

FIRST REGULAR SESSION

HOUSE BILL NO. 1130

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

2438H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 105.1155, 194.321, and 338.010, RSMo, and to enact in lieu thereof eleven new sections relating to public health, with penalty provisions.

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

Section A. Sections 105.1155, 194.321, and 338.010, RSMo, are repealed and eleven
2 new sections enacted in lieu thereof, to be known as sections 105.1155, 161.581, 173.581,
3 191.230, 191.242, 191.244, 192.024, 192.026, 194.321, 292.645, and 338.010, to read as
4 follows:

105.1155. No public employee, as that term is defined in section 105.500, shall be
2 required by any political subdivision to receive a vaccination against COVID-19 as a
3 condition of commencing or continuing employment. ~~[As used in this section, the term~~
4 ~~"political subdivision" shall not include any facility that meets the definition of hospital in~~
5 ~~section 197.020, any long-term care facility licensed under chapter 198, any entity that meets~~
6 ~~the definition of facility in section 199.170, any facility certified by the Centers for Medicare~~
7 ~~and Medicaid Services (CMS), any state department or agency, or employees thereof, that are~~
8 ~~part of an onsite survey team performing federal oversight of certified providers and suppliers~~
9 ~~for CMS, or any entity or individual licensed under sections 190.001 to 190.245.]~~

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

2 **(1) "COVID-19", any disease or health condition caused by the novel**
3 **coronavirus named "SARS-CoV-2", the international outbreak of respiratory disease**
4 **named "coronavirus disease 2019" and abbreviated as "COVID-19", or any variant of**
5 **or virus mutating from SARS-CoV-2 or COVID-19;**

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.

6 (2) "COVID-19 vaccine", a substance used to stimulate the production of
7 antibodies and provide protection against COVID-19, prepared from the causative
8 agent of COVID-19, its products, or a synthetic substitute, and treated to act as an
9 antigen without inducing a COVID-19 infection;

10 (3) "Public school", the same meaning given to the term in section 160.011;

11 (4) "School district", the same meaning given to the term in section 160.011;

12 (5) "School employee", any teacher, substitute teacher, supervisor, principal,
13 supervising principal, superintendent, assistant superintendent, or other individual who
14 is employed by a school district or a public school.

15 2. Beginning in the 2023-24 school year and for each subsequent school year, no
16 school district, public school, or school employee shall require any school employee or
17 any student of such school district or public school to:

18 (1) Receive any COVID-19 vaccine or gene therapy treatment before being
19 physically present at any of the school district's or public school's events, premises, or
20 facilities;

21 (2) Receive any COVID-19 vaccine or gene therapy treatment before being
22 accepted for employment by the school district or public school or as a condition of
23 acceptance as a student in the school district's public schools; or

24 (3) Submit to any testing for COVID-19 without the express written consent of
25 the school employee or, in the case of a student, all parents, guardians, or other persons
26 having control and custody over the student.

27 3. (1) The department of elementary and secondary education shall investigate
28 any report of a violation of this section. If the department determines that any school
29 district, public school, or school employee has violated this section, the department shall
30 notify the violator of the violation and order the violator to immediately cease and desist
31 any further activity in violation of this section.

32 (2) If a school employee violates this section and such school employee possesses
33 a certificate of license to teach in the public schools of this state, the department shall
34 fine such employee in an amount not to exceed five thousand dollars for each violation.
35 The department may suspend or revoke such school employee's certificate of license
36 under chapter 168.

37 (3) Any student, parent or guardian of such student, other family member of
38 such student, or school employee may bring a civil action against a violator of this
39 section for appropriate injunctive relief or actual damages, or both, for any physical,
40 mental, or emotional injuries sustained by such individual as a result of a school
41 district's, public school's, or school employee's violation of this section. Such action

42 shall be brought in the county where the violation occurred, and the court shall award
43 damages and court costs to a prevailing plaintiff.

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

2 (1) "COVID-19", any disease or health condition caused by the novel
3 coronavirus named "SARS-CoV-2", the international outbreak of respiratory disease
4 named "coronavirus disease 2019" and abbreviated as "COVID-19", or any variant of
5 or virus mutating from SARS-CoV-2 or COVID-19;

6 (2) "COVID-19 vaccine", a substance used to stimulate the production of
7 antibodies and provide protection against COVID-19, prepared from the causative
8 agent of COVID-19, its products, or a synthetic substitute, and treated to act as an
9 antigen without inducing a COVID-19 infection;

10 (3) "Employee", any individual who is employed by an institution of higher
11 education;

12 (4) "Institution of higher education", any institution of postsecondary education
13 that receives any public funding and is subject to any governance or regulation by the
14 coordinating board of higher education under state law.

