

HCS HB 1358 -- CONTAGIOUS DISEASES

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Litigation Reform by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 1.

The following is a summary of the House Committee Substitute for HB 1358.

The bill creates the "True COVID Liability Act" and contains declarative statements regarding epidemiology, public policy relating to contagious diseases including COVID-19, susceptibility to contagious diseases, personal accountability, legal liability and government-mandated responses as outlined.

The bill prohibits the state or any political subdivision thereof from, as a response to a contagious disease, quarantining an individual in any way; limiting the use of otherwise lawful activities in any private property or premises in which extraordinary prevalence of a contagious disease has not been proven; revoking any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity.

No individual, owner, or entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises controlled by such person unless they knowingly and purposely with malice, exposed an individual to a contagious disease where such exposure caused the exposed individual to suffer from a clinical disease.

The bill contains an emergency clause.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the bill establishes a sensible standard as the current protocol is unacceptable. The bill will turn the clock back to where we thought the law in America was before the COVID pandemic.

Testifying for the bill were Representative Baker; .William J. Frerking; Adrienne Jacobsmeier; Alex Bruce; Andrea Leigh Flowers; Angelique Chaverri; Arnie Dienoff; Bernadette Winkler; Bill Neukum;

Bob Easley; Bob Painter; Bohnert, Tamera D; Bridget Knudsen; Carla Grewe; Carol Duckworth; Carolyn Scism; Cassie Smith; Charles Jost; Christina Tonsing; Chuck Lange; Clarrisa; Claudette Hency; Connie Klein; Cynthia Roubique; Cynthia Webb; Dale Emily; Dana Guetterman; Darlene Slattey; Dave Guest; David Larson; David Murphy; David Murphy; David Nokes Jr; David Rea; Deborah Bruce; Deborah D. Mantonya; Debra Earley; Debra K Kohl; Dianna Meinecke; Donald Lowther; Donna L Mccardell; Elisabeth Meinecke; Elizabeth Kusterer; Evan Costello; Felix Salazar; Gary Bruce; Gary Jacobsmeyer; Gene Robert Hitchins; Heather Renee James; Heidi Cuddy; Jacquelyn Cox; James Deniston; James Windle; Jean Nattier; Jeff Leith; Jerome S. Jacobsmeyer; Jerry And Joan Breihan; Jerry Perry; Jim Conrady; Joanna Boyer; John Baker; John Bryan, Missouri Poultry Federation; John Stolte; John Weber; Johnny Carl Bodi; Joseph Haberstroh; Judith Kay Brown; Judith Moorefield; Judy Sofka; Karen Compton; Kari Jones; Karol; Katie Jones; Kenneth Wood; Kimberly Crawford; Kimberly D. Fritsche; Kimberly Smith; Laura Hausladen; Leslie Trask; Lila K Jenkins, Mel Jenkins Building Materials, Inc.; Linda Vardell; Lisa Long; Liz Schmidt; Lynn Jackson; Marilyn Roberts; Mary K Whitby; Mary Lopez; Matt Hetheriton; Matthew Sostman; Megan Stopera; Megan Wagner; Michael Lee Neal; Michael M. Blaine; Michelle Holland; Michelle Moberly; Mike And Janet Stark; Nathaniel Swadley-Wilken; Neil Lavanchy; Nicole Olszewski; Pamela K. Grow, M.D.; Paul Gewalt; Paul Trask; Paula Juelich; Rachel Farrar; Rachel Mellies; Randy Roubique; Rebecca White; Richard And Barb Nordquist; Richard W Mckie; Rita Lavanchy; Robert E. Callicotte, Jr.; Robert H Meyer; Robert H Meyer; Ronald Allen Nelson; Sally Weber; Sarah Mayer; Sharon Marie Young; Sharon Penner; Sheila Stokes; Sherry Arnold; Sky Huddleston, Liberator Llc; Sonia K Potts; Stacy Griffin; Stanley Strobe; Stephen H Buchheit; Stephen Jewell; Steve Wolfrom; Susan; Susan Brandon; Teresa Kern; Timothy R Zang; Timothy R. Robnett; Todd Kaufman; Todd Lifka; Virginia C Campbell; William C Corley; Ron Calzone; Anjie Wittu; Chris Stiegman; Jacara Foss; Kara Brummel; Keith A Hudson; Lisa Provinse; Sandra Eno; Warren Ross; Nikki Evers; Ann Wollaeger; Bambi Rathman; Barbara A. Tate; Beverlee Bollinger; Bonita Hayth; Christopher L Jolliff; Col Rik Combs; Dan Spell; Debbie Phillips; Deborah Lowther; Donald Martin; Dorothy O'hara-Pinkham; Erin Tallon; Geri Thwing; Harold Haycraft; Jaime Cheaney; James Carter; James Schrader; Jerry Darby; Jimmy R Thwing; John Giancola; John Negri; Josephine Byrne; Joshua Allen Thacker; Judith Rayburn; Justin Richard Arment; Kaiser Falk; Karen Critten; Karry A. Felty; Krystal Rappe; Lanette-Nordquist; Lara Eckelkamp; Laurie Lovell; Lois Harangozo; Lorraine Martin; Lynda K Malone; Marisa Westbrook; Mark Jones; Mary Cremer; Michael G. Tate; Michael Hartman; Michele Nunemacher; Michele Smith; Myron Rhoades; Nancy Danner; Nancy McCormac; Norman Johnson; Pam Flanagan; Rachel K Deckerd; Rebecca Boerner; Robert Rice; Ron Cawood; Ronald E Wright; Sarah Reeves; Shawna M White; Shelly Knichel; Sherry Seyer; Steve Spears; Susan Schrader; Tim Eckelkamp; Tony Archer; Valerie L

Swears; Victor A Baldinger; Wayne Schaeffer; William Francis Jud; Marianne Ojile; John Schmidt; Kathy Manson; Marcia Azan; and Michele Welker.

OPPONENTS: Those who oppose the bill say that the language in the bill restricts local government powers and makes declarative statements about diseases that are false.

Testifying against the bill were Blake Gearin; Peter Corretjer; Virginia C Weigum; and Missouri State Medical Association.

OTHERS: Others testifying on the bill say while we should reign in the power of local government, the language in the bill may be deemed vague or too broad. The procedure for quarantine in the bill deviates from how quarantine has been used in the past. The bill also may have unintended consequences that may discourage people from getting tested. The Missouri Constitution protects an individual's right to sue on any injury, including negligence, not just malice.

Testifying on the bill was Dave Roland.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.