

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 335

97TH GENERAL ASSEMBLY

1212H.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 106.010, 106.270, 190.100, 190.165, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.067, 287.243, 320.151, 321.017, 321.210, 590.080, 595.020, 595.030, and 610.021, RSMo, and to enact in lieu thereof thirty-five new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 106.010, 106.270, 190.100, 190.165, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.067, 287.243, 320.151, 321.017, 321.210, 590.080, 595.020, 595.030, and 610.021, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.830, 85.551, 94.841, 106.010, 106.270, 106.273, 190.098, 190.100, 190.165, 191.238, 191.630, 191.631, 287.067, 287.243, 320.151, 321.017, 321.210, 565.087, 565.088, 565.089, 571.068, 590.080, 595.020, 595.030, 610.021, 610.205, 1, 2, and 3, to read as follows:

77.046. **1.** Upon the adoption of a city administrator form of government, the governing body of the city may provide that all other officers and employees of the city, except elected officers, shall be appointed and discharged by the city administrator, but the governing body may make reasonable rules and regulations governing the same.

2. Nothing in this section shall be construed to authorize the city to remove or discharge any chief, as that term is defined in section 106.273.

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.

78.340. 1. Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

2. **Nothing in this section shall be construed to authorize the commissioners to remove or discharge any chief, as that term is defined in section 106.273.**

79.240. 1. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the board of aldermen sitting as a board of impeachment. Any elective officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the board of aldermen, independently of the mayor's approval or recommendation. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's approval or recommendation. The board of aldermen may pass ordinances regulating the manner of impeachments and removals.

2. **Nothing in this section shall be construed to authorize the mayor, with the consent of the majority of all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section 106.273.**

80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject to the orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be instantly removed from his office by the board of trustees at a regular or called meeting, for any wanton neglect of duty.

2. **Nothing in this section shall be construed to authorize the board of trustees to remove or discharge any chief, as that term is defined in section 106.273.**

84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject

8 to removal only for cause after a hearing by the boards, who are hereby invested with the
9 jurisdiction in the premises.

10 2. The board shall have the sole discretion whether to delegate portions of its jurisdiction
11 to hearing officers. The board shall retain final and ultimate authority over such matters and over
12 the person to whom the delegation may be made. In any hearing before the board under this
13 section, the member involved may make application to the board to waive a hearing before the
14 board and request that a hearing be held before a hearing officer.

15 3. Nothing in this section or chapter shall be construed to prohibit the board of police
16 commissioners from delegating any task related to disciplinary matters, disciplinary hearings,
17 or any other hearing or proceeding which could otherwise be heard by the board or concerning
18 any determination related to whether an officer is able to perform the necessary functions of the
19 position. Tasks related to the preceding matter may be delegated by the board to a hearing
20 officer under the provisions of subsection 4 of this section.

21 4. (1) The hearing officer to whom a delegation has been made by the board may, at the
22 sole discretion of the board, perform certain functions, including but not limited to the following:

23 (a) Presiding over a disciplinary matter from its inception through to the final hearing;

24 (b) Preparing a report to the board of police commissioners; and

25 (c) Making recommendations to the board of police commissioners as to the allegations
26 and the appropriateness of the recommended discipline.

27 (2) The board shall promulgate rules, which may be changed from time to time as
28 determined by the board, and shall make such rules known to the hearing officer or others.

29 (3) The board shall at all times retain the authority to render the final decision after a
30 review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared
31 by the hearing officer.

32 5. Hearing officers shall be selected in the following manner:

33 (1) The board shall establish a panel of not less than five persons, all who are to be
34 licensed attorneys in good standing with the Missouri Bar. The composition of the panel may
35 change from time to time at the board's discretion;

36 (2) From the panel, the relevant member or officer and a police department
37 representative shall alternatively and independently strike names from the list with the last
38 remaining name being the designated hearing officer. The board shall establish a process to be
39 utilized for each hearing which will determine which party makes the first strike and the process
40 may change from time to time;

41 (3) After the hearing officer is chosen and presides over a matter, such hearing officer
42 shall become ineligible until all hearing officers listed have been utilized, at which time the list
43 shall renew, subject to officers' availability.

44 **6. Nothing in this section shall be construed to authorize the board of police**
45 **commissioners to remove or discharge any chief, as that term is defined in section 106.273.**

84.430. 1. The board shall hear all complaints or charges filed against any member of
2 the police department. All complaints or charges filed by persons other than the commissioners
3 or police officers shall be verified by the oath of the person filing such complaints or charges.
4 The board may at any time order the discharge of a specified number of police officers for the
5 reason that in the opinion of the board, the police force is larger than the interests of the public
6 demand or that there is insufficient money to pay the expenses of maintaining the police force
7 as then organized; and in such cases it shall not be necessary to file any complaint or charges or
8 to permit a hearing by the board of the policemen or police officers to be removed; but
9 policemen and police officers so dismissed shall be placed at the top of the suitable eligible lists,
10 and when vacancies so created shall be filled the policemen or police officers thus removed shall,
11 if they so desire, be reappointed to fill such vacancies in the order in which such policemen or
12 police officers were removed.

13 2. Any member of the board shall have power to summon and compel the attendance of
14 witnesses before the board and the production of books and papers before them whenever it may
15 be necessary for the more effective discharge of the board's duties and responsibilities. Any
16 member of the board or the secretary of the board shall have the power to administer oaths or
17 affirmations to any person appearing or called before said board.

18 **3. Nothing in this section shall be construed to authorize the board to remove or**
19 **discharge any chief, as that term is defined in section 106.273.**

84.830. 1. No person shall solicit orally, or by letter or otherwise, or shall be in any
2 manner concerned in soliciting, any assessment, contribution, or payment for any political
3 purpose whatsoever from any officer or employee in the service of the police department for such
4 cities or from members of the said police board. No officer, agent, or employee of the police
5 department of such cities shall permit any such solicitation in any building or room occupied for
6 the discharge of the official duties of the said department. No officer or employee in the service
7 of said police department shall directly or indirectly give, pay, lend, or contribute any part of his
8 salary or compensation or any money or other valuable thing to any person on account of, or to
9 be applied to, the promotion of any political party, political club, or any political purpose
10 whatever.

11 2. No officer or employee of said department shall promote, remove, or reduce any other
12 official or employee, or promise or threaten to do so, for withholding or refusing to make any
13 contribution for any political party or purpose or club, or for refusal to render any political
14 service, and shall not directly or indirectly attempt to coerce, command, or advise any other
15 officer or employee to make any such contribution or render any such service. No officer or

16 employee in the service of said department or member of the police board shall use his official
17 authority or influence for the purpose of interfering with any election or any nomination for
18 office, or affecting the result thereof. No officer or employee of such department shall be a
19 member or official of any committee of any political party, or be a ward committeeman or
20 committeewoman, nor shall any such officer or employee solicit any person to vote for or against
21 any candidate for public office, or "poll precincts" or be connected with other political work of
22 similar character on behalf of any political organization, party, or candidate. All such persons
23 shall, however, retain the right to vote as they may choose and to express their opinions on all
24 political subjects and candidates.

25 3. No person or officer or employee of said department shall affix any sign, bumper
26 sticker or other device to any property or vehicle under the control of said department which
27 either supports or opposes any ballot measure or political candidate.

28 4. No question in any examination shall relate to political or religious opinions or
29 affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal
30 shall be affected by such opinions or affiliations.

31 5. No person shall make false statement, certification, mark, rating, or report with regard
32 to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860
33 or in any manner commit or attempt to commit any fraud preventing the impartial execution of
34 this section or any provision thereof.

35 6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any
36 money, service, or other valuable consideration for or on account of any appointment, proposed
37 appointment, promotion to, or any advancement in, a position in the service of the police
38 departments of such cities.

39 7. No person shall defeat, deceive, or obstruct any person in his right to examination,
40 eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish
41 to any person any such secret information for the purpose of affecting the right or prospects of
42 any person with respect to employment in the police departments of such cities.

43 8. Any officer or any employee of the police department of such cities who shall be
44 found by the board to have violated any of the provisions of this section shall be discharged
45 forthwith from said service. It shall be the duty of the chief of police to prefer charges against
46 any such offending person at once. Any member of the board or of the common council of such
47 cities may bring suit to restrain payment of compensation to any such offending officer or
48 employee and, as an additional remedy, any such member of the board or of the common council
49 of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal
50 of such offending officer or employee. Officers or employees discharged by such mandamus
51 shall have no right of review before the police board. Any person dismissed or convicted under

52 this section shall, for a period of five years, be ineligible for appointment to any position in the
53 service of the police department of such cities or the municipal government of such cities. Any
54 persons who shall willfully or through culpable negligence violate any of the provisions of this
55 section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not
56 exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by
57 both such fine and imprisonment.

58 **9. Nothing in this section shall be construed to authorize the board to remove or**
59 **discharge any chief, as that term is defined in section 106.273.**

85.551. 1. In cities of the third class which shall not have adopted the merit system
2 police department provided for in sections 85.541 to 85.571, the marshal shall be the chief of
3 police, and there also may be one assistant marshal, who shall serve for a term of one year and
4 who shall be deputy chief of police; such number of regular policemen as may be deemed
5 necessary by the council for the good government of the city, who shall serve for terms of one
6 year; and such number of special policemen as may be prescribed by ordinance, to serve for such
7 time as may be prescribed by ordinance.

8 2. The manner of appointing the assistant marshal and all policemen of the city shall be
9 prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any
10 marshal, assistant marshal or policeman guilty of misbehavior in office.