15 2. Beginning in the 2023-24 academic year and for each subsequent academic
16 year, no institution of higher education or employee shall require any employee or
17 student to:

18 (1) Receive any COVID-19 vaccine or gene therapy treatment before being
19 physically present at any of the institution's events, premises, or facilities;

20 (2) Receive any COVID-19 vaccine or gene therapy treatment before being
21 accepted for employment by the institution or as a condition of acceptance as a student
22 at the institution; or

23 (3) Submit to any testing for COVID-19 without the express written consent of
24 the employee or student.

25 3. (1) The department of higher education and workforce development shall
26 investigate any report of a violation of this section. If the department determines that
27 any institution of higher education or employee has violated this section, the department
28 shall notify the violator of the violation and order the violator to immediately cease and
29 desist any further activity in violation of this section.

30 (2) If an employee violates this section and such school employee possesses a
31 license issued by any department of this state, the department shall fine such employee
32 in an amount not to exceed five thousand dollars for each violation. The department
33 may suspend or revoke such employee's license under state law.

34 (3) Any student, parent or guardian of such student, other family member of
35 such student, or employee may bring a civil action against a violator of this section for

36 appropriate injunctive relief or actual damages, or both, for any physical, mental, or
37 emotional injuries sustained by such individual as a result of a violation of this section
38 by an institution of higher education or an employee. Such action shall be brought in
39 the county where the violation occurred, and the court shall award damages and court
40 costs to a prevailing plaintiff.

191.230. 1. No public body as defined in section 290.210, political subdivision,
2 public school district, state department or agency, public official, peace officer, or any
3 person appointed by the governor acting in an official and public capacity under such
4 appointment shall:

5 (1) Require any person to receive a COVID-19 vaccination;

6 (2) Condition any personal right or public service based on whether an
7 individual has received a COVID-19 vaccination; or

8 (3) Impose any fine, tax, or criminal or civil penalty based on whether an
9 individual has received a COVID-19 vaccination.

10 2. Any order issued by a body or official described in subsection 1 of this section
11 that violates the provisions of this section shall be unenforceable.

191.242. The United States Centers for Disease Control and Prevention and the
2 World Health Organization shall have no jurisdiction in Missouri. Any requirements,
3 mandates, recommendations, instructions, or guidance provided by either organization
4 shall not be used in this state to justify any mask, vaccine, or medical testing
5 requirements and shall have no force or effect in Missouri.

191.244. 1. For purposes of this section, the terms "health care provider" and
2 "health care service" shall have the same meaning given to the terms in section
3 376.1350.

4 2. A health care provider shall not condition any health care service based on
5 whether an individual has received a vaccination or vaccinations against any particular
6 disease or diseases.

192.024. 1. For purposes of this section, the term "individual" means any adult
2 or minor child.

3 2. Notwithstanding any laws, rules, orders, or directives made or promulgated in
4 response to an emergency including, but not limited to, a national security emergency,
5 an emergency declared under chapter 44, a local emergency, a health emergency, or any
6 peacetime emergency, and notwithstanding any laws or rules that address outbreaks or
7 potential outbreaks or epidemics of a contagious, infectious, or communicable disease
8 other than the provisions of subsection 5 of this section, individuals retain the right to be
9 free and independent and maintain their inalienable and fundamental right of self-

10 **determination to make their own health decisions including, but not limited to, the right**
11 **to refuse any of the following health-related countermeasures:**

- 12 (1) **Medical treatments or procedures;**
- 13 (2) **Any covered product as defined in section 537.1000;**
- 14 (3) **Testing;**
- 15 (4) **Physical or mental examination;**
- 16 (5) **Vaccination;**
- 17 (6) **Experimental procedures or protocols;**
- 18 (7) **Collection of specimens;**
- 19 (8) **Participation in tracking or tracing programs;**
- 20 (9) **The wearing of masks;**
- 21 (10) **The maintenance of a measured distance from other humans and animals**
22 **that is not otherwise unlawful;**
- 23 (11) **The involuntary sharing of personal data or medical information; and**
- 24 (12) **Any other recommended or mandated health-related countermeasure.**

