

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 700 & 445
102ND GENERAL ASSEMBLY

1332H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 191 and 292, RSMo, by adding thereto two new sections relating to refusal of medical procedures or treatment.

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 two new sections, to be known as sections 191.230 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;**
 - (c) Receive any treatment or procedure intended or designed to edit or alter human deoxyribonucleic acid or the human genome; or**
 - (d) Have placed under the person's skin any mechanical or electronic device; or**

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.

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.**

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. An employee shall be exempt from an employer's requirement to receive**
17 **medical treatment as a condition of employment and shall not be subject to adverse**
18 **action by the employer, including loss of pay or termination of employment, for**
19 **declining to receive the medical treatment if:**

20 **(1) The employee:**

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

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

31 **(2) The employee submits a written request for the exemption described in**
32 **subdivision (1) of this subsection to the employer.**

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

37 **(1) The student:**

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

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

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

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

✓