

JOURNAL OF THE HOUSE

Second Regular Session, 101st GENERAL ASSEMBLY

FORTY-SECOND DAY, TUESDAY, MARCH 29, 2022

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

Watch ye, stand fast in the faith, quit you like men, be strong. (I Corinthians 16:13)

O God of the Ages past, everywhere present, everywhere available, and everywhere seeking to enter the heart of all to strengthen us and to sustain us, be with us this day and reveal Your ways to our waiting hearts. Make us so conscious of Your presence and so receptive to the leading of Your spirit that we shall be directed into right paths, make wise decisions, and formulate great plans for the welfare of all our people and the well-being of our beautiful Missouri.

With patience and perseverance, may we meet today with You to comfort us and halt unjust criticisms that rage about us. Together may we be firm in our faith, be strong, and do all things in love.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Stella Knight.

The Journal of the forty-first day was approved as printed by the following vote:

AYES: 139

Adams	Anderson	Andrews	Appelbaum	Atchison
Aune	Bailey	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Collins	Cook	Copeland	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Doll	Eggleston	Ellebracht	Evans	Falkner
Fitzwater	Fogle	Francis	Gray	Gregory 96
Grier	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Houx	Hovis
Hudson	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25

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Lewis 6	Mackey	Mayhew	McCreery	McDaniel
McGaugh	McGill	Morse	Mosley	Murphy
Nurrenbern	O'Donnell	Owen	Patterson	Perkins
Person	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Price IV	Quade	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Smith 45
Smith 67	Stacy	Stephens 128	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch
Trent	Turnbaugh	Unsicker	Van Schoiack	Veit
Walsh 50	Walsh Moore 93	Weber	West	Wiemann
Windham	Wright	Young	Mr. Speaker	

NOES: 000

PRESENT: 001

Bosley

ABSENT WITH LEAVE: 017

Aldridge	Bland Manlove	Cupps	Derges	Fishel
Gregory 51	Hicks	Lovasco	Merideth	Phifer
Pietzman	Proudie	Rogers	Rone	Rowland
Smith 163	Stevens 46			

VACANCIES: 006

Representative Hudson assumed the Chair.

THIRD READING OF HOUSE BILLS - INFORMAL

HB 2455, relating to the Missouri veterans commission, was taken up by Representative Griffith.

On motion of Representative Griffith, **HB 2455** was read the third time and passed by the following vote:

AYES: 149

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Baker	Bangert
Baringer	Barnes	Basye	Billington	Black 137
Black 7	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Butz	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Collins	Cook
Copeland	Davidson	Davis	Deaton	DeGroot
Dinkins	Dogan	Doll	Eggleston	Ellebracht
Evans	Falkner	Fitzwater	Fogle	Francis
Gray	Gregory 51	Gregory 96	Grier	Griffith
Gunby	Haden	Haffner	Haley	Hardwick
Henderson	Houx	Hovis	Hudson	Hurlbert

Ingle	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 25	Lewis 6	Lovasco
Mackey	Mayhew	McCreery	McDaniel	McGaugh
McGill	Merideth	Morse	Mosley	Murphy
Nurrenbern	O'Donnell	Owen	Patterson	Perkins
Person	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Proudie	Quade
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rogers	Rone	Sander
Sassmann	Sauls	Schnelting	Schroer	Schwadron
Seitz	Sharp 36	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Smith 45	Smith 67
Stacy	Stephens 128	Stevens 46	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch
Trent	Turnbaugh	Unsicker	Van Schoiack	Veit
Walsh 50	Walsh Moore 93	Weber	West	Wiemann
Windham	Wright	Young	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bland Manlove	Cupps	Derges	Fishel	Hicks
Pietzman	Price IV	Rowland		

VACANCIES: 006

Representative Hudson declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 2564, HCS HB 2583, HB 2611, HB 2623, HCS HB 1472, HB 1547, HCS HB 1550, HB 1585, HCS HB 1595, HB 1601, HCS HB 1614, HB 1629, HB 1680, HB 1705, HB 1736, HCS HB 1740, HB 1804, HB 1954, HCS#2 HB 1992, HCS HB 2013, HB 2088, HCS HB 2118, HCS HB 2142, HB 2145, HB 2172, HB 2174, HCS HB 2218, HB 2293, HB 2325, HCS HB 2363, HB 2371, HCS HB 2381, HB 2391, HCS HB 2434, HCS HB 2453, HCS HB 2543, HB 2566, HB 2568, HCS HBs 2574, 1929 & 1456, HB 2576, HB 2603, and HB 2607 were placed on the Informal Calendar.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HBs 2574, 1929 & 1456, relating to detached catalytic converters, was taken up by Representative Mayhew.

On motion of Representative Mayhew, the title of **HCS HBs 2574, 1929 & 1456** was agreed to.

On motion of Representative Mayhew, **HCS HBs 2574, 1929 & 1456** was adopted.

On motion of Representative Mayhew, **HCS HBs 2574, 1929 & 1456** was ordered perfected and printed.

HCS HB 2485, relating to promoting advanced recycling, was taken up by Representative Knight.

On motion of Representative Knight, the title of **HCS HB 2485** was agreed to.

Representative Hardwick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2485, Page 18, Section 260.205, Line 323, by inserting after all of said section and line the following:

"260.221. 1. As used in this section, the following terms mean:

(1) "Processed recycled asphalt shingles", recycled asphalt shingles that do not contain extraneous metals, glass, rubber, nails, soil, brick, tars, paper, wood, and plastics and that have been reduced in size to produce a commercially reasonable usable product. "Processed recycled asphalt shingles" shall also be considered clean fill, as such term is defined in section 260.200;

(2) "Recycled asphalt shingles", manufacture waste scrap shingles and post-consumer, tear-off scrap shingles that are accumulated as products for commercial purposes related to recycling or reuse as processed recycled asphalt shingles.

2. Processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without a permit under sections 260.200 to 260.345 if such processed recycled asphalt shingles are inspected for toxic and hazardous substances in accordance with requirements established by the department of natural resources, provided that processed recycled asphalt shingles shall not be used for such purposes within one hundred feet of any lake, river, sink hole, perennial stream, or ephemeral stream.

3. This section shall not be construed to authorize the abandonment, accumulation, placement, or storage of recycled asphalt shingles or processed recycled asphalt shingles on any real property without the consent of the real property owner.

644.060. 1. Processed recycled asphalt shingles, as defined in section 260.221, may be used for fill, reclamation, and other beneficial purposes without a permit under sections 644.006 to 644.141 if such processed recycled asphalt shingles are inspected for toxic and hazardous substances in accordance with requirements established by the department of natural resources, provided that processed recycled asphalt shingles shall not be used for such purposes within one hundred feet of any lake, river, sink hole, perennial stream, or ephemeral stream.

2. This section shall not be construed to authorize the abandonment, accumulation, placement, or storage of recycled asphalt shingles or processed recycled asphalt shingles on any real property without the consent of the real property owner."; and

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

Representative Kelly (141) moved the previous question.

Which motion was adopted by the following vote:

AYES: 082

Andrews	Atchison	Bailey	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Christofanelli	Coleman 97
Copeland	Davidson	Davis	Deaton	DeGroot

Dinkins	Eggleston	Evans	Falkner	Fitzwater
Francis	Gregory 96	Grier	Griffith	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lovasco	Mayhew
McDaniel	McGaugh	Morse	Murphy	O'Donnell
Owen	Perkins	Pike	Plocher	Pollock 123
Porter	Pouche	Railsback	Reedy	Riggs
Riley	Roberts	Rone	Sander	Sassmann
Schwadron	Shaul	Shields	Simmons	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Toalson Reisch	Trent	Veit	Walsh 50	West
Wiemann	Mr. Speaker			

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	Quade	Rogers
Sauls	Smith 45	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 030

Baker	Barnes	Chipman	Coleman 32	Cook
Cupps	Derges	Dogan	Fishel	Gregory 51
Kidd	Lewis 6	McGill	Patterson	Pietzman
Pollitt 52	Richey	Roden	Rowland	Schnelting
Schroer	Seitz	Sharp 36	Sharpe 4	Smith 155
Smith 163	Smith 67	Thompson	Van Schoiack	Wright

VACANCIES: 006

On motion of Representative Hardwick, **House Amendment No. 1** was adopted.

On motion of Representative Knight, **HCS HB 2485, as amended**, was adopted.

On motion of Representative Knight, **HCS HB 2485, as amended**, was ordered perfected and printed.

HB 2088, relating to sentence credits, was taken up by Representative Grier.

On motion of Representative Grier, the title of **HB 2088** was agreed to.

Representative Schroer offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 2088, Page 6, Section 217.704, Line 91, by inserting after said section and line the following:

"491.065. 1. As used in this section unless the context otherwise requires, the following words mean:

- (1) "Benefit", any plea bargain, bail consideration, reduction or modification of sentence, or any other leniency, immunity, financial payment, reward, or amelioration of current or future conditions of incarceration that has been requested or that has been or may, at a future date, be offered or provided in connection with or in exchange for the testimony of an informant who was endorsed by the state;**
- (2) "Informant", a witness who provides testimony that offers allegedly self-incriminating statements or activities of another person who is under investigation or being charged with an offense and the witness:**
 - (a) Is or was incarcerated with the suspect or defendant;**
 - (b) Is being detained by or in the custody of law enforcement; or**
 - (c) Provides testimony in exchange for any benefit.**

The term "informant" shall not refer to or include a codefendant or victim involved in the case.

