

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Line 14, by inserting after all of the said line the following:

"Further amend said bill, Page 7, Section 64.23, Line 25, by inserting after all of the said section and line the following:

"67.265. 1. For purposes of this section, the term "order" shall mean a public health order, ordinance, rule, or regulation issued by a political subdivision, including by a health officer, local public health agency, public health authority, or the political subdivision's executive, as such term is defined in section 67.750, in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease; except that, the term "order" shall not include any masking order, as defined in section 67.267. Notwithstanding any other provision of law to the contrary:

(1) Any order issued during and related to an emergency declared pursuant to chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability or that prohibits or otherwise limits attendance at any public or private gatherings, shall not remain in effect for longer than thirty calendar days in a one hundred eighty-day-period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the thirty days or as specified in the order, whichever is shorter, unless so authorized by a simple majority vote of the political subdivision's governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders shall not exceed thirty calendar days in duration and any order may be extended more than once; and

(2) Any order of general applicability issued at a time other than an emergency declared pursuant to chapter 44 that directly or indirectly closes an entire classification of business organizations, churches, schools, or other places of public or private gathering or assembly shall not

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1 remain in effect for longer than twenty-one calendar days in a one hundred eighty-day-period,
 2 including the cumulative duration of similar orders issued concurrently, consecutively, or
 3 successively, and shall automatically expire at the end of the twenty-one days or as specified in the
 4 order, whichever is shorter, unless so authorized by a two-thirds majority vote of the political
 5 subdivision's governing body to extend such order or approve a similar order; provided that such
 6 extension or approval of similar orders may be extended more than once.

7 2. The governing bodies of the political subdivisions issuing orders under this section shall
 8 at all times have the authority to terminate an order issued or extended under this section upon a
 9 simple majority vote of the body.

10 3. In the case of local public health agencies created through an agreement by multiple
 11 counties under chapter 70, all of the participating counties' governing bodies shall be required to
 12 approve or terminate orders in accordance with the provisions of this section.

13 4. Prior to or concurrent with the issuance or extension of any order under subdivisions (1)
 14 and (2) of subsection 1 of this section, the health officer, local public health agency, public health
 15 authority, or executive shall provide a report to the governing body containing information
 16 supporting the need for such order.

17 5. No political subdivision of this state shall make or modify any orders that have the effect,
 18 directly or indirectly, of a prohibited order under this section.

19 6. No rule or regulation issued by the department of health and senior services shall
 20 authorize a local health official, health officer, local public health agency, or public health authority
 21 to create or enforce any order, ordinance, rule, or regulation described in section 192.300 or this
 22 section that is inconsistent with the provisions of this section.

23 67.267. 1. For purposes of this section, the following terms mean:

24 (1) "Local governing body", any city council, county commission, board of aldermen,
 25 county council, township board, board of education, or county health center board established under
 26 chapter 205;

27 (2) "Local government entity", any municipality, county, city, town, village, school district,
 28 county health center established under chapter 205, county health department, combined city and
 29 county health department or agency, multicounty health department or agency, or any other local
 30 public health authority or agency;

31 (3) "Local government official", any mayor, county executive, presiding commissioner,
 32 school superintendent, health officer, or any other official to whom a local governing body or local
 33 government entity has delegated the power to issue public health orders, ordinances, rules, or
 34 regulations;

35 (4) "Masking order", a public health order, ordinance, rule, or regulation requiring the
 36 wearing of masks that is issued by a local government entity, local governing body, or local
 37 government official in response to an actual or perceived threat to public health for the purpose of
 38 preventing the spread of a contagious disease.

39 2. A masking order shall require individuals to wear:

1 (1) An N95 mask;

2 (2) An N99 mask;

3 (3) An N100 mask;

4 (4) A P95 mask;

5 (5) A P100 mask;

6 (6) An R95 mask; or

7 (7) An R100 mask.

8 3. A masking order shall not allow any mask other than the types of masks described in
9 subsection 2 of this section to satisfy the mask-wearing requirement in the order.

10 4. A masking order shall require any facility subject to the order to post at all the entrances
11 to its facility instructions for proper fitting and placement of masks and for proper disposal of masks
12 that are consistent with guidance from the Centers for Disease Control and Prevention.

13 5. A masking order shall not require children under six years of age to wear masks.

