

HOUSE SUBSTITUTE AMENDMENT NO. \_\_\_\_\_

for

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

AMEND House Bill No. 37, Page 4, Section 174.335, Line 29, by inserting after all of said section and line the following:

"192.027. 1. The provisions of this section shall be known and may be cited as the "True COVID Liability Act".

2. The general assembly finds and declares that:

(1) Epidemiology is an inexact science and experts in that field hold a diverse set of opinions about how best to deal with contagious diseases from a public policy perspective;

(2) Public policy relating to contagious diseases should take into account numerous aspects of life beyond the scope of epidemiology, such as economic, social, spiritual, and mental well-being;

(3) Contagious diseases including, but not limited to, COVID-19 tend to be ubiquitous. Because of the prevalence of contagious diseases, exposure is practically unavoidable for most people and likely to occur from multiple sources. It may be virtually impossible to tell where and when exposure occurs;

(4) Susceptibility to contagious diseases depends greatly on personal choices and individual characteristics. Hygiene, diet and nutrition, lifestyle, body condition, and other factors may cause some individuals to succumb to exposure to a contagious disease while the same viral load in another individual would be within his or her immune system's ability to fight off;

(5) Personal accountability is central to the American ethos;

(6) The 2020 response to the COVID-19 pandemic has resulted in questionable use of power by both state and local governments;

(7) There is no single public policy solution suitable to everyone's needs and desires;

(8) Fear of legal liability associated with COVID-19 has placed pressures on the private sector, resulting in decisions that are not best for the economy or the physical, emotional, or spiritual well-being of Missourians;

(9) Government-mandated responses to contagious diseases always place unequal burdens on people with varying circumstances. An edict may be of no great consequence for some individuals but economically or emotionally devastating for other individuals; and

(10) The principal office of government is to secure the individual liberty of the people, including the freedom to make choices about how to personally deal with contagious diseases.

3. For purposes of this section, the following terms mean:

(1) "Contagious disease", global acute infectious respiratory illness that is transmitted by

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1 airborne particles or droplets and is not transmitted by direct contact with food, surfaces, or bodily  
 2 fluids;

3 (2) "Extraordinary prevalence", significantly greater prevalence than is typically found in  
 4 similar political subdivisions within the same time frame.

5 4. Notwithstanding any other provision of law, neither the state nor any political subdivision  
 6 of the state shall, as a response to a contagious disease:

7 (1) Quarantine an individual, issue a stay-at-home order for an individual, or otherwise  
 8 isolate an individual if a contagious disease has not been positively identified in the individual;

9 (2) Limit the use of or otherwise lawful activities in any private property or premises under  
 10 circumstances in which extraordinary prevalence of a contagious disease has not been proven; or

11 (3) Revoke any business license based on an individual's or entity's decision regarding  
 12 recommendations from a government or scientific entity.

13 5. Notwithstanding any other provision of law, no individual, owner of premises, or any  
 14 other entity shall be subject to criminal or civil liability in any action alleging exposure to a  
 15 contagious disease on premises under the control of the individual, owner, or entity unless:

16 (1) The individual, owner, or entity knowingly and purposely, and with malice, exposed an  
 17 individual to a contagious disease; and

18 (2) Such exposure caused the exposed individual to suffer from a clinical disease."; and  
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20 Further amend said bill, Page 19, Section 334.291, Line 5, by inserting after all of said section and  
 21 line the following:  
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23 "Section B. Because of the immediate threat of government overreach to the residents of  
 24 Missouri, section 192.027 of section A of this act is deemed necessary for the immediate  
 25 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
 26 emergency act within the meaning of the constitution, and section 192.027 of section A of this act  
 27 shall be in full force and effect upon its passage and approval."; and  
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29 Further amend said bill by amending the title, enacting clause, and intersectional references  
 30 accordingly.  
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32 THIS AMENDMENT SUBSTITUTES AMENDMENT 0121H01.11H