

JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

THIRTY-SIXTH DAY, MONDAY, MARCH 6, 2017

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Representative Jeanie Lauer.

Dear Lord,

Here we stand to thank You for the abundant blessings You provide to us each day. You provide comfort to us when we are troubled, peace when we have conflicts and strength when we feel weak. Your wisdom and guidance are constantly there for us. We only need to look to You and put our trust in You to carry us through.

Here we stand in humbleness and repentance as we ask for Your forgiveness in all things we have done that are not in Your favor. You not only see our sin but are ready to forgive, as Your Son has already paid the price for all of us. We can rejoice having You in our life and knowing we have salvation in You.

Here we stand as servants to You, to live our daily life as a reflection of Your love. As we serve in this House, let us be mindful of Your will to be done, not that of others or of ourselves.

Here we stand before You in awe of Your glory and grace.

This we pray in the name of the Father, the Son, and the Holy Spirit.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-fifth day was approved as printed by the following vote:

AYES: 146

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brown 27
Burnett	Burns	Butler	Chipman	Christofanelli
Cierpiot	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dogan	Dohrman	Dunn	Eggleston
Ellebracht	Ellington	Engler	Evans	Fitzpatrick
Fitzwater 49	Fraker	Francis	Frederick	Gannon
Gray	Green	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Houghton	Houx	Hubrecht

Hurst	Justus	Kelley 127	Kelly 141	Kendrick
Kolkmeier	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Marshall	Mathews
Mathiesen	McCaherty	McCann Beatty	McCreery	McDaniel
McGaugh	McGee	Meredith 71	Merideth 80	Messenger
Miller	Mitten	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Peters
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Pogue	Quade	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roberts	Roden	Rone	Ross	Rowland 155
Rowland 29	Runions	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Wessels	White	Wiemann	Wood
Mr. Speaker				

NOES: 000

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 015

Brattin	Brown 57	Brown 94	Carpenter	Fitzwater 144
Franklin	Franks Jr	Hill	Johnson	Kidd
May	Mosley	Roeber	Smith 85	Wilson

VACANCIES: 001

SECOND READING OF SENATE BILLS

The following Senate Bills were read the second time:

SB 25, relating to the Kansas City police department.

SS#2 SCS SB 43, relating to unlawful discriminatory practices.

SB 50, relating to a health care directives registry.

SS SCS SB 74, relating to a prescription drug monitoring program, with penalty provisions.

SB 194, relating to the accreditation of managed care plans.

SCS SB 217, relating to tax credits for the assistance of needy persons.

SB 225, relating to the length of motor vehicles operated on highways.

SCS SB 229, relating to employees working in certain mental health facilities.

SB 299, relating to abandoned real property in certain cities.

SCS SB 309, relating to the retirement system for prosecuting and circuit attorneys.

SCS SB 322, relating to the designation of certain memorial infrastructure.

SB 326, relating to low-profit limited liability companies.

THIRD READING OF HOUSE BILLS

HB 169, relating to legislative review of audits conducted by the state auditor’s office, was taken up by Representative Curtman.

On motion of Representative Curtman, **HB 169** was read the third time and passed by the following vote:

AYES: 123

Alferman	Anders	Anderson	Andrews	Austin
Bahr	Baringer	Barnes 60	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 94	Carpenter	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellington	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Franks Jr	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hubrecht	Hurst
Justus	Kelley 127	Kelly 141	Kidd	Kolkmeyer
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	McCaherty
McCreery	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Peters
Pfautsch	Phillips	Pietzman	Pike	Plocher
Pogue	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowland 155	Rowland 29	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 163	Sommer
Spencer	Stacy	Stephens 128	Swan	Tate
Taylor	Trent	Vescovo	Walker 3	White
Wiemann	Wood	Mr. Speaker		

NOES: 035

Adams	Arthur	Bangert	Barnes 28	Beck
Brown 27	Burnett	Burns	Butler	Curtis
Dunn	Ellebracht	Gray	Green	Kendrick
Lavender	McCann Beatty	McGee	Meredith 71	Merideth 80
Mitten	Morgan	Mosley	Newman	Nichols
Pierson Jr	Quade	Razer	Roberts	Runions
Smith 85	Stevens 46	Unsicker	Walker 74	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 57 Johnson May Wilson

VACANCIES: 001

Speaker Richardson declared the bill passed.