2. Each prosecuting attorney's office shall maintain a central record that is searchable and tracks:

- (1) Each case in which an informant has been endorsed by the state to testify against a defendant's interest;**
- (2) The substance of the testimony; and**
- (3) Any benefit that has been requested by or has been offered to the informant, and any benefit that may be provided at a future date in connection with such testimony.**

3. On a monthly basis, each county's prosecuting attorney's office shall send the information described under subsection 2 of this section to the Missouri state highway patrol within the department of public safety, and the information shall be maintained in a centralized statewide record that is available to prosecuting attorneys throughout the state.

4. The information described in this section is accessible only by the prosecuting attorney's office and is not subject to the provisions under chapter 610. Nothing in this section shall be interpreted to exclude the mandatory disclosure of this information to a defendant through discovery, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and other controlling legal precedent.

5. If a prosecuting attorney endorses a witness to testify as an informant, the following material and information shall be disclosed within the time frame provided under rule 25 of the Missouri rules of criminal procedure:

(1) The complete criminal history of the informant, including any charges that are pending or were reduced, amended, or dismissed as part of a plea bargain;

(2) The informant cooperation agreement and a copy of any deal, promise, inducement, or benefit that has been requested or that has been or may, at a future date, be offered or provided to the informant in connection with testimony against the defendant's interest;

(3) The substance, time, and place of any statement allegedly given by the defendant to the informant, and the substance, time, and place of any statement given by the informant to law enforcement implicating the defendant in the offense charged;

(4) Whether the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation; and

(5) Information concerning other criminal cases in any county in which the informant was endorsed by the state to testify against a defendant, including the following:

- (a) The case name and number;**
- (b) The substance of the testimony;**
- (c) Any cooperation agreement, deal, promise, inducement, or benefit that was requested, offered, or provided to the informant in connection with the informant's testimony; and**
- (d) Any other information that is requested to be disclosed under the Constitution of the United States, the Constitution of Missouri, and the Missouri rules of criminal procedure.**

6. Failure to provide in discovery information in response to subsection 5 of this section shall result in a waiver of absolute immunity for any prosecuting attorney who violates the provision and a waiver of qualified immunity for any law enforcement officer who fails to disclose benefits or promises of benefits.

7. In any criminal prosecution in which the prosecuting attorney's office intends to introduce the testimony of an informant and upon the motion of the defendant, the court shall conduct a pretrial hearing to determine whether the informant's testimony is reliable and therefore admissible based upon the material and information disclosed under subsections 5 and 6 of this section, as well as the following factors:

- (1) The extent to which the informant's testimony is supported by other evidence;
- (2) The specificity of the informant's testimony;
- (3) The extent to which the testimony contains details known only by the defendant;
- (4) The extent to which the details of the testimony could be obtained from a source other than the defendant; and
- (5) The circumstances under which the informant initially provided the information to law enforcement or the prosecuting attorney, including whether the informant was responding to leading questions.

8. The prosecuting attorney shall show by a preponderance of the evidence that the informant's testimony is reliable based on the factors under subsection 5 of this section in order for the court to allow the testimony to be heard at trial.

9. If the informant's testimony is admitted into evidence, the court shall instruct jurors to consider the material and information disclosed and enumerated under subsection 5 of this section when assessing the reliability and truthfulness of the informant's testimony.

10. If an informant receives a benefit related to a pending charge, a prior conviction, or a sentence for an offense committed by the informant that involved a victim, the prosecuting attorney shall notify the victim of the benefit the informant is receiving in accordance with the provisions under chapter 595.

610.130. 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first intoxication-related traffic offense or intoxication-related boating offense ~~[which]~~ that is a misdemeanor or a county or city ordinance violation, **or for an intoxication-related traffic offense that is a class D felony under subdivision (4) of subsection 2 of section 577.010 or an intoxication-related boating offense that is a class D felony under subdivision (4) of subsection 2 of section 577.013**, and ~~[which]~~ that is not a conviction for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any intoxication-related traffic offense or intoxication-related boating offense may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial or conviction.

2. If the court determines, after hearing, that such person has not been convicted of any subsequent intoxication-related traffic offense or intoxication-related boating offense, has no other subsequent alcohol-related enforcement contacts as defined in section 302.525, and has no other intoxication-related traffic offense or intoxication-related boating offenses or alcohol-related enforcement actions pending at the time of the hearing on the application, the court shall enter an order of expungement.

3. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from maintaining such records as to ensure that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section.

4. The provisions of this section shall not apply to any individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.";

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

Representative Toalson Reisch offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 2088, Page 1, Line 1, by inserting after the number "2088," the following:

"Page 1, Section A, Line 2, by inserting after said section and line the following:

"217.689. Notwithstanding any law to the contrary, any offender sentenced prior to January 1, 2017, under subsection 2 or 3 of section 195.295 or under section 195.296 shall be eligible for parole after having served ten years of such sentence if the parole board determines that there is a strong and reasonable probability that the offender will not thereafter violate the law."; and

Further amend said bill,"; and

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

On motion of Representative Toalson Reisch, **House Amendment No. 1 to House Amendment No. 1** was adopted.

House Amendment No. 1, as amended, was withdrawn.

On motion of Representative Grier, **HB 2088** was ordered perfected and printed.

On motion of Representative Plocher, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Vescovo.

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 058

Anderson	Atchison	Aune	Bailey	Barnes
Basye	Billington	Black 7	Brown 16	Brown 27
Burton	Busick	Collins	Cook	Davidson
Davis	Doll	Evans	Haden	Haffner
Haley	Hardwick	Hicks	Johnson	Kalberloh
Kelley 127	Kelly 141	Lewis 25	Lewis 6	Lovasco
Mayhew	McGill	Morse	Mosley	Murphy
Nurrenbern	Owen	Perkins	Phifer	Pike
Reedy	Richey	Roberts	Sander	Sassmann
Seitz	Sharpe 4	Shields	Smith 67	Taylor 139
Terry	Toalson Reisch	Van Schoiack	Veit	Walsh 50
West	Wright	Young		

NOES: 000

PRESENT: 066

Adams	Andrews	Appelbaum	Baker	Bangert
Baringer	Black 137	Bromley	Brown 70	Buchheit-Courtway
Burger	Burnett	Butz	Chipman	Coleman 32
Coleman 97	Dinkins	Eggleston	Ellebracht	Falkner
Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Griffith	Gunby	Henderson	Houx
Hovis	Hudson	Hurlbert	Ingle	Knight
Mackey	McCreery	McGaugh	O'Donnell	Person
Plocher	Pollitt 52	Porter	Pouche	Proudie
Quade	Railsback	Riley	Rone	Schroer
Schwadron	Sharp 36	Shaul	Simmons	Smith 155
Smith 163	Smith 45	Stacy	Stephens 128	Tate
Taylor 48	Thomas	Turnbaugh	Weber	Wiemann
Mr. Speaker				

ABSENT WITH LEAVE: 033

Aldridge	Bland Manlove	Boggs	Bosley	Christofanelli
Clemens	Copeland	Cupps	Deaton	DeGroot
Derges	Dogan	Fishel	Grier	Kidd
McDaniel	Merideth	Patterson	Pietzman	Pollock 123
Price IV	Riggs	Roden	Rogers	Rowland
Sauls	Schnelting	Stevens 46	Thompson	Trent
Unsicker	Walsh Moore 93	Windham		

VACANCIES: 006

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS#2 HCS HB 2117, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Chipman, Eggleston, Fitzwater and Richey

Noes (3): Baringer, Fogle and Walsh (50)

Absent (0)

HOUSE BILLS WITH SENATE AMENDMENTS

SS#2 HCS HB 2117, as amended, relating to the composition of congressional districts, was taken up by Representative Shaul.

Representative Shaul moved that the House refuse to adopt **SS#2 HCS HB 2117, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 115

Anderson	Andrews	Atchison	Aune	Baker
Bangert	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Busick	Butz	Chipman	Clemens	Coleman 32
Cook	Copeland	Davidson	Deaton	DeGroot
Dinkins	Dogan	Doll	Eggleston	Ellebracht
Evans	Falkner	Fitzwater	Fogle	Francis
Gregory 51	Gregory 96	Grier	Griffith	Gunby
Haden	Haffner	Haley	Hardwick	Henderson
Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Mackey	Mayhew	McCreery	McGaugh
McGill	Morse	Murphy	Nurrenbern	O'Donnell
Owen	Person	Pike	Plocher	Porter
Pouche	Proudie	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rogers
Rone	Sassmann	Sauls	Schwadron	Seitz
Sharp 36	Sharpe 4	Shaul	Shields	Smith 155
Smith 163	Smith 67	Stephens 128	Stevens 46	Tate
Taylor 139	Taylor 48	Thomas	Toalson Reisch	Trent
Van Schojack	Veit	Walsh 50	Walsh Moore 93	Weber
Wiemann	Windham	Wright	Young	Mr. Speaker

NOES: 019

Aldridge	Bailey	Christofanelli	Coleman 97	Collins
Davis	Kidd	Lovasco	Perkins	Phifer
Pietzman	Pollitt 52	Sander	Schnelting	Schroer
Simmons	Stacy	Terry	West	

PRESENT: 012

Adams	Appelbaum	Bland Manlove	Burton	Gray
Lewis 25	Merideth	Price IV	Quade	Smith 45
Turnbaugh	Unsicker			

ABSENT WITH LEAVE: 011

Boggs	Cupps	Derges	Fishel	Hicks
McDaniel	Mosley	Patterson	Pollock 123	Rowland
Thompson				

VACANCIES: 006

PERFECTION OF HOUSE JOINT RESOLUTIONS

HJR 107, relating to the conservation commission, was placed on the Informal Calendar.

