



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: SB 51		DATE: 3/9/2021	
COMMITTEE: Special Committee on Litigation Reform			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BRAD JONES		PHONE NUMBER: 573-619-3077	
REPRESENTING: NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)		TITLE: MISSOURI STATE DIRECTOR	
ADDRESS: 308 E. HIGH ST.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: Brad.Jones@nfib.org	ATTENDANCE: In-Person	SUBMIT DATE: 3/8/2021 11:07 AM	
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It is very important to small business owners that, as they work through this pandemic , they don't have the added fear of dealing with an unfounded lawsuit.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: CHARLES PIERCE		PHONE NUMBER: 573-635-2722	
REPRESENTING: MISSOURI SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS		TITLE:	
ADDRESS: PO BOX 1073			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: chuck@pierce-co.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 2:07 PM

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The Missouri Society of CPAs supports the provisions of the legislation that address premises and employer exposure to potentially frivolous litigation related to COVID exposures



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DANA FRESE		PHONE NUMBER: 573-659-5734	
BUSINESS/ORGANIZATION NAME: HEALTHCARE SERVICES GROUP		TITLE: EVP-CLAIMS & GENERAL COUNSEL	
ADDRESS: 4700 COUNTRY CLUB DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: d.frese@hsg-group.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/8/2021 7:40 PM
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Testifying on behalf of the Missouri Hospital Association and the Missouri Organization of Defense Lawyers.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DAVID KENT		PHONE NUMBER: 573-619-0028	
REPRESENTING: MISSOURI BANKERS ASSOCIATION		TITLE: VICE PRESIDENT, LEGISLATIVE & ADVOCACY PROGRAMMING	
ADDRESS: 207 E CAPITOL AVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: dkent@mobankers.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 12:43 PM
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The Missouri Bankers Association supports SB 51, and we urge lawmakers to pass legislation that will protect businesses from liability against COVID-19 exposure claims. As an essential business, banks remained open throughout the COVID-19 crisis while adhering to ordinances and recommendations issued by local, state and federal agencies. Many of our members worked diligently to ensure customer and employee safety by installing plexiglass barriers, requiring masks and limiting lobby traffic. In some cases, banks took the extreme measure of providing services via drive-thru only or by requiring an appointment to visit with staff inside the building. Our members remain diligent to ensure the safety of the general public, customers and employees. However, we are concerned about the potential risk to banks from frivolous litigation because current Missouri law does not provide adequate protections for businesses. Protecting businesses from these types of lawsuits will provide peace of mind to our members, as well as to the businesses and customers they serve. Again, we ask that you support SB 51 and the effort to protect businesses from potential litigation for remaining open during the COVID-19 pandemic. Thank you for your consideration.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DAVID OVERFELT		PHONE NUMBER: 573-636-2524	
REPRESENTING: MISSOURI RETAILERS ASSOCIATION; MO GROCERS ASSOCIATION; MO TIRE INDUSTRY ASSOCIATION		TITLE: PRESIDENT	
ADDRESS: 1917 COLE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: dave@moretailers.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/9/2021 11:07 AM	
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All retail sectors generally support SB 51 and SB 42. We met the call to ensure that the public was fed, clothed and able to work from home or away throughout the crisis. We continue to follow governmental standards and guidelines to protect our staff and customers. Our efforts have helped keep our economy moving. Many stores have continued to institute even more safety protocols than required or suggested by the state, local and federal governments. SB 51 and SB 42 should clarify that businesses which have served the public since the very beginning of the crisis are protected from unwarranted tort actions. Plaintiffs must establish that we intentionally spread the disease through gross negligence or willful misconduct.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MARK BEHRENS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: mbehrens@shb.com		ATTENDANCE: In-Person	SUBMIT DATE: 3/8/2021 4:01 PM

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Testimony by American Tort Reform Association in support of the legislation.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MATTHEW PANIK		PHONE NUMBER: 573-634-3511	
REPRESENTING: MISSOURI CHAMBER OF COMMERCE AND INDUSTRY		TITLE:	
ADDRESS: 428 EAST CAPITOL AVENUE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL J. HENDERSON		PHONE NUMBER: 573-893-4241	
REPRESENTING: MISSOURI INSURANCE COALITION		TITLE: GENERAL COUNSEL & GOVERNMENT AFFAIRS DIRECTOR	
ADDRESS: 220 EAST HIGH STREET, SUITE B			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: mjh6g3@gmail.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 11:32 AM
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The Missouri Insurance Coalition supports this legislation.			