11 **3. Nothing in this section shall be construed to authorize the council to remove or**
12 **discharge any chief, as that term is defined in section 106.273.**

94.841. 1. The governing body of any special charter city with more than twenty-
2 **nine thousand but fewer than thirty-two thousand inhabitants may impose, by order or**
3 **ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels,**
4 **motels, and bed and breakfast inns situated in the city or a portion thereof. The tax shall**
5 **be not more than six percent per occupied room per night, and shall be imposed solely for**
6 **the purpose of promoting tourism, cultural activities, business, and economic development,**
7 **and for constructing related infrastructure and improvements. The tax authorized in this**
8 **section shall be in addition to the charge for the sleeping room and all other taxes imposed**
9 **by law, and shall be stated separately from all other charges and taxes.**

10 **2. (1) No such order or ordinance shall become effective unless the governing body**
11 **of the city submits to the voters of the city at a state general, primary, or special election**
12 **a proposal to authorize the governing body of the city to impose a tax under this section.**
13 **The ballot language shall be in substantially the following form:**

14 **"Shall the City of (insert city name) impose a tax on the charges for all sleeping**
15 **rooms paid by the transient guests of hotels, motels, and bed and breakfast inns in the city**
16 **at a rate not to exceed six percent per occupied room per night for the sole purpose of**

17 promoting tourism, cultural activities, business, and economic development, and for
18 constructing related infrastructure and improvements?".

19 (2) If a majority of the votes cast on the question by the qualified voters voting
20 thereon are in favor of the question, then the tax shall become effective on the first day of
21 the second calendar quarter after the director of revenue receives notice of the adoption
22 of the tax. If a majority of the votes cast on the question by the qualified voters voting
23 thereon are opposed to the question, then the tax shall not become effective unless and until
24 the question is resubmitted under this section to the qualified voters of the city and such
25 question is approved by a majority of the qualified voters voting on the question.

26 3. The governing body of any city that has adopted the tax authorized in this
27 section may submit the question of repeal of the tax to the voters on any date available for
28 elections for the city. If a majority of the votes cast on the proposal are in favor of the
29 repeal, that repeal shall become effective on December thirty-first of the calendar year in
30 which such repeal was approved. If a majority of the votes cast on the question by the
31 qualified voters voting thereon are opposed to the repeal, then the tax authorized in this
32 section shall remain effective until the question is resubmitted under this section to the
33 qualified voters of the city, and the repeal is approved by a majority of the qualified voters
34 voting on the question.

35 4. Whenever the governing body of any city that has adopted the tax authorized in
36 this section receives a petition, signed by a number of registered voters of the city equal to
37 at least ten percent of the number of registered voters of the city voting in the last
38 gubernatorial election, calling for an election to repeal the tax imposed under this section,
39 the governing body shall submit to the voters of the city a proposal to repeal the tax. If a
40 majority of the votes cast on the question by the qualified voters voting thereon are in favor
41 of the repeal, that repeal shall become effective on December thirty-first of the calendar
42 year in which such repeal was approved. If a majority of the votes cast on the question by
43 the qualified voters voting thereon are opposed to the repeal, then the tax shall remain
44 effective until the question is resubmitted under this section to the qualified voters of the
45 city and the repeal is approved by a majority of the qualified voters voting on the question.

46 5. As used in this section, "transient guests" means a person or persons who occupy
47 a room or rooms in a hotel or motel for thirty-one days or less during any calendar
48 quarter.

106.010. 1. The governor shall have power and he is hereby authorized to remove from
2 office, without assigning any other reason therefor, any appointive state official required by law
3 to be appointed by the governor, whenever in his opinion such removal is necessary for the
4 betterment of the public service, but the governor may, at his discretion, in any order of removal

5 which he may make under authority of this section, assign additional and more specific reasons
6 for such removal.

7 **2. Nothing in this section shall be construed to authorize the governor to remove**
8 **or discharge any chief, as that term is defined in section 106.273.**

106.270. 1. If any official against whom a proceeding has been filed, as provided for in
2 sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the
3 performance of the duties of such office, or of any willful, corrupt or fraudulent violation or
4 neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any
5 official act or duty which by law it is made his duty to do or perform with respect to the
6 execution or enforcement of the criminal laws of the state, the court shall render judgment
7 removing him from such office, and he shall not be elected or appointed to fill the vacancy
8 thereby created, but the same shall be filled as provided by law for filling vacancies in other
9 cases. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of
10 civil actions, and tried as such.

11 **2. Nothing in this section shall be construed to authorize the removal or discharge**
12 **of any chief, as that term is defined in section 106.273.**

106.273. 1. For the purposes of this section, the following terms shall mean:

2 **(1) "Chief", any non-elected chief law enforcement officer of any political**
3 **subdivision;**

4 **(2) "Just cause", exists when a chief:**

5 **(a) Is unable to perform his or her duties with reasonable competence or**
6 **reasonable safety as a result of a mental condition, including alcohol or substance abuse;**

7 **(b) Has committed any act, while engaged in the performance of his or her duties,**
8 **that constitutes a reckless disregard for the safety of the public or another law enforcement**
9 **officer;**

10 **(c) Has caused a material fact to be misrepresented for any improper or unlawful**
11 **purpose;**

12 **(d) Acts in a manner for the sole purpose of furthering his or her self-interest, or**
13 **in a manner inconsistent with the interests of the public of the chief's governing body;**

14 **(e) Has been found to have violated any law, statute, or ordinance which constitutes**
15 **a felony; or**

16 **(f) Has been deemed insubordinate or found to be in violation of a written**
17 **established policy, unless such claimed insubordination or violation of a written established**
18 **policy was a violation of any federal or state law or local ordinance.**

19 **2. A chief shall be subject to removal from office or employment by the appointing**
20 **authority or the governing body of the political subdivision employing the chief if:**

21 **(1) The governing body of the political subdivision employing the chief issues a**
22 **written notice to the chief whose removal is being sought no fewer than ten business days**
23 **prior to the meeting at which his or her removal will be considered;**

24 **(2) The chief has been given written notice as to the governing body's intent to**
25 **remove him or her. Such notice shall include:**

26 **(a) Charges specifying just cause for which removal is sought;**

27 **(b) A statement of facts that are alleged to constitute just cause for the chief's**
28 **removal; and**

29 **(c) The date, time, and location of the meeting at which the chief's removal will be**
30 **considered.**

31 **(3) The chief is given an opportunity to be heard before the board, together with**
32 **any witnesses, evidence and counsel of his or her choosing; and**

33 **(4) The board, by two-thirds majority vote, finds just cause for removing the chief.**

34 **3. Upon the satisfaction of the removal procedure under subsection 2 of this section,**
35 **the chief shall be immediately removed from his or her office, shall be relieved of all duties**
36 **and responsibilities of said office, and shall be entitled to no further compensation or**
37 **benefits not already earned, accrued, or agreed upon.**

38 **4. Any chief removed pursuant to subsection 3 of this section shall be issued a**
39 **written notice of the grounds of his or her removal within fourteen calendar days of the**
40 **removal.**

190.098. 1. In order for a person to be eligible for certification by the department
2 **as a community paramedic, an individual shall:**

3 **(1) Be currently certified as a paramedic;**

4 **(2) Successfully complete or have successfully completed a community paramedic**
5 **certification program from a college, university, or educational institution that has been**
6 **approved by the department or accredited by a national accreditation organization**
7 **approved by the department; and**

8 **(3) Complete an application form approved by the department.**

9 **2. A community paramedic shall practice in accordance with protocols and**
10 **supervisory standards established by the medical director. A community paramedic shall**
11 **provide services of a health care plan if the plan has been developed by the patient's**
12 **physician or by an advanced practice registered nurse or a physician assistant and there**
13 **is no duplication of services to the patient from another provider.**

14 **3. Any ambulance service shall enter into a written contract to provide community**
15 **paramedic services in another ambulance service area, as that term is defined in section**

16 **190.100. The contract that is agreed upon may be for an indefinite period of time, as long**
17 **as it includes at least a sixty-day cancellation notice by either ambulance service.**

18 **4. A community paramedic is subject to the provisions of sections 190.001 to**
19 **190.245 and rules promulgated under sections 190.001 to 190.245.**

20 **5. No person shall hold himself or herself out as a community paramedic or provide**
21 **the services of a community paramedic unless such person is certified by the department.**

22 **6. The medical director shall approve the implementation of the community**
23 **paramedic program.**

24 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
25 **created under the authority delegated in this section shall become effective only if it**
26 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
27 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
28 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
29 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
30 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
31 **shall be invalid and void.**

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise
8 incapacitated or helpless, or who require the presence of medical equipment being used on such
9 individuals, but the term does not include any motor vehicle specially designed, constructed or
10 converted for the regular transportation of persons who are disabled, handicapped, normally
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

15 (4) "Ambulance service area", a specific geographic area in which an ambulance service
16 has been authorized to operate;

17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 patient as defined by national curricula, and any modifications to that curricula specified in rules
19 adopted by the department pursuant to sections 190.001 to 190.245;

20 (6) "Council", the state advisory council on emergency medical services;

21 (7) "Department", the department of health and senior services, state of Missouri;

22 (8) "Director", the director of the department of health and senior services or the
23 director's duly authorized representative;

24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;

27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:

31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;

33 (b) Serious impairment to a bodily function;

34 (c) Serious dysfunction of any bodily organ or part;

35 (d) Inadequately controlled pain;

36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any
39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;

41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;

44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;

48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services
50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is

57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) **“Emergency medical technician-community paramedic”, “community**
60 **paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-**
61 **paramedic and is licensed by the department in accordance with standards prescribed in**
62 **section 190.098;**

63 (18) "Emergency medical technician-intermediate" or "EMT-I", a person who has
64 successfully completed a course of instruction in certain aspects of advanced life support care
65 as prescribed by the department and is licensed by the department in accordance with sections
66 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
67 190.001 to 190.245;

68 [(18)] (19) "Emergency medical technician-paramedic" or "EMT-P", a person who has
69 successfully completed a course of instruction in advanced life support care as prescribed by the
70 department and is licensed by the department in accordance with sections 190.001 to 190.245
71 and rules adopted by the department pursuant to sections 190.001 to 190.245;

