

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 489
102ND GENERAL ASSEMBLY

1261H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 191 and 292, RSMo, by adding thereto thirteen new sections relating to health care, with penalty provisions.

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

Section A. Chapters 191 and 292, RSMo, are amended by adding thereto thirteen new sections, to be known as sections 191.230, 191.1770, 191.1775, 191.1780, 191.1785, 191.1790, 191.1795, 191.1800, 191.1802, 191.1805, 191.1807, 191.1810, and 292.648, to read as follows:

191.230. 1. No public school district or public charter school receiving public funds shall require any student, as a condition of enrollment, as a condition of attendance at any school event or activity, or for any other reason, to:

- (1) Receive a COVID-19 vaccination;**
- (2) Receive a dose of messenger ribonucleic acid;**
- (3) Receive any treatment or procedure intended or designed to edit or alter human deoxyribonucleic acid or the human genome; or**
- (4) Have placed under the student's skin any mechanical or electronic device.**

2. No public body, as defined in section 290.210, state department or agency, political subdivision, judge or judicial official, peace officer, public official, or any person appointed by the governor acting in an official capacity under such appointment shall:

- (1) Require any person to:**
 - (a) Receive a COVID-19 vaccination;**
 - (b) Receive a dose of messenger ribonucleic acid;**

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.

16 (c) Receive any treatment or procedure intended or designed to edit or alter
17 human deoxyribonucleic acid or the human genome; or

18 (d) Have placed under the person's skin any mechanical or electronic device; or

19 (2) Impose any fine, tax, or criminal or civil penalty, or condition any personal
20 right, based on whether a person has received or undergone any intervention described
21 in paragraphs (a) to (d) of subdivision (1) of this subsection.

22 3. (1) The provisions of this section relating to COVID-19 vaccination shall not
23 apply to public colleges and universities where a COVID-19 vaccination is required for
24 employees or select student participants in order for the colleges or universities to
25 receive federal funds but shall be construed to prohibit a general requirement that
26 students receive a COVID-19 vaccination as a condition of enrollment.

27 (2) The provisions of this section relating to COVID-19 vaccination shall not
28 apply to any student training in a health care field or a field related to health care who is
29 receiving clinical hours or other training at a facility or entity described in subdivisions
30 (1) to (5) of subsection 4 of this section.

31 4. The provisions of this section shall not apply to:

32 (1) Any facility that meets the definition of a hospital in section 197.020;

33 (2) Any long-term care facility licensed under chapter 198;

34 (3) Any entity that meets the definition of facility in section 199.170;

35 (4) Any facility certified by the Centers for Medicare and Medicaid Services;

36 (5) Any entity or individual licensed under sections 190.001 to 190.245; or

37 (6) Any employees of any state department or agency who are part of an onsite
38 survey team performing federal oversight of certified providers and suppliers for the
39 Centers for Medicare and Medicaid Services.

40 5. A court may grant any person whose rights are violated by this section relief,
41 including injunctive relief. A court may award the prevailing party in a cause of action
42 brought under this section reasonable attorney's fees.

191.1770. Sections 191.1770 to 191.1810 shall be known and may be cited as the
2 "Do No Harm Act".

191.1775. For purposes of sections 191.1770 to 191.1810, the following terms
2 mean:

3 (1) "Academic standards", the grade point average, standardized test score, or
4 other objective metric used to measure a student's achievements for the purpose of
5 admission into, advancement in, or graduation from a medical institution of higher
6 education;

7 (2) "Diversity-equity-inclusion" or "DEI":

8 **(a) Any effort to promote racial diversity in any aspect of a health care-related**
9 **academic program;**

10 **(b) Any reference to group differences within a given setting with respect to**
11 **culture, ethnicity, gender, gender identity, national origin, race, religion, or sexual**
12 **orientation; and**

13 **(c) The promulgation of policies, practices, and procedures designed or**
14 **implemented with reference to the group differences described in paragraph (b) of this**
15 **subdivision.**

16

17 **The term "diversity-equity-inclusion" or "DEI" shall not include equal opportunity or**
18 **equal employment opportunity materials designed to inform individuals about the**
19 **prohibition on discrimination based on protected status under state and federal law;**

20 **(3) "Health care provider", any public hospital or public health care provider**
21 **including, but not limited to, physicians' offices, outpatient clinics, medical testing sites,**
22 **medical laboratories, physical or occupational therapy or rehabilitation providers,**
23 **chiropractors, dentists, optometrists, mental health and clinical social workers, and**
24 **related providers;**

25 **(4) "Health care-related academic program", any health care-related area of**
26 **study designed to prepare students for employment as or with a health care provider by**
27 **conferring a degree or certification including, but not limited to, programs in nursing,**
28 **pre-medical studies, medical education, psychiatry, clinical social work, dentistry, dental**
29 **hygiene, physical or occupational therapy, chiropractic care, medical equipment**
30 **technician studies, and all related fields;**

