

SECOND REGULAR SESSION

# HOUSE BILL NO. 3197

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUSH.

6237H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To amend chapter 454, RSMo, by adding thereto one new section relating to genetic testing.

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

Section A. Chapter 454, RSMo, is amended by adding thereto one new section, to be  
2 known as section 454.486, to read as follows:

**454.486. 1. As used in this section, the following terms mean:**

2 (1) "Absent parent", a parent not residing with or not providing direct care for a  
3 child at birth;

4 (2) "Genetic test", a DNA-based paternity test administered by a hospital or  
5 licensed medical provider and processed by an accredited laboratory;

6 (3) "Mother", a woman who gives birth to a child;

7 (4) "Putative father", any man alleged or presumed to be the father of a child,  
8 including a man married to the mother unless disproven by a genetic test.

9 2. Notwithstanding any provision of law, beginning January 1, 2027, a genetic  
10 test shall be administered at the time of birth for every newborn child in this state when:

11 (1) A putative father is identified;

12 (2) Paternity is disputed; or

13 (3) The mother or alleged father requests testing.

14 3. (1) Paternity shall be considered legally established only upon receipt of a  
15 valid genetic test confirming a biological relationship of at least ninety-nine percent  
16 probability.

17 (2) If a genetic test excludes a putative father:

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           **(a) The excluded putative father shall bear no legal or financial responsibility for**  
19 **the child, including child support; and**

20           **(b) The excluded putative father shall not be subject to back child support or**  
21 **arrears.**

22           **(3) No civil or criminal penalties shall be imposed for failure to support a child**  
23 **before the genetic test results.**

24           **4. (1) An absent parent shall not accrue child support obligations, including**  
25 **retroactive payments, until paternity is genetically established.**

26           **(2) No person shall be prosecuted, jailed, or penalized for failure to pay child**  
27 **support for a child prior to a genetic test confirming paternity.**

28           **(3) Any child support order issued in error due to misassigned paternity shall be**  
29 **void, and the affected individual shall be released from all arrears.**

30           **5. (1) There is hereby created in the state treasury the "Missouri Genetic**  
31 **Testing Fund", which may consist of moneys appropriated to it by the general assembly**  
32 **or any gifts, contributions, grants, or bequests received from federal, private, or other**  
33 **sources. Moneys in the fund shall be used to cover all or part of the costs of genetic**  
34 **testing for persons who are not able to pay for such testing. The state treasurer shall be**  
35 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**  
36 **may approve disbursements. The fund shall be a dedicated fund and, upon**  
37 **appropriation, moneys in this fund shall be used solely as provided in this subdivision.**

38           **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
39 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
40 **general revenue fund.**

41           **(3) The state treasurer shall invest moneys in the fund in the same manner as**  
42 **other funds are invested. Any interest and moneys earned on such investments shall be**  
43 **credited to the fund.**

44           **6. (1) Genetic test results shall be used exclusively for establishing paternity and**  
45 **child support purposes and shall not be used for criminal investigations without a court**  
46 **order.**

47           **(2) All genetic materials and data shall be destroyed after a paternity**  
48 **determination is complete, except when voluntarily retained for future family medical**  
49 **history.**

50           **7. The department of health and senior services and the department of social**  
51 **services shall promulgate all necessary rules and regulations for the administration of**  
52 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
53 **is created under the authority delegated in this section shall become effective only if it**  
54 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

55 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
56 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
57 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
58 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
59 **28, 2026, shall be invalid and void.**

✓