72 [(19)] (20) "Emergency services", health care items and services furnished or required
73 to screen and stabilize an emergency which may include, but shall not be limited to, health care
74 services that are provided in a licensed hospital's emergency facility by an appropriate provider
75 or by an ambulance service or emergency medical response agency;

76 [(20)] (21) "First responder", a person who has successfully completed an emergency
77 first response course meeting or exceeding the national curriculum of the United States
78 Department of Transportation and any modifications to such curricula specified by the
79 department through rules adopted pursuant to sections 190.001 to 190.245 and who provides
80 emergency medical care through employment by or in association with an emergency medical
81 response agency;

82 [(21)] (22) "Health care facility", a hospital, nursing home, physician's office or other
83 fixed location at which medical and health care services are performed;

84 [(22)] (23) "Hospital", an establishment as defined in the hospital licensing law,
85 subsection 2 of section 197.020, or a hospital operated by the state;

86 [(23)] (24) "Medical control", supervision provided by or under the direction of
87 physicians to providers by written or verbal communications;

88 [(24)] (25) "Medical direction", medical guidance and supervision provided by a
89 physician to an emergency services provider or emergency medical services system;

90 [(25)] (26) "Medical director", a physician licensed pursuant to chapter 334 designated
91 by the ambulance service or emergency medical response agency and who meets criteria
92 specified by the department by rules pursuant to sections 190.001 to 190.245;

93 [(26)] (27) "Memorandum of understanding", an agreement between an emergency
94 medical response agency or dispatch agency and an ambulance service or services within whose
95 territory the agency operates, in order to coordinate emergency medical services;

96 [(27)] (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
97 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
98 between private or public institutions, homes or cemeteries, and individuals declared dead prior
99 to the time an ambulance is called for assistance;

100 [(28)] (29) "Person", as used in these definitions and elsewhere in sections 190.001 to
101 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative
102 organization, corporation, municipal or private, and whether organized for profit or not, state,
103 county, political subdivision, state department, commission, board, bureau or fraternal
104 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
105 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

106 [(29)] (30) "Physician", a person licensed as a physician pursuant to chapter 334;

107 [(30)] (31) "Political subdivision", any municipality, city, county, city not within a
108 county, ambulance district or fire protection district located in this state which provides or has
109 authority to provide ambulance service;

110 [(31)] (32) "Professional organization", any organized group or association with an
111 ongoing interest regarding emergency medical services. Such groups and associations could
112 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses,
113 EMT-P's, physicians, communications specialists and instructors. Organizations could also
114 represent the interests of ground ambulance services, air ambulance services, fire service
115 organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric
116 services, labor unions and poison control services;

117 [(32)] (33) "Proof of financial responsibility", proof of ability to respond to damages for
118 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
119 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
120 promulgated by the department, but in no event less than the statutory minimum required for
121 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

122 [(33)] (34) "Protocol", a predetermined, written medical care guideline, which may
123 include standing orders;

124 [(34)] (35) "Regional EMS advisory committee", a committee formed within an
125 emergency medical services (EMS) region to advise ambulance services, the state advisory
126 council on EMS and the department;

127 [(35)] (36) "Specialty care transportation", the transportation of a patient requiring the
128 services of an emergency medical technician-paramedic who has received additional training
129 beyond the training prescribed by the department.

130 Specialty care transportation services shall be defined in writing in the appropriate local
131 protocols for ground and air ambulance services and approved by the local physician medical
132 director. The protocols shall be maintained by the local ambulance service and shall define the
133 additional training required of the emergency medical technician-paramedic;

134 [(36)] (37) "Stabilize", with respect to an emergency, the provision of such medical
135 treatment as may be necessary to attempt to assure within reasonable medical probability that no
136 material deterioration of an individual's medical condition is likely to result from or occur during
137 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

138 [(37)] (38) "State advisory council on emergency medical services", a committee formed
139 to advise the department on policy affecting emergency medical service throughout the state;

140 [(38)] (39) "State EMS medical directors advisory committee", a subcommittee of the
141 state advisory council on emergency medical services formed to advise the state advisory council
142 on emergency medical services and the department on medical issues;

143 [(39)] (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in
144 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation
145 in electrocardiogram analysis, and as further defined in rules promulgated by the department
146 under sections 190.001 to 190.250;

147 [(40)] (41) "STEMI care", includes education and prevention, emergency transport,
148 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or
149 surgical intervention or treatment;

150 [(41)] (42) "STEMI center", a hospital that is currently designated as such by the
151 department to care for patients with ST-segment elevation myocardial infarctions;

152 [(42)] (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined
153 by the department;

154 [(43)] (44) "Stroke care", includes emergency transport, triage, and acute intervention
155 and other acute care services for stroke that potentially require immediate medical or surgical
156 intervention or treatment, and may include education, primary prevention, acute intervention,
157 acute and subacute management, prevention of complications, secondary stroke prevention, and
158 rehabilitative services;

159 [(44)] (45) "Stroke center", a hospital that is currently designated as such by the
160 department;

161 [(45)] (46) "Trauma", an injury to human tissues and organs resulting from the transfer
162 of energy from the environment;

163 [(46)] (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
164 services for major single system or multisystem injuries that potentially require immediate
165 medical or surgical intervention or treatment;

166 [(47)] (48) "Trauma center", a hospital that is currently designated as such by the
167 department.

190.165. 1. The department may refuse to issue or deny renewal of any certificate,
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the
3 provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the
4 department to implement its provisions as described in subsection 2 of this section. The
5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the administrative hearing commission as
7 provided by chapter 621.

8 2. The department may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621 against any holder of any certificate, permit or license
10 required by sections 190.100 to 190.245 or any person who has failed to renew or has
11 surrendered his or her certificate, permit or license for failure to comply with the provisions of
12 sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
13 implement such sections. Those regulations shall be limited to the following:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
15 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work
16 of any activity licensed or regulated by sections 190.100 to 190.245;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to
25 take any examination given or required pursuant to sections 190.100 to 190.245;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
27 fraud, deception or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

34 (7) Impersonation of any person holding a certificate, permit or license or allowing any
35 person to use his or her certificate, permit, license or diploma from any school;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this state;

39 (9) For an individual being finally adjudged insane or incompetent by a court of
40 competent jurisdiction;

41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed
42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
43 pursuant to sections 190.100 to 190.245;

44 (11) Issuance of a certificate, permit or license based upon a material mistake of fact;

45 (12) Violation of any [professional trust or confidence] **legally protected privacy rights**
46 **of a patient by means of an unauthorized or unlawful disclosure;**

47 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
48 the general public or persons to whom the advertisement or solicitation is primarily directed;

49 (14) Violation of the drug laws or rules and regulations of this state, any other state or
50 the federal government;

51 (15) Refusal of any applicant or licensee to [cooperate with the] **respond to reasonable**
52 **department of health and senior [services during any investigation] services' requests for**
53 **necessary information to process an application or to determine license status or license**
54 **eligibility;**

55 (16) Any conduct or practice which is or might be harmful or dangerous to the mental
56 or physical health **or safety** of a patient or the public **as defined by applicable national**
57 **standards;**

58 (17) Repeated **acts of negligence or recklessness** in the performance of the functions
59 or duties of any activity licensed or regulated by sections 190.100 to 190.245.

60 **3. If the department conducts investigations, the department, prior to interviewing**
61 **a licensee who is the subject of the investigation, shall explain to the licensee that he or she**
62 **has the right to:**

63 **(1) Consult legal counsel or have legal counsel present;**

64 **(2) Have anyone present whom he or she deems to be necessary or desirable; and**

65 **(3) Refuse to answer any question or refuse to provide or sign any written**
66 **statement.**

67 **The assertion of any right listed in this subsection shall not be deemed by the department**
68 **to be a failure to cooperate with any department investigation.**

69 **4.** After the filing of such complaint, the proceedings shall be conducted in accordance
70 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
71 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
72 department may, singly or in combination, censure or place the person named in the complaint
73 on probation on such terms and conditions as the department deems appropriate for a period not
74 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
75 license, certificate or permit. **Notwithstanding any provision of law to the contrary, the**
76 **department shall only be authorized to impose a suspension or revocation as a disciplinary**
77 **action if it first files the requisite complaint with the administrative hearing commission.**
78 **The commission shall not be permitted to grant summary judgment in such instances if the**
79 **licensee files an answer contesting the department's intended licensure action.**

80 [4.] **5.** An individual whose license has been revoked shall wait one year from the date
81 of revocation to apply for relicensure. Relicensure shall be at the discretion of the department
82 after compliance with all the requirements of sections 190.100 to 190.245 relative to the
83 licensing of an applicant for the first time. Any individual whose license has been revoked twice
84 within a ten-year period shall not be eligible for relicensure.

85 [5.] **6.** The department may notify the proper licensing authority of any other state in
86 which the person whose license was suspended or revoked was also licensed of the suspension
87 or revocation.

88 [6.] **7.** Any person, organization, association or corporation who reports or provides
89 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
90 does so in good faith shall not be subject to an action for civil damages as a result thereof.

91 [7.] **8.** The department of health and senior services may suspend any certificate, permit
92 or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the
93 complaint with the administrative hearing commission as set forth in subsection 2 of this section,
94 if the department finds that there is an imminent threat to the public health. The notice of
95 suspension shall include the basis of the suspension and notice of the right to appeal such
96 suspension. The licensee may appeal the decision to suspend the license, certificate or permit
97 to the department. The appeal shall be filed within ten days from the date of the filing of the
98 complaint. A hearing shall be conducted by the department within ten days from the date the
99 appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,
100 including review thereof, unless sooner withdrawn by the department, dissolved by a court of
101 competent jurisdiction or stayed by the administrative hearing commission.