31 **(5) "Health care-related professional licensing board", the board of podiatric**
32 **medicine, the state board of chiropractic examiners, the dental board, the state board of**
33 **registration for the healing arts, the state board of nursing, the state board of**
34 **optometry, the state committee of psychologists, the committee for professional**
35 **counselors, the state committee for social workers, the state committee for marital**
36 **and family therapists, the state board of pharmacy, the board of occupational therapy,**
37 **the state committee of dietitians, and the board of therapeutic massage;**

38 **(6) "Institution of higher education", any:**

39 **(a) State community college;**

40 **(b) State college or university offering bachelor's degrees, master's degrees, or**
41 **doctorate degrees; or**

42 **(c) Trade school;**

43 (7) "Medical institution of higher education", any institution of higher education
44 that receives state funds and that offers health care-related degrees, health care-related
45 certifications, or health care-related training.

191.1780. 1. Each medical institution of higher education shall submit an annual
2 certification before December thirty-first to the state board of registration for the
3 healing arts and the coordinating board for higher education stating that the institution:

4 (1) Does not require applicants to subscribe to diversity-equity-inclusion (DEI)
5 ideologies and does not discriminate against applicants who do not subscribe to DEI
6 ideologies during the application process; and

7 (2) Does not require admitted students to study or subscribe to DEI ideologies
8 within the medical institution of higher education.

9 2. Each medical institution of higher education shall publish the titles and syllabi
10 for all mandatory courses, seminars, classes, workshops, and training sessions on its
11 website in an online database that is readily searchable by the public.

12 3. Medical institutions of higher education shall not conduct internal DEI audits
13 or otherwise engage DEI consultants.

191.1785. 1. All medical institutions of higher education in this state other than
2 open-enrollment institutions shall require applicants to complete a standardized
3 admissions test focused on knowledge and critical thinking with respect to science
4 and medical training in order to qualify for admission.

5 2. A medical institution of higher education shall not alter the academic
6 standards for the admission of new students to a health care-related course of study or
7 for the conferral of a health care-related degree or certificate unless the institution
8 submits to the general assembly and the coordinating board for higher education:

9 (1) A copy of the proposed academic standards;

10 (2) A concise general statement relating to the proposed standards; and

11 (3) The proposed effective date of the proposed standards.

12 3. The proposed standards described in subsection 2 of this section shall become
13 effective no earlier than sixty days from the date of the submission of the proposed
14 standards, excluding days either chamber of the general assembly is adjourned for more
15 than three days.

16 4. (1) The proposed standards described in subsection 2 of this section shall not
17 become effective if, before the earliest date on which the standards may become effective
18 as described in subsection 3 of this section, both chambers of the general assembly pass
19 and the governor approves a joint resolution of disapproval.

20 (2) For purposes of this subsection, the term "joint resolution of disapproval"
21 means a resolution introduced after the submission of the proposed standards described

22 in subsection 2 of this section that contains a statement in substantially the following
23 form: "The general assembly disapproves the standards submitted by _____
24 _____ (the medical institution of higher education) relating to _____ (the
25 description of the standards), and such standards shall have no force or effect."

191.1790. 1. Health care-related professional licensing boards shall not adopt or
2 impose, as a condition of obtaining or renewing any license, any incentives or
3 requirements for applicants for licensure or renewal of licensure to undergo,
4 demonstrate familiarity with, or support any diversity-equity-inclusion (DEI)
5 training, education, material, or program.

6 2. Organizations that issue state-required health care-related professional
7 certifications shall not use DEI material or require DEI training as part of the
8 certification process.

9 3. Health care-related professional licensing boards and organizations that issue
10 health care-related professional certifications shall not conduct internal DEI audits or
11 otherwise engage DEI consultants.

191.1795. 1. A health care provider or medical institution of higher education
2 shall not receive any state contract or grant unless the provider or institution has
3 certified before the award of the contract or grant that it does not and will not require
4 its employees, contractors, volunteers, vendors, or agents to subscribe to, study, or
5 receive instruction on diversity-equity-inclusion material in connection with the use of
6 state funds.

7 2. Each health care provider and medical institution of higher education shall
8 submit an annual certification before December thirty-first to the state board of
9 registration for the healing arts stating that the provider or institution does not and will
10 not require its employees, contractors, volunteers, vendors, or agents to subscribe to,
11 study, or receive instruction on diversity-equity-inclusion material in connection with
12 the use of state funds.

191.1800. Any state entity applying for a federal health care-related grant
2 related to diversity-equity-inclusion shall publish on its website all materials,
3 requirements, and instructions related to the federal grant application that are in the
4 entity's possession, submit a copy of the grant proposal to the state board of registration
5 for the healing arts for public posting, and submit a copy of the grant proposal to all
6 members of the house and senate committees on health policy.

191.1802. 1. An aggrieved person may commence an action against a health care
2 provider or medical institution of higher education for violations of sections 191.1770 to
3 191.1810.

