

FIRST REGULAR SESSION

# HOUSE BILL NO. 1057

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FUCHS.

2275H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal sections 191.226, 191.650, 191.653, 191.656, 191.657, 191.658, 191.659, 191.662, 191.663, 191.671, 191.674, 191.680, 191.683, 191.689, 191.692, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 545.940, 567.020, 567.120, and 595.226, RSMo, and to enact in lieu thereof fourteen new sections relating to infectious or communicable diseases.

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

Section A. Sections 191.226, 191.650, 191.653, 191.656, 191.657, 191.658, 191.659, 191.662, 191.663, 191.671, 191.674, 191.680, 191.683, 191.689, 191.692, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 545.940, 567.020, 567.120, and 595.226, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 191.226, 191.650, 191.663, 191.694, 191.695, 191.699, 191.700, 191.703, 338.010, 338.730, 375.1300, 442.600, 567.020, and 595.226, to read as follows:

191.226. The department of health and senior services shall pay for the cost of conducting [HIV] testing **for sexually transmitted infections or diseases** for a victim of the crime of rape as defined in section 556.030, or of the crime of sodomy as defined in section 566.060, or of the crime of incest as defined in section 568.020~~], if a person who is convicted of such crime is determined to be infected with HIV based upon HIV testing conducted upon delivery of the person to the department of corrections pursuant to section 191.659. Such testing shall be limited to not more than two enzyme-linked immunosorbent assay (ELISA) tests per year and such cost of such tests shall not be paid by the department of health and senior services for more than five years after the date the crime was committed. HIV].~~ **Such**

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.

10 **testing shall be limited to two rounds of testing and shall follow the best medical**  
11 **guidance for each infection or disease being screened.** Testing conducted pursuant to this  
12 section shall be performed by the public health laboratory of the department of health and  
13 senior services.

191.650. As used in sections 191.650 to ~~[191.698]~~ **191.703**, the following terms  
2 mean:

3 (1) "Disclose", to disclose, to release, transfer, disseminate or otherwise communicate  
4 all or any part of any record orally, in writing, or by electronic means to any person or entity;

5 ~~(2) ["HBV", the hepatitis B virus;~~

6 ~~(3)]~~ "Health care facilities", those licensed under chapters 197 and 198;

7 ~~[(4)]~~ **(3)** "Health care professional", a member of the professional groups regulated by  
8 chapters 330, 332, and 335, and sections 334.010 to 334.210;

9 ~~[(5)]~~ **(4)** "HIV", the human immunodeficiency virus that causes acquired  
10 immunodeficiency syndrome;

11 ~~[(6)]~~ **(5)** "HIV infection", the pathological state of the human body in response to  
12 HIV;

13 ~~[(7)]~~ **(6)** "HIV sampling", taking or ordering the taking of any biological specimen  
14 from an individual for the purpose of subjecting such specimen to analysis to determine the  
15 presence of HIV or infection;

16 ~~[(8)]~~ **(7)** "HIV testing", performing a serological test or other tests upon a biological  
17 specimen to determine the presence of HIV or its antibodies in the specimen following HIV  
18 sampling;

19 ~~[(9)]~~ **(8)** "Invasive procedures", those surgical or obstetric procedures that involve  
20 surgical entry into tissues, cavities, or organs and dental procedures involving manipulation,  
21 cutting, or removal of oral or perioral tissues, including tooth structure. Routine health care  
22 procedures such as physical examinations, blood pressure checks, eye examination, or oral,  
23 rectal or vaginal examinations are not considered as invasive procedures;

24 ~~[(10)]~~ **(9)** "Person", private individuals and private and public bodies politic and  
25 corporate, partnerships, trusts, and unincorporated associations and their officers, directors,  
26 agents, or employees;

27 **(10) "Serious infectious or communicable disease", the same meaning given to**  
28 **the term in section 191.677.**

191.663. 1. As used in this section ~~[and section 191.659]~~, the term ~~["HIV testing"~~  
2 ~~means serological test or other test upon a biological specimen to determine the presence of~~  
3 ~~the human immunodeficiency virus that causes acquired immunodeficiency syndrome or its~~  
4 ~~antibodies in the specimen]~~ **"testing" means the current medically recommended set of**  
5 **tests to screen for sexually transmitted infections or diseases.**

6           2. Any person who is convicted or who pleads guilty or nolo contendere to any sexual  
7 offense defined in chapter 566 or any juvenile who is adjudicated pursuant to subsection 3 of  
8 section 211.181 for an offense which would have been a sexual offense defined in chapter 566  
9 if committed by an adult, which includes, in accordance with subsection (f) of 42 U.S.C.  
10 3756, a sexual act as defined in subparagraphs (A) and (B) of paragraph (2) of 18 U.S.C. 2245  
11 as an element of the offense, shall be ordered by the court to undergo ~~[HIV]~~ testing prior to  
12 incarceration without the right of refusal.

13           3. Costs of such ~~[HIV]~~ testing shall be taxed to the defendant as costs in the criminal  
14 proceeding **unless otherwise prohibited by law**. Such testing costs may be retained by the  
15 court from the bond filed by the defendant pursuant to subsection 4 of this section. Costs of  
16 such ~~[HIV]~~ testing for juveniles ~~[may be collected as provided for in section 211.281]~~ **shall**  
17 **be paid for by the county in which the offense occurred**.

18           4. Any defendant charged in a court of general jurisdiction with a sexual offense  
19 defined in chapter 566 which includes, in accordance with subsection (f) of 42 U.S.C. 3756, a  
20 sexual act as defined in subparagraphs (A) and (B) of paragraph (2) of 18 U.S.C. 2245 as an  
21 element of the crime, shall be required to post a minimum bond amount for his or her release  
22 prior to trial. The minimum bond amount shall be sufficient to cover the cost of any post-trial  
23 ~~[HIV]~~ testing ordered by the court.

24           5. Notwithstanding any provision of ~~[section 191.656, or any other]~~ law to the  
25 contrary, the victim of any crime defined in chapter 566 which includes, in accordance with  
26 subsection (f) of 42 U.S.C. 3756, a sexual act as defined in subparagraphs (A) and (B) of  
27 paragraph (2) of 18 U.S.C. 2245 as an element, shall have a right to access to the results of  
28 any ~~[HIV]~~ testing performed pursuant to the provisions of this section, and the victim shall be  
29 informed of any confirmed positive results of the ~~[HIV]~~ testing. If the victim is an  
30 unemancipated minor, the minor's parents or custodian, if any, shall also be informed. The  
31 administrator of the jail or correctional facility in which the defendant is confined shall also  
32 have access to the test results.