191.238. 1. No health care professional or health care facility licensed under chapter 197 shall intentionally enter any disclosed information concerning firearm ownership into a patient's medical record if the professional knows that such information is not directly related to the patient's immediate medical care or safety.

2. For purposes of this section, a "health care professional" shall mean a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services for the diagnosis, treatment, cure, or relief of a health condition, injury, or disease.

3. Any violation of this section shall constitute grounds for disciplinary action under sections 334.100 to 334.103, section 197.070, section 197.220 or any other applicable provisions of law concerning the licensing, accreditation, or certification of other health care professionals by the state of Missouri.

191.630. As used in sections 191.630 and 191.631, the following terms mean:

(1) ["Care provider", a person who is employed as an emergency medical care provider, firefighter, or police officer;

(2) Contagious or infectious disease", hepatitis in any form and any other communicable disease as defined in section 192.800, except AIDS or HIV infection as defined in section 191.650, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, in accordance with guidelines of the Centers for Disease Control and Prevention of the Department of Health and Human Services] **“Communicable disease”, acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the department may define by rule or regulation;**

(2) **“Communicable disease tests”, tests designed for detection of communicable diseases. Rapid testing of the source patient in line with the Occupational Safety and Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention (CDC) guidelines will be recommended;**

(3) **“Coroner or medical examiner”, the same meaning as defined in chapter 58;**

[(3)] (4) "Department", the Missouri department of health and senior services;

[(4)] (5) **“Designated infection control officer”, the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:**

(a) **Collecting, upon request, facts surrounding possible exposure of an emergency care provider or Good Samaritan to a communicable disease;**

25 **(b) Contacting facilities that receive patients or clients of potentially exposed**
26 **emergency care providers or Good Samaritans to ascertain if a determination has been**
27 **made as to whether the patient or client has had a communicable disease and to ascertain**
28 **the results of that determination; and**

29 **(c) Notifying the emergency care provider or Good Samaritan as to whether there**
30 **is reason for concern regarding possible exposure;**

31 **(6) "Emergency [medical] care provider", a person who is serving as a licensed or**
32 **certified person trained to provide emergency and nonemergency medical care as a first**
33 **responder, emergency responder, EMT-B, EMT-I, or EMT-P as defined in section 190.100,**
34 **firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician,**
35 **medical helicopter pilot, or other certification or licensure levels adopted by rule of the**
36 **department;**

37 **[(5)] (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or**
38 **parenteral contact with blood or other potentially infectious materials that results from the**
39 **performance of an employee's duties;**

40 **[(6) "HIV", the same meaning as defined in section 191.650;**

41 **(7)] (8) "Good Samaritan", any person who renders emergency medical assistance**
42 **or aid within his or her level of training or skill until such time as he or she is relieved of**
43 **those duties by an emergency care provider;**

44 **(9) "Hospital", the same meaning as defined in section 197.020;**

45 **(10) "Source patient", person who is sick or injured and requiring the care or**
46 **services of a Good Samaritan or emergency care provider, for whose blood or other**
47 **potentially infectious materials have resulted in exposure.**

191.631. 1. (1) Notwithstanding any other law to the contrary, if [a] **an emergency care**
2 **provider or a Good Samaritan** sustains an exposure from a person while rendering emergency
3 health care services, the person to whom the **emergency care provider or Good Samaritan** was
4 exposed is deemed to consent to a test to determine if the person has a [contagious or infectious]
5 **communicable** disease and is deemed to consent to notification of the **emergency care provider**
6 **or the Good Samaritan** of the results of the test, upon submission of an exposure report by the
7 **emergency care provider or the Good Samaritan** to the hospital where the person is delivered
8 by the **emergency care provider**.

9 (2) The hospital where the [person] **source patient** is delivered shall conduct the test.
10 The sample and test results shall only be identified by a number and shall not otherwise identify
11 the person tested.

12 (3) A hospital shall have written policies and procedures for notification of [a] **an**
13 **emergency care provider or Good Samaritan** pursuant to this section. **The hospital shall**

14 **include local representation of designated infection control officers during the process to**
15 **develop or review such policies. The policies shall be substantially the same as those in**
16 **place for notification of hospital employees.** The policies and procedures shall include
17 designation of a representative of the **emergency** care provider to whom notification shall be
18 provided and who shall, in turn, notify the **emergency** care provider. The identity of the
19 designated [representative] **local infection control officer** of the **emergency** care provider shall
20 not be disclosed to the [person] **source patient** tested. The designated [representative] **local**
21 **infection control officer** shall inform the hospital of those parties who receive the notification,
22 and following receipt of such information and upon request of the person tested, the hospital
23 shall inform the person of the parties to whom notification was provided.

24 **(4) A coroner and medical examiner shall have written policies and procedures for**
25 **notification of an emergency care provider and Good Samaritan pursuant to this section.**
26 **The coroner or medical examiner shall include local representation of a designated**
27 **infection control officer during the process to develop or review such policies. The policies**
28 **shall be substantially the same as those in place for notification of coroner or medical**
29 **examiner employees. The policies and procedures shall include designation of a**
30 **representative of the emergency care providers to whom notification shall be provided and**
31 **who shall, in turn, notify the emergency care provider. The identity of the designated local**
32 **infection control officer of the emergency care provider shall not be disclosed to the source**
33 **patient tested. The designated local infection control officer shall inform the coroner or**
34 **medical examiner of those parties who receive the notification, and following receipt of**
35 **such information and upon request of the person tested, the coroner or medical examiner**
36 **shall inform the person of the parties to whom notification was provided.**

37 2. If a person tested is diagnosed or confirmed as having a [contagious or infectious]
38 **communicable** disease pursuant to this section, the hospital, **coroner, or medical examiner**
39 shall notify the **emergency** care provider, **Good Samaritan**, or the designated [representative]
40 **local infection control officer** of the **emergency** care provider who shall then notify the care
41 provider.

42 3. The notification to the **emergency** care provider **or the Good Samaritan** shall advise
43 the **emergency** care provider **or the Good Samaritan** of possible exposure to a particular
44 [contagious or infectious] **communicable** disease and recommend that the **emergency** care
45 provider **or Good Samaritan** seek medical attention. The notification shall be provided as soon
46 as is reasonably possible following determination that the individual has a [contagious or
47 infectious] **communicable** disease. The notification shall not include the name of the person
48 tested for the [contagious or infectious] **communicable** disease unless the person consents. If
49 the **emergency** care provider **or Good Samaritan** who sustained an exposure determines the

50 identity of the person diagnosed or confirmed as having a [contagious or infectious]
51 **communicable** disease, the identity of the person shall be confidential information and shall not
52 be disclosed by the **emergency** care provider **or the Good Samaritan** to any other individual
53 unless a specific written release **is** obtained by the person diagnosed with or confirmed as having
54 a [contagious or infectious] **communicable** disease.

55 4. This section does not require or permit, unless otherwise provided, a hospital to
56 administer a test for the express purpose of determining the presence of a [contagious or
57 infectious] **communicable** disease; except that testing may be performed if the person consents
58 and if the requirements of this section are satisfied.

59 5. This section does not preclude a hospital, **coroner, or medical examiner** from
60 providing notification to [a] **an emergency** care provider **or Good Samaritan** under
61 circumstances in which the hospital's, **coroner's, or medical examiner's** policy provides for
62 notification of the hospital's, **coroner's, or medical examiner's** own employees of exposure to
63 a [contagious or infectious] **communicable** disease that is not life-threatening if the notice does
64 not reveal a patient's name, unless the patient consents.

65 6. A hospital, **coroner, or medical examiner** participating in good faith in complying
66 with the provisions of this section is immune from any liability, civil or criminal, which may
67 otherwise be incurred or imposed.

68 7. A hospital's duty of notification pursuant to this section is not continuing but is limited
69 to diagnosis of a [contagious or infectious] **communicable** disease made in the course of
70 admission, care, and treatment following the rendering of health care services to which
71 notification pursuant to this section applies.

72 8. A hospital, **coroner, or medical examiner** that performs a test in compliance with
73 this section or that fails to perform a test authorized pursuant to this section is immune from any
74 liability, civil or criminal, which may otherwise be incurred or imposed.

75 9. [A hospital has no duty to perform the test authorized.

76 10.] The department shall adopt rules to implement this section. The department may
77 determine by rule the [contagious or infectious] **communicable** diseases for which testing is
78 reasonable and appropriate and which may be administered pursuant to this section. No rule or
79 portion of a rule promulgated under the authority of this section shall become effective unless
80 it has been promulgated pursuant to chapter 536.

81 [11.] **10.** The [employer of a] **agency which employs or sponsors the emergency** care
82 provider who sustained an exposure pursuant to this section shall pay the costs of testing for the
83 person who is the source of the exposure and of the testing of the **emergency** care provider if the
84 exposure was sustained during the course of [employment] **the provider's expected duties.**

85 **11. All emergency care providers shall respond to and treat any patient regardless**
86 **of the status of the patient's HIV or other communicable disease infection.**

87 **12. Ambulance services and emergency medical response agencies licensed under**
88 **chapter 190 shall establish and maintain local policies and provide training regarding**
89 **exposure of personnel to patient blood and body fluids as well as general protection from**
90 **communicable diseases. The training provided and the policies established shall be in**
91 **substantial compliance with the appropriate CDC and OSHA guidelines.**

92 **13. Hospitals, nursing homes, and other medical facilities and practitioners who**
93 **transfer patients known to have a communicable disease or to be subject to an order of**
94 **quarantine or an order of isolation shall notify the emergency care providers who are**
95 **providing the transportation services of the potential risk of exposure to a communicable**
96 **disease, including communicable diseases of a public health threat.**

97 **14. The department shall promulgate regulations regarding all of the following:**

98 **(a) The type of exposure that would prompt notification of the emergency care**
99 **provider or Good Samaritan, which shall cover, at a minimum, methods of potential**
100 **transmission of any diseases designated under P.L. 101-381 or diseases additionally**
101 **identified from the department's list of communicable diseases;**

102 **(b) The process to be used by the emergency care provider, Good Samaritan,**
103 **licensed facility, coroner, medical examiner, and designated infection control officer for the**
104 **reports required by this section, the process to be used to evaluate requests received from**
105 **emergency care providers and Good Samaritans, and for informing emergency care**
106 **providers and Good Samaritans as to their obligations to maintain the confidentiality of**
107 **information received; and**

108 **(c) The method by which emergency care providers and Good Samaritans shall be**
109 **provided information and advice in a timely manner related to the risk of infection from**
110 **communicable diseases as a result of aid or medical care.**

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising with
3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

9 2. An injury by occupational disease is compensable only if the occupational exposure
10 was the prevailing factor in causing both the resulting medical condition and disability. The

11 "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both
12 the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive
13 degeneration of the body caused by aging or by the normal activities of day-to-day living shall
14 not be compensable.

