

SECOND REGULAR SESSION

HOUSE BILL NO. 2567

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

4852H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto twelve new sections relating to health care, with penalty provisions.

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

Section A. Chapter 191, RSMo, is amended by adding thereto twelve new sections, to be known as sections 191.1770, 191.1775, 191.1777, 191.1780, 191.1785, 191.1787, 191.1790, 191.1795, 191.1800, 191.1802, 191.1805, and 191.1807, to read as follows:

191.1770. Sections 191.1770 to 191.1807 shall be known and may be cited as the "Do No Harm Act".

191.1775. For purposes of sections 191.1770 to 191.1807, the following terms mean:

(1) "Academic standards", the grade point average, standardized test score, or other objective metric used to measure a student's achievements for the purpose of admission into, advancement in, or graduation from a medical institution of higher education;

(2) "DEI office", any division, office, center, or other unit of a medical institution of higher education or component thereof whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to diversity, equity, and inclusion;

(3) "DEI officer":

(a) An individual:

a. Who is:

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.

15 (i) A full-time or part-time employee of a medical institution of higher education
16 or component thereof; or

17 (ii) An independent contractor of a medical institution of higher education or
18 component thereof; and

19 b. Whose duties for the institution include coordinating, planning, creating,
20 developing, designing, implementing, organizing, planning, or promoting policies,
21 programming, training, practices, activities, and procedures relating to diversity, equity,
22 and inclusion; and

23 (b) Shall not include:

24 a. Any full-time or part-time employee who is a licensed attorney and whose sole
25 job duties related to diversity, equity, and inclusion are to ensure compliance with the
26 obligations of the medical institution of higher education under Title IX of the
27 Education Amendments Act of 1972, 20 U.S.C. Section 1681 et seq., as amended; the
28 Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., as amended;
29 the Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 621 et seq., as
30 amended; Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d; applicable
31 court orders; or other applicable state and federal law;

32 b. Any faculty member while engaged in teaching, researching, and producing
33 creative works; disseminating his or her research and creative works; or advising a
34 registered student organization; or

35 c. A guest speaker or performer with a short-term engagement;

36 (4) "Discriminatory ideology", an ideology that promotes the differential
37 treatment of any individual or group of individuals based on immutable characteristics
38 of race, color, ethnicity, or national origin;

39 (5) "Diversity, equity, and inclusion" or "DEI":

40 (a) Any effort to:

41 a. Manipulate or otherwise influence the composition of the faculty or student
42 body with reference to race, sex, color, or ethnicity, apart from ensuring colorblind and
43 race-neutral admissions and hiring in accordance with state and federal anti-
44 discrimination laws;

45 b. Promote differential treatment of or provide special benefits to individuals on
46 the basis of race, color, or ethnicity;

47 c. Promote or promulgate policies or procedures designed or implemented with
48 reference to race, color, or ethnicity, other than policies or procedures approved in
49 writing by the coordinating board for higher education and the general counsel of the
50 medical institution of higher education for the sole purpose of ensuring compliance with
51 any applicable court order or state or federal law;

52 **d. Promote or promulgate training, programming, or activities designed or**
53 **implemented with reference to race, color, ethnicity, gender identity, or sexual**
54 **orientation, other than training, programs, or activities developed by an attorney and**
55 **approved in writing by the coordinating board for higher education and the general**
56 **counsel of the medical institution of higher education for the sole purpose of ensuring**
57 **compliance with any applicable court order or state or federal law; or**

58 **e. Promote as the official position of the administration, the college, or the**
59 **university, or any administrative unit thereof, a particular opinion referencing**
60 **unconscious or implicit bias, cultural appropriation, allyship, transgender ideology,**
61 **microaggressions, group marginalization, anti-racism, systemic oppression, social**
62 **justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender**
63 **theory, racial or sexual privilege, or any related formulation of these concepts; and**