14 6. A masking order shall not exceed thirty calendar days in duration but may be renewed,
15 with each renewal not to exceed thirty calendar days in duration. There shall be no limit to the
16 number of times the masking order may be renewed.

17 7. A masking order shall include a procedure by which individuals may obtain an exemption
18 from the masking order for medical or religious reasons.

19 8. A local government entity, local governing body, or local government official shall not
20 issue a masking order that violates the provisions of section 191.245.

21 9. Any local government entity or local governing body that issues a masking order or for
22 which a masking order is issued by a local government official on its behalf shall ensure that masks
23 described in subsection 2 of this section are made available for free to all individuals subject to the
24 masking order.

25 10. Notwithstanding sections 537.600 to 537.650 or any other provision of law, any local
26 government entity or local governing body that issues a masking order or for which a masking order
27 is issued by a local government official on its behalf shall assume all liability for any medical
28 condition caused by the mask-wearing required in the order.

29 11. Any school district or charter school whose students are required to wear masks during
30 school hours in accordance with a masking order shall offer a remote learning option to any student
31 who does not wish to comply with the masking order.

32 12. A masking order shall include recommendations on social distancing and handwashing.

33 13. Nothing in this section shall be construed to alter or override any powers exercised by
34 the governor or state government officials in an emergency, as defined in section 44.010.

35 14. The provisions of any masking requirement issued by the governor or state government
36 officials shall supersede any contradicting provisions of any masking order issued by a local
37 government entity, local governing body, or local government official."; and
38

39 Further amend said bill, Page 32, Section 164.450, Line 19, by inserting after all of the said section

1 and line the following:

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3 "191.245. 1. For purposes of this section, the following terms mean:

4 (1) "Government building", a building owned or operated by a public entity;

5 (2) "Masking order":

6 (a) A masking order as defined in section 67.267; or

7 (b) A public health order, rule, or regulation requiring the wearing of masks that is issued by
8 an agency or instrumentality of the state government in response to an actual or perceived threat to
9 public health for the purpose of preventing the spread of a contagious disease;

10 (3) "Political subdivision", any municipality, school district, special district, local
11 governmental body, county, city, town, or village;

12 (4) "Public area", an area that is open to the general public;

13 (5) "Public entity":

14 (a) Any agency or instrumentality of the state government; or

15 (b) Any political subdivision or agency or instrumentality thereof.

16 2. A masking order shall not apply to any public area in a government building unless the
17 masking order is issued by the governor or state government officials in accordance with a state of
18 emergency declared under chapter 44.

19 192.300. 1. The county commissions and the county health center boards of the several
20 counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend
21 to enhance the public health and prevent the entrance of infectious, contagious, communicable or
22 dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

23 (1) Be in conflict with any rules or regulations authorized and made by the department of
24 health and senior services in accordance with this chapter or by the department of social services
25 under chapter 198; or

26 (2) Impose standards or requirements on an agricultural operation and its appurtenances, as
27 such term is defined in section 537.295, that are inconsistent with, in addition to, different from, or
28 more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or
29 regulation promulgated under such chapters.

30 2. The county commissions and the county health center boards of the several counties may
31 establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules
32 or regulations, however, the establishment of such fees shall not deny personal health services to
33 those individuals who are unable to pay such fees or impede the prevention or control of
34 communicable disease. Fees generated shall be deposited in the county treasury. All fees generated
35 under the provisions of this section shall be used to support the public health activities for which
36 they were generated.

37 3. After the promulgation and adoption of such orders, ordinances, rules or regulations by
38 such county commission or county health board, such commission or county health board shall
39 make and enter an order or record declaring such orders, ordinances, rules or regulations to be

1 printed and available for distribution to the public in the office of the county clerk, and shall require
2 a copy of such order to be published in some newspaper in the county in three successive weeks, not
3 later than thirty days after the entry of such order, ordinance, rule or regulation.

4 4. Any person, firm, corporation or association which violates any of the orders or
5 ordinances adopted, promulgated and published by such county commission is guilty of a
6 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county
7 commission or county health board of any such county has full power and authority to initiate the
8 prosecution of any action under this section.

9 5. Any orders, ordinances, rules, or regulations made and promulgated under the authority in
10 this section shall comply with the provisions of ~~[section]~~ sections 67.265 and 67.267."; and"; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.

14
15 THIS AMENDMENT AMENDS 4303H05.25H.