15 3. An injury due to repetitive motion is recognized as an occupational disease for
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only
17 if the occupational exposure was the prevailing factor in causing both the resulting medical
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,
20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal
21 activities of day-to-day living shall not be compensable.

22 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police
35 officers of a paid police department certified under chapter 590 if a direct causal relationship is
36 established, or psychological stress of firefighters of a paid fire department **or paid peace**
37 **officers of a paid police department certified under chapter 590** if a direct causal relationship
38 is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable
40 disease arising out of and in the course of his or her employment shall be eligible for benefits
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the
43 repetitive motion which is found to be the cause of the injury is for a period of less than three
44 months and the evidence demonstrates that the exposure to the repetitive motion with the
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer
46 shall be liable for such occupational disease.

287.243. 1. This section shall be known and may be cited as the "Line of Duty
2 Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words shall mean:

4 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with
5 sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted
6 by the department of health and senior services, division of regulation and licensure, 19 CSR
7 30-40.005, et seq.;

8 (2) "Air ambulance registered professional nurse", a person licensed as a registered
9 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations
10 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered
11 professional nursing services as a flight nurse in conjunction with an air ambulance program that
12 is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations
13 applicable to such programs;

14 (3) "Emergency medical technician", a person licensed in emergency medical care in
15 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by
16 the department of health and senior services under sections 190.001 to 190.245;

17 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or
18 a local governmental entity as an employer defined under subsection 1 of section 287.030, or
19 otherwise serving as a member or officer of a fire department either for the purpose of the
20 prevention or control of fire or the underwater recovery of drowning victims;

21 (5) "Killed in the line of duty", when [a person defined in this section] **any law**
22 **enforcement officer, emergency medical technician, air ambulance pilot, air ambulance**
23 **registered professional nurse, paramedic, or firefighter** loses [one's] **his or her** life as a result
24 of an injury received in the active performance of [his or her duties within the ordinary scope of]
25 **duties in** his or her respective profession [while the individual is on duty and but for the
26 individual's performance, death would have not occurred] , **if the death occurs as a natural and**
27 **probable consequence of the injury or disease caused by the accident or violence of another**
28 **within three hundred weeks from the date the injury was received and if that injury arose**
29 **from violence of another or accidental cause subject to the provisions of this subdivision.**

30 The term excludes death resulting from the willful misconduct or intoxication of the law
31 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
32 registered professional nurse, **paramedic**, or firefighter. The division of workers' compensation
33 shall have the burden of proving such willful misconduct or intoxication. **For law enforcement**
34 **officers, emergency medical technicians, air ambulance pilots, air ambulance registered**
35 **professional nurses, paramedics, and firefighters, the term shall include the death caused**
36 **as a result of a willful act of violence committed by a person other than the officer,**

37 **emergency medical technician, air ambulance pilot, air ambulance registered professional**
38 **nurse, paramedic, or firefighter, and a relationship exists between the commission of such**
39 **act and the individual's performance of his or her duties as a law enforcement officer,**
40 **emergency medical technician, air ambulance pilot, air ambulance registered professional**
41 **nurse, paramedic, or firefighter, regardless of whether the injury is received while the**
42 **individual is on duty; or the injury is received by a law enforcement officer while he or she**
43 **is attempting to prevent the commission of a criminal act of another person or attempting**
44 **to apprehend an individual suspected of committing a crime, regardless of whether the**
45 **injury is received while the individual is on duty as a law enforcement officer; or the injury**
46 **is received by the individual while traveling to or from his or her employment or during**
47 **any meal break, or other break, which takes place during the period in which the law**
48 **enforcement officer, air ambulance pilot, air ambulance registered professional nurse,**
49 **emergency medical technician, paramedic, or firefighter, is on duty;**

50 (6) "Law enforcement officer", any person employed by the state or a local governmental
51 entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary
52 police officer or in some like position involving the enforcement of the law and protection of the
53 public interest at the risk of that person's life;

54 (7) "Local governmental entity", includes counties, municipalities, townships, board or
55 other political subdivision, cities under special charter, or under the commission form of
56 government, fire protection districts, ambulance districts, and municipal corporations;

57 (8) "State", the state of Missouri and its departments, divisions, boards, bureaus,
58 commissions, authorities, and colleges and universities;

59 (9) "Volunteer firefighter", a person having principal employment other than as a
60 firefighter, but who is carried on the rolls of a regularly constituted fire department either for the
61 purpose of the prevention or control of fire or the underwater recovery of drowning victims, the
62 members of which are under the jurisdiction of the corporate authorities of a city, village,
63 incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual
64 who volunteers assistance without being regularly enrolled as a firefighter.

65 3. (1) A claim for compensation under this section shall be filed by the estate of the
66 deceased with the division of workers' compensation not later than one year from the date of
67 death of a law enforcement officer, emergency medical technician, air ambulance pilot, air
68 ambulance registered professional nurse, or firefighter. If a claim is made within one year of the
69 date of death of a law enforcement officer, emergency medical technician, air ambulance pilot,
70 air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation
71 shall be paid, if the division finds that the claimant is entitled to compensation under this section.

72 (2) The amount of compensation paid to the claimant shall be twenty-five thousand
73 dollars, subject to appropriation, for death occurring on or after June 19, 2009.

74 4. Notwithstanding subsection 3 of this section, no compensation is payable under this
75 section unless a claim is filed within the time specified under this section setting forth:

76 (1) The name, address, and title or designation of the position in which the law
77 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
78 registered professional nurse, or firefighter was serving at the time of his or her death;

79 (2) The name and address of the claimant;

80 (3) A full, factual account of the circumstances resulting in or the course of events
81 causing the death at issue; and

82 (4) Such other information that is reasonably required by the division.

83 When a claim is filed, the division of workers' compensation shall make an investigation for
84 substantiation of matters set forth in the application.

85 5. The compensation provided for under this section is in addition to, and not exclusive
86 of, any pension rights, death benefits, or other compensation the claimant may otherwise be
87 entitled to by law.

88 6. Neither employers nor workers' compensation insurers shall have subrogation rights
89 against any compensation awarded for claims under this section. Such compensation shall not
90 be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be
91 subject to setoff or counterclaim, or be in any way liable for any debt, except that the division
92 or commission may allow as lien on the compensation, reasonable attorney's fees for services in
93 connection with the proceedings for compensation if the services are found to be necessary.
94 Such fees are subject to regulation as set forth in section 287.260.

95 7. Any person seeking compensation under this section who is aggrieved by the decision
96 of the division of workers' compensation regarding his or her compensation claim, may make
97 application for a hearing as provided in section 287.450. The procedures applicable to the
98 processing of such hearings and determinations shall be those established by this chapter.
99 Decisions of the administrative law judge under this section shall be binding, subject to review
100 by either party under the provisions of section 287.480.

101 8. Pursuant to section 23.253 of the Missouri sunset act:

102 (1) The provisions of the new program authorized under this section shall automatically
103 sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

104 (2) If such program is reauthorized, the program authorized under this section shall
105 automatically sunset twelve years after the effective date of the reauthorization of this section;

106 and

107 (3) This section shall terminate on September first of the calendar year immediately
108 following the calendar year in which the program authorized under this section is sunset.

109 9. The provisions of this section, unless specified, shall not be subject to other provisions
110 of this chapter.

111 10. There is hereby created in the state treasury the "Line of Duty Compensation Fund",
112 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts,
113 or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
114 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
115 appropriation, money in the fund shall be used solely for paying claims under this section.
116 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
117 fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
118 state treasurer shall invest moneys in the fund in the same manner as other funds are invested.
119 Any interest and moneys earned on such investments shall be credited to the fund.

120 11. The division shall promulgate rules to administer this section, including but not
121 limited to the appointment of claims to multiple claimants, record retention, and procedures for
122 information requests. Any rule or portion of a rule, as that term is defined in section 536.010,
123 that is created under the authority delegated in this section shall become effective only if it
124 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
125 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
126 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and
127 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
128 any rule proposed or adopted after June 19, 2009, shall be invalid and void.

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children
2 under the age of fourteen years except when such child is in the presence of a parent or guardian.

3 2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a
4 facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

5 3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of any
6 church, hospital, mental health facility, school, or within one hundred feet of any location where
7 fireworks are stored, sold, or offered for sale. **Any person who obtains approval from the
8 church board of trustees of any affected church, in writing, to explode or ignite consumer
9 fireworks within six hundred feet of the church at least twenty-four hours in advance of
10 the time of the explosion or ignition shall not be in violation of this subsection so long as
11 the person is not exploding or igniting those fireworks within six hundred feet of any other
12 church, hospital, mental health facility or school or within one hundred feet of any location
13 where fireworks are stored, sold, or offered for sale.**

14 4. No person shall ignite or discharge any permissible articles of consumer fireworks
15 within or throw the same from a motorized vehicle including watercraft or any other means of
16 transportation, except where display permit has been issued for a floating vessel or floating
17 platform, nor shall any person place or throw any ignited article of fireworks into or at a
18 motorized vehicle including watercraft or any other means of transportation, or at or near any
19 person or group of people.