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL R GIBBONS		PHONE NUMBER: 573-635-4430	
REPRESENTING: BAYER US LLC; ENTERPRISE LEASING STL LLC		TITLE:	
ADDRESS: 115 EAST HIGH STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: MGibbons@gibbonsworkman.com	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 12:25 PM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: NIKKI STRONG		PHONE NUMBER: 573-893-2060	
REPRESENTING: MISSOURI HEALTH CARE ASSOCIATION		TITLE:	
ADDRESS: 236 METRO DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: PATRICK IAN DUNLAP		PHONE NUMBER: 573-316-5266	
REPRESENTING: HEARTLAND CREDIT UNION ASSOCIATION		TITLE: DIRECTOR OF MISSOURI LEGISLATIVE AND POLITICAL AFF	
ADDRESS: 223 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: idunlap@heartlandcua.org	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 11:11 AM
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March 8, 2021 Honorable Bruce DeGroot Chairman Special Committee on Litigation Reform Missouri House Jefferson City, MO 65101 Dear Chairman DeGroot, On behalf of the 107 credit unions in Missouri, the Heartland Credit Union Association (HCUA) writes you today in support of Senate Bill's 51 & 42 which offer COVID liability protections to healthcare workers, nursing homes, schools, and other Missouri businesses, including credit unions, who have continued to provide critical services throughout the COVID-19 pandemic. Missouri credit unions are working to keep their employees and members safe while providing essential services; however, liability protections must be put into place to ensure that we can continue providing services throughout this pandemic without the threat of frivolous litigation. If you have any questions, please do not hesitate to contact me at 573-316-5266. Sincerely, Ian Dunlap Director, Missouri Legislative and Political Affairs



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-634-2246	
REPRESENTING: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE: PRESIDENT/CEO	
ADDRESS: 3234 W. TRUMAN BLVD.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: rmccarty@aimo.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/8/2021 1:59 PM
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We strongly support providing protection to businesses that took proper precautions to try and stop the spread of COVID-19.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RICH AUBUCHON		PHONE NUMBER:	
REPRESENTING: THE DOCTORS COMPANY, SONNY'S SOLID WASTE, MISSOURI CIVIL JUSTICE REFORM, AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION, KANSAS CITY CHIEFS		TITLE:	
ADDRESS: 121 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RICHARD		PHONE NUMBER:	
REPRESENTING: MISSOURI MUNICIPAL LEAGUE		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: 1727 SOUTHRIDGE DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: rsheets@mocities.com	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 4:46 PM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: SHANTEL DOOLING		PHONE NUMBER: 573-353-3828	
REPRESENTING: MISSOURI STATE MEDICAL ASSOCIATION		TITLE: DIRECTOR OF LEGISLATIVE AFFAIRS	
ADDRESS: 113 MADISON ST			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: shantel@msma.org	ATTENDANCE: In-Person	SUBMIT DATE: 3/9/2021 12:12 PM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: STEPHEN NITTLER		PHONE NUMBER: 573-634-3425	
REPRESENTING: MISSOURI ASSOCIATION OF OSTEOPATHIC PHYSICIANS AND SURGEONS (MAOPS)		TITLE:	
ADDRESS: 1423 RANDY LANE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65201
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TOM CRAWFORD		PHONE NUMBER: 573-634-3388	
REPRESENTING: MISSOURI TRUCKING ASSOCIATION		TITLE: PRESIDENT & CEO	
ADDRESS: 102 E HIGH ST			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65201
EMAIL: tom@motrucking.org	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 7:54 AM

