

HB 1130 -- PUBLIC HEALTH

SPONSOR: Jones

This bill modifies several provisions relating to public health, including treatments for conditions such as COVID-19 and vaccination requirements in a variety of settings.

Currently, no public employee can be required to receive a COVID-19 vaccine by a political subdivision as a condition of employment. However, certain hospitals, long-term care facilities, and other facilities certified by the Centers for Medicare and Medicaid Services are exempted from this provision. This bill removes the exemption for all such hospitals and facilities.

Beginning in the 2023-24 school year, no school district, public school, or school employee shall require any school employee or student to receive any COVID-19 vaccine or gene therapy treatment, nor shall they be required to submit to any testing for COVID-19 without the express permission of the employee or, in the case of a student, without the express permission of all parents, guardians, or other persons with custody and control over the student.

The Department of Elementary and Secondary Education must investigate any report of a violation of this section. If an employee violates this section and they have a certificate of license to teach, the Department is to fine the employee up to \$5000, and may suspend or revoke their certificate of license. Additionally, any student, parent, or guardian of such student, other family member, or school employee may bring a civil action against a violator of this section for appropriate injunctive relief, actual damages, or both, for any possible physical, mental, or emotional injuries sustained as a result of a school district's, public school's, or public school employee's violation of these provisions.

Beginning in the 2023-24 academic year and for each academic year after, no institution of higher learning or employee thereof such require any employee or student to receive any COVID-19 vaccination or gene therapy treatment, nor submit to any testing, before being physically present or accepted for employment or as a student. The Department of Higher Education and Workforce Development must investigate any report of a violation of these provisions. If an employee violates these provisions and they have any kind of license issued by any department of this state, the Department is to fine the employee up to \$5000, and may suspend or revoke their license. Additionally, any student, parent, or guardian of such student, other family member, or employee may bring a civil action against a violator of these provisions for appropriate injunctive

relief, actual damages, or both, for any possible physical, mental, or emotional injuries sustained as a result of a violation of these provisions by an institution of higher learning, or of an employee thereof.

No public body, political subdivision, public school district, state department or agency, public official, peace officer, or any person appointed by the Governor, and acting in an official and public capacity under such appointment, shall require any person to receive the COVID-19 vaccination, condition any personal right or public service based on whether an individual has received the vaccine, or impose a fine, tax, civil or criminal penalty based on whether they have received the vaccine.

The United States Centers for Disease Control and Prevention, and the World Health Organization, shall no longer have any sort of jurisdiction in Missouri, and any requirements, mandates, recommendations, guidelines, or instructions provided by either organization shall not be used to justify any kind of COVID-19 related requirements, and shall not have any force or effect within the state.

A healthcare provider shall not condition any kind of treatment or health care service based on whether an individual has received any kind of vaccine against any particular disease or diseases.

Notwithstanding any laws, rules, orders, or directives made or promulgated within the context of a national security emergency, a local, health, or peacetime emergency, and notwithstanding any laws or rules to address outbreaks or potential outbreaks or epidemics, individuals retain the right to be free, independent, and maintain their inalienable and fundamental right of self-determination to make their own health decisions including, but not limited to, the right to refuse any of the health-related countermeasures and procedures that are specified in the bill.

A person who has been directed or ordered by a government or its designees, or by a public or private business or entity, may decline to comply with, respond to, or participate in any countermeasure that may be described in the directive or order. The government or its designees, employers, businesses or nonprofit organizations, institutions, churches, travel carriers, or any other public or private entities shall not infringe upon or otherwise restrict or remove a person's ability to fully participate in any necessary and important services, as well as lifestyle choices and preferences, which are specified in the bill.

A person who declines to comply with a countermeasure directive or order may be required to isolate or quarantine if the person is

infected, or reasonably believed to be infected, with a communicable disease or has been exposed to a toxic agent that can be transferred to other people, or if they have been exposed to a communicable disease; additionally, the toxic agent or communicable disease in question must be the basis of a declared emergency or nonemergency order, law, or rule. If an individual must isolate or quarantine, it shall be done so under the least restrictive means possible, shall include reasonable notice and due process, shall protect the right of the person to remain in their home and live with family, friends, and significant others, and shall not require any kind of renovation or alteration to any home.

Any kind of requirement to quarantine must be based on sufficient and credible evidence of contact or close proximity with an infected individual, and shall not be imposed based on any third-party location data. Moreover, any treatment, tracking, testing, or prevention orders cannot be imposed as a condition for ending the isolation or quarantine. A person's status in quarantine does not remove or alter in any way the legal or medical custody they may possess over another person. Before a health care provider or for an individual enforcing a directive or order as a countermeasure described in this bill, they must notify the persons to whom the directive or order is being given of their rights under this bill by reading aloud to them certain subsections of this section, as well as providing a written copy and obtaining a signature that acknowledges receipt of the notification.

No government entity shall issue or require "vaccine passports", as defined in the bill, for the purpose of certifying a person's vaccination status to a third party, or to otherwise share a person's vaccine record or similar information. This includes enrollment in any kind of registry of vaccinated individuals, including any federal registry.

This bill removes the exemption for lung transplants when preventing the consideration of COVID-19 vaccination status of either a potential organ donor or transplant recipient in any part of the organ transplant process.

Notwithstanding any other provision of law, an employer shall not require an employee or prospective employee to undergo or prove receipt of any vaccination against any disease as a condition of employment. An employee or prospective employee may bring a civil action against an employer who violates the provisions of this rule.

Additionally, current law requires a pharmacist to inform a patient that the record of their receipt of a vaccine will be entered into the state's ShowMeVax system, and must obtain a signature from the

patient attesting the inclusion of the patient's information into the system. If the patient objects the pharmacist shall instead submit a written report within 14 days of administering a vaccine to the patient's health care provider, if provided by the patient, containing the information specified in the bill. This bill removes the reference to the ShowMeVax system so that pharmacists always submit the written report to the health care provider.