HJR 125, relating to taxation, was placed on the Informal Calendar.

HJR 116, relating to the state department of the national guard, was taken up by Representative Schnelting.

On motion of Representative Schnelting, the title of **HJR 116** was agreed to.

Representative Hardwick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 116, Page 2, Section 54, Lines 3-5, by deleting all of said lines and inserting in lieu thereof the following:

"governor, by and with the advice and consent of the senate, who shall provide for the state militia, uphold the Constitution of the United States, uphold the Constitution of Missouri, protect the constitutional rights and civil liberties of Missourians, and provide other defense and security mechanisms as may be required.

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri National Guard currently under the Missouri Department of Public Safety be its own department, known as the Missouri Department of the National Guard, which shall be required to protect the constitutional rights and civil liberties of Missourians?"."; and

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

HJR 116, with House Amendment No. 1, pending, was laid over.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 2012, relating to abortion, was taken up by Representative Kelly (141).

Representative Kelly (141) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2012, Page 1, In the Title, Line 3, by deleting the word "abortion" and inserting in lieu thereof the words "health care"; and

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

On motion of Representative Kelly (141), **House Amendment No. 1** was adopted.

Representative Kelly (141) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2012, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"188.035. [~~Whoever, with intent to do so, shall take the life of a child aborted alive, shall be guilty of murder of the second degree.~~] 1. This section shall be known and may be cited as the "Born-Alive Abortion Survivors Protection Act".

2. A child born alive during or after an abortion or an attempted abortion shall have all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, including any other liveborn child.

3. Any health care provider licensed, registered, or certified in this state who is present at the time a child is born alive during or after an abortion or attempted abortion shall:

(1) Exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care provider would render to any other child born alive at the same gestational age; and

(2) Ensure that the child born alive is immediately transported and admitted to a hospital following the exercise of skill, care, and diligence required under subdivision (1) of this subsection.

4. In addition to any criminal or administrative liability which may be incurred, a person shall be civilly liable when he or she:

(1) Knowingly, recklessly, or negligently causes the death of a child who is born alive during or after an abortion or an attempted abortion;

(2) Knowingly fails to comply with any of the provisions of subsection 3 of this section if the person is a health care provider subject to such provisions;

(3) Knowingly performs or induces, or attempts to perform or induce, an unlawful abortion upon another person;

(4) Knowingly aids or abets another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion;

(5) Knowingly, recklessly, or negligently supplies or makes available any instrument, device, medicine, drug, or any other means or substance for another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion; or

(6) Knowingly incites, solicits, or otherwise uses speech or writing as an integral part of conduct in violation of a valid criminal statute to influence another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion.

5. If injury or death arises out of or results from any circumstance under subsection 4 of this section to any of the following persons, including:

(1) A person upon whom the unlawful abortion or attempted unlawful abortion was performed or induced;

(2) A person who underwent a self-induced abortion or attempted self-induced abortion or who procured an unlawful abortion or attempted unlawful abortion;

(3) A child who was born alive during or after an abortion or attempted abortion; or

(4) An unborn child,

then a cause of action for personal injury, bodily injury, or wrongful death may be brought. In a cause of action for wrongful death, the spouse, partner, parents, siblings, and children of the deceased person, child, or unborn child shall be entitled to bring the action. Damages for injury or death may be recovered for, including, but not limited to, any damages described in chapters 537 and 538 that are applicable; loss of future fertility; loss of love and companionship of the spouse, partner, parent, child, unborn child, or sibling; and for injury to or destruction of the spouse, partner, parent, child, unborn child, or sibling relationship in such amount as, under all the circumstances of the case, may be just. The court shall also award a prevailing plaintiff reasonable attorney's fees and litigation costs, including, but not limited to, expert witness fees and expenses as part of the costs. A defendant shall not be permitted to plead or prove as a defense that the plaintiff or deceased person assumed the risk of undergoing, or consented to undergo, a self-induced abortion or attempted self-induced abortion or that the plaintiff or deceased person assumed the risk of procuring, or consented to procure, an unlawful abortion or attempted unlawful abortion. The fact that a plaintiff or deceased person consented to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion shall not, in and of itself, be considered evidence of contributory or comparative negligence. Any exculpatory agreement between or among parties that is related to undergoing a self-induced abortion or attempted self-induced abortion or to procuring an unlawful abortion or attempted unlawful abortion shall be against public policy and shall be void."; and

Further amend said bill, Page 3, Section 188.165, Line 10, by inserting after all of said section and line the following:

"188.202. 1. No federal act, law, executive order, administrative order, rule, or regulation shall infringe on the right of the people of Missouri to:

(1) Protect state sovereignty and state taxpayers by restricting public funds, public facilities, and public employees from being used to perform, induce, or assist in an abortion, except as provided for in state statutes;

(2) Encourage childbirth over abortion in the use of the state's public funds, public facilities, and public employees;

(3) Defend the religious beliefs or moral convictions of any person who, or entity which, does not want to be forced to directly or indirectly fund or participate in abortion;

(4) Prevent the state or its political subdivisions from being coerced, compelled, or commandeered by the federal government to enact, administer, or enforce a federal regulatory program that directly or indirectly funds abortion; or

(5) Prohibit the federal government from commanding or conscripting public officials of the state or its political subdivisions to enforce a federal regulatory program that directly or indirectly funds abortion.

2. In any action to enforce the provisions of sections 188.200 to 188.215 by a taxpayer under the provisions of section 188.220, a court of competent jurisdiction may order injunctive or other equitable relief, recovery of damages or other legal remedies, or both, as well as payment of reasonable attorney's fees, costs, and expenses of the taxpayer. The relief and remedies set forth shall not be deemed exclusive and shall be in addition to any other relief or remedies permitted by law.

3. In addition to a cause of action brought by a taxpayer under section 188.220, the attorney general is also authorized to bring a cause of action to enforce the provisions of sections 188.200 to 188.215.

188.207. It shall be unlawful for any public funds to be expended to any abortion facility, or to any affiliate or associate of such abortion facility.

188.220. Any taxpayer of this state or its political subdivisions shall have standing to bring ~~[suit in a circuit court of proper venue]~~ a cause of action in any court or administrative agency of competent jurisdiction to enforce the provisions of sections 188.200 to 188.215.

208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing

facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere; **provided that, no funds shall be expended to any abortion facility, as defined in section 188.015, or to any affiliate or associate of such abortion facility;**

(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(11) Home health care services;

(12) Family planning as defined by federal rules and regulations; **provided that, no funds shall be expended to any abortion facility, as defined in section 188.015, or to any affiliate or associate of such abortion facility; and further** provided, however, that such family planning services shall not include abortions or any abortifacient drug or device that is used for the purpose of inducing an abortion unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(15) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under

section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(16) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(21) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(24) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(25) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and

during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. 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 subdivision 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, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (15) and (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and

children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

208.153. 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs, manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided. The benefits available under these sections shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them, and all persons shall be required to apply for and utilize all benefits available to them and to pursue all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits may obtain it from any provider of services **which is not excluded or disqualified as a provider under any provision of law including, but not limited to, section 208.164**, with which an agreement is in effect under this section and which undertakes to provide the services, as authorized by the MO HealthNet division. At the discretion of the director of the MO HealthNet division and with the approval of the governor, the MO HealthNet division is authorized to provide medical benefits for participants receiving public assistance by expending funds for the payment of federal medical insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

2. MO HealthNet shall include benefit payments on behalf of qualified Medicare beneficiaries as defined in 42 U.S.C. Section 1396d(p). The family support division shall by rule and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. Section 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working individuals as defined in subsection (s) of Section 42 U.S.C. 1396d as required by subsection (d) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO HealthNet division may impose a premium for such benefit payments as authorized by paragraph (d)(3) of Section 6408 of P.L. 101-239.

4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of this section, but for the fact that their income exceeds the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2) but is less than one

hundred and ten percent beginning January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the official poverty line for a family of the size involved.

5. For an individual eligible for MO HealthNet under Title XIX of the Social Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered under the state Title XIX plan under Section 1906 of the federal Social Security Act and regulations established under the authority of Section 1906, as may be amended. Enrollment in a group health plan must be cost effective, as established by the Secretary of Health and Human Services, before enrollment in the group health plan is required. If all members of a family are not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group health plan is not possible unless all family members are enrolled, all premiums for noneligible members shall be treated as payment for MO HealthNet of eligible family members. Payment for noneligible family members must be cost effective, taking into account payment of all such premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet benefits shall apply for enrollment in the group health plan.

6. Any Social Security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented.

7. If a MO HealthNet participant has paid the requested spenddown in cash for any month and subsequently pays an out-of-pocket valid medical expense for such month, such expense shall be allowed as a deduction to future required spenddown for up to three months from the date of such expense.