HCS HB 661, relating to the comprehensive state energy plan, was taken up by Representative Bondon.

On motion of Representative Bondon, **HCS HB 661** was read the third time and passed by the following vote:

AYES: 157

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 94	Burnett	Burns	Butler
Carpenter	Chipman	Christofanelli	Cierpiot	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	DeGroot
Dogan	Dohrman	Dunn	Eggleston	Ellebracht
Ellington	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Green	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hubrecht	Hurst	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Kolkmeier
Korman	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen
McCaherty	McCann Beatty	McCreery	McDaniel	McGaugh
McGee	Meredith 71	Merideth 80	Messenger	Miller
Mitten	Moon	Morgan	Morris	Mosley
Muntzel	Neely	Newman	Nichols	Peters
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Quade	Razer	Redmon	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roberts
Roden	Roeber	Rone	Ross	Rowland 155
Rowland 29	Runions	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 85	Smith 163	Sommer
Spencer	Stacy	Stephens 128	Stevens 46	Swan
Tate	Taylor	Trent	Unsicker	Vescovo
Walker 3	Walker 74	Wessels	White	Wiemann
Wood	Mr. Speaker			

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 57 Johnson May Wilson

VACANCIES: 001

Speaker Richardson declared the bill passed.

HB 700, relating to the designation of a highway, was taken up by Representative Cookson.

On motion of Representative Cookson, **HB 700** was read the third time and passed by the following vote:

AYES: 116

Alferman	Anderson	Andrews	Arthur	Austin
Bahr	Baringer	Barnes 60	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brown 94
Burns	Carpenter	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Franks Jr	Frederick	Gannon	Green	Gregory
Grier	Haahr	Hannegan	Hansen	Harris
Henderson	Higdon	Hill	Houghton	Houx
Hubrecht	Justus	Kelley 127	Kelly 141	Kendrick
Kolkmeyer	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McCaherty	McCreery	McDaniel	McGaugh	Merideth 80
Messenger	Miller	Morgan	Morris	Neely
Pfautsch	Phillips	Pike	Plocher	Quade
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Sommer	Stacy	Stephens 128
Swan	Tate	Taylor	Trent	Vescovo
Walker 3	Wessels	White	Wiemann	Wood
Mr. Speaker				

NOES: 037

Adams	Anders	Bangert	Barnes 28	Beck
Brattin	Brown 27	Burnett	Butler	Curtis
Curtman	Dunn	Evans	Gray	Helms
Hurst	Marshall	McCann Beatty	McGee	Meredith 71
Mitten	Moon	Mosley	Newman	Nichols
Peters	Pierson Jr	Pietzman	Pogue	Roberts
Rowland 29	Runions	Smith 163	Spencer	Stevens 46
Unsicker	Walker 74			

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 008

Brown 57	Haefner	Johnson	Kidd	May
Muntzel	Smith 85	Wilson		

VACANCIES: 001

Speaker Richardson declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 353, relating to elections, was taken up by Representative Eggleston.

Representative Conway (104) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 353, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"115.117. 1. The election authority may designate tax-supported public buildings or buildings owned by any political subdivision or special district to be used as polling places for any election, and no official in charge or control of any such public building shall refuse to permit the use of the building for election purposes. The election authority shall have the right to choose the location of the polling place within such buildings, **unless such public building is under a legally binding contract with another party for use on the date of the election.**

2. If an election authority determines there is no public building convenient for a polling place in any voting district, the authority shall first attempt to secure the use of a privately owned tax-exempt building, and in the event no such building is available, it may contract for the rental of a suitable polling place in the district.