25 **3. Notwithstanding any provision of law other than the provisions of subsection 5**
26 **of this section, an individual who has been directed or ordered by a government or its**
27 **designees or by a public or private business or entity including, but not limited to, a**
28 **commissioner or director of health, a local health officer, a sheriff, a peace officer, or any**
29 **designee of such commissioner, director, or officer to submit to a directive or order that**
30 **imposes a health-related countermeasure as described in subsection 2 of this section may**
31 **decline to comply with, respond to, or participate in any countermeasure described in**
32 **the directive or order.**

33 **4. Notwithstanding any provision of law other than the provisions of subsection 5**
34 **of this section, the government or its designees, employers, businesses, nonprofit**
35 **organizations, institutions, churches, travel carriers, or any other public or private**
36 **entities shall not infringe upon, impose conditions on, restrict, or remove an individual's**
37 **ability to fully participate in necessary and important services and lifestyle choices and**
38 **preferences including, but not limited to, education, day care, employment, travel,**
39 **religion, hobbies, entertainment, and sports based on an individual's choice to decline to**
40 **comply with any countermeasure described in subsection 2 of this section.**

41 **5. (1) An individual who declines to comply with a countermeasure described in**
42 **subsection 2 of this section may be required to participate in isolation or quarantine**
43 **under the authority of section 192.020 or any other law permitting isolation or**
44 **quarantine requirements or regulations if:**

45 **(a) The individual is infected with or reasonably believed to be infected with a**
46 **communicable disease, has been exposed to a toxic agent that can be transferred to**
47 **another individual, or has been exposed to a communicable disease; and**

48 **(b) The toxic agent or communicable disease is the basis upon which an**
49 **emergency has been declared or is the basis of a nonemergency order, law, or rule.**

50 **(2) Notwithstanding any state or local laws on isolation or quarantine**
51 **procedures, any isolation or quarantine required of an individual as permitted under**
52 **this subsection shall be the least restrictive means possible to prevent the spread of the**
53 **toxic agent or disease; shall include reasonable notice and due process; shall protect the**
54 **right of the individual to remain in his or her home and live with family members,**
55 **friends, and significant others at all times; and shall not require any alteration or**
56 **renovation, such as the addition of a bathroom, to any home.**

57 **(3) Any requirement for a noninfected individual to quarantine shall be based on**
58 **sufficient credible evidence of contact with or close proximity to an infected individual**
59 **and shall not be imposed based on third-party location data.**

60 **(4) Treatment, testing, tracking, or prevention orders shall not be imposed as a**
61 **requirement of ending the isolation or quarantine of an individual.**

62 **(5) An individual in isolation or quarantine shall have the right to utilize the**
63 **health care treatments of his or her choice and the right to be accompanied by a**
64 **consenting individual of his or her choice to attend to his or her needs at all times during**
65 **the isolation or quarantine period.**

66 **(6) An individual's quarantine or isolation shall not remove or alter the**
67 **individual's legal or medical custody of another individual. A minor child shall not be**
68 **forcibly removed from his or her parent or legal guardian or home in order to enforce**
69 **an individual's quarantine or isolation.**

70 **6. (1) Before a health care provider or individual who has been directed or**
71 **ordered by a government or its designees or a public or private business or entity**
72 **including, but not limited to, a commissioner or director of health, a local health officer,**
73 **a sheriff, a peace officer, or any designee of such commissioner, director, or officer to**
74 **enforce a public health directive or order performs a countermeasure included in the**
75 **directive or order or requests participation in a countermeasure included in the**
76 **directive or order including, but not limited to, any countermeasure described in**
77 **subsection 2 of this section, the health care provider or individual shall notify the**
78 **individual to whom the directive or order is being given of his or her rights under this**
79 **section by reading aloud to the individual subsections 2 to 4 of this section.**

80 **(2) If the individual to whom the directive or order is being given is a minor,**
81 **subsections 2 to 4 of this section shall be read aloud to the minor's parent or legal**
82 **guardian.**

83 **(3) A written copy of this section shall be provided to the individual to whom the**
84 **directive or order is being given or, if the individual is a minor, to his or her parent or**
85 **legal guardian.**

86 **(4) The health care provider or other individual giving the directive or order**
87 **shall obtain a signature of acknowledgment of receipt of the notification from any**
88 **individual or parent or legal guardian who declines to comply with or participate in the**
89 **countermeasure.**

192.026. 1. For purposes of this section, the following terms mean:

2 **(1) "Government entity":**

3 **(a) Any agency or instrumentality of the state government; or**

4 **(b) Any political subdivision or agency or instrumentality thereof;**

5 **(2) "Political subdivision", any municipality, school district, special district,**
6 **local governmental body, county, city, town, or village;**

7 **(3) "Vaccination status", an individual's status with regard to whether the**
8 **individual has received a vaccination against COVID-19 or any other disease;**

9 **(4) "Vaccine passport", any standardized documentation of vaccination against**
10 **COVID-19 or any other disease.**

11 **2. No government entity shall issue vaccine passports for the purpose of**
12 **certifying an individual's vaccination status to a third party or to otherwise publish or**
13 **share any individual's vaccination record or similar health information.**

14 **3. No government entity shall require enrollment in any registry of vaccinated**
15 **individuals or otherwise require individuals to submit to any form of tracking related to**
16 **vaccinations.**

17 **4. No government entity shall provide any registry of vaccinated individuals or**
18 **any similar information on the vaccination status of residents of this state to any federal**
19 **agency.**

194.321. 1. For purposes of this section, the following terms mean:

2 **(1) "COVID-19 vaccination status", an indication of whether a person has received a**
3 **vaccination against COVID-19;**

4 **(2) "Hospital", the same meaning given to the term in section 197.020;**

5 **(3) "Procurement organization", the same meaning given to the term in section**
6 **194.210.**

7 **2. [~~Except if the organ being transplanted is a lung,~~] No hospital, physician,**
8 **procurement organization, or other person shall consider the COVID-19 vaccination status of**

9 a potential organ transplant recipient or potential organ donor in any part of the organ
10 transplant process including, but not limited to:

- 11 (1) The referral of a patient to be considered for a transplant;
- 12 (2) The evaluation of a patient for a transplant;
- 13 (3) The consideration of a patient for placement on a waiting list;
- 14 (4) A patient's particular position on a waiting list; and
- 15 (5) The evaluation of a potential donor to determine his or her suitability as an organ
16 donor.

292.645. 1. For purposes of this section, the following terms mean:

- 2 (1) "Employee", any person performing work or service of any kind or
3 character for an employer;
 - 4 (2) "Employer", any:
 - 5 (a) Individual, sole proprietorship, partnership, limited liability company,
6 corporation, or any other entity that is legally doing business in this state; or
 - 7 (b) Department, agency, or instrumentality of the state or any political
8 subdivision of the state;
 - 9 (3) "Political subdivision", any municipality, school district, special district,
10 local governmental body, county, city, town, or village.
- 11 **2. Notwithstanding any other provision of law, an employer shall not require an**
12 **employee or prospective employee to undergo or prove receipt of a vaccination against**
13 **COVID-19 or any other disease as a condition of employment or continued employment.**
- 14 **3. An employee or prospective employee may bring a civil action in circuit court**
15 **against an employer who violates the provisions of this section for such relief, including**
16 **injunctive relief, as may be appropriate.**

338.010. 1. The "practice of pharmacy" means the interpretation, implementation,
2 and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C.
3 Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of
4 such orders; the designing, initiating, implementing, and monitoring of a medication
5 therapeutic plan as defined by the prescription order so long as the prescription order is
6 specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and
7 administration of drugs and devices pursuant to medical prescription orders and
8 administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria,
9 tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for
10 persons at least seven years of age or the age recommended by the Centers for Disease
11 Control and Prevention, whichever is higher, or the administration of pneumonia, shingles,
12 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines
13 by written protocol authorized by a physician for a specific patient as authorized by rule; the

14 participation in drug selection according to state law and participation in drug utilization
15 reviews; the proper and safe storage of drugs and devices and the maintenance of proper
16 records thereof; consultation with patients and other health care practitioners, and
17 veterinarians and their clients about legend drugs, about the safe and effective use of drugs
18 and devices; the prescribing and dispensing of any nicotine replacement therapy product
19 under section 338.665; the dispensing of HIV postexposure prophylaxis pursuant to section
20 338.730; and the offering or performing of those acts, services, operations, or transactions
21 necessary in the conduct, operation, management and control of a pharmacy. No person shall
22 engage in the practice of pharmacy unless he or she is licensed under the provisions of this
23 chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under
24 the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties.
25 This assistance in no way is intended to relieve the pharmacist from his or her responsibilities
26 for compliance with this chapter and he or she will be responsible for the actions of the
27 auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to
28 prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry,
29 or veterinary medicine only for use in animals, or the practice of optometry in accordance
30 with and as provided in sections 195.070 and 336.220 in the compounding, administering,
31 prescribing, or dispensing of his or her own prescriptions.