208.164. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Abuse", a documented pattern of inducing, furnishing, or otherwise causing a recipient to receive services or merchandise not otherwise required or requested by the recipient, attending physician or appropriate utilization review team; a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered. The decision to impose any of the sanctions authorized in this section shall be made by the director of the department, following a determination of demonstrable need or accepted medical practice made in consultation with medical or other health care professionals, or qualified peer review teams;

(2) "Department", the department of social services;

(3) "Excessive use", the act, by a person eligible for services under a contract or provider agreement between the department of social services or its divisions and a provider, of seeking and/or obtaining medical assistance benefits from a number of like providers and in quantities which exceed the levels that are considered medically necessary by current medical practices and standards for the eligible person's needs;

(4) "Fraud", a known false representation, including the concealment of a material fact that **the** provider knew or should have known through the usual conduct of his **or her** profession or occupation, upon which the provider claims reimbursement under the terms and conditions of a contract or provider agreement and the policies pertaining to such contract or provider agreement of the department or its divisions in carrying out the providing of services, or under any approved state plan authorized by the federal Social Security Act;

(5) "Health plan", a group of services provided to recipients of medical assistance benefits by providers under a contract with the department;

(6) "Medical assistance benefits", those benefits authorized to be provided by sections 208.152 and 208.162;

(7) "Prior authorization", approval to a provider to perform a service or services for an eligible person required by the department or its divisions in advance of the actual service being provided or approved for a recipient to receive a service or services from a provider, required by the department or its designated division in advance of the actual service or services being received;

(8) "Provider", any person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity that enters into a contract or provider agreement with the department or its divisions for the purpose of providing services to eligible persons, and obtaining from the department or its divisions reimbursement therefor;

(9) "Recipient", a person who is eligible to receive medical assistance benefits allocated through the department;

(10) "Service", the specific function, act, successive acts, benefits, continuing benefits, requested by an eligible person or provided by the provider under contract with the department or its divisions.

2. The department or its divisions shall have the authority to suspend, revoke, or cancel any contract or provider agreement or refuse to enter into a new contract or provider agreement with any provider where it is determined the provider has committed or allowed its agents, servants, or employees to commit acts defined as abuse or fraud in this section.

3. The department or its divisions shall have the authority to impose prior authorization as defined in this section:

(1) When it has reasonable cause to believe a provider or recipient has knowingly followed a course of conduct which is defined as abuse or fraud or excessive use by this section; or

(2) When it determines by rule that prior authorization is reasonable for a specified service or procedure.

4. If a provider or recipient reports to the department or its divisions the name or names of providers or recipients who, based upon their personal knowledge has reasonable cause to believe an act or acts are being committed which are defined as abuse, fraud or excessive use by this section, such report shall be confidential and the reporter's name shall not be divulged to anyone by the department or any of its divisions, except at a judicial proceeding upon a proper protective order being entered by the court.

5. Payments for services under any contract or provider agreement between the department or its divisions and a provider may be withheld by the department or its divisions from the provider for acts or omissions defined as abuse or fraud by this section, until such time as an agreement between the parties is reached or the dispute is adjudicated under the laws of this state.

6. The department or its designated division shall have the authority to review all cases and claim records for any recipient of public assistance benefits and to determine from these records if the recipient has, as defined in this section, committed excessive use of such services by seeking or obtaining services from a number of like providers of services and in quantities which exceed the levels considered necessary by current medical or health care professional practice standards and policies of the program.

7. The department or its designated division shall have the authority with respect to recipients of medical assistance benefits who have committed excessive use to limit or restrict the use of the recipient's Medicaid identification card to designated providers and for designated services; the actual method by which such restrictions are imposed shall be at the discretion of the department of social services or its designated division.

8. The department or its designated division shall have the authority with respect to any recipient of medical assistance benefits whose use has been restricted under subsection 7 of this section and who obtains or seeks to obtain medical assistance benefits from a provider other than one of the providers for designated services to terminate medical assistance benefits as defined by this chapter, where allowed by the provisions of the federal Social Security Act.

9. The department or its designated division shall have the authority with respect to any provider who knowingly allows a recipient to violate subsection 7 of this section or who fails to report a known violation of subsection 7 of this section to the department of social services or its designated division to terminate or otherwise sanction such provider's status as a participant in the medical assistance program. Any person making such a report shall not be civilly liable when the report is made in good faith.

10. In order to comply with the provisions of 42 U.S.C. Section 1320a-7(a) relating to mandatory exclusion of certain individuals and entities from participation in any federal health care program, and in furtherance of the state's authority under federal law, as implemented by 42 CFR 1002.3(b), to exclude an individual or entity from MO HealthNet for any reason or period authorized by state law, the department or its divisions shall suspend, revoke, or cancel any contract or provider agreement or refuse to enter into a new contract or provider agreement with any provider where it is determined that such provider is not qualified to perform the service or services required, as described in 42 U.S.C. Section 1396a(a)(23), because such provider, or such provider's agent, servant, or employee acting under such provider's authority:

(1) Has a conviction related to the delivery of any item or service under Medicare or under any state health care program, as described in 42 U.S.C. Section 1320a-7(a)(1);

(2) Has a conviction related to the neglect or abuse of a patient in connection with the delivery of any health care item or service, as described in 42 U.S.C. Section 1320a-7(a)(2);

(3) Has a felony conviction related to health care fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct, as described in 42 U.S.C. Section 1320a-7(a)(3);

(4) Has a felony conviction related to the unlawful manufacture, distribution, prescription, or dispensation of a controlled substance, as described in 42 U.S.C. Section 1320a-7(a)(4);

(5) Has been found guilty of a pattern of intentional discrimination in the delivery or nondelivery of any health care item or service based on the race, color, or national origin of recipients, as described in 42 U.S.C. Section 175 2000d; or is an organization whose original "principles and aims" were to limit the

"reckless procreation" of "[t]hose least fit to carry on the race", "[t]o create a race of well born children", and for the "sterilization of the insane and feebleminded", and whose founder and first president supported eugenics as the solution for racial, political, and social problems and advocated for the use of birth control for "the elimination of the unfit" and stopping "the reproduction of the unfit"; or

(6) Is an abortion facility, as defined in section 188.015, or an affiliate or associate of such abortion facility.

208.659. The MO HealthNet division shall revise the eligibility requirements for the uninsured women's health program, as established in 13 CSR Section 70- 4.090, to include women who are at least eighteen years of age and with a net family income of at or below one hundred eighty-five percent of the federal poverty level. In order to be eligible for such program, the applicant shall not have assets in excess of two hundred and fifty thousand dollars, nor shall the applicant have access to employer-sponsored health insurance. Such change in eligibility requirements shall not result in any change in services provided under the program. **No funds shall be expended to any abortion facility, as defined in section 188.015, or to any affiliate or associate of such abortion facility.**"; and

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

Representative Schnelting offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 2012, Page 2, Line 31, by deleting all of said line and inserting in lieu thereof the following:

"shall be against public policy and shall be void.

6. No person shall maintain a cause of action or receive an award of damages under this section if such person engaged in criminal conduct, or in domestic violence or sexual assault as defined in section 455.010, which caused the pregnancy in which another person was injured or died as the result of an abortion or attempted abortion. No person shall maintain a cause of action or receive an award of damages under this section if he or she is a family or household member, as defined in section 455.010, who aided or abetted such person who engaged in criminal conduct, or in domestic violence or sexual assault as defined in section 455.010, which caused the pregnancy in which another person was injured or died as the result of an abortion or attempted abortion.

7. The provisions of this section shall be applied, interpreted, and construed in a manner consistent with the Constitution of the United States and the constitution of this state."; and"; and

Further amend said amendment, Page 4, Line 25, by inserting after the word "his" the words "**or her**"; and

Further amend said amendment and page, Line 27, by inserting after the word "he" the words "**or she**"; and

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

Representative DeGroot raised a point of order that members were in violation of Rule 84.

The Speaker advised members to confine themselves to the question under debate.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

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AYES: 090

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Coleman 32	Coleman 97	Cook	Copeland	Davidson
Davis	DeGroot	Dinkins	Eggleston	Evans
Falkner	Fitzwater	Gregory 51	Gregory 96	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Lewis 6	Mayhew
McGaugh	McGirl	Morse	O'Donnell	Owen
Perkins	Pietzman	Pike	Plocher	Pollitt 52
Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Sander
Sassmann	Schnelting	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Toalson Reisch	Trent	Van Schoiack	Veit
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 047

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Doll	Ellebracht	Fogle
Gray	Gunby	Ingle	Johnson	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Price IV	Proudie	Quade
Sauls	Sharp 36	Smith 45	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 020

Christofanelli	Cupps	Deaton	Derges	Dogan
Fishel	Francis	Grier	Houx	Knight
Lovasco	McDaniel	Murphy	Patterson	Pollock 123
Rogers	Rone	Rowland	Smith 163	Thompson

VACANCIES: 006

On motion of Representative Schnelting, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman

Coleman 32	Coleman 97	Cook	Copeland	Davidson
Davis	DeGroot	Dinkins	Eggleston	Evans
Falkner	Fitzwater	Francis	Gregory 51	Gregory 96
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Mayhew	McGaugh	McGill	Morse
O'Donnell	Owen	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Toalson Reisch	Trent
Van Schoiack	Veit	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	Quade	Sauls
Sharp 36	Smith 45	Smith 67	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 020

Bosley	Christofanelli	Cupps	Deaton	Derges
Dogan	Fishel	Grier	Houx	Lovasco
McDaniel	Murphy	Patterson	Pollock 123	Rogers
Rone	Rowland	Smith 163	Stevens 46	Thompson

VACANCIES: 006

On motion of Representative Kelly (141), **House Amendment No. 2, as amended**, was adopted.

