HOUSE BILL NO. 443

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GALLICK.

AN ACT

To repeal section 290.528, RSMo, and to enact in lieu thereof one new section relating to the preemption of local ordinances involving employment law.

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

Section A. Section 290.528, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 290.700, to read as follows:

[290.528.] **290.700.** 1. As used in this section, the following terms shall mean:

2   (1) "Employee", an individual employed in this state by an employer;

3   (2) "Employer", any individual, sole proprietorship, partnership, limited liability
4 company, corporation, or any other entity that is legally doing business in this state; except
5 that, the term "employer" shall not include any public employer, as defined in section
6 285.525;

7   (3) "Employment benefits", anything of value that an employee may receive from an
8 employer in addition to wages and salary. The term includes, but is not limited to, health,
9 disability, retirement, profit-sharing, and death benefits; group accidental death and
10 dismemberment benefits; paid or unpaid days off from work for holidays, sick leave,
11 vacation, and personal necessity; and terms of employment, attendance, or leave policies;

12   (4) "Political subdivision", any municipality, special district, local governmental
13 body, county, city, town, or village.

14   2.   Notwithstanding any other provisions of law to the contrary, no political
15 subdivision shall establish, mandate, or [otherwise require] **enforce a policy, ordinance, or**
16 **resolution adopted by the political subdivision that:**

17   **(1) Requires** an employer to provide to an employee:

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)]** **(a)** A minimum or living wage rate; or

19   **[(2)]** **(b)** Employment benefits;

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21 that exceed state laws, rules, or regulations. Sections 290.500 to 290.530 shall preempt and

22 nullify all political subdivision ordinances, rules, and regulations currently in effect or later

23 enacted relating to the establishment or enforcement of a minimum or living wage or the

24 provision of employment benefits that exceed state laws, rules, or regulations**;**

25   **(2) Regulates the information an employer or potential employer shall request,**

26 **require, or exclude on an application for employment from an employee or prospective**

27 **employee, provided that a policy, ordinance, or resolution adopted by the political**

28 **subdivision may require a criminal background check for an employee or prospective**

29 **employee in connection with the receipt of a license or permit from the political**

30 **subdivision;**

31   **(3) Requires an employer to provide to an employee paid or unpaid leave time;**

32   **(4) Regulates the hours and scheduling that an employer is required to provide**

33 **to employees or otherwise regulates employee output during work hours, provided that**

34 **a policy, ordinance, or resolution adopted by the political subdivision may limit the**

35 **hours during which a business may operate; or**

36   **(5) Restricts or prohibits an employer's utilization of contractor work as defined**

37 **in section 285.525.**

38   **3. Nothing in this section shall prohibit a political subdivision from enacting a**

39 **policy, ordinance, or resolution adopted by the political subdivision regulating**

40 **employment discrimination pursuant to chapter 213**.

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