

FIRST REGULAR SESSION

# HOUSE BILL NO. 1358

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

2729H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to contagious diseases, with an emergency clause.

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

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.027, to read as follows:

**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**

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.

17 the same viral load in another individual would be within his or her immune system's  
18 ability to fight off;

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

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

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

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

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

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

34 3. For purposes of this section, the term "extraordinary prevalence" means  
35 significantly greater prevalence than is typically found in similar places within the same  
36 time frame.

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

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

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

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

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

51 (2) Such exposure caused the exposed individual to suffer from a clinical disease.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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