191.694. 1. All health care professionals and health care facilities shall adhere to  
2 universal precautions, as defined by the Centers for Disease Control of the United States  
3 Public Health Service, including the appropriate use of hand washing, protective barriers, and  
4 care in the use and disposal of needles and other sharp instruments, to minimize the risk of  
5 transmission of ~~[HIV, HBV and other blood-borne infections]~~ **serious infectious or**  
6 **communicable diseases** to patients. Health care professionals and health care facilities shall  
7 comply with current guidelines, established by the Centers for Disease Control, for  
8 disinfection and sterilization of reusable devices used in invasive procedures.

9           2. Health care professionals who have exudative lesions or weeping dermatitis of the  
10 hands, forearms, or other locations that may contact patients, particularly on exposed areas

11 such as hands or forearms, shall refrain from performing all invasive procedures, and from  
12 handling patient-care equipment and devices used in performing invasive procedures until the  
13 condition resolves.

14 3. As a condition for renewal of a certificate of registration or authority, permit, or  
15 license, all health care facilities shall provide satisfactory evidence that periodic training in  
16 infection control procedures, including universal precautions, is provided to all personnel  
17 who perform patient care services at or from such facilities. Regulations for such training  
18 shall be promulgated by the state regulatory authorities or bodies responsible for licensing the  
19 respective health care facilities.

20 4. All health care professionals who perform invasive procedures shall receive  
21 training on infection control procedures relevant to ~~[HIV and related]~~ **serious infectious or**  
22 **communicable** diseases, including universal precautions and prevention of percutaneous  
23 injuries, appropriate for their specialty and approved by the department of health and senior  
24 services. The department of health and senior services, in cooperation with appropriate state  
25 regulatory authorities responsible for licensing the respective health care professionals and in  
26 cooperation with professional societies, shall develop regulations for such training. The  
27 requirements set forth in this subsection shall be deemed satisfied if the health care  
28 professional completes the training provided in accordance with the provisions of subsection  
29 3 of this section.

191.695. No rule or portion of a rule promulgated under the authority of sections  
2 191.650 to ~~[191.700]~~ **191.703** shall become effective unless it has been promulgated pursuant  
3 to the provisions of section 536.024.

191.699. Any health care professional who, after disclosure has been made by a  
2 patient of ~~[HIV infection]~~ **a serious infectious or communicable disease**, discriminates  
3 against the patient on the basis of that ~~[HIV infection]~~ **serious infectious or communicable**  
4 **disease** or who, prior to such disclosure, makes ~~[HIV]~~ testing **for any serious infectious or**  
5 **communicable disease** a condition of treatment shall be subject to administrative  
6 disciplinary action for violation of a professional trust or confidence or the commission of  
7 an act of unprofessional conduct as those terms are used in sections 330.160, 332.321,  
8 334.100, and 335.066.

191.700. 1. ~~[The current assessment by the Centers for Disease Control of the risk  
2 that infected health care professionals will transmit HIV or HBV to patients during invasive  
3 procedures does not justify mandatory testing to detect infection with those viruses. Health  
4 care professionals who perform invasive procedures are advised, however, to know their HIV  
5 antibody status and their hepatitis B antigen status.]~~

6 2.] (1) The department of health and senior services shall establish and oversee a  
7 voluntary evaluation process for health care professionals infected with ~~[HIV or HBV]~~ **a**

8 **serious infectious or communicable disease** who perform invasive procedures. This  
9 evaluation process may be accessed directly by an infected health care professional, or by the  
10 director of a health care facility with the consent of the infected health care professional and  
11 after consultation with his **or her** private physician.

12 (2) The confidential and individualized evaluation shall be conducted by an expert  
13 review panel appointed by the department of health and senior services. Each panel shall  
14 include at least such individuals as:

15 (a) The health care professional's private physician;

16 (b) An infectious disease specialist with expertise in the epidemiology of ~~[HIV and~~  
17 ~~HBV]~~ **serious infectious or communicable disease** transmission who is not involved in the  
18 care of the health care professional;

19 (c) A health care professional with expertise in the procedures performed by the  
20 infected health care professional; and

21 (d) A state or local public health official.

22 (3) The department of health and senior services, in cooperation with appropriate  
23 state regulatory authorities or bodies responsible for licensing the respective health care  
24 professionals and with professional societies, shall develop uniform evaluation criteria which  
25 shall be used in determining whether, and under what circumstances, any restrictions or  
26 limitations should be placed on an individual health care professional's medical practice.  
27 These criteria shall, consistent with guidelines from the Centers for Disease Control, include  
28 at least the following inquiries:

29 (a) Whether the health care professional performs procedures in which injury could  
30 result in that individual's blood contamination of a patient's body cavity, subcutaneous tissues,  
31 or mucous membranes;

32 (b) The nature of the invasive procedures performed by the health care professional  
33 and the techniques used, skill and experience, and compliance with infection control practices  
34 demonstrated by that individual; and

35 (c) Whether the presence of physical or mental impairments may interfere with the  
36 health care professional's ability to perform such invasive procedures safely.

37 (4) (a) The individualized evaluation and the recommendations of the panel shall be  
38 based on the premise that ~~[HIV or HBV]~~ infection alone does not justify limiting the health  
39 care professional's duties.

40 (b) The panel may determine which procedures the health care professional may or  
41 may not perform, or perform with modifications. If the panel is uncertain about whether a  
42 procedure may pose some risk of ~~[HIV or HBV]~~ **serious infectious or communicable**  
43 **disease** transmission, it may recommend that such procedures be performed only after the  
44 patients have been informed of the health care professional's infection status.

45 (5) (a) Information obtained during the evaluation process shall be confidential and  
46 shall not be disclosed except to health care facilities where the health care professional  
47 provides patient care. The department of health and senior services may only notify or  
48 disclose to such facilities the practice restrictions and limitations imposed on the health care  
49 professional. Such restrictions and limitations shall be disclosed only to those employed by  
50 such health care facilities who have a reasonable need to know the information.

51 (b) Practice restrictions or limitations recommended by the department of health and  
52 senior services shall be monitored by the health care facilities in which the infected health  
53 care professional is employed. If practice restrictions or limitations are placed on community  
54 based health care professionals, periodic monitoring to ensure compliance shall be performed  
55 by the department of health and senior services.

56 (c) Health care professionals whose practices are restricted or limited because of their  
57 ~~[HIV or HBV]~~ **serious infectious or communicable disease** infection status shall, whenever  
58 possible, be provided opportunities to continue appropriate patient care activities.

59 (d) Health care facilities regulated under sections 197.010 to 197.120 may maintain  
60 or establish peer review panels that operate under the regulations developed by the  
61 department of health and senior services and the recommendations of the Centers for Disease  
62 Control of the United States Public Health Service.

