the conditions of release or bond, the juvenile shall return to the custody of the adult jail pending further court order.

4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the one hundred eighty day maximum period. If no extension is granted under this subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile detention facility. **If an extension is granted under this subsection, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.**

5. Effective December 31, 2021, all previously pretrial-certified juveniles under eighteen years of age who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in the adult jail.

6. All pretrial-certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this section and the individuals set forth in subsection 1 of this section shall have a right to be present and present evidence. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a secure juvenile detention facility.

8. Issues related to the setting of, and posting of, bond along with any bond forfeiture proceedings shall be held in the pretrial-certified juvenile's adult criminal case.

9. Upon attaining eighteen years of age or upon **a plea of guilty or** conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

10. Any responsibility for transportation of and contracted service for the certified juvenile who remains in a secure juvenile detention facility shall be handled **by county jail staff** in the same manner as in all other adult criminal cases where the defendant is in custody.

11. **The county jail staff shall designate a liaison assigned to each pretrial-certified juvenile while housed in a juvenile detention facility, who shall assist in communication with the juvenile detention**

facility on the needs of the juvenile including, but not limited to, visitation, legal case status, medical and mental health needs, and phone contact.

12. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles who are being held in a secure juvenile detention facility."; and

Further amend said bill, Page 33, Section 211.462, Line 24, by inserting after said section and line the following:

"219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may be committed to the custody of the division when the juvenile court determines a suitable community-based treatment service does not exist, or has proven ineffective; and when the child is adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031 or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031 and is currently under court supervision for adjudication under subdivision (2) or (3) of subsection 1 of section 211.031. The division shall not keep any youth beyond his **[**eighteenth birth date**]** **or her nineteenth birthday**, except upon petition and a showing of just cause in which case the division may maintain custody until the youth's twenty-first birth date. Notwithstanding any other provision of law to the contrary, the committing court shall review the treatment plan to be provided by the division. The division shall notify the court of original jurisdiction from which the child was committed at least three weeks prior to the child's release to aftercare supervision. The notification shall include a summary of the treatment plan and progress of the child that has resulted in the planned release. The court may formally object to the director of the division in writing, stating its reasons in opposition to the release. The director shall review the court's objection in consideration of its final approval for release. The court's written objection shall be made within a one-week period after it receives notification of the division's planned release; otherwise the division may assume court agreement with the release. The division director's written response to the court shall occur within five working days of service of the court's objection and preferably prior to the release of the child. The division shall not place a child directly into a precare setting immediately upon commitment from the court until it advises the court of such placement.

2. No child who has been diagnosed as having a mental disease or a communicable or contagious disease shall be committed to the division; except the division may, by regulation, when services for the proper care and treatment of persons having such diseases are available at any of the facilities under its control, authorize the commitment of children having such diseases to it for treatment in such institution. Notice of any such regulation shall be promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving children.

3. When a child has been committed to the division, the division shall forthwith examine the individual and investigate all pertinent circumstances of his background for the purpose of facilitating the placement

and treatment of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child; except that, no child committed under the provisions of subdivision (2) of subsection 1 of section 211.031 may be placed in the residential facilities designated by the division as a maximum security facility, unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031.

4. The division may transfer any child under its jurisdiction to any other institution for children if, after careful study of the child's needs, it is the judgment of the division that the transfer should be effected. If the division determines that the child requires treatment by another state agency, it may transfer the physical custody of the child to that agency, and that agency shall accept the child if the services are available by that agency.

5. The division shall make periodic reexaminations of all children committed to its custody for the purpose of determining whether existing dispositions should be modified or continued. Reexamination shall include a study of all current circumstances of such child's personal and family situation and an evaluation of the progress made by such child since the previous study. Reexamination shall be conducted as frequently as the division deems necessary, but in any event, with respect to each such child, at intervals not to exceed six months. Reports of the results of such examinations shall be sent to the child's committing court and to his parents or guardian.

6. Failure of the division to examine a child committed to it or to reexamine him within six months of a previous examination shall not of itself entitle the child to be discharged from the custody of the division but shall entitle the child, his parent, guardian, or agency to which the child may be placed by the division to petition for review as provided in section 219.051.

7. The division is hereby authorized to establish, build, repair, maintain, and operate, from funds appropriated or approved by the legislature for these purposes, facilities and programs necessary to implement the provisions of this chapter. Such facilities or programs may include, but not be limited to, the establishment and operation of training schools, maximum security facilities, moderate care facilities, group homes, day treatment programs, family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

8. The division may institute day release programs for children committed to it. The division may arrange with local schools, public or private agencies, or persons approved by the division for the release of children committed to the division on a daily basis to the custody of such schools, agencies, or persons for participation in programs.

9. The division shall make all reasonable efforts to ensure that any outstanding judgment entered in accordance with section 211.185 or any outstanding assessments ordered in accordance with section 211.181 be paid while a child is in the care, custody or control of the division.

221.044. No person under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. **[**A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility.**] If a person is eighteen years of age or older or attains the age of eighteen while in detention, upon a motion filed by the juvenile officer, the court may order that the person be detained in a jail or other adult detention facility as that term is defined in section 211.151 until the disposition of that person's juvenile court case.**"; and

Further amend said bill, Page 49, Section 595.045, Line 122, by inserting after said section and line the following:

"Section B. The repeal and reenactment of sections 491.075 and 492.304 of section A of this act shall go into effect August 28, 2026."; 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.

