

FIRST REGULAR SESSION

HOUSE BILL NO. 205

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUCHHEIT-COURTWAY.

0660H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 213.111, RSMo, and to enact in lieu thereof two new sections relating to certain experimental or investigational medical treatments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 213.111, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 213.066 and 213.111, to read as follows:

213.066. 1. It is an unlawful discriminatory practice for any government entity in the state, any public official in the state, including any elected or appointed officer, employee, or agent of the state, or any political subdivision, board, commission, department, bureau, or other public body of the state, directly or indirectly, to require any other person to receive a medication, vaccination, or injection, the use of which has not been fully authorized by the United States Food and Drug Administration, is allowed under an emergency use authorization, or is undergoing safety trials.

2. (1) The provisions of this section shall not prohibit health facilities from requiring employees to receive a COVID-19 vaccine in order for a health facility to participate in a federal program or contract.

(2) The provisions of this section shall not prohibit a public college or university from requiring select student participants to receive a COVID-19 vaccine in order for the college or university to receive federal funds.

213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065, **213.066**, or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 ~~[or]~~, 213.065, **or 213.066**, or subdivision (3) of subsection 1 of

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 section 213.070 as it relates to employment and public accommodations, the commission has
6 not completed its administrative processing and the person aggrieved so requests in writing,
7 the commission shall issue to the person claiming to be aggrieved a letter indicating his or her
8 right to bring a civil action within ninety days of such notice against the respondent named in
9 the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045,
10 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or
11 involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of
12 subsection 1 of section 213.070 as it relates to housing, and the person aggrieved so requests
13 in writing, the commission shall issue to the person claiming to be aggrieved a letter
14 indicating his or her right to bring a civil action within ninety days of such notice against the
15 respondent named in the complaint. The commission may not at any other time or for any
16 other reason issue a letter indicating a complainant's right to bring a civil action. Such an
17 action may be brought in any circuit court in any county in which the unlawful discriminatory
18 practice is alleged to have been committed, either before a circuit or associate circuit judge.
19 Upon issuance of this notice, the commission shall terminate all proceedings relating to the
20 complaint. No person may file or reinstate a complaint with the commission after the
21 issuance of a notice under this section relating to the same practice or act. Any action brought
22 in court under this section shall be filed within ninety days from the date of the commission's
23 notification letter to the individual but no later than two years after the alleged cause occurred
24 or its reasonable discovery by the alleged injured party.

25 2. The court may grant as relief, as it deems appropriate, any permanent or temporary
26 injunction, temporary restraining order, or other order, and may award to the plaintiff actual
27 and punitive damages, and may award court costs and reasonable attorney fees to the
28 prevailing party, other than a state agency or commission or a local commission; except that, a
29 prevailing respondent may be awarded reasonable attorney fees only upon a showing that the
30 case was without foundation.

31 3. Any party to any action initiated under this section has a right to a trial by jury.

32 4. The sum of the amount of actual damages, including damages for future pecuniary
33 losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life,
34 and other nonpecuniary losses, and punitive damages awarded under this section shall not
35 exceed for each complaining party:

36 (1) Actual back pay and interest on back pay; and

37 (2) (a) In the case of a respondent who has more than five and fewer than one
38 hundred one employees in each of twenty or more calendar weeks in the current or preceding
39 calendar year, fifty thousand dollars;

40 (b) In the case of a respondent who has more than one hundred and fewer than two
41 hundred one employees in each of twenty or more calendar weeks in the current or preceding
42 calendar year, one hundred thousand dollars;

43 (c) In the case of a respondent who has more than two hundred and fewer than five
44 hundred one employees in each of twenty or more calendar weeks in the current or preceding
45 calendar year, two hundred thousand dollars; or

46 (d) In the case of a respondent who has more than five hundred employees in each of
47 twenty or more calendar weeks in the current or preceding calendar year, five hundred
48 thousand dollars.

49 5. In any employment-related civil action brought under this chapter, the plaintiff
50 shall bear the burden of proving the alleged unlawful decision or action was made or taken
51 because of his or her protected classification and was the direct proximate cause of the
52 claimed damages.

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