20 5. No person shall ignite or discharge consumer fireworks within three hundred feet of
21 any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any
22 nonpermanent structure where fireworks are stored, sold or offered for sale.

23 6. No items of explosive or pyrotechnic composition other than fireworks as defined by
24 subdivisions (3), (5), and (17) of section 320.106 shall be displayed, sold, or offered for sale
25 within the applicable permit location as identified on such permit granted by the state fire
26 marshal.

27 7. Proximate fireworks shall not be allowed to be stored with consumer fireworks.

28 8. All storage and transportation of fireworks shall be in accordance with all federal and
29 state rules and regulations.

30 9. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from
31 demonstrating or testing fireworks. Any such demonstration or test shall require the notification
32 and approval of the local fire service or the state fire marshal.

321.017. Notwithstanding the provisions of section 321.015, no employee of any fire
2 protection district or ambulance district shall serve as a member of any fire district or ambulance
3 district board **in the same county where such person is employed** while such person is
4 employed by any fire district or ambulance district, except that an employee of a fire protection
5 district or an ambulance district may serve as a member of a voluntary fire protection district
6 board or a voluntary ambulance district board.

321.210. On the first Tuesday in April after the expiration of at least two full calendar
2 years from the date of the election of the first board of directors, and on the first Tuesday in April
3 every two years thereafter, an election for members of the board of directors shall be held in the
4 district. Nominations shall be filed at the headquarters of the fire protection district in which a
5 majority of the district is located by paying a [ten-dollar] filing fee **up to the amount of a**
6 **candidate for state representative as set forth under section 115.357** and filing a statement
7 under oath that he possesses the required qualifications. The candidate receiving the most votes
8 shall be elected. Any new member of the board shall qualify in the same manner as the members
9 of the first board qualify.

**565.087. 1. A person commits the crime of assault of an employee of a mass transit
2 system while in the scope of his or her duties in the first degree if such person attempts to**

3 **kill or knowingly causes or attempts to cause serious physical injury to an employee of a**
4 **mass transit system while in the scope of his or her duties.**

5 **2. As used in this section, "mass transit system", includes employees of public bus**
6 **and light rail companies.**

7 **3. Assault of an employee of a mass transit system in the first degree is a class B**
8 **felony.**

565.088. 1. A person commits the crime of assault of an employee of a mass transit
2 **system while in the scope of his or her duties in the second degree if such person:**

3 **(1) Knowingly causes or attempts to cause physical injury to an employee of a mass**
4 **transit system while in the scope of his or her duties by means of a deadly weapon or**
5 **dangerous instrument;**

6 **(2) Knowingly causes or attempts to cause physical injury to an employee of a mass**
7 **transit system while in the scope of his or her duties by means other than a deadly weapon**
8 **or dangerous instrument;**

9 **(3) Recklessly causes serious physical injury to an employee of a mass transit**
10 **system while in the scope of his or her duties;**

11 **(4) While in an intoxicated condition or under the influence of controlled**
12 **substances or drugs, operates a motor vehicle in this state and when so operating, acts with**
13 **criminal negligence to cause physical injury to an employee of a mass transit system while**
14 **in the scope of his or her duties;**

15 **(5) Acts with criminal negligence to cause physical injury to an employee of a mass**
16 **transit system while in the scope of his or her duties by means of a deadly weapon or**
17 **dangerous instrument;**

18 **(6) Purposely or recklessly places an employee of a mass transit system while in the**
19 **scope of his or her duties in apprehension of immediate serious physical injury; or**

20 **(7) Acts with criminal negligence to create a substantial risk of death or serious**
21 **physical injury to an employee of a mass transit system while in the scope of his or her**
22 **duties.**

23 **2. As used in this section, "mass transit system", includes employees of public bus**
24 **and light rail companies.**

25 **3. Assault of an employee of a mass transit system while in the scope of his or her**
26 **duties in the second degree is a class C felony unless committed under subdivision (2), (5),**
27 **(6), or (7) of subsection 1 of this section in which case it is a class D felony.**

565.089. 1. A person commits the crime of assault of an employee of a mass transit
2 **system while in the scope of his or her duties in the third degree if:**

3 **(1) Such person recklessly causes physical injury to an employee of a mass transit**
4 **system while in the scope of his or her duties;**

5 **(2) Such person purposely places an employee of a mass transit system while in the**
6 **scope of his or her duties in apprehension of immediate physical injury;**

7 **(3) Such person knowingly causes or attempts to cause physical contact with an**
8 **employee of a mass transit system while in the scope of his or her duties without the**
9 **consent of the employee of the mass transit system.**

10 **2. As used in this section, "mass transit system", includes employees of public bus**
11 **and light rail companies.**

12 **3. Assault of an employee of a mass transit system while in the scope of his or her**
13 **duties in the third degree is a class B misdemeanor.**

571.068. 1. No employee of a school district, or private or charter school shall ask
2 **a student under the age of eighteen whether such student's parent or guardian, or anyone**
3 **residing with the student, owns a firearm.**

4 **2. A violation of this section is punishable as an infraction.**

 590.080. 1. The director shall have cause to discipline any peace officer licensee who:

2 (1) Is unable to perform the functions of a peace officer with reasonable competency or
3 reasonable safety as a result of a mental condition, including alcohol or substance abuse;

4 (2) Has committed any criminal offense, whether or not a criminal charge has been filed;

5 (3) Has committed any act while on active duty or under color of law that involves moral
6 turpitude or a reckless disregard for the safety of the public or any person;

7 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or
8 retaining a peace officer commission or any license issued pursuant to this chapter;

9 (5) Has violated a condition of any order of probation lawfully issued by the director;

10 or

11 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this
12 chapter.

13 2. When the director has knowledge of cause to discipline a peace officer license
14 pursuant to this section, the director may cause a complaint to be filed with the administrative
15 hearing commission, which shall conduct a hearing to determine whether the director has cause
16 for discipline, and which shall issue findings of fact and conclusions of law on the matter. The
17 administrative hearing commission shall not consider the relative severity of the cause for
18 discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the
19 director to determine appropriate discipline when cause exists pursuant to this section.

20 3. Upon a finding by the administrative hearing commission that cause to discipline
21 exists, the director shall, within thirty days, hold a hearing to determine the form of discipline

22 to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue.
23 If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right
24 to such hearing.

25 4. Notice of any hearing pursuant to this chapter or section may be made by certified
26 mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section
27 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities
28 to deliver such certified mail shall be evidence that required notice has been given. Notice may
29 be given by publication.

30 5. Nothing contained in this section shall prevent a licensee from informally disposing
31 of a cause for discipline with the consent of the director by voluntarily surrendering a license or
32 by voluntarily submitting to discipline.

33 6. The provisions of chapter 621 and any amendments thereto, except those provisions
34 or amendments that are in conflict with this chapter, shall apply to and govern the proceedings
35 of the administrative hearing commission and pursuant to this section the rights and duties of the
36 parties involved.

37 **7. Nothing in this section shall be construed to authorize the director to remove or**
38 **discharge any chief, as that term is defined in section 106.273.**

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for
2 compensation pursuant to sections 595.010 to 595.075:

3 (1) A victim of a crime;

4 (2) In the case of a sexual assault victim:

5 (a) A relative of the victim requiring counseling in order to better assist the victim in his
6 recovery; [and]

7 (3) In the case of the death of the victim as a direct result of the crime:

8 (a) A dependent of the victim;

9 (b) Any member of the family who legally assumes the obligation, or who pays the
10 medical or burial expenses incurred as a direct result thereof; and

11 (c) A survivor of the victim requiring counseling as a direct result of the death of the
12 victim; **and**

13 **(4) The owner of property damaged by the arresting law enforcement agency**
14 **during service of process, unless the damaged property is owned by the offender or an**
15 **accomplice of an offender.**

16 2. An offender or an accomplice of an offender shall in no case be eligible to receive
17 compensation with respect to a crime committed by the offender. No victim or dependent shall
18 be denied compensation solely because he is a relative of the offender or was living with the
19 offender as a family or household member at the time of the injury or death. However, the

20 department may award compensation to a victim or dependent who is a relative, family or
21 household member of the offender only if the department can reasonably determine the offender
22 will receive no substantial economic benefit or unjust enrichment from the compensation.

23 3. No compensation of any kind may be made to a victim or intervenor injured while
24 confined in any federal, state, county, or municipal jail, prison or other correctional facility,
25 including house arrest or electronic monitoring.

26 4. No compensation of any kind may be made to a victim who has been finally
27 adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two
28 felonies within the past ten years, of which one or both involves illegal drugs or violence. The
29 department may waive this restriction if it determines that the interest of justice would be served
30 otherwise.

31 5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of
32 this section, who is incarcerated as a result of a conviction of a crime not related to the incident
33 upon which the claim is based at the time of application, or at any time following the filing of
34 the application:

35 (1) The department shall suspend all proceedings and payments until such time as the
36 claimant is released from incarceration;

37 (2) The department shall notify the applicant at the time the proceedings are suspended
38 of the right to reactivate the claim within six months of release from incarceration. The notice
39 shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

40 (3) The claimant shall file an application to request that the case be reactivated not later
41 than six months after the date the claimant is released from incarceration. Failure to file such
42 request within the six-month period shall serve as a bar to any recovery.

43 6. Victims of crime who are not residents of the state of Missouri may be compensated
44 only when federal funds are available for that purpose. Compensation for nonresident victims
45 shall terminate when federal funds for that purpose are no longer available.