63 (e) Any violation of practice restrictions or limitations by a health care professional  
64 shall constitute either an act violative of professional trust and confidence, or failure or  
65 refusal to properly guard against contagious infections or communicable diseases or the  
66 spread thereof, or both, as these terms are used in sections 330.160, 332.321, 334.100, and  
67 335.066. Complaints of possible violations of practice restrictions or limitations may be  
68 made to the appropriate state board, as provided under chapter 330, chapter 332, chapter 334,  
69 or chapter 335.

70 ~~[3:]~~ **2.** The department of health and senior services shall, from time to time, review  
71 established standards for preventing the transmission of ~~[HIV or HBV]~~ **serious infectious or**  
72 **communicable diseases** from health care professionals to patients and, consistent with  
73 current medical knowledge and revised or updated guidelines from the Centers for Disease  
74 Control, modify existing standards and require additional minimum standards, as appropriate.

75 ~~[4:]~~ **3.** Notwithstanding the provisions of sections 191.650 to 191.698, the department  
76 of health and senior services may exercise the general authority and power under section  
77 192.020 to intervene in instances where there is reason to believe that a health care  
78 professional is practicing in a manner that creates a grave and unjustifiable risk of injury to  
79 others.

191.703. A licensed health care facility that treats a patient having ~~[HIV or HBV~~  
2 ~~infection]~~ **a serious infectious or communicable disease** or any other reportable infectious

3 or contagious disease as defined by the department of health and senior services shall notify  
4 the funeral establishment personnel, coroner or medical examiner involved of such disease  
5 prior to the removal of the patient, when deceased, from the licensed health care facility.  
6 Notification shall be conducted in a manner that protects the confidentiality of the deceased  
7 patient.

338.010. 1. The "practice of pharmacy" includes:

2 (1) The interpretation, implementation, and evaluation of medical prescription orders,  
3 including any legend drugs under 21 U.S.C. Section 353, and the receipt, transmission, or  
4 handling of such orders or facilitating the dispensing of such orders;

5 (2) The designing, initiating, implementing, and monitoring of a medication  
6 therapeutic plan in accordance with the provisions of this section;

7 (3) The compounding, dispensing, labeling, and administration of drugs and devices  
8 pursuant to medical prescription orders;

9 (4) The ordering and administration of vaccines approved or authorized by the U.S.  
10 Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese  
11 encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis,  
12 dengue, Hib, polio, rotavirus, smallpox, and any vaccine approved after January 1, 2023, to  
13 persons at least seven years of age or the age recommended by the Centers for Disease  
14 Control and Prevention, whichever is older, pursuant to joint promulgation of rules  
15 established by the board of pharmacy and the state board of registration for the healing arts  
16 unless rules are established under a state of emergency as described in section 44.100;

17 (5) The participation in drug selection according to state law and participation in drug  
18 utilization reviews;

19 (6) The proper and safe storage of drugs and devices and the maintenance of proper  
20 records thereof;

21 (7) Consultation with patients and other health care practitioners, and veterinarians  
22 and their clients about legend drugs, about the safe and effective use of drugs and devices;

23 (8) The prescribing and dispensing of any nicotine replacement therapy product under  
24 section 338.665;

25 (9) The dispensing of HIV **pre-exposure and** postexposure prophylaxis pursuant to  
26 section 338.730; and

27 (10) The offering or performing of those acts, services, operations, or transactions  
28 necessary in the conduct, operation, management and control of a pharmacy.

29 2. No person shall engage in the practice of pharmacy unless he or she is licensed  
30 under the provisions of this chapter.

31 3. This chapter shall not be construed to prohibit the use of auxiliary personnel under  
32 the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties.

33 This assistance in no way is intended to relieve the pharmacist from his or her responsibilities  
34 for compliance with this chapter and he or she will be responsible for the actions of the  
35 auxiliary personnel acting in his or her assistance.

36 4. This chapter shall not be construed to prohibit or interfere with any legally  
37 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use  
38 in animals, or the practice of optometry in accordance with and as provided in sections  
39 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or  
40 her own prescriptions.

41 5. A pharmacist with a certificate of medication therapeutic plan authority may  
42 provide medication therapy services pursuant to a written protocol from a physician licensed  
43 under chapter 334 to patients who have established a physician-patient relationship, as  
44 described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician.  
45 The written protocol authorized by this section shall come only from the physician and shall  
46 not come from a nurse engaged in a collaborative practice arrangement under section  
47 334.104, or from a physician assistant engaged in a collaborative practice arrangement under  
48 section 334.735.

49 6. Nothing in this section shall be construed as to prevent any person, firm or  
50 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that  
51 a licensed pharmacist is in charge of such pharmacy.

52 7. Nothing in this section shall be construed to apply to or interfere with the sale of  
53 nonprescription drugs and the ordinary household remedies and such drugs or medicines as  
54 are normally sold by those engaged in the sale of general merchandise.

55 8. No health carrier as defined in chapter 376 shall require any physician with which  
56 they contract to enter into a written protocol with a pharmacist for medication therapeutic  
57 services.

58 9. This section shall not be construed to allow a pharmacist to diagnose or  
59 independently prescribe pharmaceuticals.

60 10. The state board of registration for the healing arts, under section 334.125, and the  
61 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the  
62 use of protocols for medication therapy services. Such rules shall require protocols to include  
63 provisions allowing for timely communication between the pharmacist and the protocol  
64 physician or similar body authorized by this section, and any other patient protection  
65 provisions deemed appropriate by both boards. In order to take effect, such rules shall be  
66 approved by a majority vote of a quorum of each board. Neither board shall separately  
67 promulgate rules regulating the use of protocols for medication therapy services. Any rule or  
68 portion of a rule, as that term is defined in section 536.010, that is created under the authority  
69 delegated in this section shall become effective only if it complies with and is subject to all of



70 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
71 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
72 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
73 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
74 proposed or adopted after August 28, 2007, shall be invalid and void.

75 11. The state board of pharmacy may grant a certificate of medication therapeutic  
76 plan authority to a licensed pharmacist who submits proof of successful completion of a  
77 board-approved course of academic clinical study beyond a bachelor of science in pharmacy,  
78 including but not limited to clinical assessment skills, from a nationally accredited college or  
79 university, or a certification of equivalence issued by a nationally recognized professional  
80 organization and approved by the board of pharmacy.

81 12. Any pharmacist who has received a certificate of medication therapeutic plan  
82 authority may engage in the designing, initiating, implementing, and monitoring of a  
83 medication therapeutic plan as defined by a written protocol from a physician that may be  
84 specific to each patient for care by a pharmacist.

85 13. Nothing in this section shall be construed to allow a pharmacist to make a  
86 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by  
87 the written protocol or the physician's prescription order.