On motion of Senator Luetkemeyer, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY—FRIDAY, MAY 9, 2025

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 506-Schroer
SB 196-Moon
SB 100-Cierpiot
SB 83-Burger, with SCS
SB 85-Nicola, with SCS
SB 162-Schnelting
SB 586-Hough
SB 753-Hough
SJRs 47, 30 & 10-Carter, with SCS

HOUSE BILLS ON THIRD READING

1. HB 618-Stinnett (Brown (26)) (In Fiscal Oversight)
2. HCS for HB 1346, with SCS (Gregory (21))
3. HB 1086-Brown, C. (16), with SCS (Brown (26)) (In Fiscal Oversight)
4. HCS for HBs 177 & 469 (Carter) (In Fiscal Oversight)
5. HCS for HBs 44 & 426, with SCS (Gregory (21)) (In Fiscal Oversight)
6. HCS for HBs 1524 & 1580 (Roberts) (In Fiscal Oversight)
7. HB 49-Haley (Bernskoetter) (In Fiscal Oversight)
8. HCS for HB 507, with SCS (Black) (In Fiscal Oversight)
9. HCS for HJR 73 (Schnelting)
10. HCS for HB 572, with SCS (Brattin) (In Fiscal Oversight)
11. HCS for HB 87, with SCS (Bernskoetter)
12. HCS for HBs 243 & 280 (Carter)
13. HCS for HB 18, with SCS (Hough)
14. HCS for HB 19, with SCS (Hough)
15. HCS for HB 20, with SCS (Hough)
16. HCS for HB 176, with SCS (Schroer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Cierpiot
SB 6-Cierpiot
SB 8-Bernskoetter
SB 14-Brown (16)
SB 23-Brattin, with SCS
SB 31-Beck
SB 45-Fitzwater and Carter
SB 46-Trent and Coleman
SBs 52 & 44-Schroer and Carter, with SCS, SS for SCS & SA 3 (pending)
SB 54-Schroer, with SCS, SS for SCS & SA 3 (pending)
SB 58-Carter and Moon, with SCS
SB 62-Brown (26), with SCS
SB 69-Henderson, with SS, SA 1 & SA 1 to SA 1 (pending)
SB 77-Schnelting, et al, with SS, SA 1 & SA 1 to SA 1 (pending)
SB 84-Burger
SB 87-Nicola, with SCS, SS for SCS & SA 1 (pending)
SB 99-Crawford, with SCS
SBs 101 & 64-Cierpiot, with SCS
SB 104-Bernskoetter, with SCS
SB 107-Brown (16) and Black, with SS (pending)
SB 185-Cierpiot
SB 190-Brown (16) and Gregory (21), with SS & SA 2 (pending)
SBs 215 & 70-Trent, with SCS
SB 217-Black, with SCS
SB 223-Coleman
SB 225-Coleman
SB 230-Brown (26)
SB 240-Burger, with SS & SA 1 (pending)
SB 485-Schroer and Schnelting
SJR 62-Cierpiot

HOUSE BILLS ON THIRD READING

HB 68-Overcast (Trent)
HCS for HB 75, with SA 3 (pending) (Schnelting)
SS for SCS for HB 199-Falkner (Gregory (15))
HB 233-Gallick, with SCS (pending) (Brattin)
HB 269-Shields, with SS & SA 2 (pending) (Crawford)
HCS#2 for HBs 567, 546, 758 & 958, with SS#2, SA 1 & SA 1 to SA 1 (pending) (Bernskoetter)
HCS for HB 607, with SCS (Brattin)
HB 742-Baker, with SCS, SS for SCS & SA 1 (pending) (Brattin)

HCS for HBs 799, 334, 424 & 1069, with SCS (Fitzwater)
HB 939-Jones (12) (Brown (26))

HCS for HB 711, with SCS, SS for SCS & SA 3 (pending) (Trent)

HCS for HB 999, with SS, SA 1, SA 1 to SA 1 & point of order (pending) (Nicola)
HCS for HB 1175, with SS, SA 2 & SA 1 to SA 2 (pending) (Brattin)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 43-Fitzwater, with HCS, as amended

SS for SCS for SB 97-Crawford, with HA 1, HA 2 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SB 7-Bernskoetter, with HCS, as amended
SS for SCS for SB 60-Carter, with HCS, as amended
SS for SCS for SB 68-Henderson, with HCS, as amended
(Senate adopted CCR and passed CCS)
SS for SB 150-Carter, with HCS, as amended
SS for SB 160-Hudson, with HCS, as amended
(Senate adopted CCR and passed CCS)
HCS for HB 2, with SS for SCS (Hough)
HCS for HB 3, with SCS (Hough)
HCS for HB 4, with SCS (Hough)
HCS for HB 5, with SCS (Hough)
HCS for HB 6, with SS for SCS (Hough)
HCS for HB 7, with SS for SCS (Hough)
HCS for HB 8, with SS for SCS (Hough)
HCS for HB 9, with SS for SCS (Hough)
HCS for HB 10, with SS for SCS (Hough)
HCS for HB 11, with SS for SCS (Hough)
HCS for HB 12, with SS for SCS (Hough)
HCS for HB 13, with SCS (Hough)
HCS for HB 17, with SCS (Hough)

Requests to Recede or Grant Conference

SS for SB 67-Henderson, with HCS, as amended
(Senate requests House recede & take up and pass bill)

RESOLUTIONS

SR 18-May
SR 32-Moon
SR 39-Nurrenbern

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