46 7. A Missouri resident who suffers personal physical injury or, in the case of death, a
47 dependent of the victim or any member of the family who legally assumes the obligation, or who
48 pays the medical or burial expenses incurred as a direct result thereof, in another state,
49 possession or territory of the United States may make application for compensation in Missouri
50 if:

51 (1) The victim of the crime would be compensated if the crime had occurred in the state
52 of Missouri;

53 (2) The place that the crime occurred is a state, possession or territory of the United
54 States, or location outside of the United States that is covered and defined in 18 U.S.C. Section
55 2331, that does not have a crime victims' compensation program for which the victim is eligible

56 and which provides at least the same compensation that the victim would have received if he had
57 been injured in Missouri.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-
2 pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from
3 gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses
4 or indebtedness reasonably incurred:

5 (1) For medical care or other services, including psychiatric, psychological or counseling
6 expenses, necessary as a result of the crime upon which the claim is based, except that the
7 amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not
8 exceed two thousand five hundred dollars; [or]

9 (2) As a result of personal property being seized in an investigation by law enforcement.
10 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal
11 to the loss sustained, but shall not exceed two hundred fifty dollars; **or**

12 **(3) As a result of damages incurred during service of process. Compensation paid**
13 **for an out-of-pocket loss under this subdivision shall be in an amount equal to half of the**
14 **reasonable reimbursement costs of the property.**

15 2. No compensation shall be paid unless the department of public safety finds that a
16 crime was committed, that such crime directly resulted in personal physical injury to, or the death
17 of, the victim, and that police records show that such crime was promptly reported to the proper
18 authorities. In no case may compensation be paid if the police records show that such report was
19 made more than forty-eight hours after the occurrence of such crime, unless the department of
20 public safety finds that the report to the police was delayed for good cause. If the victim is under
21 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by
22 a physician, a nurse, or hospital emergency room personnel; by the division of family services
23 personnel; or by any other member of the victim's family. In the case of a sexual offense, filing
24 a report of the offense to the proper authorities may include, but not be limited to, the filing of
25 the report of the forensic examination by the appropriate medical provider, as defined in section
26 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

27 3. No compensation shall be paid for medical care if the service provider is not a medical
28 provider as that term is defined in section 595.027, and the individual providing the medical care
29 is not licensed by the state of Missouri or the state in which the medical care is provided.

30 4. No compensation shall be paid for psychiatric treatment or other counseling services,
31 including psychotherapy, unless the service provider is a:

32 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the
33 state in which the service is provided;

34 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in
35 the state in which the service is provided;

36 (3) Clinical social worker licensed pursuant to chapter 337; or

37 (4) Professional counselor licensed pursuant to chapter 337.

38 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
39 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
40 support from gainful employment, not to exceed two hundred dollars per week, resulting from
41 such injury or death. In the event of death of the victim, an award may be made for reasonable
42 and necessary expenses actually incurred for preparation and burial not to exceed five thousand
43 dollars.

44 6. Any compensation for loss of earnings or support from gainful employment shall be
45 in an amount equal to the actual loss sustained not to exceed two hundred dollars per week;
46 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-
47 five thousand dollars. If two or more persons are entitled to compensation as a result of the death
48 of a person which is the direct result of a crime or in the case of a sexual assault, the
49 compensation shall be apportioned by the department of public safety among the claimants in
50 proportion to their loss.

51 7. The method and timing of the payment of any compensation pursuant to sections
52 595.010 to 595.075 shall be determined by the department.

610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating
7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to

17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body shall be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public.

32 As used in this subdivision, the term "personal information" means information relating to the
33 performance or merit of individual employees;

34 (4) The state militia or national guard or any part thereof;

35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
37 treatment;

38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
39 records of individual test or examination scores; however, personally identifiable student records
40 maintained by public educational institutions shall be open for inspection by the parents,
41 guardian or other custodian of students under the age of eighteen years and by the parents,
42 guardian or other custodian and the student if the student is over the age of eighteen years;

43 (7) Testing and examination materials, before the test or examination is given or, if it
44 is to be given again, before so given again;

45 (8) Welfare cases of identifiable individuals;

46 (9) Preparation, including any discussions or work product, on behalf of a public
47 governmental body or its representatives for negotiations with employee groups;

48 (10) Software codes for electronic data processing and documentation thereof;

49 (11) Specifications for competitive bidding, until either the specifications are officially
50 approved by the public governmental body or the specifications are published for bid;

51 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
52 and related documents or any documents related to a negotiated contract until a contract is
53 executed, or all proposals are rejected;

54 (13) Individually identifiable personnel records, performance ratings or records
55 pertaining to employees or applicants for employment, except that this exemption shall not apply
56 to the names, positions, salaries and lengths of service of officers and employees of public
57 agencies once they are employed as such, and the names of private sources donating or
58 contributing money to the salary of a chancellor or president at all public colleges and
59 universities in the state of Missouri and the amount of money contributed by the source;

60 (14) Records which are protected from disclosure by law;

61 (15) Meetings and public records relating to scientific and technological innovations in
62 which the owner has a proprietary interest;

63 (16) Records relating to municipal hotlines established for the reporting of abuse and
64 wrongdoing;

65 (17) Confidential or privileged communications between a public governmental body
66 and its auditor, including all auditor work product; however, all final audit reports issued by the
67 auditor are to be considered open records pursuant to this chapter;

68 (18) Operational guidelines, [and] policies **and specific response plans** developed,
69 adopted, or maintained by any public agency responsible for law enforcement, public safety, first
70 response, or public health for use in responding to or preventing any critical incident which is
71 or appears to be terrorist in nature and which has the potential to endanger individual or public
72 safety or health. **Financial records related to the procurement of or expenditures relating**
73 **to operational guidelines, policies or plans purchased with public funds shall be open.**
74 **When seeking to close information pursuant to this exception, the public governmental**
75 **body shall affirmatively state in writing that disclosure would impair the public**
76 **governmental body's ability to protect the security or safety of persons or real property,**
77 **and shall in the same writing state that the public interest in nondisclosure outweighs the**
78 **public interest in disclosure of the records** [Nothing in this exception shall be deemed to close
79 information regarding expenditures, purchases, or contracts made by an agency in implementing
80 these guidelines or policies. When seeking to close information pursuant to this exception, the
81 agency shall affirmatively state in writing that disclosure would impair its ability to protect the
82 safety or health of persons, and shall in the same writing state that the public interest in
83 nondisclosure outweighs the public interest in disclosure of the records. This exception shall
84 sunset on December 31, 2012];

85 (19) Existing or proposed security systems and structural plans of real property owned
86 or leased by a public governmental body, and information that is voluntarily submitted by a

87 nonpublic entity owning or operating an infrastructure to any public governmental body for use
88 by that body to devise plans for protection of that infrastructure, the public disclosure of which
89 would threaten public safety:

90 (a) Records related to the procurement of or expenditures relating to security systems
91 purchased with public funds shall be open;

92 (b) When seeking to close information pursuant to this exception, the public
93 governmental body shall affirmatively state in writing that disclosure would impair the public
94 governmental body's ability to protect the security or safety of persons or real property, and shall
95 in the same writing state that the public interest in nondisclosure outweighs the public interest
96 in disclosure of the records;

97 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
98 receiving agency within ninety days of submission to determine if retention of the document is
99 necessary in furtherance of a state security interest. If retention is not necessary, the documents
100 shall be returned to the nonpublic governmental body or destroyed;

101 **(d) Nothing in this exception shall be deemed to include video from cameras outside**
102 **the governor's office in the capitol building;**

103 [(d) This exception shall sunset on December 31, 2012;]

104 **(20) The portion of a record that identifies security systems or access codes or**
105 **authorization codes for security systems of real property;**

106 [(20)] **(21)** Records that identify the configuration of components or the operation of a
107 computer, computer system, computer network, or telecommunications network, and would
108 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
109 network, or telecommunications network of a public governmental body. This exception shall
110 not be used to limit or deny access to otherwise public records in a file, document, data file or
111 database containing public records. Records related to the procurement of or expenditures
112 relating to such computer, computer system, computer network, or telecommunications network,
113 including the amount of moneys paid by, or on behalf of, a public governmental body for such
114 computer, computer system, computer network, or telecommunications network shall be open;

115 [(21)] **(22)** Credit card numbers, personal identification numbers, digital certificates,
116 physical and virtual keys, access codes or authorization codes that are used to protect the security
117 of electronic transactions between a public governmental body and a person or entity doing
118 business with a public governmental body. Nothing in this section shall be deemed to close the
119 record of a person or entity using a credit card held in the name of a public governmental body
120 or any record of a transaction made by a person using a credit card or other method of payment
121 for which reimbursement is made by a public governmental body; and

122 [(22)] (23) Records submitted by an individual, corporation, or other business entity to
123 a public institution of higher education in connection with a proposal to license intellectual
124 property or perform sponsored research and which contains sales projections or other business
125 plan information the disclosure of which may endanger the competitiveness of a business.

**610.205. 1. After an investigation is inactive, as defined in section 610.100, crime
2 scene or death scene photographs and video recordings, including photographs and video
3 recordings created or produced by a state or local agency or by a perpetrator or suspect
4 at a crime scene, which depict or describe a deceased person in a state of dismemberment,
5 decapitation, or similar mutilation including, without limitation, where the deceased
6 person's genitalia are exposed, shall be considered open records for inspection, but closed
7 records for purposes of copying under the provisions of this chapter. Unless dissemination
8 is prohibited by 18 U.S.C. Section 2252, this section shall not prohibit disclosure of such
9 material to:**

10 (1) State and local law enforcement agencies, prosecuting attorneys, juvenile
11 officers, courts and court personnel, coroners, the state technical assistance team, child
12 fatality review panels, the department of social services, or other state or local officials who
13 need access to the photograph and video recordings in order to perform their duties; and

14 (2) The deceased's next of kin or to an individual who has secured a written release
15 from the next of kin. It shall be the responsibility of the next of kin to show proof of the
16 familial relationship. For purposes of such access, the deceased's next of kin shall:

17 (a) Be the spouse of the deceased if living;

18 (b) Be an adult child of the deceased if there is no living spouse of the deceased; or

19 (c) Be a parent of the deceased if there is no living spouse or adult child; and

20 (d) Not have pleaded guilty to or been found guilty of a crime that resulted in the
21 deceased's death.