88 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary  
89 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or  
90 an equivalent title means a person who has received a doctor's degree in veterinary medicine  
91 from an accredited school of veterinary medicine or holds an Educational Commission for  
92 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary  
93 Medical Association (AVMA).

94 15. In addition to other requirements established by the joint promulgation of rules by  
95 the board of pharmacy and the state board of registration for the healing arts:

96 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment  
97 guidelines established by the Centers for Disease Control and Prevention (CDC);

98 (2) A pharmacist who is administering a vaccine shall request a patient to remain in  
99 the pharmacy a safe amount of time after administering the vaccine to observe any adverse  
100 reactions. Such pharmacist shall have adopted emergency treatment protocols.

101 16. In addition to other requirements by the board, a pharmacist shall receive  
102 additional training as required by the board and evidenced by receiving a certificate from the  
103 board upon completion, and shall display the certification in his or her pharmacy where  
104 vaccines are delivered.

105 17. A pharmacist shall inform the patient that the administration of a vaccine will be  
106 entered into the ShowMeVax system, as administered by the department of health and senior

107 services. The patient shall attest to the inclusion of such information in the system by signing  
108 a form provided by the pharmacist. If the patient indicates that he or she does not want such  
109 information entered into the ShowMeVax system, the pharmacist shall provide a written  
110 report within fourteen days of administration of a vaccine to the patient's health care provider,  
111 if provided by the patient, containing:

- 112 (1) The identity of the patient;
- 113 (2) The identity of the vaccine or vaccines administered;
- 114 (3) The route of administration;
- 115 (4) The anatomic site of the administration;
- 116 (5) The dose administered; and
- 117 (6) The date of administration.

118 18. A pharmacist licensed under this chapter may order and administer vaccines  
119 approved or authorized by the U.S. Food and Drug Administration to address a public health  
120 need, as lawfully authorized by the state or federal government, or a department or agency  
121 thereof, during a state or federally declared public health emergency.

338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may  
2 dispense HIV **pre-exposure and** postexposure prophylaxis in accordance with this section.  
3 Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol  
4 authorized by a licensed physician.

5 2. For purposes of this section, [~~postexposure~~] "**pre-exposure and postexposure**  
6 prophylaxis" shall mean any drug approved by the Food and Drug Administration that meets  
7 the same clinical eligibility recommendations provided in CDC guidelines **for either pre-**  
8 **exposure prophylaxis or postexposure prophylaxis.**

9 3. For purposes of this section, "CDC guidelines" shall mean the current HIV  
10 guidelines published by the federal Centers for Disease Control and Prevention.

11 4. The state board of registration for the healing arts and the state board of pharmacy  
12 shall jointly promulgate rules and regulations for the administration of this section. Neither  
13 board shall separately promulgate rules governing a pharmacist's authority to dispense HIV  
14 **pre-exposure and** postexposure prophylaxis under this section.

15 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
16 created under the authority delegated in this section shall become effective only if it complies  
17 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
18 This 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, 2021, shall be invalid  
22 and void.

375.1300. When used in sections 375.1300 to 375.1312, the following terms mean:

2 (1) "Consultant", an individual, partnership or corporation who, for a fee, holds  
3 himself or itself out to the public as engaged in the business of offering any advice, counsel,  
4 opinion or service with respect to the benefits, advantages or disadvantages promised under  
5 any policy of insurance that could be issued in this state;

6 (2) "Director", the director of the department of commerce and insurance of this state;

7 (3) "Genetic information", the results of a genetic test. Genetic information shall not  
8 include family history, the results of routine physical measurements, or the results of  
9 chemical, blood, urine analysis, or the results of tests for drugs or the presence of the human  
10 immunodeficiency virus, or from results of any other tests commonly accepted in clinical  
11 practice at the time;

12 (4) "Genetic test", a laboratory test of human deoxyribonucleic acid (DNA) or  
13 ribonucleic acid (RNA) used to identify the presence or absence of inherited alterations in the  
14 DNA or RNA which cause predisposition to disease or illness. The term does not include  
15 routine physical measurements and examinations, routine tests performed as a part of a  
16 physical examination, chemical, blood or urine analysis, cholesterol tests, tests for the  
17 presence of ~~[the human immunodeficiency virus]~~ **infection or disease**, a test for drugs, or  
18 tests commonly accepted in clinical practice at the time;

19 (5) "Insurer", any person, reciprocal exchange, interinsurer, Lloyds insurer, fraternal  
20 benefit society, and any other legal entity engaged in the business of insurance, including  
21 agents, brokers, adjusters and third-party administrators. "Insurer" also includes health  
22 services corporations, health maintenance organizations, prepaid limited health care service  
23 plans, dental, optometry and other similar health service plans. For purposes of sections  
24 375.930 to 375.948, such entities shall be deemed to be engaged in the business of insurance.  
25 "Insurer" shall also include all companies organized, incorporated or doing business pursuant  
26 to the provisions of chapters 325, 375, 376, 377, 378, 379, 381 and 383;

27 (6) "Person", any natural or artificial entity, including, but not limited to, individuals,  
28 partnerships, associations, trusts or corporations;

29 (7) "Policy", "certificate" or "contract" includes any contract of insurance, indemnity,  
30 medical, health or hospital service, suretyship, or annuity issued, proposed for issuance, or  
31 intended for issuance by any insurer.

442.600. 1. The fact that a parcel of real property, or any building or structure  
2 thereon, may be a psychologically impacted real property, or may be in close proximity to a  
3 psychologically impacted real property shall not be a material or substantial fact that is  
4 required to be disclosed in a sale, exchange or other transfer of real estate.

5 2. "Psychologically impacted real property" is defined to include:

6 (1) Real property in which an occupant is, or was at any time, infected ~~[with human~~  
7 ~~immunodeficiency virus]~~ or diagnosed with ~~[acquired immune deficiency syndrome, or with]~~  
8 any ~~[other]~~ disease which has been determined by medical evidence to be highly unlikely to  
9 be transmitted through the occupancy of a dwelling place; or

10 (2) Real property which was the site of a homicide or other felony, or of a suicide.

11 3. No cause of action shall arise nor may any action be brought against any real estate  
12 agent or broker for the failure to disclose to a buyer or other transferee of real estate that the  
13 transferred real property was a psychologically impacted real property.

567.020. 1. A person commits the offense of prostitution if he or she engages in or  
2 offers or agrees to engage in sexual conduct with another person in return for something of  
3 value to be received by any person.