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Support protections for truckers and other essential businesses who kept our economy running.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: WILLIAM B BATES		PHONE NUMBER: 816-868-0297	
BUSINESS/ORGANIZATION NAME: LEADINGAGE MISSOURI		TITLE:	
ADDRESS: 730 BOONVILLE ROAD			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: batesllc@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/9/2021 11:34 AM	
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Written Testimony of William B. Bates on behalf of LeadingAge Missouri in support of SS#2 SCS SBs 51 & 42 before the Special Committee on Litigation Reform. LeadingAge Missouri is an association of 130 mostly non-profit senior living and healthcare communities throughout Missouri that deliver the full continuum of senior care services in different settings. LeadingAge Missouri and its members need and strongly support legislation in Missouri that provides balanced, reasonable, limited, civil liability protection for COVID-based lawsuits. In doing so, we are advocating for civil jurisprudence in Missouri similar to what is already in place in many other states and for certain federal actions. Importantly, LeadingAge Missouri and its members do not support barring Missourians from bringing COVID-19 lawsuits based on egregious actions. We do not support legal immunity. Rather, we support a reasonable and fair balancing of the competing interests of aggrieved individuals and healthcare providers in civil (not criminal) legal proceedings based on the unusual circumstances of the COVID-19 pandemic. We advocate raising the bar for recovery in a COVID-19 civil liability lawsuit from a simple negligence standard to one of gross negligence or malicious or intentional misconduct. This is what has been done partially at the federal level and in many states. Moreover, Missouri already embraces this standard for recovery in actions brought against healthcare providers deployed by the State in an emergency. Missouri should extend that same approach to healthcare providers for the COVID pandemic. There are two compelling reasons why Missouri should raise the bar for recovery for COVID-based lawsuits: It is a reasonable response based on the facts and circumstances surrounding the COVID-19 pandemic AND it is in the States' economic interest. Reasonable Response to Unusual Circumstances SB 51 is a reasonable, fair response because, as indicated, it does not bar lawsuits – it only imposes a higher level of proof for lawsuit recovery. Facts that support malicious misconduct, gross negligence or intentional conduct causing injury will remain actionable. Accordingly, LeadingAge Missouri believes SB 51 fairly balances society's interest in protecting healthcare providers and allowing for citizen redress for injuries sustained. Further bolstering SB 51's reasonableness are the time limits during which the higher standard of proof applies. That said, LeadingAge Missouri strongly supports addition of an emergency clause to SB 51. Its absence will seriously jeopardize much of the value of providing limited civil liability protection to Missouri healthcare providers. SB 51 is also a reasonable response because the novel coronavirus has proven to be unusually contagious and insidious. Today's Missouri healthcare providers have never witnessed anything like it. COVID-19 can be transmitted by asymptomatic people and there is still much unknown about how it is transmitted. And science is yet to concretely establish that vaccinated people cannot carry and transmit the virus. What is known, however, is that congregate care settings – like long-term care communities – are seriously challenged by transmissibility. Communities that went months with perfect government inspections for infection control – an absence of demerits or even

