

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 302, Page 4, Section 135.963, Line 54,
by inserting after all of said section and line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in section 556.061 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;

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- (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
- (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
- (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100; or
- (24) ~~Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or~~
- ~~—————~~(25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this

section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or

1 investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect
2 persons or property when administered by personnel of a school district or any spanking administered in a
3 reasonable manner by any certificated school personnel in the presence of a witness who is an employee of
4 the school district pursuant to a written policy of discipline established by the board of education of the
5 school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

6 11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee
7 to a person employed in a school facility who is required to report such misconduct to the children's division
8 under section 210.115, such person and the superintendent of the school district shall report the allegation to
9 the children's division as set forth in section 210.115. Reports made to the children's division under this
10 subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to
11 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for
12 purposes of determining whether the allegations should or should not be substantiated. The district may
13 investigate the allegations for the purpose of making any decision regarding the employment of the accused
14 employee.

15 12. Upon receipt of any reports of child abuse by the children's division other than reports provided
16 under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve
17 personnel of a school district, the children's division shall notify the superintendent of schools of the district
18 or, if the person named in the alleged incident is the superintendent of schools, the president of the school
19 board of the school district where the alleged incident occurred.

20 13. If, after an initial investigation, the superintendent of schools or the president of the school
21 board finds that the report involves an alleged incident of child abuse other than the administration of a
22 spanking by certificated school personnel or the use of reasonable force to protect persons or property when
23 administered by school personnel pursuant to a written policy of discipline or that the report was made for
24 the sole purpose of harassing a public school employee, the superintendent of schools or the president of the
25 school board shall immediately refer the matter back to the children's division and take no further action. In
26 all matters referred back to the children's division, the division shall treat the report in the same manner as
27 other reports of alleged child abuse received by the division.

28 14. If the report pertains to an alleged incident which arose out of or is related to a spanking
29 administered by certificated personnel or the use of reasonable force to protect persons or property when
30 administered by personnel of a school district pursuant to a written policy of discipline or a report made for
31 the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be
32 sent by the superintendent of schools or the president of the school board to the law enforcement in the
33 county in which the alleged incident occurred.

34 15. The report shall be jointly investigated by the law enforcement officer and the superintendent of
35 schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the
36 president of the school board or such president's designee.

37 16. The investigation shall begin no later than forty-eight hours after notification from the children's
38 division is received, and shall consist of, but need not be limited to, interviewing and recording statements of
39 the child and the child's parents or guardian within two working days after the start of the investigation, of
40 the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

41 17. The law enforcement officer and the investigating school district personnel shall issue separate
42 reports of their findings and recommendations after the conclusion of the investigation to the school board of
43 the school district within seven days after receiving notice from the children's division.

44 18. The reports shall contain a statement of conclusion as to whether the report of alleged child
45 abuse is substantiated or is unsubstantiated.

46 19. The school board shall consider the separate reports referred to in subsection 17 of this section
47 and shall issue its findings and conclusions and the action to be taken, if any, within seven days after
48 receiving the last of the two reports. The findings and conclusions shall be made in substantially the
49 following form:

50 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the
51 investigating school board personnel agree that there was not a preponderance of evidence to substantiate that
52 abuse occurred;

53 (2) The report of the alleged child abuse is substantiated. The law enforcement officer and the

investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.117. 1. ~~[In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.~~

~~—2.]~~ In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property any controlled substance as defined in section 195.010 or any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the principal shall ~~[immediately]~~ as soon as reasonably practical report such incident to the appropriate local law enforcement agency and to the superintendent, and in any instance when a teacher becomes aware that a pupil is in possession of a controlled substance or any weapon on school property, on any school bus in service on behalf of the school district, or while involved in school activities, the teacher shall as soon as reasonably practical report such incident to the principal.

2. In any instance when a pupil is believed to have committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school property, on any school bus in service on behalf of the school district, or while involved in school activities, the principal shall as soon as reasonably practical report such incident to the appropriate law enforcement agency and to the superintendent, and in any instance when a teacher becomes aware that a pupil has committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school property, on any school bus in service on behalf of the school district, or while involved in school activities, the teacher shall as soon as reasonably practical report such incident to the principal.