4 2. The offense of prostitution is a class B misdemeanor ~~[unless the person knew prior~~  
5 ~~to performing the act of prostitution that he or she was infected with HIV in which case~~  
6 ~~prostitution is a class B felony. The use of condoms is not a defense to this offense].~~

7 3. ~~[As used in this section, "HIV" means the human immunodeficiency virus that~~  
8 ~~causes acquired immunodeficiency syndrome.~~

9 4.] The judge may order a drug and alcohol abuse treatment program for any person  
10 found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. ~~[For~~  
11 ~~the class B misdemeanor offense,]~~ Upon the successful completion of such program by the  
12 defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or  
13 reverse the verdict and enter a judgment of not guilty. ~~[For the class B felony offense, the~~  
14 ~~court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and~~  
15 ~~enter a judgment of not guilty. The judge, however, has discretion to take into consideration~~  
16 ~~successful completion of a drug or alcohol treatment program in determining the defendant's~~  
17 ~~sentence.~~

18 5.] 4. A person shall not be certified as an adult or adjudicated as a delinquent for the  
19 offense of prostitution under this section if the person was under the age of eighteen at the  
20 time the offense occurred. In such cases where the person was under the age of eighteen, the  
21 person shall be classified as a victim of abuse, as defined under section 210.110, and such  
22 abuse shall be reported immediately to the children's division, as required under section  
23 210.115 and to the juvenile officer for appropriate services, treatment, investigation, and other  
24 proceedings as provided under chapters 207, 210, and 211. Upon request, the local law  
25 enforcement agency and the prosecuting attorney shall assist the children's division and the  
26 juvenile officer in conducting the investigation.

595.226. 1. After August 28, 2007, any information contained in any court record,  
2 whether written or published on the internet, including any visual or aural recordings that  
3 could be used to identify or locate any victim of an offense under chapter 566 or a victim of

4 domestic assault or stalking shall be closed and redacted from such record prior to disclosure  
5 to the public. Identifying information shall include, but shall not be limited to, the name,  
6 home or temporary address, personal email address, telephone number, Social Security  
7 number, birth date, place of employment, any health information, ~~[including human~~  
8 ~~immunodeficiency virus (HIV) status,]~~ any information from a forensic testing report, or  
9 physical characteristics, including an unobstructed visual image of the victim's face or body.

10 2. Any person who is requesting identifying information of a victim and who has a  
11 legitimate interest in obtaining such information may petition the court for an in camera  
12 inspection of the records. If the court determines the person is entitled to all or any part of  
13 such records, the court may order production and disclosure of the records, but only if the  
14 court determines that the disclosure to the person or entity would not compromise the welfare  
15 or safety of the victim, and only after providing reasonable notice to the victim and after  
16 allowing the victim the right to respond to such request.

17 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding  
18 over a case under chapter 566 or a case of domestic assault or stalking shall have the  
19 discretion to publicly disclose identifying information regarding the defendant which could  
20 be used to identify or locate the victim of the crime. The victim may provide a statement to  
21 the court regarding whether he or she desires such information to remain closed. When  
22 making the decision to disclose such information, the judge shall consider the welfare and  
23 safety of the victim and any statement to the court received from the victim regarding the  
24 disclosure.

2 ~~[191.653. 1. No person shall perform or conduct HIV testing except~~  
3 ~~physicians, hospitals, and those persons authorized by the department of health~~  
4 ~~and senior services. No person shall be authorized by the department of health~~  
5 ~~and senior services to perform or conduct HIV testing unless such person~~  
6 ~~provides suitable verification to the department that such testing shall be~~  
7 ~~performed in accordance with departmental regulations governing the types of~~  
8 ~~tests performed and the manner in which they are administered. The~~  
9 ~~department may monitor the continued compliance of such persons with~~  
10 ~~departmental regulations. Hospitals licensed pursuant to chapter 197 shall be~~  
11 ~~deemed to be in compliance with departmental regulations governing HIV~~  
12 ~~testing.~~

13 ~~2. All HIV testing shall be performed in accordance with the~~  
14 ~~department rules governing HIV testing procedures.~~

15 ~~3. Except as provided in sections 191.671 and 191.686, all physicians,~~  
16 ~~hospitals, or other persons authorized by the department of health and senior~~  
17 ~~services who perform or conduct HIV sampling shall provide consultation~~  
18 ~~with the subject prior to taking the specimen and during the reporting of the~~  
19 ~~test results and shall report to the department of health and senior services the~~  
~~identity of any individual confirmed to be infected with HIV.]~~

~~[191.656. 1. (1) All information known to, and records containing any information held or maintained by, any person, or by any agency, department, or political subdivision of the state concerning an individual's HIV infection status or the results of any individual's HIV testing shall be strictly confidential and shall not be disclosed except to:~~

~~(a) Public employees within the agency, department, or political subdivision who need to know to perform their public duties;~~

~~(b) Public employees of other agencies, departments, or political subdivisions who need to know to perform their public duties;~~

~~(c) Peace officers, as defined in section 590.100, the attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27, and prosecuting attorneys or circuit attorneys as defined in chapter 56 and pursuant to section 191.657;~~

~~(d) Prosecuting attorneys or circuit attorneys as defined in chapter 56 to prosecute cases pursuant to section 191.677 or 567.020. Prosecuting attorneys or circuit attorneys may obtain from the department of health and senior services the contact information and test results of individuals with whom the HIV infected individual has had sexual intercourse or deviate sexual intercourse. Any prosecuting attorney or circuit attorney who receives information from the department of health and senior services pursuant to the provisions of this section shall use such information only for investigative and prosecutorial purposes and such information shall be considered strictly confidential and shall only be released as authorized by this section;~~

~~(e) Persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency, including but not limited to operators of day care facilities, group homes, residential care facilities and adoptive or foster parents;~~

~~(f) As authorized by subsection 2 of this section;~~

~~(g) Victims of any sexual offense defined in chapter 566, which includes sexual intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section 545.940 offense, in which the court, for good cause shown, orders the defendant to be tested for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed. Prosecuting attorneys or circuit attorneys, or the department of health and senior services may release information to such victims;~~

~~(h) Any individual who has tested positive or false positive to HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, may request copies of any and all test results relating to said infections.~~

~~(2) Further disclosure by public employees shall be governed by subsections 2 and 3 of this section;~~

~~(3) Disclosure by a public employee or any other person in violation of this section may be subject to civil actions brought under subsection 6 of this section, unless otherwise required by chapter 330, 332, 334, or 335, pursuant to discipline taken by a state licensing board.~~

~~2. (1) Unless the person acted in bad faith or with conscious disregard, no person shall be liable for violating any duty or right of confidentiality established by law for disclosing the results of an individual's HIV testing:~~

~~(a) To the department of health and senior services;~~

~~(b) To health care personnel working directly with the infected individual who have a reasonable need to know the results for the purpose of providing direct patient health care;~~

~~(c) Pursuant to the written authorization of the subject of the test result or results;~~

~~(d) To the spouse of the subject of the test result or results;~~

~~(e) To the subject of the test result or results;~~

~~(f) To the parent or legal guardian or custodian of the subject of the testing, if he is an unemancipated minor;~~