suggestions for improvement – can suddenly find themselves in an outbreak. It is reasonable to adjust the standard of recovery to account for the nature of the coronavirus. Further, and in part because of what we do not know about COVID-19, providers have been asked to deal with changing care protocols and guidance throughout the pandemic. COVID care procedures and guidance one day have been different the next. It is tough to train and manage people in that type of fluid environment. Without bad behavior (gross negligence or intentional or malicious misconduct), we think it is unreasonable to allow lawsuit recovery for doing what was thought correct care, protocol, or procedure at the time. Third, even today, the pandemic has exposed shortages of personal protective equipment (PPE), health care professionals and testing capacity. The supply chain for PPE has improved, but there are still challenges (both availability and expense), and early on PPE was a huge problem. Many communities had to improvise or simply go without. It is unfair to hold healthcare workers to ordinary standards of action or protection through no fault of their own. There needs to be a higher standard of proof to hold a healthcare provider responsible. Moreover, always a challenge in senior care, staff availability has been extraordinarily challenging during COVID. There are simply not enough professionals willing to undertake the hard and dangerous work of senior care in ordinary times. With school closures stealing parent workers and staff quarantines of workers owing to COVID exposure during the pandemic, long-term care facilities have been forced to rely on expensive alternative staff and to integrate new staff as best they can. In some places, nursing homes resorted to using COVID + asymptomatic nurses for COVID+ patients – because there was simply no one else available to feed, bath, toilet, transfer and otherwise care for elderly patients. The impact of PPE shortages, uncertainty surrounding virus transmission, changing treatments and protocols, staff unavailability and limitations on testing have all combined to create an unprecedented healthcare situation – one that demands a reasonable approach to liability – like that found in legislation before this committee.

State's Economic Interest

Most senior care providers in Missouri serve Medicaid populations (the average nursing home has 65% Medicaid occupancy) and the Medicaid program currently fails to reimburse providers for the cost of care (on average, the State reimburses \$20 below the cost of care). This fact, coupled with extraordinary expenses providers are absorbing to care for people during the pandemic while they are unable to attract new profitable private pay or Medicare residents (because of government restrictions), has put many providers in financial peril. Many will fail regardless of what the State does on civil liability protection. But some that might otherwise fail, might survive if they do not have to shoulder the expenses unreasonable lawsuits that last for years. This is a reasonable policy decision for the State – senior care facilities are significant employers in most communities (often the largest employer in many rural communities), and senior care facilities care for a community's frail and elderly populations. Where will those residents go if the senior care facility fails? Where will the jobs go? What will the State do when there are too few providers for older Missourians?

LeadingAge Missouri

senior care provider members are struggling financially. Some facilities have closed their doors; others have sold out. Some have downsized unprofitable Medicaid beds, and some have quit our association because they cannot afford dues. Senior healthcare providers need State help. If the State wants senior care providers to survive to serve the growing senior population in the state, the State must consider reasonable civil liability protection as one way to help them. SB 51 is a reasonable, fair, balanced approach to helping healthcare facilities survive during unusual times. LeadingAge Missouri urges swift passage with an emergency clause.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: WILLIAM GAMBLE		PHONE NUMBER: 573-634-4876	
REPRESENTING: GREATER STLOUIS INC.		TITLE:	
ADDRESS: PO BOX 1865			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: bill@molobby.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/8/2021 5:58 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: AMANDA VICKERS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF-STATE PUBLIC ADVO		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/9/2021 4:12 PM

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I am Opposed to this Bill. This Bad Public and Judicial Policy. This Bill Protects Big Insurance Companies.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CAROLINE WALTMAN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: Miss_c_17@hotmail.com	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 8:12 PM
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I oppose this bill



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CHARLENE MOORE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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COMMITTEE: Special Committee on Litigation Reform			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DAVID TERRY		PHONE NUMBER: 314-878-9797	
BUSINESS/ORGANIZATION NAME: TERRY LAW FIRM, LLC		TITLE:	
ADDRESS: 2001 SOUTH BIG BEND BOULEVARD, SUITE 209			
CITY: ST. LOUIS		STATE: MO	ZIP: 63117
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	