22 2. Subject to the provisions of subsection 3 of this section, in the case of closed
23 criminal investigations a circuit court judge may order the disclosure of such photographs
24 or video recordings, not otherwise prohibited by 18 U.S.C. Section 2252, upon findings in
25 writing that disclosure is in the public interest and outweighs any privacy interest that may
26 be asserted by the deceased person's next of kin. In making such determination, the court
27 shall consider whether such disclosure is necessary for public evaluation of governmental
28 performance, the seriousness of the intrusion into the family's right to privacy, and
29 whether such disclosure is the least intrusive means available considering the availability
30 of similar information in other public records. In any such action, the court shall review
31 the photographs or video recordings in question in camera with the custodian of the crime

32 scene materials present and may condition any disclosure on such condition as the court
33 may deem necessary to accommodate the interests of the parties.

34 **3. Prior to releasing any crime scene material described in subsection 1 of this**
35 **section, the custodian of such material shall give the deceased person's next of kin at least**
36 **two weeks' notice. No court shall order a disclosure under subsection 2 of this section**
37 **which would disregard or shorten the duration of such notice requirement. No court order**
38 **or notification to the next of kin shall be required for the release or disclosure of**
39 **information to state and local law enforcement agencies, prosecuting attorneys, juvenile**
40 **officers, courts and court personnel, coroners, the state technical assistance team, child**
41 **fatality review panels, the department of social services, or other state or local officials who**
42 **need access to the photograph and video recordings in order to perform their duties.**

43 **4. The provisions of this section shall apply to all undisclosed material which is in**
44 **the custody of a state or local agency on the effective date of this section and to any such**
45 **material which comes into the custody of a state or local agency after such date.**

46 **5. The provisions of this section shall not apply to disclosure of crime scene material**
47 **to counsel representing a defendant. Unless otherwise prohibited by 18 U.S.C. Section**
48 **2252, counsel may disclose such materials to his or her client and any expert or investigator**
49 **assisting counsel but shall not otherwise disseminate such materials, except to the extent**
50 **they may be necessary exhibits in court proceedings. A request under this subsection shall**
51 **clearly state that such request is being made for the purpose of preparing to file and litigate**
52 **proceedings enumerated in this subsection.**

Section 1. The Missouri state training center for the D.A.R.E. program shall
2 **develop the curriculum and certification requirements for school resource officers. At a**
3 **minimum, school resource officers must complete forty hours of basic school resource**
4 **officer training to include legal operations within an educational environment, intruder**
5 **training and planning, juvenile law, and any other relevant topics relating to the job and**
6 **functions of a school resource officer.**

Section 2. No law enforcement agency or organization representing law
2 **enforcement officers who are either members or nonmembers of a law enforcement agency**
3 **shall require the payment of any dues or fees as a condition of employment or continued**
4 **employment.**

Section 3. An owner or operator of a business shall not restrict any person from
2 **lawfully possessing a firearm in a motor vehicle in possession of such person except a**
3 **motor vehicle that is owned or leased by the owner or operator of such business.**

[84.490. 1. The chief of police shall serve during the pleasure of the
2 board. In case the board determines to remove or demote the chief of police, he
3 shall be notified in writing. Within ten days after receipt of such notice, the chief

4 may, in writing, file with the secretary of the board of police commissioners,
5 demand and he shall receive a written statement of the reasons for such removal
6 or demotion, and a hearing thereon at a public meeting of the board within ten
7 days after the chief files such notice. The chief may be suspended from office
8 pending such hearing. The action of the board in suspending, removing or
9 demoting the chief of police shall be final and not subject to review by any court.

10 2. The board may, in case of and during the absence or disability of the
11 chief, designate a qualified police officer who shall serve as acting chief and
12 perform the duties of the office. No man shall serve as acting chief who has not
13 the qualifications required for the position of chief.]
14

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

2 (1) "Communicable disease", an illness due to an infectious agent or its
3 toxic products and transmitted directly or indirectly to a susceptible host from an
4 infected person, animal or arthropod or through the agency of an intermediate
5 host or a vector or through the inanimate environment;

6 (2) "Designated officer", an employee of the department or a city or
7 county health officer, or designee, located in or employed by appropriate agencies
8 serving geographical regions and appointed by the director of the department of
9 health and senior services, whose duties consist of:

10 (a) Collecting, upon request, facts surrounding possible exposure of a
11 first responder or Good Samaritan to a communicable disease or infection;

12 (b) Contacting facilities that receive patients or clients of potentially
13 exposed first responders or Good Samaritans to ascertain if a determination has
14 been made as to whether the patient or client has had a communicable disease or
15 infection and to ascertain the results of that determination; and

16 (c) Notifying the first responder or Good Samaritan as to whether or not
17 there is reason for concern regarding possible exposure;

18 (3) "First responder", any person trained and authorized by law or rule
19 to render emergency medical assistance or treatment. Such persons may include,
20 but shall not be limited to, emergency first responders, police officers, sheriffs,
21 deputy sheriffs, firefighters, ambulance attendants and attendant drivers,
22 emergency medical technicians, mobile emergency medical technicians,
23 emergency medical technician-paramedics, registered nurses or physicians;

24 (4) "Good Samaritan", any person who renders emergency medical
25 assistance or aid until such time as relieved of these duties by a first responder;

26 (5) "Licensed facility", a facility licensed under chapter 197 or a state
27 medical facility.]
28

[192.802. The department of health and senior services shall ensure that
2 first responders or Good Samaritans are notified if there is reason to believe an
3 exposure has occurred which may present a significant risk of a communicable
4 disease as a result of attending or transporting a patient to a licensed facility. At

5 the request of any first responder, the licensed facility shall notify any such first
6 responder and at the request of any Good Samaritan, the designated officer shall
7 notify such Good Samaritan. Notification will be made as soon as practicable,
8 but not later than forty-eight hours, to the department of health and senior
9 services or a designated officer.]

10

2 [192.804. 1. First responders or Good Samaritans who attended or
3 transported a patient who believe that they may have received an exposure which
4 may present a significant risk of a communicable disease by a patient may
5 provide a written request concerning the suspected exposure to either the licensed
6 facility that received the patient or the designated officer, detailing the nature of
7 the alleged exposure. The form shall inform the first responder or Good
8 Samaritan, in bold print, of the provisions of subsections 1 and 6 of section
9 191.656 regarding confidentiality and consequences of violation of
10 confidentiality provisions. The first responder or Good Samaritan shall be given
11 a copy of the request form.

12 2. If the licensed facility, designated officer, coroner or medical examiner
13 makes a determination that there was an exposure to a communicable disease, the
14 report to the first responder or Good Samaritan shall provide the name of the
15 communicable disease involved, the date on which the patient was assisted or
16 transported, and any advice or information about the communicable disease as
17 provided by rule by the department of health and senior services and shall, in
18 addition, inform the first responder or the Good Samaritan of the provisions of
19 subsections 1 and 6 of section 191.656 regarding confidentiality and
20 consequences of violation of confidentiality provisions. This section shall not be
21 construed to authorize the disclosure of any identifying information with respect
22 to the patient, first responder or Good Samaritan.]

22

2 [192.806. 1. The department of health and senior services shall
3 promulgate regulations, pursuant to the provisions of section 192.006 and chapter
4 536, concerning:

5 (1) The type of exposure that would prompt notification of the first
6 responder or Good Samaritan, which shall cover at a minimum, methods of
7 potential transmission of any diseases designated under P.L. 101-381 or diseases
8 additionally identified from the department of health and senior services' list of
9 communicable diseases;

10 (2) The process to be used by the first responder, Good Samaritan,
11 licensed facility, coroner, medical examiner and designated officer for the reports
12 required by this section, the process to be used to evaluate requests received from
13 first responders and Good Samaritans, and for informing first responders and
14 Good Samaritans as to their obligations to maintain the confidentiality of
information received;

15 (3) The method by which first responders and Good Samaritans shall be
16 provided information and advice in a timely manner related to the risk of
17 infection from communicable diseases as a result of provision of aid or medical
18 care;

19 (4) The need for employers of first responders to provide training to
20 employees regarding the use of universal precautions.

21 2. All licensed facilities, medical examiners, coroners, first responders
22 and Good Samaritans shall be required to comply with the regulations
23 promulgated pursuant to sections 192.800 to 192.808.]
24

[192.808. 1. Sections 192.800 to 192.808 shall not be construed to
2 authorize or require a licensed facility to test any patient for any communicable
3 disease, nor shall mandatory testing of any person be required, except as provided
4 for in sections 191.659, 191.662 and 191.674.

5 2. All emergency response employees are required to respond to and treat
6 any patient regardless of HIV or other communicable disease infection.

7 3. Sections 192.800 to 192.808 shall not be construed to require or permit
8 the department of health and senior services or its designated officers to collect
9 information concerning HIV infection in a form that permits the identity of the
10 patient to be determined, except as otherwise provided by law.]

Section B. Because immediate action is necessary to protect sensitive public records
2 relating to public agency plans to prevent and respond to possible terrorist incidents and to
3 protect security system plans for certain critical public and private buildings and facilities, the
4 repeal and reenactment of section 610.021 of section A of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
6 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
7 of section 610.021 of section A of this act shall be in full force and effect upon its passage and
8 approval.

✓