Representative Coleman (97) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2012, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"188.015. As used in this chapter, the following terms mean:

(1) "Abortion":

(a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; or

(b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital;

(3) **"Abortion-inducing drugs", mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. The term also does not include drugs or medications that are possessed or distributed for a purpose that does not include the termination of a pregnancy;**

(4) "Conception", the fertilization of the ovum of a female by a sperm of a male;

~~[(4)]~~ (5) "Department", the department of health and senior services;

~~[(5)]~~ (6) "Down Syndrome", the same meaning as defined in section 191.923;

~~[(6)]~~ (7) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

~~[(7)]~~ (8) "Medical emergency", a condition which, based on reasonable medical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman;

~~[(8)]~~ (9) "Physician", any person licensed to practice medicine in this state by the state board of registration for the healing arts;

~~[(9)]~~ (10) **"Pregnant woman" and "pregnant women", any individual or individuals who are pregnant, regardless of any gender identity that the pregnant individual attempts to assert or claim;**

(11) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

~~[(10)]~~ (12) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

~~[(11)]~~ (13) "Viability" or "viable", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems;

~~[(12)]~~ (14) "Viable pregnancy" or "viable intrauterine pregnancy", in the first trimester of pregnancy, an intrauterine pregnancy that can potentially result in a liveborn baby[-];

(15) **"Woman" and "women", any person or group of persons whose biological sex is female, including any person with XX chromosomes and any person with a uterus, regardless of any gender identity that the person attempts to assert or claim.";** and

Further amend said bill, Page 3, Section 188.165, Line 10, by inserting after said section and line the following:

"188.805. 1. It is the policy of the state of Missouri to protect its unborn citizens from individuals and organizations that aid or abet the killing of unborn children, and to protect the unborn from those who seek to kill or otherwise harm them, to the maximum extent permissible under the Constitution and federal law.

2. Except as provided by subsection 3 of this section, it shall be unlawful for any person to perform or induce, or to attempt to perform or induce, an abortion on a resident or citizen of Missouri, or to aid or abet, or attempt to aid or abet, an abortion performed or induced on a resident or citizen of Missouri, regardless of where the abortion is or will be performed. The prohibition in this subsection includes, but is not limited to:

(1) Offering or knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion or means of obtaining elective abortions;

(3) Hosting or maintaining a website, or providing internet service that allows Missouri residents to access any website, that encourages or facilitates efforts to obtain elective abortions;

(4) Offering or providing money with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion;

(5) Providing or arranging for insurance coverage of an abortion;
(6) Offering or providing "abortion doula" services;
(7) Providing referrals to an abortion provider;
(8) Coercing or pressuring a pregnant woman to have an abortion; and
(9) Engaging in any conduct that would make one an accomplice to abortion under sections 562.036 and 562.041.

3. Subsection 2 of this section does not prohibit:

(1) Abortions performed or induced in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed, or any conduct that aids or abets or attempts to aid or abet such abortions;

(2) Speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Missouri Constitution;

(3) Conduct that the state of Missouri is forbidden to regulate under federal law or the Constitution of the United States;

(4) Conduct taken by a pregnant woman who aborts or seeks to abort her unborn child; or

(5) Conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.

4. Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in section 188.820. No direct or indirect enforcement of this section may be taken or threatened by the state, a political subdivision, a district or county attorney, or any officer or employee of this state or a political subdivision against any person or entity, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in section 188.820.

188.810. 1. Abortion-inducing drugs are declared to be contraband in Missouri.

2. Except as provided by subsection 3 of this section, it shall be unlawful for any person to:

(1) Possess or distribute abortion-inducing drugs in Missouri;

(2) Mail, transport, or deliver abortion-inducing drugs in any manner to any person or location in Missouri;

(3) Provide information on how to obtain abortion-inducing drugs; or

(4) Host or maintain a website, or provide internet service that allows Missouri residents to access any website, that encourages or facilitates efforts to obtain abortion-inducing drugs.

3. Subsection 2 of this section does not prohibit:

(1) Speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Missouri Constitution;

(2) Conduct that the state of Missouri is forbidden to regulate under federal law or the Constitution of the United States;

(3) Conduct taken by a pregnant woman who aborts or seeks to abort her unborn child;

(4) The possession or distribution of abortion-inducing drugs for a purpose that does not include termination of a pregnancy;

(5) The possession of abortion-inducing drugs resulting from an effort to entrap individuals or entities that violate this section; or

(6) Conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.

4. Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in section 188.820. No direct or indirect enforcement of this section may be taken or threatened by the state, a political subdivision, a district or county attorney, or any officer or employee of this state or a political subdivision against any person or entity, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in section 188.820.

188.815. 1. Notwithstanding any other law, any person who manufactures, distributes, transports, provides, or aids or abets the manufacture, distribution, transportation, or provision of abortion-inducing drugs, including any person who hosts or maintains a website or provides internet service that allows individuals to access any website that encourages or facilitates efforts to obtain abortion-inducing drugs, shall be strictly, absolutely, and jointly and severally liable for the wrongful death of any unborn child or pregnant woman who dies from the use of abortion-inducing drugs, and for any personal injuries suffered by any unborn child or pregnant woman from the use of abortion-inducing drugs.

2. It is an affirmative defense if a person sued under this section:

(1) Was unaware that he or she was engaged in the conduct described in subsection 1 of this section; and

(2) Took every reasonable precaution to ensure that he or she would not manufacture, distribute, transport, provide, or aid or abet the manufacture, distribution, transportation, or provision of abortion-inducing drugs.

3. Notwithstanding any other law, if a plaintiff who brings suit under this section is unable to identify the specific manufacturer of the drug that caused the death or injury, liability shall be apportioned among all manufacturers of abortion-inducing drugs in proportion to each manufacturer's share of the market for abortion-inducing drugs, in accordance with *Sindell v. Abbott Laboratories*, 607 P.2d 924 (Cal. 1980).

4. Notwithstanding any other law, a person may bring an action under this section not later than six years after the date the cause of action accrues.

5. Notwithstanding any other law, the following are not defenses to an action brought under this section:

(1) Ignorance or mistake of law;
(2) A defendant's belief that the requirements or provisions of this section are unconstitutional or were unconstitutional;

(3) A defendant's reliance on any court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the cause of action accrued;

(4) A defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;

(5) Non-mutual issue preclusion or non-mutual claim preclusion;

(6) The consent of the unborn child's mother to the abortion;

(7) Contributory or comparative negligence;

(8) Assumption of risk; and

(9) Any claim that the enforcement of this section or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by section 188.830.

6. Any waiver of the right to sue under this section shall be void as against public policy, and shall not be enforceable in any court.

7. This section shall not be construed to impose liability on speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Missouri Constitution.

8. Notwithstanding any other law, a civil action under this section shall not be brought:

(1) Against the woman who used abortion-inducing drugs to abort or attempt to abort her unborn child;

(2) Against any person who acted at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if the imposition of liability would violate the doctrines of preemption or intergovernmental immunity; or

(3) By any person who impregnated the woman who used abortion-inducing drugs through an act of rape, sexual assault, or incest.

9. Notwithstanding any other law, including section 506.500, the courts of this state shall have personal jurisdiction over any defendant sued under this section to the maximum extent permitted by the Fourteenth Amendment to the United States Constitution.

188.820. 1. Any person, other than the state, its political subdivisions, or any officer or employee of a state or local governmental entity in this state, may bring a civil action against any person or entity that:

(1) Violates any provision of sections 188.805 and 188.810; or

(2) Intends to violate any provision of sections 188.805 and 188.810.

2. If a claimant prevails in an action brought under this section, the court shall award:
- (1) Injunctive relief sufficient to prevent the defendant from violating sections 188.805 and 188.810;
 - (2) Nominal and compensatory damages if the plaintiff has suffered injury or harm from the defendant's conduct, including, but not limited to, loss of consortium and emotional distress;
 - (3) Statutory damages in an amount of not less than ten thousand dollars; and
 - (4) Costs and attorney's fees.

3. Notwithstanding subsection 2 of this section, a court shall not award relief under subdivision (3) or (4) of subsection 2 of this section in response to a violation of subdivision 1 of subsection 1 of this section if the defendant demonstrates that the defendant previously paid or has been ordered to pay the full amount of statutory damages under subdivision (3) of subsection 2 of this section in a previous action for that particular violation of section 188.805 or 188.810.

4. Notwithstanding any other law, a person may bring an action under this section not later than six years after the date the cause of action accrues.

5. Notwithstanding any other law, the following are not defenses to an action brought under this section:

- (1) Ignorance or mistake of law;
- (2) A defendant's belief that the requirements or provisions of this section are unconstitutional or were unconstitutional;
- (3) A defendant's reliance on any court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the cause of action accrued;
- (4) A defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;
- (5) Non-mutual issue preclusion or non-mutual claim preclusion;
- (6) The consent of the unborn child's mother to the abortion;
- (7) Contributory or comparative negligence;
- (8) Assumption of risk; or
- (9) Any claim that the enforcement of this section or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by section 188.830.

6. It is an affirmative defense if a person sued under this section:

- (1) Was unaware that it was engaged in conduct described in Sections 188.805 and 188.810; and
- (2) Took every reasonable precaution to ensure that it would not violate sections 188.805 and 188.810.

The defendant has the burden of proving an affirmative defense under this subsection by a preponderance of the evidence.

7. This section shall not be construed to impose liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Missouri Constitution.

8. Notwithstanding any other law, neither the state, any of its political subdivisions, any district or county attorney, nor any officer or employee of this state or a political subdivision shall:

- (1) Act in concert or participation with anyone who brings suit under this section;
- (2) Establish or attempt to establish any type of agency or fiduciary relationship with a plaintiff who brings suit under this section;
- (3) Make any attempt to control or influence a plaintiff's decision to bring suit under this section or the plaintiff's conduct of the litigation; or
- (4) Intervene in any action brought under this section.

This subsection does not prohibit a person or entity described in this subsection from filing an amicus curiae brief in the action, so long as that person or entity does not act in concert or participation with the plaintiff or plaintiffs who sue under this section or violate any provision of this subsection.

9. Notwithstanding any other law, a court shall not award costs or attorney's fees to a litigant who is sued under this section.

10. Notwithstanding any other law, a civil action under this section shall not be subject to any provision in section 1.302.