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MISSOURI HOUSE OF REPRESENTATIVES
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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: GAIL GRISWOLD		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JENNIFER BARKER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JENNIFER BIRD		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JOHN BECKETT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JULIE C. JANSMA		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: KIM WILLIAMS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: fosterkim@sbcglobal.net	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 11:27 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: LAURA MARTIN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: LISA PANNETT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LIZBETH A. SCHMIDT		PHONE NUMBER: 417-777-0089	
BUSINESS/ORGANIZATION NAME: ORGANIC AND HEALTHY, INC.		TITLE: CO-OWNER	
ADDRESS: 958 E. 420TH RD.			
CITY: BOLIVAR		STATE: MO	ZIP: 65613
EMAIL: liz@organicandhealthy.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 9:29 PM
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My family and business recently relocated from Oregon to Bolivar, MO to escape the outrageous tyrannical politics that have made the Westcoast a horrible place to live and work, and will likely bankrupt those states and most of the small businesses operating there. I am concerned that SB51 might erode the freedom for which Missouri is known. I am particularly worried about the possibility that businesses, churches, and other public places will be forced to adhere to the ever-changing, unnecessary, and oppressive federal health guidelines promulgated by President Biden, Anthony Fauci, the corrupt CDC, and equally corrupt WHO. I know that the stated purpose of SB51 is to protect businesses and churches, but it seems like some of the wording might be interpreted to require these public places to enforce the arbitrary and excessive restrictions that are being promulgating at a national level in order to be acquitted in a lawsuit. For example, in the definition of "recklessness" (below) I know that according to the constitution, laws regarding health matters are the purview of the state; but the federal government is using the pandemic to impose health restrictions (legal duties?) nationwide, in spite of the constitutional restriction. If the state has the final say in what is legal when it comes to an alleged health crisis, perhaps legal duty in the bills should be specifically designated as Missouri state law, rather than leaving it subject to interpretation. I am also concerned that many local health departments are blindly following the CDC's ever-changing, ridiculous guidance; so if the "legal duty" was restricted to Missouri state law, perhaps their tyrannical rule-making could be lessened. (15) "Recklessness", a conscious, voluntary act or omission in reckless disregard of (a) A legal duty; and (b) The consequences to another party; Also, couldn't "willful misconduct" (below) be alleged against a business or church that didn't require masks because they believe masks are not helpful in preventing the spread of the virus, and/or that the organization's purpose would be compromised by requiring masks? As media lapdogs continue their witch hunt against conservatives who believe that freedom is more important than blindly following the faulty science foisted upon the nation by entities funded by Bill Gates and his billionaire buddies, we have to be really careful that we don't paint ourselves into a corner! (17) "Willful misconduct", an act or omission that is taken (a) Intentionally to achieve a wrongful purpose I hope you will consider the possible unintended effects of this legislation. It's bad enough that our daughter's physical and emotional health is endangered by being forced to wear a mask all day at her school, but if we lose the ability to go out in public without the type of ridiculous restrictions imposed on us in Oregon, we will probably move again. Which would be tragic, because we love Missouri and would really like to make this our permanent home. Please do not let Missouri follow the self-destructive, business- and family-killing path taken by many of America's states. Do not pass legislation that might have the unintended consequence of allowing the federal government to dictate health policy here. P.S. I've read that this type of legislation is in place or being considered in many U.S. states, and that the lobbyists pushing it have a questionable agenda...this should raise red flags