3. ~~[In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this~~

~~section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.~~

~~4.] A school employee, superintendent, or such person's designee who in good faith provides information to law enforcement or juvenile authorities pursuant to this section or section 160.261 or provides information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed an act which, if committed by an adult, would be assault in the third degree as defined in section 565.054 or assault in the fourth degree as defined in section 565.056 shall not be civilly liable for providing such information.~~

~~[5-] 4. Any school official responsible for reporting pursuant to this section or section 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091.~~

173.1600. 1. As used in this section, the following words mean:

(1) "Educational institution" or "school", a private or public institution that offers participants, students, or trainees an organized course of study or training that is academic, technical, trade-oriented, or preparatory for gainful employment in a recognized occupation;

(2) "Personal social media account", an account with an electronic medium or service where users may create, share, and view user-generated content including, but not limited to, videos or still photographs, blogs, video blogs, podcasts, messages, emails, or internet website profiles or locations. The term "personal social media account" does not include:

(a) An account opened at an employer's behest, or provided by an employer, and intended to be used solely on behalf of the employer; or

(b) An account opened at a school's behest, or provided by a school, and intended to be used solely on behalf of the school;

(3) "Prospective student", an applicant for admission to an educational institution;

(4) "Student", any student, participant, or trainee, whether full-time or part-time, in an organized course of study at an educational institution.

2. An educational institution shall not:

(1) Require, request, or coerce a student or prospective student to disclose the username and password, password, or any other means of authentication, or provide access through the username or password, to a personal social media account;

(2) Except as provided under subsection 4 of this section, require, request, or coerce a student or prospective student to access a personal social media account in the presence of a school employee or school volunteer including, but not limited to, a coach, teacher, or school administrator, in a manner that enables the school employee or school volunteer to observe the contents of such account; or

(3) Compel a student or prospective student to add anyone, including a coach, teacher, school administrator, or other school employee or school volunteer, to his or her list of contacts associated with a personal social media account or require, request, or otherwise coerce a student or prospective student to change the settings that affect a third party's ability to view the contents of a personal social media account.

3. An educational institution shall not:

(1) Take any action or threaten to take any action to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a student for a student's refusal to disclose any information specified in subdivision (1) of subsection 2 of this section, for refusal to take any action specified in subdivision (2) of subsection 2 of this section, or for refusal to add a coach, teacher, school administrator, or other school employee or school volunteer to his or her list of contacts associated with a personal social media account or to change the settings that affect a third party's ability to view the contents of a personal social media account, as specified in subdivision (3) of subsection 2 of this section; or

(2) Fail or refuse to admit any prospective student as a result of the prospective student's refusal to disclose any information specified in subdivision (1) of subsection 2 of this section, refusal to take any action specified in subdivision (2) of subsection 2 of this section, or refusal to add a coach, teacher, school administrator, or other school employee or school volunteer to his or her list of contacts associated with a personal social media account or to change the settings that affect a third party's ability to view the contents of a personal social media account, as specified in subdivision (3) of subsection 2 of this section.

4. Nothing in this section prevents an educational institution from:

(1) Accessing information about a student or prospective student that is publicly available;

(2) Complying with state and federal laws, rules, and regulations and the rules of self-regulatory organizations, where applicable;

(3) Requesting or requiring a student or prospective student to share specific content that has been reported to the school, without requesting or requiring a student or prospective student to provide a username and password, password, or other means of authentication that provides access to a personal social media account, as part of:

(a) An investigation for the purpose of ensuring compliance with applicable laws or regulatory requirements; or

(b) An investigation of actual disruption to school functions based on receipt of specific information about the unlawful harassment or bullying of a student by the student or prospective student from whom the content is requested or required;

(4) Prohibiting a student or prospective student from using a personal social media account for school purposes; or

(5) Prohibiting a student or prospective student from accessing or operating a personal social media account during school hours or while on school property.

5. If a school inadvertently receives the username and password, password, or other means of authentication that provides access to a personal social media account of a student or prospective student through the use of an otherwise lawful virus scan or firewall that monitors the school's network or school-provided devices, the school is not liable for having the information but shall not use the information to access the personal social media account of the student or prospective student or share the information with anyone. The school shall delete the information immediately, if reasonably practicable.

6. It shall be an unlawful employment practice for an educational institution to violate the provisions of this section. A student or prospective student may bring a cause of action for general or special damages based on any violation of this section.

285.045. 1. This section shall be known and may be cited as "The Password Privacy Protection Act".

