

FIRST REGULAR SESSION

# HOUSE BILL NO. 956

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES COOPER (155) (Sponsor), BRUNS, SCHAAF,  
THRELKELD AND SATER (Co-sponsors).

Read 1st time February 22, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2303L.01I

---

### AN ACT

To repeal section 44.100, RSMo, and to enact in lieu thereof two new sections relating to public health emergency preparedness.

---

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

Section A. Section 44.100, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 44.100, and 44.105, to read as follows:

44.100. 1. The emergency powers of the governor shall be as follows:

(1) The provisions of this section shall be operative only during the existence of a state of emergency (referred to in this section as "emergency"). The existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(2) Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency.

(3) During the period that the state of emergency exists or continues, the governor shall:

(a) Enforce and put into operation all plans, rules and regulations relating to disasters and emergency management of resources adopted under this law and to assume direct operational control of all emergency forces and volunteers in the state;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (b) Take action and give directions to state and local law enforcement officers and  
16 agencies as may be reasonable and necessary for the purpose of securing compliance with the  
17 provisions of this law and with the orders, rules and regulations made pursuant thereof;

18 (c) Seize, take or requisition to the extent necessary to bring about the most effective  
19 protection of the public:

20 a. Any means of transportation, other than railroads and railroad equipment and fuel, and  
21 all fuel necessary for the propulsion thereof;

22 b. Any communication system or part thereof necessary to the prompt and efficient  
23 functioning of the emergency management of the state;

24 c. All stocks of fuel;

25 d. Facilities for housing, feeding and hospitalization of persons, including buildings and  
26 plants;

27 (d) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on  
28 shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel,  
29 clothing and other commodities, materials, goods or services;

30 (e) Prescribe and direct activities in connection with but not limited to use, conservation,  
31 salvage and prevention of waste of materials, services and facilities, including production,  
32 transportation, power and communication facilities, training and supply of labor, utilization of  
33 industrial plants, health and medical care, nutrition, housing, including the use of existing and  
34 private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection  
35 and other essential civil needs;

36 (f) To use or distribute all or any of this property among the inhabitants of the state in  
37 any area adversely affected by a natural or man-made disaster and to account to the state treasurer  
38 for any funds received thereof;

39 (g) To waive or suspend the operation of any statutory requirement or administrative rule  
40 regarding the licensing, certification or issuance of permits evidencing professional, mechanical  
41 or other skills;

42 (h) **To waive or suspend the operation of any statutory requirement or**  
43 **administrative rule prescribing procedures for conducting state business, where strict**  
44 **compliance with such requirements and rules would prevent, hinder, or delay necessary**  
45 **action by the department of health and senior services to respond to a declared emergency**  
46 **or increase the health threat to the population;**

47 (i) In accordance with rules or regulations, to provide that all law enforcement  
48 authorities and other emergency response workers and agencies of other states who may be  
49 within this state at the request of the governor or pursuant to state or local mutual-aid agreements  
50 or compacts shall have the same authority and possess the same powers, duties, rights, privileges

51 and immunities as are possessed by like law enforcement authorities and emergency response  
52 workers and agencies of this state;

53 [(i)] (j) To perform and exercise such other functions, powers and duties as may be  
54 necessary to promote and secure the safety and protection of the civilian population.

55 2. When any property is seized, taken or requisitioned under this section, the circuit court  
56 of the county in which the property was taken may on the application of the owner thereof or on  
57 the application of the governor in cases where numerous claims may be filed, appoint three  
58 disinterested commissioners in the manner provided by section 523.040, RSMo, to assess the  
59 damages which the owners may have sustained by reason of the appropriation thereof. Upon the  
60 application the amount due because of the seizure of property shall be determined in the manner  
61 provided in chapter 523, RSMo, for the determination of damages in case of the exercise of the  
62 power of eminent domain.

**44.105. 1. In a declared state of emergency, the department of health and senior  
2 services may suspend any provision of chapters 195 and 334, RSMo, pertaining to  
3 dispensing medications by persons under the direct supervision of a physician. Persons  
4 who dispense medications under this section shall be trained by the department of health  
5 and senior services and shall dispense medications under the supervision of a licensed  
6 health care provider according to policy regulations established by the department.**

7 **2. The department may develop effective citizen involvement to recruit, train, and  
8 accept the services of volunteers to supplement the programs administered by the  
9 department in dispensing medications to the population in the event of an emergency.**

10 **3. Volunteers recruited, trained, and accepted by the department shall comply with  
11 applicable agency policies.**

12 **4. The department shall:**

13 **(1) Provide staff as deemed necessary for the effective management and  
14 development of volunteer dispensing sites deployed in response to a governor-declared  
15 emergency;**

16 **(2) Provide or assure access to professional staff as deemed necessary for the  
17 effective training and oversight of volunteers;**

18 **(3) Develop and provide to all volunteers written rules governing the job  
19 descriptions, recruitment, screening, training responsibility, utilization, and supervision  
20 of volunteers; and**

21 **(4) Educate volunteers to ensure that they understand their duties and  
22 responsibilities.**

23 **5. Volunteers shall be deemed unpaid employees and shall be accorded the  
24 protection of the legal expense fund and other provisions of section 105.711, RSMo.**

25           **6. As used in this section, "volunteer" means any person who, of his or her own free**  
26 **will, performs any assigned duties for the department of health and senior services with**  
27 **no monetary or material compensation.**

✓