64 **(b) Shall not be construed to include equal opportunity or equal employment**
65 **opportunity materials designed to inform individuals about the prohibition on**
66 **discrimination based on protected status under state or federal law;**

67 **(6) "Diversity, equity, and inclusion statement", a communication, written or**
68 **oral, relating to any of the following:**

69 **(a) The applicant's, employee's, student's, or contractor's race, color, ethnicity,**
70 **or national origin, except to record necessary demographic information of that person;**

71 **(b) The applicant's, employee's, student's, or contractor's views on, experience**
72 **with, or past or planned contributions to efforts involving diversity, equity, and**
73 **inclusion; marginalized groups; anti-racism; social justice; intersectionality; or related**
74 **concepts; or**

75 **(c) The applicant's, employee's, student's, or contractor's views on or experience**
76 **with race, color, ethnicity, national origin, or other immutable characteristics of**
77 **students or coworkers;**

78 **(7) "Health care-related professional licensing boards", public licensing boards**
79 **for professionals in the health care fields including, but not limited to, the fields of**
80 **audiology and speech pathology, chiropractic, dentistry, dietetics and nutrition,**
81 **medicine, osteopathy, long-term care, mental health and human services, massage**
82 **therapy, nursing, occupational therapy, optometry, pharmacology, physical therapy,**
83 **podiatry, professional counseling, psychology, and social work;**

84 **(8) "Institution of higher education", any:**

85 **(a) State community college;**

86 **(b) State college or university offering bachelor's degrees, master's degrees, or**
87 **doctorate degrees; or**

88 **(c) Trade school that receives state funds;**

89 **(9) "Medical institution of higher education", any institution of higher education**
90 **that offers health care-related degrees, health care-related certifications, or health care-**
91 **related training.**

191.1777. 1. Medical institutions of higher education in this state shall not
2 **expend appropriated funds or otherwise expend any funds derived from bequests,**
3 **charges, deposits, donations, endowment fees, grants, gifts, income, receipts, or tuition,**
4 **or derived from any other source, to:**

5 **(1) Establish, sustain, support, or staff a DEI office; or**

6 **(2) Contract, employ, engage, or hire an individual to serve as a DEI officer.**

7 **2. Nothing in this section shall be construed to cover or affect funding by a**
8 **medical institution of higher education of:**

9 **(1) Academic course instruction;**

10 **(2) Research and creative works by the institution's students, faculty, or other**
11 **research personnel, and the dissemination thereof;**

12 **(3) Activities of registered student organizations;**

13 **(4) Arrangements for guest speakers and performers with short-term**
14 **engagements; or**

15 **(5) Mental and physical health services by licensed professionals.**

16 **3. Nothing in this section shall be interpreted as prohibiting bona fide**
17 **qualifications based on sex that are reasonably necessary to the normal operation of**
18 **public health education.**

19 **4. Any funds that would otherwise have been expended on DEI offices or DEI**
20 **officers in fiscal year 2025 shall be reallocated, at the discretion of the governing board**
21 **of the medical institution of higher education, to merit scholarships for lower-income**
22 **and middle-income students and to reduce tuition for in-state students.**

23 **5. (1) No funds appropriated for fiscal year 2025 shall be expended by a medical**
24 **institution of higher education until the institution's governing board has filed a report**
25 **with the department of higher education and workforce development that discloses:**

26 **(a) The steps taken to comply with this section by the governing board and its**
27 **staff and the administration, staff, and faculty of the institution;**

28 **(b) The number and job titles of the individuals deemed to be required by the**
29 **obligations of the medical institution of higher education to comply with Title IX of the**
30 **Education Amendments Act of 1972, 20 U.S.C. Section 1681 et seq., as amended; the**
31 **Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., as amended;**
32 **the Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 621 et seq., as**
33 **amended; Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d; applicable**
34 **court orders; or other applicable state and federal law; and**

35 (c) A certification that the medical institution of higher education is fully
36 compliant with this section.

37 (2) The medical institution of higher education shall also make the report
38 described in subdivision (1) of this subsection available for the public on its website.

