

SECOND REGULAR SESSION

SENATE BILL NO. 1322

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

4282S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 192.006 and 192.020, RSMo, and to enact in lieu thereof two new sections relating to the rulemaking authority of the department of health and senior services.

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

Section A. Sections 192.006 and 192.020, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 192.006 and 192.020, to read as follows:

192.006. The department of health and senior services
2 may adopt, appeal and amend rules necessary to carry out the
3 duties assigned to it. All rules shall be promulgated
4 pursuant to the provisions of this section and chapter 536.
5 No rule or portion of a rule promulgated under the authority
6 of this chapter shall become effective unless it has been
7 promulgated pursuant to the provisions of section 536.024.
8 **No rule promulgated by the department shall delegate the**
9 **department's rulemaking authority to any official, agency,**
10 **or other department. No rule promulgated by the department**
11 **shall grant rulemaking authority to a state or local**
12 **administrative official.**

192.020. 1. It shall be the general duty and
2 responsibility of the department of health and senior
3 services to safeguard the health of the people in the state
4 and all its subdivisions. It shall make a study of the
5 causes and prevention of diseases. It shall designate those

6 diseases which are infectious, contagious, communicable or
7 dangerous in their nature and shall make and enforce
8 adequate orders, findings, rules and regulations to prevent
9 the spread of such diseases and to determine the prevalence
10 of such diseases within the state. It shall have power and
11 authority, with approval of the director of the department,
12 to make such orders, findings, rules and regulations as will
13 prevent the entrance of infectious, contagious and
14 communicable diseases into the state. **No order, rule, or**
15 **regulation made or promulgated by the department shall**
16 **delegate the department's authority to promulgate or make**
17 **orders, rules, or regulations to any official, agency, or**
18 **other department. No order, rule, or regulation promulgated**
19 **or made by the department shall grant authority to**
20 **promulgate or make orders, rules, or regulations to a state**
21 **or local administrative official. Nothing in this**
22 **subsection shall be construed to prohibit a county health**
23 **officer or local health authority from enforcing the**
24 **department's rules and regulations and local ordinances**
25 **pursuant to sections 192.280 and 192.290.**

26 2. The department of health and senior services shall
27 include in its list of communicable or infectious diseases
28 which must be reported to the department methicillin-
29 resistant staphylococcus aureus (MRSA), carbapenem-resistant
30 enterobacteriaceae (CRE) as specified by the department, and
31 vancomycin-resistant enterococcus (VRE).

✓