11. Notwithstanding any other law, a civil action under this section shall not be brought:

(1) Against a woman upon whom an abortion was performed or induced or attempted to be performed or induced in violation of this chapter, or against a pregnant woman who intends or seeks to abort her unborn child in violation of this chapter;

(2) Against any person or entity that performs, aids or abets, or attempts to perform or aid or abet an abortion at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on such abortion would violate the doctrines of preemption or intergovernmental immunity;

(3) Against any common carrier that transports a pregnant woman to an abortion provider, if the common carrier is unaware that the woman intends to abort her unborn child; or

(4) By any person who impregnated a woman seeking an abortion through an act of rape, sexual assault, or incest.

12. Notwithstanding any other law, including section 506.500, the courts of this state shall have personal jurisdiction over any defendant sued under this section to the maximum extent permitted by the Fourteenth Amendment to the United States Constitution.

188.830. 1. A defendant against whom an action is brought under section 188.815 or 188.820 may assert an affirmative defense to liability under this section if:

(1) The defendant has standing to assert the rights of a woman or group of women seeking an abortion under the tests for third-party standing established by the Supreme Court of the United States; and

(2) The imposition of civil liability on the defendant will result in an undue burden on a woman or group of women seeking an abortion.

The defendant has the burden of proving an affirmative defense under this section by a preponderance of the evidence.

2. The affirmative defense under subsection 1 of this section is not available if the Supreme Court of the United States overrules *Roe v. Wade*, 410 U.S. 113 (1973) or *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), regardless of whether the conduct on which the cause of action is based under section 188.815 or section 188.820 occurred before the Supreme Court overruled either decision.

3. Nothing in this section or chapter shall limit or preclude a defendant from asserting the defendant's personal constitutional rights as a defense to liability under section 188.815 or 188.820, and a court shall not award relief under section 188.815 or section 188.820 if the conduct for which the defendant has been sued was an exercise of state or federal constitutional rights that personally belong to the defendant.

4. Nothing in this section or chapter shall limit or preclude a defendant from asserting the unconstitutionality of any provision of this chapter or Missouri law as a defense to liability under section 188.815 or section 188.820.

188.835. 1. Notwithstanding any other law, including section 508.010, a civil action brought under section 188.815 or section 188.820 shall be brought in:

(1) The county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(2) The county of residence for any one of the natural person defendants at the time the cause of action accrued;

(3) The county of the principal office in this state of any one of the defendants that is not a natural person; or

(4) The county of residence for the claimant if the claimant is a natural person residing in this state.

2. If a civil action is brought under section 188.815 or section 188.820 in any one of the venues described in subsection 1 of this section, the action shall not be transferred to a different venue without the written consent of all parties.

188.840. 1. Notwithstanding any other law, the state shall have sovereign immunity, each of its political subdivisions shall have governmental immunity, and each officer and employee of this state or a political subdivision shall have official immunity, as well as sovereign or governmental immunity, as applicable, in any action, claim, counterclaim, or any type of legal or equitable action that challenges the validity of any provision or application of this chapter, on constitutional grounds or otherwise, or that seeks to prevent or enjoin the state, its political subdivisions, or any officer or employee of this state or a political subdivision from enforcing any provision or application of this chapter, unless such immunity has been abrogated or preempted by federal law in a manner consistent with the Constitution of the United States.

2. Notwithstanding any other law, no provision of state law shall be construed to waive or abrogate an immunity described in subsection 1 of this section unless it expressly waives or abrogates immunity with specific reference to this section.

3. Notwithstanding any other law, no attorney representing the state, its political subdivisions, or any officer or employee of this state or a political subdivision is authorized or permitted to waive an immunity described in subsection 1 of this section or take any action that would result in a waiver of such immunity.

4. Notwithstanding any other law, no court of this state shall have jurisdiction to consider any action, claim, or counterclaim that seeks declaratory or injunctive relief to prevent the state, its political subdivisions, any officer or employee of this state or a political subdivision, or any person from enforcing any provision or application of this chapter, or from filing a civil action under this chapter.

5. Nothing in this section or chapter shall be construed to prevent a litigant from asserting the invalidity or unconstitutionality of any provision or application of this chapter or Missouri law as a defense to any action, claim, or counterclaim brought against that litigant.

188.850. 1. Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the Supreme Court of the United States held that an explicit statement of legislative intent is controlling, it is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this chapter, and every application of the provisions in this chapter to every person, group of persons, or circumstances, are severable from each other.

2. If any application of any provision in this chapter to any person, group of persons, or circumstances is found by a court to be invalid, preempted, unconstitutional, or to impose an undue burden on any woman or group of women seeking an abortion, then the remaining applications of such provision to all other persons and circumstances shall be severed and preserved and shall remain in effect. All constitutionally valid applications of the provisions in this chapter, and every application of those provisions that can be enforced without imposing an undue burden on women seeking abortions, shall be severed from any applications that a court finds to be invalid, preempted, unconstitutional, or to impose an undue burden on women seeking abortions, and the valid applications shall remain in force, because it is the legislature's intent and priority that every valid application be allowed to stand alone. Even if a reviewing court finds a provision of this chapter to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining applications and shall remain in force, and shall be treated as if the legislature had enacted a statute limited to the persons, group of persons, or circumstances for which the statute's application does not impose an undue burden.

3. The legislature further declares that it would have enacted this chapter, and each provision, section, subsection, sentence, clause, phrase, word, and all constitutional applications of the provisions of this chapter, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this chapter were to be declared invalid, preempted, unconstitutional, or to impose an undue burden.

4. If any provision of this chapter is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force, consistent with the severability requirements of subsections 1, 2, and 3 of this section.

5. No court may decline to enforce the severability requirements of subsections 1, 2, 3, and 4 of this section on the ground that severance would rewrite the statute or involve the court in legislative or lawmaking activity. A court that declines to enforce or enjoins a state official from enforcing a statutory provision does not rewrite a statute, as the statute continues to contain the same words as before the court's decision. A judicial injunction or declaration of unconstitutionality:

(1) Is nothing more than an edict prohibiting enforcement that may subsequently be vacated by a later court if that court has a different understanding of the requirements of the Missouri Constitution or United States Constitution;

(2) Is not a formal amendment of the language in a statute; and

(3) No more rewrites a statute than a decision by the executive not to enforce a duly enacted statute in a limited and defined set of circumstances.

6. If any state or federal court disregards the severability requirements of subsections 1, 2, 3, 4, or 5 of this section, and declares or finds any provision of this chapter facially unconstitutional, when there are discrete applications of that provision can be enforced against a person, group of persons, or circumstances

without violating federal law, the federal or state constitutions, or imposing an undue burden on women seeking abortions, then that provision shall be interpreted, as a matter of state law, as if the legislature had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate federal law, the federal or state constitutions, or impose an undue burden on women seeking abortions, and every court shall adopt this saving construction of that provision until the court ruling that pronounced the provision facially unconstitutional is vacated or overruled."; and

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

Representative Seitz offered House Substitute Amendment No. 1 for House Amendment No. 3.

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 2012, Page 3, Section 188.047, Line 46, by inserting after all of said section and line the following:

"188.090. 1. A person or entity commits the offense of trafficking abortion-inducing drugs if such person or entity knowingly imports, exports, distributes, delivers, manufactures, produces, prescribes, administers, or dispenses or attempts to import, export, distribute, deliver, manufacture, produce, prescribe, administer, or dispense any medicine, drug, or any other substance to be used for the purpose of inducing an abortion on another person in violation of any state or federal law.

2. The offense of trafficking abortion-inducing drugs is a class B felony.

3. A woman upon whom an abortion was induced or was attempted to be induced in violation of this section shall not be prosecuted for:

(1) Violating any of the provisions of this section;

(2) A conspiracy to violate any of the provisions of this section; or

(3) Being criminally responsible for the conduct of another person who, or an entity which, violated any of the provisions of this section."; and

Further amend said bill and page, Section 188.165, Line 10, by inserting after all of said section and line the following:

"338.270. 1. Application blanks for renewal permits shall be mailed to each permittee on or before the first day of the month in which the permit expires and, if application for renewal of permit is not made before the first day of the following month, the existing permit, or renewal thereof, shall lapse and become null and void upon the last day of that month.

2. The board of pharmacy shall not renew a nonresident pharmacy license if the renewal applicant does not hold a current pharmacy license or its equivalent in the state in which the nonresident pharmacy is located.

3. The board of pharmacy shall not issue or renew a nonresident pharmacy license if the applicant or licensee knowingly delivers directly to a patient within this state via common carrier, mail, carrier services, or any other delivery service any medicine, drug, or any other substance to be used for the purpose of inducing an abortion, as defined in section 188.015.

338.337. 1. It shall be unlawful for any out-of-state wholesale drug distributor, out-of-state pharmacy acting as a distributor, drug outsourcers, or third-party logistics provider to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee, except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, drug outsourcer's, or out-of-state third-party logistics provider's license under this section shall be made on a form furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not change or affect tax liability imposed by the Missouri department of revenue on any entity. Any out-of-state wholesale drug distributor that is a drug manufacturer and which produces and distributes from a facility which has been inspected and approved by the Food and Drug Administration, maintains current approval by the federal Food and Drug Administration, and has provided a copy of the most recent Food and Drug Administration Establishment Inspection Report to the board, and

which is licensed by the state in which the distribution facility is located, or, if located within a foreign jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall register its business name and address with the board of pharmacy and pay a filing fee in an amount established by the board.

