

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1358

101ST GENERAL ASSEMBLY

2729S.03C

ADRIANE D. CROUSE, Secretary

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
2 one new section, to be known as section 192.027, to read as
3 follows:

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

3 2. The general assembly finds and declares that:

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

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

12 (3) Contagious diseases including, but not limited to,
13 COVID-19 tend to be ubiquitous. Because of the prevalence
14 of contagious diseases, exposure is practically unavoidable
15 for most people and likely to occur from multiple sources.

16 It may be virtually impossible to tell where and when
17 exposure occurs;

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

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

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

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

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

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

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

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

47 (1) "Contagious disease", acute infectious respiratory
48 illness that is transmitted by airborne particles;

49 (2) "Extraordinary prevalence", significantly greater
50 prevalence than is typically found in similar places within
51 the same time frame.

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

55 (1) Quarantine an individual, issue a stay-at-home
56 order for an individual, or otherwise isolate an individual
57 if a contagious disease has not been positively identified
58 in the individual, unless by issuance of a lawful court
59 order;

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

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

67 5. The provisions of subdivision (1) of subsection 4
68 of this section shall not apply to individuals incarcerated
69 by the state or any political subdivision of the state.

70 6. Notwithstanding any other provision of law to the
71 contrary, no individual, owner of premises, or any other
72 entity shall be subject to criminal or civil liability in
73 any action alleging exposure to a contagious disease on
74 premises under the control of the individual, owner, or
75 entity unless:

76 (1) The individual, owner, or entity knowingly and
77 purposely exposed an individual to a contagious disease; and

78 (2) Such exposure caused the exposed individual to
79 suffer from a clinical disease; and

80 (3) The exposed individual did not voluntarily assume
81 the risk of exposure.

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

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