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

(1) "Applicant", any person applying for employment;

(2) "Electronic communications device", any device that uses electronic signals to create, transmit, and receive information. The term "electronic communications device" shall include, but not be limited to, computers, telephones, personal digital assistants, and other similar devices;

(3) "Employee", any person performing work or service of any kind or character for hire within the state of Missouri, including independent contractors;

(4) "Employer", any person or entity employing any person for hire within the state of Missouri, including a public employer;

(5) "Employment", the act of employing or state of being employed, engaged, or hired to perform work or services of any kind or character within the state of Missouri;

(6) "Personal online account", an online account that is used by an employee or applicant

1 exclusively for personal communications unrelated to any business purposes of the employer. Such
 2 account shall not include any account created, maintained, used, or accessed by an employee or
 3 applicant for business-related communications or for a business purpose of the employer;

4 (7) "Personal online service", an online service that is used by an employee or applicant
 5 exclusively for personal communication or use unrelated to any business purposes of the employer.
 6 Such service shall not include any service maintained, used, or accessed by an employee or
 7 applicant for business-related communications or uses or for a business purpose of the employer;

8 (8) "Political subdivision", any agency of the state, county, city, town, township, village,
 9 special district, subdistrict, or any unit of the state authorized to levy taxes;

10 (9) "Public employer", every department, agency, or instrumentality of the state or political
 11 subdivision of the state;

12 (10) "Work", any job, task, labor, services, or any other activity for which compensation is
 13 provided, expected, or due.

14 3. Subject to the exceptions provided in subsection 4 of this section, an employer shall not
 15 request or require an employee or applicant to disclose any username, password, or other
 16 authentication means for accessing any personal online account or personal online service or compel
 17 an employee or applicant for employment to add the employer or an employment agency to the
 18 employee's or applicant's list of contacts associated with a personal online account.

19 4. An employer may request or require an employee to disclose any username, password, or
 20 other authentication means for accessing:

21 (1) Any electronic communications device supplied by or paid for, in whole or in part, by
 22 the employer;

23 (2) Any accounts or services provided by the employer;

24 (3) Any accounts or services the employee uses for business purposes; or

25 (4) Any accounts or services used as a result of the employee's employment relationship
 26 with the employer.

27 5. An employer shall not:

28 (1) Discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or
 29 otherwise penalize an employee solely for an employee's refusal to disclose any information
 30 specified in subsection 3 of this section;

31 (2) Fail or refuse to hire any applicant as a result of the applicant's refusal to disclose any
 32 information specified in subsection 3 of this section; or

33 (3) Be held liable for failure to request or require that an applicant or employee disclose any
 34 information specified in subsection 3 of this section.

35 6. An employee shall not transfer an employer's proprietary or confidential information or
 36 financial data to an employee's personal online account or personal online service without the
 37 employer's authorization.

38 7. This section shall not be construed to prevent an employer from engaging in any of the
 39 following activities:

40 (1) Conducting an investigation for the purposes of ensuring compliance with applicable
 41 laws or regulations against work-related employee misconduct based on the receipt of specific
 42 information about activity on a personal online account or personal online service by an employee
 43 or other source;

44 (2) Conducting an investigation of an employee's actions based on the receipt of specific
 45 information about the unauthorized transfer of an employer's proprietary information, confidential
 46 information, or financial data to a personal online account or personal online service by an
 47 employee or other source;

48 (3) Conducting an investigation as specified in subdivision (1) or (2) of this subsection that

1 requires the employee's cooperation to share the content that has been reported in order to make a
2 factual determination;

3 (4) Disciplining or discharging an employee for transferring the employer's proprietary or
4 confidential information or financial data to an employee's personal online account or personal
5 online service without the employer's authorization;

6 (5) Restricting or prohibiting an employee's access to certain websites while using an
7 electronic communications device that is paid for, in whole or in part, by the employer or while
8 using an employer's network or resources, in compliance with state and federal law; or

9 (6) Monitoring, reviewing, accessing, or blocking electronic data stored on an electronic
10 communications device that is paid for, in whole or in part, by the employer, or such data that is
11 traveling through or stored on an employer's network, in compliance with state and federal law.

12 8. This section shall not prohibit or restrict any employer from viewing, accessing, or
13 utilizing information about any employee or applicant that can be obtained without the information
14 specified in subsection 3 of this section or that is available to the public.

15 9. This section shall not be construed to prevent an employer from complying with state or
16 federal laws or regulations or the rules of self-regulatory organizations, as that term is defined in 15
17 U.S.C. Section 78c(a)(26).

18 10. This section shall not be construed to prohibit an employer from requesting an employee
19 to provide an email address in order to conduct business-related communications with the employee.
20 However, such address shall not be disclosed to any third party."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.
24

25 THIS AMENDMENT SUBSTITUTES FOR 0850H03.29H