2. It shall be unlawful for a licensed or registered out-of-state wholesale drug distributor, out-of-state pharmacy acting as a distributor, drug outsourcer, or third-party logistics provider to knowingly deliver directly to a patient within this state via common carrier, mail, carrier service, or any other delivery service any medicine, drug, or any other substance to be used for the purpose of inducing an abortion, as defined in section 188.015."; and

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

Representative Taylor (139) offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Substitute Amendment No. 1 for House Amendment No. 3 to House Committee Substitute for House Bill No. 2012, Page 1, Line 8, by inserting after the word "**abortion**" the words "**, as defined in section 188.015,**"; and

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

Representative Coleman (97) raised a point of order that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3** is not in order.

The Chair ruled that the point of order was not timely and not well taken.

On motion of Representative Taylor (139), **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 97	Cook	Copeland	Davidson	Davis
Dinkins	Eggleston	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Lovasco
Mayhew	McGaugh	McGill	Morse	O'Donnell
Owen	Perkins	Pike	Plocher	Pollitt 52

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Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Rone	Sassmann
Schnelting	Schroer	Schwadron	Seitz	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Tate
Taylor 139	Taylor 48	Thomas	Toalson Reisch	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 042

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Collins
Doll	Fogle	Gray	Gunby	Ingle
Lewis 25	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Price IV	Proudie	Quade
Rogers	Sauls	Sharp 36	Smith 45	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 029

Black 137	Bland Manlove	Bosley	Coleman 32	Cupps
Deaton	DeGroot	Derges	Dogan	Ellebracht
Evans	Falkner	Grier	Johnson	Mackey
McDaniel	Murphy	Patterson	Pietzman	Pollock 123
Roden	Rowland	Sander	Smith 163	Smith 67
Stacy	Stephens 128	Thompson	Trent	

VACANCIES: 006

On motion of Representative Seitz, **House Substitute Amendment No. 1 for House Amendment No. 3, as amended**, was adopted by the following vote, the ayes and noes having been demanded by Representative Seitz:

AYES: 093

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Davidson
Davis	Dinkins	Eggleston	Evans	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Morse
O'Donnell	Owen	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Rone	Sander	Sassmann	Schnelting
Schroer	Schwadron	Seitz	Sharpe 4	Shaul
Shields	Simmons	Smith 155	Smith 163	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Toalson Reisch	Van Schoiack	Veit	Walsh 50	West
Wiemann	Wright	Mr. Speaker		

NOES: 048

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Dogan	Doll	Ellebracht	Fogle
Gray	Gunby	Ingle	Johnson	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Price IV	Proudie	Quade
Rogers	Sauls	Sharp 36	Smith 45	Smith 67
Stevens 46	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 016

Black 137	Bland Manlove	Cupps	Deaton	DeGroot
Derges	Falkner	Grier	Hovis	McDaniel
Murphy	Patterson	Pollock 123	Rowland	Thompson
Trent				

VACANCIES: 006

Representative Chipman assumed the Chair.

On motion of Representative Kelly (141), **HCS HB 2012, as amended**, was adopted.

On motion of Representative Kelly (141), **HCS HB 2012, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 3995 - Consent and House Procedure

COMMITTEE REPORTS

Committee on Crime Prevention, Chairman Roberts reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 1704**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (6): Hovis, Kelley (127), Roberts, Sauls, Seitz and West

Noes (1): Davis

Absent (3): Aldridge, Copeland and Sharp (36)

Committee on Elementary and Secondary Education, Chairman Basye reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1753**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (18): Baker, Bangert, Basye, Black (7), Brown (70), Christofanelli, Davidson, DeGroot, Haffner, Hicks, Mackey, Nurrenbern, Patterson, Pollitt (52), Sharp (36), Stacy, Terry and Toalson Reisch

Noes (0)

Absent (3): Dogan, Fishel and Grier

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2008**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (16): Baker, Bangert, Basye, Black (7), Brown (70), Christofanelli, DeGroot, Haffner, Hicks, Mackey, Nurrenbern, Pollitt (52), Sharp (36), Stacy, Terry and Toalson Reisch

Noes (1): Davidson

Absent (4): Dogan, Fishel, Grier and Patterson

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2152**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (18): Baker, Bangert, Basye, Black (7), Brown (70), Christofanelli, Davidson, DeGroot, Haffner, Hicks, Mackey, Nurrenbern, Patterson, Pollitt (52), Sharp (36), Stacy, Terry and Toalson Reisch

Noes (0)

Absent (3): Dogan, Fishel and Grier

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2445**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (16): Baker, Bangert, Basye, Black (7), Brown (70), Davidson, DeGroot, Haffner, Hicks, Mackey, Nurrenbern, Patterson, Pollitt (52), Sharp (36), Terry and Toalson Reisch

Noes (2): Christofanelli and Stacy

Absent (3): Dogan, Fishel and Grier

Committee on Health and Mental Health Policy, Chairman Stephens (128) reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 2820**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (14): Appelbaum, Buchheit-Courtway, Collins, Cook, Doll, Haden, Lewis (25), Pollock (123), Seitz, Smith (155), Stephens (128), Stevens (46), Thomas and Wright

Noes (0)

Absent (0)

Committee on Public Safety, Chairman Roden reporting:

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 1880**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Cook, Hardwick, McDaniel, Mosley, Phifer, Roden, Schroer, Taylor (48) and Walsh (50)

Noes (1): Bland Manlove

Absent (0)

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 2054**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Bland Manlove, Cook, Hardwick, McDaniel, Mosley, Phifer, Roden, Schroer, Taylor (48) and Walsh (50)

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Public Safety, to which was referred **HB 2699**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Bland Manlove, Cook, Hardwick, McDaniel, Mosley, Phifer, Roden, Schroer, Taylor (48) and Walsh (50)

Noes (0)

Absent (0)

Special Committee on Government Oversight, Chairman Taylor (139) reporting:

Mr. Speaker: Your Special Committee on Government Oversight, to which was referred **HJR 137**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (5): Deaton, Eggleston, Evans, Kelly (141) and Taylor (139)

Noes (3): Ellebracht, Ingle and Rogers

Present (1): Proudie

Absent (4): Bailey, Cupps, Falkner and Lovasco

Special Committee on Homeland Security, Chairman Hicks reporting:

Mr. Speaker: Your Special Committee on Homeland Security, to which was referred **HB 2913**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Chipman, Gray, Haffner, Hicks, Porter, Schnelting and Walsh Moore (93)

Noes (0)

Present (1): Bland Manlove

Absent (4): Kidd, McDaniel, Mosley and Tate

Committee on Workforce Development, Chairman Henderson reporting:

Mr. Speaker: Your Committee on Workforce Development, to which was referred **HB 1956**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Bangert, Brown (16), Gregory (51), Haley, Henderson, Hurlbert, Lewis (6), Person, Railsback, Sharpe (4), Thompson, Walsh Moore (93) and Young

Noes (0)

Absent (0)

ADVANCEMENT OF HOUSE BILLS - CONSENT

Pursuant to Rule 48, the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 1662** and **HCS HB 2462**.

COMMITTEE CHANGES

March 29, 2022

Dana Rademan Miller
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Ms. Miller:

I hereby remove Representative Rory Rowland from the Committee on Financial Institutions and ranking member. In addition, I appoint Representative Robert Sauls to the same committee and designate Representative Doug Clemens as ranking member.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Crystal Quade
House Minority Leader
132nd District

COMMUNICATIONS

March 29, 2022

Dana Rademan Miller
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Ms. Miller:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of personal interest in legislation on which the House of Representatives may vote during the legislative session.

I am a member of the Missouri State Employee's Retirement System, and have previously received a pension from MOSERS, and would be eligible to do so in the future following my service in the General Assembly.

Please publish this letter in the Journal of the House.

If you have any questions, please feel free to contact my office.

Very truly yours,

/s/ John F. Black
State Representative, District 137

ADJOURNMENT

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Wednesday, March 30, 2022.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Monday, April 25, 2022, 1:30 PM, House Hearing Room 1.
Tour of the Lincoln University agriculture facilities.

BUDGET

Thursday, March 31, 2022, 8:15 AM, House Hearing Room 3.
Public hearing will be held: HB 3001, HB 3002, HB 3003, HB 3004, HB 3005, HB 3006, HB 3007, HB 3008, HB 3009, HB 3010, HB 3011, HB 3012, HB 3013, HB 3015, HB 3020
Executive session will be held: HB 3001, HB 3002, HB 3003, HB 3004, HB 3005, HB 3006, HB 3007, HB 3008, HB 3009, HB 3010, HB 3011, HB 3012, HB 3013, HB 3015, HB 3020
Markup - House Bills 3001-3013, HB 3015 and HB 3020.

CONSENT AND HOUSE PROCEDURE

Thursday, March 31, 2022, 9:00 AM, House Hearing Room 4.
Public hearing will be held: HR 3995
Executive session will be held: HR 3995
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Wednesday, March 30, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 5.
Public hearing will be held: SB 820, HB 1487, HB 2917
Executive session will be held: HB 1553, HB 2209

ECONOMIC DEVELOPMENT

Thursday, March 31, 2022, 9:00 AM, House Hearing Room 5.
Public hearing will be held: HB 2418, HB 2754

FINANCIAL INSTITUTIONS

Wednesday, March 30, 2022, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 7.
Public hearing will be held: HB 2845
Executive session will be held: HB 2706

FISCAL REVIEW

Wednesday, March 30, 2022, 9:45 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.
Pending bill referral.

FISCAL REVIEW

Thursday, March 31, 2022, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Pending bill referral.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Tuesday, April 5, 2022, 8:30 AM, Joint Hearing Room (117).

