

HB 3082 -- GOVERNMENT RESTRICTIONS ON THE ABILITY TO EARN A LIVING

SPONSOR: Davis

This bill establishes the "Missouri Entrepreneurial Freedom Restoration Act" and creates new statutory protections for the right to earn a living.

The bill states that the right to pursue a lawful business, profession, occupation, or trade is a fundamental right under Missouri law and applies to all state and local laws and their enforcement, whether adopted before or after the bill's enactment, unless explicitly excluded.

The bill requires heightened judicial review of any government regulation that burdens the right to earn a living. Under this bill, a state or local government must demonstrate by clear and convincing evidence that a restriction is necessary to protect public health, safety, or welfare, that it is the least restrictive means to achieve that purpose, and that less restrictive alternatives would not sufficiently address the governmental interest. The bill specifies that "welfare" is narrowly defined and does not include economic protectionism or protection from competition.

This bill provides that economic protectionism is not a valid governmental interest and prohibits regulations justified solely by moral disapproval, generalized psychological harm, or discouragement of lawful but disfavored conduct. Furthermore, the bill provides that a regulation is not necessary if existing criminal, civil, or administrative law already addresses the asserted harm, unless the government proves such existing law is inadequate.

The bill authorizes individuals whose right to earn a living is burdened to bring a claim or assert a defense in judicial or administrative proceedings without first applying for or being denied a license or certification. Courts may grant declaratory or injunctive relief and award nominal damages.

The bill requires courts to award reasonable attorney's fees and costs to a person who proves a violation of the section. The state waives sovereign immunity for nominal damages up to \$1.00 per claim, and government officials who unlawfully burden the right to earn a living are not entitled to qualified or other immunity for such nominal damages.

The bill contains a severability clause and specifies that it does not preempt or supersede existing causes of action under state or federal law, but instead provides an additional layer of protection for the right to earn a living.

This bill is similar to SB 1439 (2026).