

FIRST REGULAR SESSION

HOUSE BILL NO. 478

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSMER AND HENDRICKSON (Co-sponsors).

Read 1st time January 23, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1408L.021

AN ACT

To repeal sections 199.170, 199.180 and 199.200, RSMo 2000, relating to tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 199.170, 199.180 and 199.200, RSMo 2000, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 199.170, 199.180 and 199.200, to
3 read as follows:

199.170. The following terms, as used in sections 199.170 to 199.270, mean:

2 (1) "Active tuberculosis", tuberculosis disease that is demonstrated to be contagious by
3 clinical, bacteriological, or radiological evidence. Tuberculosis is considered active until cured;

4 (2) "Cure" or "treatment to cure", the completion of a recommended course of therapy
5 as defined in subdivision (5) of this section and as determined by the attending physician;

6 (3) "Local board", any legally constituted local city or county board of health or health
7 center board of trustees or the director of health of the city of Kansas City, **the director of the**
8 **Springfield-Greene County health department, the director of health of St. Louis County**
9 or the commissioner of health of the city of St. Louis, or in the absence of such board, the county
10 commission or the county board of tuberculosis hospital commissioners of any county;

11 (4) "Potential transmitter", any person who has the diagnosis of pulmonary tuberculosis
12 but has not begun a recommended course of therapy, or who has the diagnosis of pulmonary
13 tuberculosis and has started a recommended course of therapy but has not completed the therapy.
14 This status applies to any individual with tuberculosis, regardless of his or her current
15 bacteriologic status;

16 (5) "Recommended course of therapy", a regimen of antituberculosis chemotherapy in
17 accordance with medical standards of the American Thoracic Society and the Centers for Disease

18 Control and Prevention.

199.180. 1. A person found to have tuberculosis shall follow the instructions of the local
2 board, shall obtain the required treatment, and shall minimize the risk of infecting others with
3 tuberculosis.

4 2. When a person with active tuberculosis, or a person who is a potential transmitter,
5 violates the rules, regulations, instructions, or orders promulgated by the department of health
6 or the local board, and is thereby conducting himself or herself so as to expose other persons to
7 danger of infection, after having been directed by the local board to comply with such rules,
8 regulations, instructions, or orders, the local board may institute proceedings by petition for
9 commitment, returnable to the circuit court of the county in which such person resides, or if the
10 person be a nonresident or has no fixed place of abode, then in the county in which the person
11 is found. Strictness of pleading shall not be required and a general allegation that the public
12 health requires commitment of the person named therein shall be sufficient.

13 3. **If the board determines that a person with active tuberculosis, or a person who**
14 **is a potential transmitter, poses an immediate threat by conducting himself or herself so**
15 **as to expose other persons to an immediate danger of infection, the board may file an ex**
16 **parte petition for emergency temporary commitment pursuant to subsection 5 of section**
17 **199.200.**

199.200. 1. Upon filing of the petition, the court shall set the matter down for a hearing
2 either during term time or in vacation, which time shall be not less than five days nor more than
3 fifteen days subsequent to filing. A copy of the petition together with summons stating the time
4 and place of hearing shall be served upon the person three days or more prior to the time set for
5 the hearing. Any X-ray picture and report of any written report relating to sputum examinations
6 certified by the department of health **or local board** shall be admissible in evidence without the
7 necessity of the personal testimony of the person or persons making the examination and report.

8 2. The prosecuting attorney or the city attorney shall act as legal counsel for their
9 respective local boards in this proceeding and such authority is hereby granted. The court shall
10 appoint legal counsel for the individual named in the petition if requested to do so if such
11 individual is unable to employ counsel.

12 3. All court costs incurred in proceedings under sections 199.170 to 199.270, including
13 examinations required by order of the court but excluding examinations procured by the person
14 named in the petition, shall be borne by the county in which the proceedings are brought.

15 4. Summons shall be served by the sheriff of the county in which proceedings under
16 sections 199.170 to 199.270 are initiated and return thereof shall be made as in other civil cases.

17 5. **Upon the filing of an ex parte petition for emergency temporary commitment**
18 **pursuant to subsection 3 of section 199.180, the court shall hear the matter within ninety-**

19 six hours of such filing. The local board shall have the authority to detain the individual
20 named in the petition pending the court's ruling on the ex parte petition for emergency
21 temporary commitment. If the petition is granted, the individual named in the petition
22 shall be confined in a facility designated by the curators of the University of Missouri in
23 accordance with section 199.230 until a full hearing pursuant to subsections 1 to 4 of this
24 section is held.