

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 982,
2 Page 4, Section 162.720, Line 45, by inserting after all of said section and line the following:

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4 "167.029. 1. A public school district may require students to wear a school uniform or
5 restrict student dress to a particular style in accordance with the law. The school district may
6 determine the style and color of the school uniform.

7 2. No public or charter school shall implement or enforce any student dress requirements
8 that include a mask or other face covering or respirator.

9 167.181. 1. The department of health and senior services, after consultation with the
10 department of elementary and secondary education, shall promulgate rules and regulations
11 governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
12 diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish
13 schools. Such rules and regulations may modify the immunizations that are required of children in
14 this subsection. The immunizations required and the manner and frequency of their administration
15 shall conform to recognized standards of medical practice. The department of health and senior
16 services shall supervise and secure the enforcement of the required immunization program.

17 2. It is unlawful for any student to attend school unless he has been immunized as required
18 under the rules and regulations of the department of health and senior services, and can provide
19 satisfactory evidence of such immunization; except that if he produces satisfactory evidence of
20 having begun the process of immunization, he may continue to attend school as long as the
21 immunization process is being accomplished in the prescribed manner. It is unlawful for any parent
22 or guardian to refuse or neglect to have his child immunized as required by this section, unless the
23 child is properly exempted.

24 3. This section shall not apply to any child if one parent or guardian objects in writing to his
25 school administrator against the immunization of the child, because of religious beliefs or medical
26 contraindications. In cases where any such objection is for reasons of medical contraindications, a
27 statement from a duly licensed physician must also be provided to the school administrator.

28 4. Each school superintendent, whether of a public, private, parochial or parish school, shall
29 cause to be prepared a record showing the immunization status of every child enrolled in or
30 attending a school under his jurisdiction. The name of any parent or guardian who neglects or
31 refuses to permit a nonexempted child to be immunized against diseases as required by the rules and
32 regulations promulgated pursuant to the provisions of this section shall be reported by the school
33 superintendent to the department of health and senior services.

34 5. The immunization required may be done by any duly licensed physician or by someone
35 under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public
36 expense by a physician or nurse at or from the county, district, city public health center or a school

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nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630. When a child receives his or her immunization, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

7. No student shall be required, as a condition of school attendance or participation in school-sponsored extracurricular activities, to be immunized against COVID 19. No school shall require students to wear face masks or other face coverings or respirators as an alternative to receiving a COVID-19 vaccination. No school shall require students to undergo COVID-19 diagnostic testing or otherwise implement a "test to stay" policy requiring testing as an alternative to receiving a COVID-19 vaccination; provided, that nothing in this subsection shall be interpreted to preclude a school from requiring a student to be tested as described in section 167.191 as a condition for school attendance or participation in school-sponsored extracurricular activities. For purposes of the section, "COVID 19" shall include any variant thereof.

8. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

167.191. 1. It is unlawful for any child to attend any of the public schools of this state while afflicted with any contagious or infectious disease, or while liable to transmit such disease after having been exposed to it. For the purpose of determining the diseased condition, or the liability of transmitting the disease, the teacher or board of directors may require any child to be examined by a physician, physician assistant, or advanced practice registered nurse and exclude the child from school so long as there is any liability of such disease being transmitted by the pupil. For purposes of this section, the term "liability" shall mean that symptoms of such a contagious or infectious disease are present and that disease transmission is more likely than not to occur. If the parent or guardian refuses to have an examination made by a physician, physician assistant, or advanced practice registered nurse pursuant to [at] the written request of [the teacher] a school administration or school board of directors, the [teacher or board of directors] child may be [exclude the child] excluded from school. Any parent or guardian who persists in sending a child to school, after having been examined as provided by this section, and found to be afflicted with any contagious or infectious disease, or liable to transmit the disease, or refuses to have the child examined as herein provided, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five nor more than one hundred dollars.

2. If the parent or guardian of the child presents a written document, signed by a physician, physician assistant, or advanced practice registered nurse stating that the child is not afflicted with any contagious or infectious disease, or liable to transmit the disease, the child shall not be excluded from school under subsection 1."; and

Further amend said bill, Page 5, Section 167.227, Line 15, by inserting after all of said section and line the following:

"171.011. 1. The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner.

2. No school administrator, teacher, staff, or other personnel of any public school or charter school, nor any school board, shall have authority to adopt rules, regulations, policies, directives, or any other order relating to quarantines, isolation, or other health-related requirements for students except as provided in section 167.191; except that, nothing in this section or section 167.191 shall be construed to authorize any such order relating to masking or vaccinations.

3. During a statewide pandemic as defined in section 67.265, all generally applicable orders relating to the spread of an infectious or contagious disease shall be made by a local elected governing body as provided in section 67.265.

192.290. All rules and regulations authorized and made by the department of health and senior services in accordance with this chapter shall supersede as to those matters to which this chapter relates, all local orders, ordinances, rules, and regulations and shall be observed throughout the state and enforced by all local and state health authorities. Nothing herein shall limit the right of local authorities under section 192.300 to make such further orders, ordinances, rules, and regulations not inconsistent with or more restrictive than the rules and regulations prescribed by the department of health and senior services, which may be necessary for the particular locality under the jurisdiction of such local authorities; except that, all such orders, ordinances, rules and regulations made by local authorities shall comply with the provisions of section 67.265."; and

Further amend said bill, Page 46, Section 211.081, Line 27, by inserting after all of said section and line the following:

"573.550. 1. A person commits the offense of providing obscene material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or approving of the providing of obscene material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or approving of the providing of obscene material to a student.

2. The offense of providing obscene material to a student is a class A misdemeanor.

3. As used in this section, the following terms shall mean:

(1) "Person affiliated with a public or private elementary or secondary school in an official capacity", an administrator, teacher, librarian, media center personnel, substitute teacher, teacher's assistant, student teacher, law enforcement officer, school board member, school bus driver, guidance counselor, coach, guest lecturer, guest speaker, or other nonschool employee who is invited to present information to students by a teacher, administrator, or other school employee. Such term shall not include a student enrolled in the elementary or secondary school;

(2) "Obscene material", any material or performance if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex;

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

1 (c) A reasonable person would find the material lacks serious literary, artistic, political, or
2 scientific value."; and

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4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.