39 6. Each medical institution of higher education shall publish the titles and syllabi
40 for all mandatory courses, seminars, classes, workshops, and training sessions on its
41 website in an online database that is readily searchable by the public.

42 7. Any person may notify the attorney general of a violation or potential
43 violation of this section by a medical institution of higher education.

191.1780. 1. Each medical institution of higher education shall submit an annual
2 certification before December thirty-first to the state board of registration for the
3 healing arts and the coordinating board for higher education stating that the institution:

4 (1) Does not require applicants to subscribe to diversity, equity, and inclusion
5 ideologies and does not discriminate against applicants who do not subscribe to DEI
6 ideologies during the application process; and

7 (2) Does not require admitted students to study or subscribe to DEI ideologies
8 within the medical institution of higher education.

9 2. Medical institutions of higher education shall not conduct internal DEI audits
10 or otherwise engage DEI consultants.

191.1785. 1. All medical institutions of higher education in this state other than
2 open-enrollment institutions shall require applicants to complete a standardized
3 admissions test focused on knowledge and critical thinking with respect to science
4 and medical training in order to qualify for admission.

5 2. A medical institution of higher education shall not alter the academic
6 standards for the admission of new students to a health care-related course of study or
7 for the conferral of a health care-related degree or certificate unless the institution
8 submits to the general assembly and the coordinating board for higher education:

9 (1) A copy of the proposed academic standards;

10 (2) A concise general statement relating to the proposed standards; and

11 (3) The proposed effective date of the proposed standards.

12 3. The proposed standards described in subsection 2 of this section shall become
13 effective no earlier than sixty days from the date of the submission of the proposed
14 standards, excluding days either chamber of the general assembly is adjourned for more
15 than three days.

16 4. (1) The proposed standards described in subsection 2 of this section shall not
17 become effective if, before the earliest date on which the standards may become effective

18 as described in subsection 3 of this section, both chambers of the general assembly pass
19 and the governor approves a joint resolution of disapproval.

20 (2) For purposes of this subsection, the term "joint resolution of disapproval"
21 means a resolution introduced after the submission of the proposed standards described
22 in subsection 2 of this section that contains a statement in substantially the following
23 form: "The general assembly disapproves the standards submitted by _____
24 _____ (the medical institution of higher education) relating to _____ (the
25 description of the standards), and such standards shall have no force or effect."

26 5. Notwithstanding any other provision of law, no medical institution of higher
27 education shall grant preference to any applicant for admission or employment on the
28 basis of race, sex, color, ethnicity, or national origin.

191.1787. 1. Neither a medical institution of higher education nor a medical
2 institutional review board associated with an institution of higher education shall:

3 (1) Compel, require, induce, or solicit any applicant, employee, student, or
4 contractor to endorse any discriminatory ideology;

5 (2) Compel, require, induce, or solicit any applicant, employee, student, or
6 contractor to provide a diversity, equity, and inclusion statement;

7 (3) Provide preferential consideration to any applicant, employee, student, or
8 contractor on the basis of that person's provision of an unsolicited statement related to a
9 discriminatory ideology; or

10 (4) Prevent an applicant or candidate from providing, of his or her own initiative
11 and not due to any specific requirement or request from the institution of higher
12 education, any information described in this section.

13 2. Nothing in this section shall be construed to:

14 (1) Restrict academic research or coursework; or

15 (2) Prevent an institution of higher education from requiring applicants to:

16 (a) Disclose or discuss the content of their research or artistic creations;

17 (b) Certify compliance with state and federal anti-discrimination law; or

18 (c) Discuss pedagogical approaches or experience with students with learning
19 disabilities.

191.1790. 1. Health care-related professional licensing boards shall not adopt or
2 impose, as a condition of obtaining or renewing any license, any incentives or
3 requirements for applicants for licensure or renewal of licensure to undergo,
4 demonstrate familiarity with, or support any diversity, equity, and inclusion training,
5 education, material, or program.