~~(g) To the victim of any sexual offense defined in chapter 566, which includes sexual intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section 545.940 offense, in which the court, for good cause shown, orders the defendant to be tested for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed;~~

~~(h) To employees of a state licensing board in the execution of their duties under chapter 330, 332, 334, or 335 pursuant to discipline taken by a state licensing board;~~

~~The department of health and senior services and its employees shall not be held liable for disclosing an HIV-infected person's HIV status to individuals with whom that person had sexual intercourse or deviate sexual intercourse;~~

~~(2) Paragraphs (b) and (d) of subdivision (1) of this subsection shall not be construed in any court to impose any duty on a person to disclose the results of an individual's HIV testing to a spouse or health care professional or other potentially exposed person, parent or guardian;~~

~~(3) No person to whom the results of an individual's HIV testing has been disclosed pursuant to paragraphs (b) and (c) of subdivision (1) of this subsection shall further disclose such results; except that prosecuting attorneys or circuit attorneys may disclose such information to defense attorneys defending actions pursuant to section 191.677 or 567.020 under the rules of discovery, or jurors or court personnel hearing cases pursuant to section 191.677 or 567.020. Such information shall not be used or disclosed for any other purpose;~~

~~(4) When the results of HIV testing, disclosed pursuant to paragraph (b) of subdivision (1) of this subsection, are included in the medical record of the patient who is subject to the test, the inclusion is not a disclosure for purposes of such paragraph so long as such medical record is afforded the same confidentiality protection afforded other medical records.~~

~~3. All communications between the subject of HIV testing and a physician, hospital, or other person authorized by the department of health and senior services who performs or conducts HIV sampling shall be privileged communications.~~

~~4. The identity of any individual participating in a research project approved by an institutional review board shall not be reported to the department of health and senior services by the physician conducting the research project.~~

~~5. The subject of HIV testing who is found to have HIV infection and is aware of his or her HIV status shall disclose such information to any health~~

97 care professional from whom such person receives health care services. Said  
98 notification shall be made prior to receiving services from such health care  
99 professional if the HIV-infected person is medically capable of conveying that  
100 information or as soon as he or she becomes capable of conveying that  
101 information.

102 6. Any individual aggrieved by a violation of this section or  
103 regulations promulgated by the department of health and senior services may  
104 bring a civil action for damages. If it is found in a civil action that:

105 (1) A person has negligently violated this section, the person is liable;  
106 for each violation, for:

107 (a) The greater of actual damages or liquidated damages of one  
108 thousand dollars; and

109 (b) Court costs and reasonable attorney's fees incurred by the person  
110 bringing the action; and

111 (c) Such other relief, including injunctive relief, as the court may deem  
112 appropriate; or

113 (2) A person has willfully or intentionally or recklessly violated this  
114 section, the person is liable, for each violation, for:

115 (a) The greater of actual damages or liquidated damages of five  
116 thousand dollars; and

117 (b) Exemplary damages; and

118 (c) Court costs and reasonable attorney's fees incurred by the person  
119 bringing the action; and

120 (d) Such other relief, including injunctive relief, as the court may  
121 deem appropriate.

122 7. No civil liability shall accrue to any health care provider as a result  
123 of making a good faith report to the department of health and senior services  
124 about a person reasonably believed to be infected with HIV, or cooperating in  
125 good faith with the department in an investigation determining whether a court  
126 order directing an individual to undergo HIV testing will be sought, or in  
127 participating in good faith in any judicial proceeding resulting from such a  
128 report or investigations; and any person making such a report, or cooperating  
129 with such an investigation or participating in such a judicial proceeding, shall  
130 be immune from civil liability as a result of such actions so long as taken in  
131 good faith.]

2 [191.657. 1. No court shall issue an order for the disclosure of  
3 confidential HIV related information, except a court of record of competent  
4 jurisdiction in accordance with the provisions of this section.

5 2. Pursuant to section 191.656, a court may grant an order for  
6 disclosure of confidential HIV related information to peace officers, the  
7 attorney general or any assistant attorneys general acting on his or her behalf,  
8 and prosecuting attorneys upon an application showing:

9 (1) A compelling need for disclosure of the information for the  
10 adjudication of a criminal or civil proceeding;

11 (2) A clear and imminent danger to an individual whose life or health  
12 may unknowingly be at significant risk as a result of contact with the  
individual to whom the information pertains;



13           ~~(3) Upon application of a state, county or local health officer, a clear~~  
14 ~~and imminent danger to the public health; or~~

15           ~~(4) That the applicant is lawfully entitled to the disclosure and the~~  
16 ~~disclosure is consistent with the provisions of this section.~~

17           ~~3. Upon receiving an application for an order authorizing disclosure~~  
18 ~~pursuant to this section, the court shall enter an order directing that all~~  
19 ~~pleadings, papers, affidavits, judgments, orders of the court, briefs and~~  
20 ~~memoranda of law which are part of the application or the decision thereon, be~~  
21 ~~sealed and not made available to any person, except to the extent necessary to~~  
22 ~~conduct any proceedings in connection with the determination of whether to~~  
23 ~~grant or deny the application, including any appeal. Such an order shall~~  
24 ~~further direct that all subsequent proceedings in connection with the~~  
25 ~~application shall be conducted in camera, and, where appropriate to prevent~~  
26 ~~the unauthorized disclosure of confidential HIV-related information, that any~~  
27 ~~pleadings, papers, affidavits, judgments, orders of the court, briefs and~~  
28 ~~memoranda of law which are part of the application or the decision thereon not~~  
29 ~~state the name of the individual concerning whom confidential HIV-related~~  
30 ~~information is sought.~~

31           ~~4. (1) The individual concerning whom confidential HIV-related~~  
32 ~~information is sought and any person holding records concerning confidential~~  
33 ~~HIV-related information from whom disclosure is sought shall be given~~  
34 ~~adequate notice of such application in a manner which will not disclose to any~~  
35 ~~other person the identity of the individual, and shall be afforded an opportunity~~  
36 ~~to file a written response to the application, or to appear in person for the~~  
37 ~~limited purpose of providing evidence on the statutory criteria for the issuancee~~  
38 ~~of an order pursuant to this section.~~

39           ~~(2) The court may grant an order without such notice and opportunity~~  
40 ~~to be heard, where an ex parte application by a state, county, or local health~~  
41 ~~officer shows that a clear and imminent danger to an individual, whose life or~~  
42 ~~health may unknowingly be at risk, requires an immediate order.~~

43           ~~(3) Service of a subpoena shall not be subject to this subdivision.~~