4 **2. If an aggrieved person proves that a health care provider or medical**
5 **institution of higher education violated sections 191.1770 to 191.1810, the person is**
6 **entitled to recover:**

7 **(1) Declaratory relief;**

8 **(2) Injunctive relief;**

9 **(3) Statutory damages of not less than one hundred thousand dollars assessed**
10 **against the health care provider or medical institution of higher education found by a**
11 **court to have violated sections 191.1770 to 191.1810;**

12 **(4) Compensatory damages; and**

13 **(5) Costs and attorney's fees.**

14 **3. Sovereign immunity to suit is waived and abolished to the extent of liability**
15 **created by sections 191.1770 to 191.1810. A person having a claim under sections**
16 **191.1770 to 191.1810 may sue a health care provider or medical institution of higher**
17 **education that would otherwise be entitled to such immunity for damages allowed by**
18 **sections 191.1770 to 191.1810.**

19 **4. An aggrieved person shall bring suit under sections 191.1770 to 191.1810 not**
20 **later than one year after the alleged violation occurred.**

191.1805. 1. Any health care provider with more than fifty employees or medical
2 **institution of higher education shall submit an annual certification to the state board of**
3 **registration for the healing arts and the attorney general signed by an officer of the**
4 **provider or institution under penalty of perjury stating that the provider or institution**
5 **is in compliance with the provisions of sections 191.1770 to 191.1810.**

6 **2. The attorney general shall have the authority to investigate allegations of**
7 **violations of sections 191.1770 to 191.1810.**

8 **3. In addition to any relief granted to aggrieved persons under a private right of**
9 **action, the attorney general may seek civil penalties of up to one million dollars against a**
10 **health care provider or medical institution of higher education for each violation of**
11 **sections 191.1770 to 191.1810.**

12 **4. The attorney general may file suit for a writ of mandamus compelling public**
13 **health care providers or public medical institutions of higher education to comply with**
14 **sections 191.1770 to 191.1810.**

15 **5. The attorney general shall have the authority to establish, by regulation,**
16 **procedures for investigating violations of sections 191.1770 to 191.1810. Any rule or**
17 **portion of a rule, as that term is defined in section 536.010, that is created under the**
18 **authority delegated in this section shall become effective only if it complies with and is**
19 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
20 **section and chapter 536 are nonseverable and if any of the powers vested with the**

21 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
22 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
23 **rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be**
24 **invalid and void.**

2 **191.1807. The state board of registration for the healing arts shall publish on its**
3 **website, on an annual basis before December thirty-first, a list of all the health care**
4 **providers and medical institutions of higher education that have provided DEI**
5 **certification as required under sections 191.1770 to 191.1810.**

2 **191.1810. If any provision of sections 191.1770 to 191.1810 or the application**
3 **thereof to any person or circumstance is held invalid, such determination shall not affect**
4 **the provisions or applications of sections 191.1770 to 191.1810 which may be given effect**
5 **without the invalid provision or application, and to that end the provisions of sections**
6 **191.1770 to 191.1810 are severable.**

2 **292.648. 1. For purposes of this section, the following terms mean:**

2 **(1) "Employer", the same meaning given to the term in section 213.010, except**
3 **that the term "employer" shall include any public college or university, any facility that**
4 **meets the definition of a hospital in section 197.020, any long-term care facility licensed**
5 **under chapter 198, any entity that meets the definition of facility in section 199.170, and**
6 **any facility certified by the Centers for Medicare and Medicaid Services;**

7 **(2) "Medical treatment", any:**

8 **(a) Drug, medicine, synthetic substance, or therapy, whether therapeutic or**
9 **preventive, that is fully approved or granted an emergency use authorization by the**
10 **United States Food and Drug Administration (FDA), or pending approval by the FDA,**
11 **or that would require approval from the FDA to be sold or prescribed to the general**
12 **public;**

13 **(b) Treatment or procedure intended or designed to edit or alter human**
14 **deoxyribonucleic acid or the human genome; or**

15 **(c) Mechanical or electronic device placed under a person's skin.**

16 **2. A student shall be exempt from a public college's or university's requirement**
17 **to receive medical treatment as a condition of participation in any project or activity**
18 **sponsored by the college or university and shall not be subject to adverse action by the**
19 **college or university for declining to receive the medical treatment if:**

20 **(1) The student:**

21 **(a) Holds a sincerely held religious belief, which may include a deeply held**
22 **nontheistic moral belief, that forbids the student from receiving the medical treatment**
23 **and the reasonable accommodation of such belief would not pose an undue hardship on**
24 **the college or university; or**

25 **(b) The student has received a written recommendation, based on the student's**
26 **unique and individual medical situation, from a physician licensed to practice medicine**
27 **in the state of Missouri, advising the student not to receive the required medical**
28 **treatment on the basis that the medical treatment is likely to be harmful to the student**
29 **or is not in the best medical interest of the student for other specified reasons; and**

30 **(2) The student submits a written request for the exemption described in**
31 **subdivision (1) of this subsection to the college or university.**

32 **3. A court may grant any person whose rights are violated by this section relief,**
33 **including injunctive relief. A court may award the prevailing party in a cause of action**
34 **brought under this section reasonable attorney's fees.**

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