6 **2. Organizations that issue state-required health care-related professional**
7 **certifications shall not use DEI material or require DEI training as part of the**
8 **certification process.**

9 **3. Health care-related professional licensing boards and organizations that issue**
10 **health care-related professional certifications shall not conduct internal DEI audits or**
11 **otherwise engage DEI consultants.**

191.1795. 1. A medical institution of higher education shall not receive any state
2 **contract or grant unless the institution has certified before the award of the contract or**
3 **grant that it does not and will not require its employees, contractors, volunteers,**
4 **vendors, or agents to subscribe to, study, or receive instruction on diversity, equity, and**
5 **inclusion material in connection with the use of state funds.**

6 **2. Each medical institution of higher education shall submit an annual**
7 **certification before December thirty-first to the state board of registration for the**
8 **healing arts stating that the institution does not and will not require its employees,**
9 **contractors, volunteers, vendors, or agents to subscribe to, study, or receive instruction**
10 **on diversity, equity, and inclusion material in connection with the use of state funds.**

191.1800. Any state entity applying for a federal health care-related grant
2 **related to diversity, equity, and inclusion shall publish on its website all materials,**
3 **requirements, and instructions related to the federal grant application that are in the**
4 **entity's possession, submit a copy of the grant proposal to the state board of registration**
5 **for the healing arts for public posting, and submit a copy of the grant proposal to all**
6 **members of the house and senate committees on health policy.**

191.1802. 1. An aggrieved person may commence an action against a medical
2 **institution of higher education for violations of sections 191.1770 to 191.1807.**

3 **2. If an aggrieved person proves that a medical institution of higher education**
4 **violated sections 191.1770 to 191.1807, the person is entitled to recover:**

5 **(1) Declaratory relief;**

6 **(2) Injunctive relief;**

7 **(3) Statutory damages of not less than one hundred thousand dollars assessed**
8 **against the medical institution of higher education found by a court to have violated**
9 **sections 191.1770 to 191.1807;**

10 **(4) Compensatory damages; and**

11 **(5) Costs and attorney's fees.**

12 **3. Sovereign immunity to suit is waived and abolished to the extent of liability**
13 **created by sections 191.1770 to 191.1807. A person having a claim under sections**
14 **191.1770 to 191.1807 may sue a medical institution of higher education that would**

15 otherwise be entitled to such immunity for damages allowed by sections 191.1770 to
16 191.1807.

17 4. An aggrieved person shall bring suit under sections 191.1770 to 191.1807 not
18 later than one year after the alleged violation occurred.

191.1805. 1. Each medical institution of higher education shall submit an annual
2 certification to the state board of registration for the healing arts and the attorney
3 general signed by an officer of the institution under penalty of perjury stating that the
4 institution is in compliance with the provisions of sections 191.1770 to 191.1807.

5 2. The attorney general shall have the authority to investigate allegations of
6 violations of sections 191.1770 to 191.1807.

7 3. In addition to any relief granted to aggrieved persons under a private right of
8 action, the attorney general may seek civil penalties of up to one million dollars against a
9 medical institution of higher education for each violation of sections 191.1770 to
10 191.1807.

11 4. The attorney general may file suit for a writ of mandamus compelling medical
12 institutions of higher education to comply with sections 191.1770 to 191.1807.

13 5. The attorney general shall have the authority to establish, by regulation,
14 procedures for investigating violations of sections 191.1770 to 191.1807. Any rule or
15 portion of a rule, as that term is defined in section 536.010, that is created under the
16 authority delegated in this section shall become effective only if it complies with and is
17 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
18 section and chapter 536 are nonseverable and if any of the powers vested with the
19 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
20 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
21 rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be
22 invalid and void.

191.1807. The state board of registration for the healing arts shall publish on its
2 website, on an annual basis before December thirty-first, a list of all the medical
3 institutions of higher education that have provided DEI certification as required under
4 sections 191.1770 to 191.1807.

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