44           ~~5. In assessing compelling need and clear and imminent danger, the~~  
45 ~~court shall provide written findings of fact, including scientific or medical~~  
46 ~~findings, citing specific evidence in the record which supports each finding,~~  
47 ~~and shall weigh the need for disclosure against the privacy interest of the~~  
48 ~~protected individual and the public interest which may be disserved by~~  
49 ~~disclosure which deters future testing or treatment or which may lead to~~  
50 ~~discrimination.~~

51           ~~6. An order authorizing disclosure of confidential HIV-related~~  
52 ~~information shall:~~

53           ~~(1) Limit disclosure to that information which is necessary to fulfill~~  
54 ~~the purpose for which the order is granted; and~~

55           ~~(2) Limit disclosure to those persons whose need for the information is~~  
56 ~~the basis for the order, and specifically prohibit redisclosure by such persons to~~  
57 ~~any other persons, whether or not they are parties to the action; and~~

58           ~~(3) To the extent possible consistent with this section, conform to the~~  
59 ~~provisions of this section; and~~

60 (4) Include such other measures as the court deems necessary to limit  
61 ~~any disclosures not authorized by its order.]~~

~~[191.658. 1. As used in this section, the following terms shall mean:~~

2 (1) ~~"Disclose", to disclose, release, transfer, disseminate or otherwise~~  
3 ~~communicate all or any part of any record orally, in writing or by electronic~~  
4 ~~means to any person or entity;~~

5 (2) ~~"Health care practitioner", any licensed physician, nurse~~  
6 ~~practitioner or physician's assistant;~~

7 (3) ~~"HIV", the human immunodeficiency virus that causes acquired~~  
8 ~~immunodeficiency syndrome;~~

9 (4) ~~"HIV infection", the pathological state of the human body in~~  
10 ~~response to HIV;~~

11 (5) ~~"Medically significant exposure", a puncture through or laceration~~  
12 ~~of the skin, or contact of mucous membrane or nonintact skin with blood,~~  
13 ~~tissue, wound exudate or other body fluids, including semen, vaginal~~  
14 ~~secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid,~~  
15 ~~pericardial fluid, amniotic fluid or any body fluid containing visible blood, or~~  
16 ~~contact of intact skin with any such body fluids when the duration of contact is~~  
17 ~~prolonged or involves an extensive area of skin;~~

18 (6) ~~"Person", private individuals, private or public bodies politic, and~~  
19 ~~corporations, partnerships, trusts, and unincorporated associations and their~~  
20 ~~officers, directors, agents or employees;~~

21 (7) ~~"Source individual", the person who is the source of the blood or~~  
22 ~~other body fluids to which medically significant exposure occurred.~~

23 2. ~~A health care practitioner providing medical treatment for a health~~  
24 ~~care worker or law enforcement officer because of a medically significant~~  
25 ~~exposure to blood or other body fluids that occurred in the course of the~~  
26 ~~worker's or officer's employment may request from the department of health~~  
27 ~~and senior services information regarding the HIV infection status of the~~  
28 ~~source individual. The department of health and senior services may disclose~~  
29 ~~to the health care practitioner the HIV infection status of the source individual~~  
30 ~~if such information is on file with the department.~~

31 3. ~~The health care practitioner shall disclose the HIV infection status~~  
32 ~~of the source individual to the exposed health care worker or law enforcement~~  
33 ~~officer if, in the professional judgment of the health care practitioner, such~~  
34 ~~disclosure is necessary to assure adherence to a prescribed treatment regimen.~~

35 4. ~~No person to whom information about an individual's HIV infection~~  
36 ~~has been disclosed pursuant to this section shall further disclose such results.~~

37 5. ~~Any person who knowingly releases information in violation of this~~  
38 ~~section is guilty of a class A misdemeanor.]~~

2 ~~[191.659. 1. Except as provided in subsection 2 of this section, all~~  
3 ~~individuals who are delivered to the department of corrections and all~~  
4 ~~individuals who are released or discharged from any correctional facility~~  
5 ~~operated by the department of corrections, before such individuals are released~~  
~~or discharged, shall undergo HIV and tuberculosis testing without the right of~~

6 ~~refusal. In addition, the department of corrections may perform or conduct~~  
7 ~~infectious disease testing on offenders without the right of refusal.~~

8 ~~2. The department of corrections shall not perform HIV testing on an~~  
9 ~~individual delivered to the department if similar HIV testing has been~~  
10 ~~performed on the individual subsequent to trial and if the department is able to~~  
11 ~~obtain the results of the prior HIV test.~~

12 ~~3. The department shall inform the victim of any sexual offense~~  
13 ~~defined in chapter 566, which includes sexual intercourse or deviate sexual~~  
14 ~~intercourse as an element of the crime, of any confirmed positive results of~~  
15 ~~HIV testing performed on an offender within the custody of the department. If~~  
16 ~~the victim is an unemancipated minor, the department shall also inform the~~  
17 ~~minor's parents or custodian, if any.]~~

~~[191.662. 1. The department of mental health may perform or conduct~~  
2 ~~HIV testing or HIV sampling without the right of refusal on:~~

3 ~~(1) Any individual participating in a methadone treatment program for~~  
4 ~~the treatment of intravenous drug abuse and who has refused to undergo such~~  
5 ~~testing whenever there are reasonable grounds to believe that the individual is~~  
6 ~~infected with HIV and is a reasonable health threat to others;~~

7 ~~(2) Any individual under the care and custody of the department of~~  
8 ~~mental health who has refused to undergo testing whenever there are~~  
9 ~~reasonable grounds to believe that the individual is infected with HIV and is a~~  
10 ~~reasonable health threat to others, unless such testing is otherwise prohibited~~  
11 ~~by law.~~

12 ~~2. The department of mental health shall not report to the department~~  
13 ~~of health and senior services the identity of any individual for whom HIV~~  
14 ~~testing pursuant to this section confirms HIV infection if such reporting is~~  
15 ~~prohibited by federal law or regulation.]~~

~~[191.671. 1. No other section of this act shall apply to any insurer,~~  
2 ~~health services corporation, or health maintenance organization licensed by the~~  
3 ~~department of commerce and insurance which conducts HIV testing only for~~  
4 ~~the purposes of assessing a person's fitness for insurance coverage offered by~~  
5 ~~such insurer, health services corporation, or health maintenance corporation,~~  
6 ~~except that nothing in this section shall be construed to exempt any insurer,~~  
7 ~~health services corporation or health maintenance organization in their~~  
8 ~~capacity as employers from the provisions of section 191.665 relating to~~  
9 ~~employment practices.~~