32 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan
33 shall have a written protocol from the physician who refers the patient for medication therapy
34 services. The written protocol and the prescription order for a medication therapeutic plan
35 shall come from the physician only, and shall not come from a nurse engaged in a
36 collaborative practice arrangement under section 334.104, or from a physician assistant
37 engaged in a collaborative practice arrangement under section 334.735.

38 3. Nothing in this section shall be construed as to prevent any person, firm or
39 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that
40 a licensed pharmacist is in charge of such pharmacy.

41 4. Nothing in this section shall be construed to apply to or interfere with the sale of
42 nonprescription drugs and the ordinary household remedies and such drugs or medicines as
43 are normally sold by those engaged in the sale of general merchandise.

44 5. No health carrier as defined in chapter 376 shall require any physician with which
45 they contract to enter into a written protocol with a pharmacist for medication therapeutic
46 services.

47 6. This section shall not be construed to allow a pharmacist to diagnose or
48 independently prescribe pharmaceuticals.

49 7. The state board of registration for the healing arts, under section 334.125, and the
50 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the

51 use of protocols for prescription orders for medication therapy services and administration of
52 viral influenza vaccines. Such rules shall require protocols to include provisions allowing for
53 timely communication between the pharmacist and the referring physician, and any other
54 patient protection provisions deemed appropriate by both boards. In order to take effect, such
55 rules shall be approved by a majority vote of a quorum of each board. Neither board shall
56 separately promulgate rules regulating the use of protocols for prescription orders for
57 medication therapy services and administration of viral influenza vaccines. Any rule or
58 portion of a rule, as that term is defined in section 536.010, that is created under the authority
59 delegated in this section shall become effective only if it complies with and is subject to all of
60 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
61 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
62 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
63 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
64 proposed or adopted after August 28, 2007, shall be invalid and void.

65 8. The state board of pharmacy may grant a certificate of medication therapeutic plan
66 authority to a licensed pharmacist who submits proof of successful completion of a board-
67 approved course of academic clinical study beyond a bachelor of science in pharmacy,
68 including but not limited to clinical assessment skills, from a nationally accredited college or
69 university, or a certification of equivalence issued by a nationally recognized professional
70 organization and approved by the board of pharmacy.

71 9. Any pharmacist who has received a certificate of medication therapeutic plan
72 authority may engage in the designing, initiating, implementing, and monitoring of a
73 medication therapeutic plan as defined by a prescription order from a physician that is
74 specific to each patient for care by a pharmacist.

75 10. Nothing in this section shall be construed to allow a pharmacist to make a
76 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by
77 the written protocol or the physician's prescription order.

78 11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
79 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or
80 an equivalent title means a person who has received a doctor's degree in veterinary medicine
81 from an accredited school of veterinary medicine or holds an Educational Commission for
82 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary
83 Medical Association (AVMA).

84 12. In addition to other requirements established by the joint promulgation of rules by
85 the board of pharmacy and the state board of registration for the healing arts:

86 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment
87 guidelines established by the Centers for Disease Control and Prevention (CDC);

88 (2) A pharmacist who is administering a vaccine shall request a patient to remain in
89 the pharmacy a safe amount of time after administering the vaccine to observe any adverse
90 reactions. Such pharmacist shall have adopted emergency treatment protocols;

91 (3) In addition to other requirements by the board, a pharmacist shall receive
92 additional training as required by the board and evidenced by receiving a certificate from the
93 board upon completion, and shall display the certification in his or her pharmacy where
94 vaccines are delivered.

95 13. A pharmacist ~~[shall inform the patient that the administration of the vaccine will~~
96 ~~be entered into the ShowMeVax system, as administered by the department of health and~~
97 ~~senior services. The patient shall attest to the inclusion of such information in the system by~~
98 ~~signing a form provided by the pharmacist. If the patient indicates that he or she does not~~
99 ~~want such information entered into the ShowMeVax system, the pharmacist]~~ shall provide a
100 written report within fourteen days of administration of a vaccine to the patient's health care
101 provider, if provided by the patient, containing:

- 102 (1) The identity of the patient;
- 103 (2) The identity of the vaccine or vaccines administered;
- 104 (3) The route of administration;
- 105 (4) The anatomic site of the administration;
- 106 (5) The dose administered; and
- 107 (6) The date of administration.

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