Introduction and discussion about vacancies and casework overload with Darrell Missey, the new Children's Division Director. The Joint Committee will also ask for updates regarding the spending and development of IT programs to better serve children and families in foster care, including, but not limited to, the FACES system and mobile or computer programs for case management services. Individuals from both the Department of Social Services and the Office of Administration are invited to testify for informational purposes.

JUDICIARY

Wednesday, March 30, 2022, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 2517, HB 1551, HB 2660, HB 2443

Executive session will be held: HB 2772, HB 1974, HB 1960, HB 2423, HB 2781

LEGISLATIVE REVIEW

Wednesday, March 30, 2022, 1:30 PM or upon morning recess (whichever is later), House Hearing Room 4.

Executive session will be held: HB 2310

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, March 31, 2022, 9:00 AM, House Hearing Room 7.

Public hearing will be held: HB 1803

Executive session will be held: HB 2795, HB 2798

PENSIONS

Wednesday, March 30, 2022, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 2799, HB 2245, HB 2853

Executive session will be held: HB 2161

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 30, 2022, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 2191

Executive session will be held: HB 2004, HB 2906

RULES - ADMINISTRATIVE OVERSIGHT

Wednesday, March 30, 2022, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 4.

Executive session will be held: HCS HB 1670, HCS HB 1683, HCS HB 1709, HCS HB 1918, HCS HB 2052, HCS HB 2177, HCS HB 2389, HB 2571, HB 2589, HB 2615, HB 2678, HCS HB 2810, HJR 80, HCS HJR 134, HJR 137

Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON BROADBAND AND INFRASTRUCTURE

Thursday, March 31, 2022, 8:00 AM, House Hearing Room 6.

Executive session will be held: HB 2638

TRANSPORTATION

Wednesday, March 30, 2022, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 2664

Executive session will be held: HB 1460, HB 2790, HB 2789, HB 2503, HCB 3

HOUSE CALENDAR

FORTY-THIRD DAY, WEDNESDAY, MARCH 30, 2022

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 116, with HA 1, pending - Schnelting

HCS HJR 123 - Kidd

HCS HJR 131 - Shaul

HJR 132 - Kidd

HJR 133 - Davidson

HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL

HJR 100 - Richey

HCS HJR 110 - Christofanelli

HJR 114 - Coleman (32)

HCS HJR 82 & 106 - Black (137)

HCS HJR 88 - McGirl

HJR 107 - Dinkins

HJR 125 - Christofanelli

HOUSE BILLS FOR PERFECTION

HCS HB 2616 - Coleman (32)

HB 2697 - Shaul

HCS HB 1749 - Basye

HCS HB 1903 - Christofanelli

HCS HB 2093 - Wiemann
HB 2356 - McDaniel
HB 2010 - Smith (155)
HCS HB 2306 - Christofanelli
HCS HB 1619, as amended, with HA 2, pending - Van Schoiack
HCS HB 1695 - Gregory (51)
HB 1715 - Riley
HCS HB 1876 - Haffner
HCS HB 1559 - Davidson
HB 1687 - Hardwick
HB 2308 - Atchison
HB 1627 - Morse
HB 1628 - Morse
HB 1652 - Bromley
HB 1672 - Taylor (48)
HB 1475 - Schroer
HB 1624 - Schroer
HB 1451 - Billington
HB 1594 - Walsh (50)
HB 1490 - Porter
HB 1579 - Mayhew
HB 1717 - Riley
HCS HB 1722 - Shields
HB 1863 - Thomas
HB 1881 - Black (7)
HCS HB 1908 - Shaul
HCS HB 1998 - Davidson
HB 2129 - Railsback
HCS HB 2136 - Kelley (127)
HCS HB 2206 - Trent
HB 2219 - O'Donnell
HB 2365 - Shields
HB 2439 - Hovis
HCS HB 2447 - Hardwick
HCS HB 2452 - Cook
HCS HB 2600 - Railsback
HB 2625 - Burger
HCS HB 2652 - Haffner
HB 2310, (Legislative Review 3/2/22) - McDaniel

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 1562 - Griffith
HCS HBs 1593 & 1959 - Walsh (50)
HB 1616 - Van Schoiack

HCS HB 1833 - Basye
HB 2009 - Pollock (123)
HCS HB 2120 - Taylor (139)
HB 2307 - Coleman (32)
HCS HB 2376 - Kelly (141)
HB 2474 - Hicks
HB 1692 - Boggs
HCS HB 1757 - Railsback
HB 1762 - Sander
HB 1859 - Eggleston
HB 1864 - Thomas
HCS HB 1875 - Haffner
HB 1977 - Kelley (127)
HB 2090 - Griffith
HB 2095 - Kelly (141)
HB 2123 - Taylor (139)
HB 2169 - Trent
HCS HB 2246 - Copeland
HB 2372 - Chipman
HB 2515 - Perkins
HCS HB 1854 - Schroer
HCS HB 1747 - Basye
HB 2050 - Schroer
HB 2593 - Lovasco
HB 1455 - Billington
HCS HB 1464 - Schnelting
HB 1478 - Dinkins
HCS HB 1489 - Porter
HCS HB 1597 - Busick
HB 1684 - Black (137)
HCS HB 1696 - Reedy
HCS HB 1716 - Riley
HB 1860 - Eggleston
HCS HBs 1904 & 1575 - Murphy
HB 1973 - Gregory (51)
HB 2085 - Cook
HB 2156 - Perkins
HCS HB 2208 - Christofanelli
HB 2493 - Black (7)
HCS HB 2499 - Eggleston
HCS HB 2587 - Riley
HB 2590 - Evans
HB 1480 - Dinkins
HB 1563 - Griffith
HCS HB 1583 - Murphy
HCS HB 1641 - Coleman (32)

HCS HB 1682 - Brown (16)
HB 1721 - Shields
HCS HB 1905 - Shaul
HCS HBs 1972 & 2483 - Copeland
HB 2056 - Evans
HCS HB 2140 - McGaugh
HB 2160 - Dinkins
HB 2164 - Buchheit-Courtway
HB 2165 - Buchheit-Courtway
HCS HB 2220 - Falkner
HB 2255 - Bailey
HCS HB 2289 - Andrews
HB 2327 - Riggs
HB 2331 - Baker
HB 2359 - Basye
HCS HB 2450 - Reedy
HCS HB 2564 - Riggs
HCS HB 2583 - Riggs
HB 2611 - Richey
HB 2623 - Veit
HCS HB 1472 - Pike
HB 1547 - Veit
HCS HB 1550 - Veit
HB 1585 - Murphy
HCS HB 1595 - Hudson
HB 1601 - Chipman
HCS HB 1614 - Lovasco
HB 1629 - Morse
HB 1680 - Sharp (36)
HB 1705 - Roberts
HB 1736 - Roberts
HCS HB 1740 - Dogan
HB 1804 - Veit
HB 1954 - Henderson
HCS#2 HB 1992 - Coleman (97)
HCS HB 2013 - Kelly (141)
HCS HB 2118 - Taylor (139)
HCS HB 2142 - Mayhew
HB 2145 - Murphy
HB 2172 - Francis
HB 2174 - Mayhew
HCS HB 2218 - O'Donnell
HB 2293 - Knight
HB 2325 - Patterson
HCS HB 2363 - McGirl

HB 2371 - Smith (155)
HCS HB 2381 - Roden
HB 2391 - Buchheit-Courtway
HCS HB 2434 - Grier
HCS HB 2453 - McDaniel
HCS HB 2543 - O'Donnell
HB 2566 - Porter
HB 2568 - Perkins
HB 2576 - Bromley
HB 2603 - Patterson
HB 2607 - Rone

HOUSE BILLS FOR PERFECTION - CONSENT

(03/24/2022)

HB 2400 - Houx
HB 2416 - Porter

(03/28/2022)

HCS HB 2151 - Shields

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 57 - Chipman
HCR 71 - Riggs
HCR 58 - Copeland

HOUSE JOINT RESOLUTIONS FOR THIRD READING - INFORMAL

HJR 70 - Davidson

HOUSE BILLS FOR THIRD READING

HCS HB 2127, (Fiscal Review 3/28/22) - Francis
HB 2387 - Gregory (51)
HCS HB 2000 - Schwadron

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 2143 - Kalberloh
HCS HB 2032, (Fiscal Review 3/24/22) - Lewis (6)
HB 1637, (Fiscal Review 3/24/22) - Schwadron

HOUSE BILLS FOR THIRD READING - CONSENT

HCS HB 2627 - Sharp (36)

HCS HB 1662 - Fishel

HCS HB 2462 - Burger

BILLS CARRYING REQUEST MESSAGES

SS#2 HCS HB 2117, as amended (request Senate recede/grant conference), E.C. - Shaul

HOUSE RESOLUTIONS

HCS HR 3279 - Grier

HCS HR 3737 - Schroer

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Smith (163)

CCS SS SCS HCS HB 2 - Smith (163)

CCS SS SCS HCS HB 3 - Smith (163)

CCS SS SCS HCS HB 4 - Smith (163)

CCS SCS HCS HB 5 - Smith (163)

CCS SCS HCS HB 6 - Smith (163)

CCS SCS HCS HB 7 - Smith (163)

CCS SCS HCS HB 8 - Smith (163)

CCS SCS HCS HB 9 - Smith (163)

CCS SS SCS HCS HB 10 - Smith (163)

CCS SS SCS HCS HB 11 - Smith (163)

CCS SCS HCS HB 12 - Smith (163)

SCS HCS HB 13 - Smith (163)

HCS HB 17 - Smith (163)

SCS HCS HB 18 - Smith (163)

SS SCS HCS HB 19 - Smith (163)

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