

FIRST REGULAR SESSION

# HOUSE BILL NO. 1347

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREGORY.

2630H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 161 and 173, RSMo, by adding thereto two new sections relating to medical mandates in educational institutions, with penalty provisions.

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

Section A. Chapters 161 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 161.581 and 173.581, to read as follows:

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

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

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

(3) "Public school", the same definition as in section 160.011;

(4) "School district", the same definition as in section 160.011;

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

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

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.

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.**

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