here.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MARCELLA POVIS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: mpovis2324@gmail.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/8/2021 2:02 PM
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I am in staunch opposition to this bill. This bill is outlandish and unnecessary for what it claims to protect. It harms the elderly and any Missourian who wants to freely move anywhere, and conduct business anywhere. I and many other Missourians believe in liberty and personal responsibility. No one, not even so-called helpful businesses should be free from liability, if they in fact, or any product created by (they) any business or person cause anyone harm. Furthermore it does not "help small businesses." Just ask me, a small business owner who will never open my doors again. Do not pass this bill. Kill SB 51.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MELANIE TAYLOR		PHONE NUMBER: 417-414-3873	
BUSINESS/ORGANIZATION NAME: WEDDING STREET MISSOURI		TITLE: OWNER	
ADDRESS: 1676 EAST NEW MADRID DRIVE			
CITY: REPUBLIC		STATE: MO	ZIP: 65738
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RACHEL STAHLE		PHONE NUMBER: 816-876-2600	
BUSINESS/ORGANIZATION NAME: DOLLAR, BURNS, BECKER AND HERSHEWE, L.C.		TITLE:	
ADDRESS: 1100 MAIN STREET, SUITE 2600			
CITY: KANSAS CITY		STATE: MO	ZIP: 64105
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: REBECCA BOERNER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: raboerner@charter.net	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 8:40 AM
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I am not supporting this bill because it takes away citizens liberty. It allows too much power in the hands of government officials to issue mandates without the informed consent of the people. This bill also exempts big business and hospitals from any liability if a citizen is harmed by the covid vaccine. This bill is also very bad because it does not allow small businesses to operate freely. During an emergency such as covid, the power to control us should not be left to a small number of government officials to mandate behaviors. All government acts must ultimately be approved by the citizens. Emergency orders are ok for a short time frame but after that, citizens should approve any and all emergency orders.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RON BERRY		PHONE NUMBER: 660-537-2239	
REPRESENTING: AMERICAN FEDERATION OF TEACHERS - MISSOURI; SERVICE EMPLOYEES INTERNATIONAL UNION HEALTHCARE WORKERS; AARP		TITLE:	
ADDRESS: PO BOX 722			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RON CALZONE		PHONE NUMBER: 573-368-1344	
BUSINESS/ORGANIZATION NAME: MISSOURI FIRST, INC.		TITLE: DIRECTOR	
ADDRESS: 33867 HIGHWAY E			
CITY: DIXON		STATE: MO	ZIP: 65459
EMAIL: ron@mofirst.org	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 6:34 PM

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Covid liability reform is justifiably a hot topic this session. It's quite possible that fear of exposure to litigation has done more harm to the economy than exposure to Covid, itself. And there's is an argument to be made that fear of litigation has resulted in harm to Missourians' physical, emotional, and spiritual health as well. In our opinion, SB 51 is not the appropriate solution to these fears. Here are the some of the problems we have with the bill: 1) Admittedly, there are tort issues relating to the medical and manufacturing fields that are more complex than those relating to the typical property owner or small business. This bill does a disservice to the latter by mixing the two in one bill. The solutions for property owners and small business should be in a separate bill, such as HB 1358. 2) The definition of "recklessness" (page 4) and the term's use in the bill pressures compliance with health directives that have been controversial and harmful. Principles of personal accountability and the opportunity to accept risks for oneself are undermined. The fact is, civil disobedience plays an important role in counteracting local (and even state) government overreach. Dallas salon owner Shelley Luther endured arrest and jail when she defied lock-down orders and in the process inspired the country and caused Governor Abbot to reverse policy. See: <https://www.texastribune.org/2020/05/07/texas-dallas-salon-owner-coronavirus/> In the spirit of Rosa Parks, she displayed the grit that once defined America. SB 51 adds another layer of risk that works against this. 3) The definition of "religious organization" is particularly problematic. § 537.1000 (16) It puts churches into a situation in which they potentially have to choose between their teachings and not only giving up tax exempt status, but also incurring greater liability than they otherwise would have. In other words, it increases state control of religion. 4) In the definition of "willful misconduct" in § 537.1000(17), the "disregard of a known or obvious risk" definition is highly subjective. This makes one subject to pandemic hysteria. In § 537.1005.2, understand that "intentional misconduct" can mean: The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person. -- Cornell Law This leaves churches vulnerable. 5) The requirement to post signs is feel-good legislation that only adds to paranoia. In summary, please strip out everything but the tort reform for the medical and manufacturing sectors and take up HB 1358 to solve the rest of the problems.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SHELLY L KNICHEL		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: hgefree@msn.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 11:48 PM
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This Bill is Tyranny to sum it up.			



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: TAMARA J HARRILL		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: volleygirl7th@gmail.com	ATTENDANCE: Written		SUBMIT DATE: 3/9/2021 9:35 AM
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I do not support SB 51! Vote no on SB 51! Thank you!