

HCS HB 489 -- DO NO HARM ACT

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Accountability by a vote of 10 to 7. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight" by a vote of 6 to 3.

The following is a summary of the House Committee Substitute for HB 489.

No public school district or public charter school receiving public funds shall require for a student, as a condition of enrollment, attendance of event or activity, or 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.

No public body, political subdivision, public school district, state department or agency, judge or judicial officer, public official, peace officer, or person appointed by the Governor acting in an official capacity shall require any person 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 person's skin any mechanical or electronic device;

Or impose any fine, tax, or criminal or civil penalty based upon a person's decision to receive any of the above.

The provisions of this section relating to COVID-19 vaccination shall not apply to any student training in a health care field receiving clinical hours at a facility as described in the bill and public colleges or universities that require COVID-19 vaccination for employees or select student participants to receive federal

funds. Additionally, the provisions of this section shall not apply to certain facilities, entities, and individuals described in the bill (Section 191.230, RSMo).

Students shall be exempt from a public college or university requirement, to receive medical treatment, as defined in the bill, as a condition of participation in a sponsored activity if the student submits a request in writing that states:

(1) The student holds a sincerely held religious belief, which may include any deeply held nontheistic moral belief, that forbids the employee from receiving the medical treatment and reasonable accommodation would not pose an undue hardship; or

(2) The student has received written recommendation from a physician advising the student not to receive the required medical treatment.

A court may grant any person whose rights are violated by this section relief, including injunctive relief, and reasonable attorney's fees (Section 292.648).

This bill establishes the "Do No Harm Act" and provides terms and definitions relating to "academic standards", "health care related academic programs", "medical institutions of higher education" and "Diversity-Equity-Inclusion" or "DEI" among others.

The bill requires medical institutions of higher education to submit an annual certification by December 31st to the State Board of Registration for Healing Arts, within the Department of Commerce and Insurance, and the coordinating Board of Higher Education, within the Department of Higher Education, that the institution does not require applicants or students to subscribe to DEI ideologies.

This bill requires medical institutions of higher education to publish titles and syllabi for all mandatory courses, seminars, classes and trainings on an public online database, and prohibits institutions from conducting DEI audits or hiring DEI consultants.

The bill requires medical institutions of higher education to require applicants to complete a standardized admissions test and outlines academic standards for health care related courses of study, as specified in the bill. If a medical institution of higher education wants to alter the standards for admissions, the new standards must be submitted to either chamber of the General Assembly and shall not be effective until at least 60 days have passed during which a joint resolution of disapproval may be

passed by both chambers and approved by the Governor to invalidate any such submitted standards.

The bill restricts health care-related professional licensing boards from any having any requirements for obtaining or renewing licenses be associated with DEI related materials or programs. State-required health care-related professional certifications shall not use DEI material or require DEI training as part of the certification process. Such boards and organizations are prohibited from conducting DEI audits or hiring DEI consultants.

Health care providers and medical institutions of higher education are prohibited from receiving state contracts or grants without certifying that the provider or institution will not require specified individuals from subscribing to, studying, or receiving instruction on DEI material. Such providers and institutions must submit annual certification attesting to their compliance.

All state entities applying for any federal health care related grant relating to DEI shall publish on a public website all materials, requirements, and instructions relating to the grant application along with a copy of the grant proposal to the State Board of Registration for the Healing Arts and to the members of the House and Senate Committees on Health Policy.

The bill provides any aggrieved person a cause of action for any violations of these sections to include declaratory and injunctive relief, damages of at least \$100,000 against the health care provider or medical institution of higher education for any violations, compensatory damages, and costs and attorney fees. Further the bill waives sovereign immunity for such providers and institutions for up to a year after any violation.

The bill requires health care providers with more than 50 employees or any medical institution of higher education to annually submit certification of compliance to the State Board of Registration for the Healing Arts with Sections 191.1770 to 191.1810, RSMo, and authorizes the Attorney General to investigate allegations of violations.

The State Board of Registration for the Healing Arts shall publish on its website annually a list of all the health care providers and medical institutions that have provided annual certification (Sections 191.1771 to 191.1810, RSMo).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that diversity in the medical field should not be achieved by sacrificing competence or quality of work expected of medical students. There's a pernicious trend to embed diversity education within core classes in healthcare education and this distracts medical students from foundational subjects of healthcare education. Medical professionals are powerless to address the myriad social determinants of negative healthcare outcomes experienced by diverse groups so it makes little sense to focus heavily on these subjects in their education. Past discrimination should not be remedied by present discrimination; DEI goals inject politics into healthcare education to the detriment of patients.

Testifying in person for the bill were Representative Baker; Stanley Goldfarb, MD, Do No Harm.

OPPONENTS: Those who oppose the bill say that it is incumbent upon the medical profession to address persisting disparities in healthcare outcomes experienced by minority groups. Health professionals don't fully understand all the reasons certain groups have worse outcomes than others; that's the reason it's important to study and teach about these problems. Parity will never be achieved if the profession is unable to explore these issues. Preventing discussions of these topics will result in medical professionals who are inadequately trained to serve diverse populations. There are concerns that if institutions in Missouri implemented these changes they would be at risk of losing federal funding.

Testifying in person against the bill were Professional Certification Coalition (PCC); Jay Devineni; National Association of Social Workers - Mo Chapter; Barbara H. Miller, MD, Missouri Academy of Family Physicians; University Health; Pro Choice Missouri; American Federation of Teachers - Missouri; Reach Healthcare Foundation; Advocates of Planned Parenthood of The St. Louis Region & Southwest Missouri; BJC Healthcare; National Association of Social Workers - Missouri Chapter; Katy Erker-Lynch, Promo; Missouri Family Health Council; Daniel Jackson; Missouri State University; Mo State Conference NAACP; Mo Speech Hearing Language Association; BJC Health System; University of Missouri System; Erin Nischwitz; Health Forward Foundation; Missouri Center For Public Health Excellance; Independent Colleges and Universities of Missouri; Council on Public Higher Ed; Missouri Hospital Association; Teresa Nichols; and Jay Devineni, Mizzou Medical Society.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.