10 ~~2. Upon renewal of any individual or group insurance policy,~~  
11 ~~subscriber contractor health maintenance organization contract covering~~  
12 ~~medical expenses, no insurer, health services corporation or health~~  
13 ~~maintenance organization shall deny or alter coverage to any previously~~  
14 ~~covered individual who has been diagnosed as having HIV infection or any~~  
15 ~~HIV-related condition during the previous policy or contract period only~~  
16 ~~because of such diagnosis, nor shall any such insurer, health services~~  
17 ~~corporation or health maintenance organization exclude coverage for treatment~~  
18 ~~of such infection or condition with respect to any such individual.~~

19           3. ~~The director of the department of commerce and insurance shall~~  
20 ~~establish by regulation standards for the use of HIV testing by insurers, health~~  
21 ~~services corporations and health maintenance organizations.~~

22           4. ~~A laboratory certified by the U.S. Department of Health and Human~~  
23 ~~Services under the Clinical Laboratory Improvement Act of 1967, permitting~~  
24 ~~testing of specimens obtained in interstate commerce, and which subjects itself~~  
25 ~~to ongoing proficiency testing by the College of American Pathologists, the~~  
26 ~~American Association of Bio-Analysts, or an equivalent program approved by~~  
27 ~~the Centers for Disease Control shall be authorized to perform or conduct HIV~~  
28 ~~testing for an insurer, health services corporation or health maintenance~~  
29 ~~organization pursuant to this section.~~

30           5. ~~The result or results of HIV testing of an applicant for insurance~~  
31 ~~coverage shall not be disclosed by an insurer, health services corporation or~~  
32 ~~health maintenance organization, except as specifically authorized by such~~  
33 ~~applicant in writing. Such result or results shall, however, be disclosed to a~~  
34 ~~physician designated by the subject of the test. If there is no physician~~  
35 ~~designated, the insurer, health services corporation, or health maintenance~~  
36 ~~organization shall disclose the identity of individuals residing in Missouri~~  
37 ~~having a confirmed positive HIV test result to the department of health and~~  
38 ~~senior services. Provided, further, that no such insurer, health services~~  
39 ~~corporation or health maintenance organization shall be liable for violating any~~  
40 ~~duty or right of confidentiality established by law for disclosing such identity~~  
41 ~~of individuals having a confirmed positive HIV test result to the department of~~  
42 ~~health and senior services. Such disclosure shall be in a manner that ensures~~  
43 ~~confidentiality. Disclosure of test results in violation of this section shall~~  
44 ~~constitute a violation of sections 375.930 to 375.948 regulating trade practices~~  
45 ~~in the business of insurance. Nothing in this subsection shall be construed to~~  
46 ~~foreclose any remedies existing on June 1, 1988.]~~

2           ~~[191.674. 1. The department of health and senior services may seek in~~  
3 ~~its own name in a court of competent jurisdiction a court order directing an~~  
4 ~~individual to undergo HIV testing without the right of refusal after reasonable~~  
5 ~~efforts have been made by the department to obtain informed consent to HIV~~  
6 ~~testing. The court shall grant such order whenever there are reasonable~~  
7 ~~grounds to believe that an individual is infected with HIV and there is clear and~~  
8 ~~convincing evidence of a serious and present health threat to others posed by~~  
9 ~~the individual if infected.~~

10           ~~2. The record of any suit filed pursuant to this section shall be closed~~  
11 ~~to the public and, at the request of the individual, any hearing shall be held in~~  
~~camera.]~~

2           ~~[191.680. 1. Any person who shall erect, establish, continue,~~  
3 ~~maintain, use, own, or lease any building, structure, or place used for the~~  
4 ~~purpose of lewdness, assignation, or illegal purpose involving sexual or other~~  
5 ~~contact through which transmission of HIV infection can occur is guilty of~~  
6 ~~maintaining a nuisance.~~

7           ~~2. The building, structure, or place, or the ground itself, in or upon~~  
~~which any such lewdness, assignation, or illegal purpose is conducted,~~

8 permitted, carried on, continued, or exists, and the furniture, fixtures, musical  
9 instruments, and movable property used in conducting or maintaining such  
10 nuisance, are hereby declared to be a nuisance and shall be enjoined and  
11 abated as provided in subsection 3 of this section.

12 3. If the existence of a nuisance is admitted or established in an action  
13 pursuant to this section or in a criminal proceeding in any court, an order of  
14 abatement shall be entered as part of the judgment in the case. The order shall  
15 direct the effectual closing of the business for any purpose, and so keeping it  
16 closed for a period of one year.

17 4. The department of health and senior services, a county prosecutor,  
18 or a circuit attorney shall file suit in its own name in any court of competent  
19 jurisdiction to enforce the provisions of this section.]

2 [191.683. The department of health and senior services shall regularly  
3 report to the appropriate committees of both houses of the general assembly:

4 (1) The number of individuals with HIV infection for whom a health  
5 care plan has been developed detailing the form and impact of such health care  
6 plans in a manner that does not identify or provide identifying characteristics  
7 of an individual infected with HIV;

8 (2) The nature and extent to which the department has utilized judicial  
9 proceedings in a manner that does not identify or provide identifying  
10 characteristics of any individual subject to such proceedings;

11 (3) The form and extent of the handling of federal funds available to  
12 the department of health and senior services for disbursement;

13 (4) The form and extent of programs and efforts funded by state funds;  
14 and

(5) Any other information such committees shall seek.]

2 [191.689. 1. Only after a school has adopted a policy consistent with  
3 recommendations of the Centers for Disease Control on school children who  
4 test positive for HIV shall the department of health and senior services give  
5 prompt and confidential notice of the identity of any child reported to the  
6 department to have HIV infection and the parent or guardian of any child  
7 confirmed by the department of health and senior services standards to have  
8 HIV infection shall also give prompt and confidential notice of the identity of  
9 such child to the superintendent of the school district in which the child  
10 resides, and if the child attends a nonpublic elementary or secondary school, to  
11 the chief administrative officer of such school.

12 2. The superintendent or chief administrative officer may disclose the  
13 identity of an infected child to those persons:

14 (1) Who are designated by the school district to determine the fitness  
15 of an individual to attend school; and

16 (2) Who have a reasonable need to know the identity of the child in  
order to provide proper health care.]

2 [191.692. The department of health and senior services may  
3 promulgate rules providing for mandatory premarital HIV testing if the  
Centers for Disease Control so indicates.]

~~[545.940. 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, domestic assault in the third degree; section 565.075, assault while on school property; section 565.076, domestic assault in the fourth degree; section 565.081, 565.082, or 565.083, assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first, second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or subdivision (2) or (3) of subsection 2 of section 191.677, knowingly or recklessly exposing a person to a serious infectious or communicable disease, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.~~

~~2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.]~~

~~[567.120. Any person arrested for a prostitution-related offense, who has been found guilty of a prior prostitution-related offense, may, within the sound discretion of the court, be required to undergo HIV testing as a condition precedent to the issuance of bond for the offense.]~~

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