3. In selecting polling places, the election authority shall consider parking areas which may be available and shall give priority to those places which have adequate parking areas for use by poll workers and voters."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Conway (10) offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1

to

House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 353, Page 1, Line 8, by inserting after the phrase "**public building**" the following:

"located in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Conway (10), **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Conway (104), **House Amendment No. 1, as amended**, was adopted.

Representative McCann Beatty offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 353, Page 3, Section 115.125, Line 40, by inserting after all of said section and line the following:

"115.950. 1. Notwithstanding any other provision of law, the office of the secretary of state shall establish a process to conduct automatic voter registration based on driver's license information which shall provide recommendations to local election authorities for the automatic registration of eligible voters.

2. The department of revenue and the motor vehicle and driver licensing division shall, periodically as required by rule or policy, provide the secretary of state's office with such information as the office of the secretary of state specifies is necessary to conduct recommendations for automatic voter registration.

3. The office of the secretary of state shall provide lists of nonbinding recommendations for inclusion on voter registration lists to local election authorities and such authorities shall include such recommendations on voter registration lists subject to existing verification procedures for determining whether an individual is eligible to register to vote and eligible to vote. Local election authorities shall retain full jurisdiction and power to decline to register individuals not verified to be eligible to vote and to remove the names of individuals who are no longer eligible to vote from voter registration lists.

4. Within two months of receipt of a proposed voter registration list, but prior to including a recommended individual on a voter registration list, the local election authority shall send notice of potential automatic registration which shall include a paid postcard for purposes of declining registration. If, after a period of one month, the postcard is not returned to the local election authority, the individual's name shall be added to the voter registration list; except that, any time a postcard is received, the individual's name shall be removed from the voter registration list. This subsection shall not be construed to prevent removal from voter registration lists by any other method allowed under this chapter.

5. The provisions of this section allow for automatic voter registration in addition to any other method of registration allowed under this chapter and shall not be interpreted to invalidate any other method for voter registration.

6. The provisions of this section with regard to the office of the secretary of state, the department of revenue, and local election authorities shall be subject to the appropriation and payment of funds necessary to conduct automatic voter registration and verification procedures.

7. The office of the secretary of state may promulgate all necessary rules for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Evans raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Dunn offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 353, Page 3, Section 115.125, Line 40, by inserting immediately after all of said line the following:

"115.950. 1. Notwithstanding any other provision of law, the office of the secretary of state shall establish a process to conduct automatic voter registration based on driver's license information which shall provide recommendations to local election authorities for the automatic registration of eligible voters.

2. The department of revenue and the motor vehicle and driver licensing division shall, periodically as required by rule or policy, provide the secretary of state's office with such information as the office of the secretary of state specifies is necessary to conduct recommendations for automatic voter registration.

3. The office of the secretary of state shall provide lists of nonbinding recommendations for inclusion on voter registration lists to local election authorities, and such authorities shall include such recommendations on voter registration lists subject to existing verification procedures for determining whether an individual is eligible to register to vote and eligible to vote. Local election authorities shall retain full jurisdiction and power to decline to register individuals not verified to be eligible to vote and to remove the names of individuals who are no longer eligible to vote from voter registration lists.

4. Within two months of receipt of a proposed voter registration list, but prior to including a recommended individual on a voter registration list, the local election authority shall send notice of potential automatic registration which shall include a paid postcard for purposes of declining registration. If, after a period of one month, the postcard is not returned to the local election authority, the individual's name shall be added to the voter registration list; except that, any time a postcard is received the individual's name shall be removed from the voter registration list. This subsection shall not be construed to prevent removal from voter registration lists by any other method allowed under this chapter.

5. The provisions of this section allow for automatic voter registration in addition to any other method of registration allowed under this chapter and shall not be interpreted to invalidate any other method for voter registration.

6. The office of the secretary of state may promulgate all necessary rules for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Trent raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Eggleston, the title of **HCS HB 353, as amended**, was agreed to.

On motion of Representative Eggleston, **HCS HB 353, as amended**, was adopted.

On motion of Representative Eggleston, **HCS HB 353, as amended**, was ordered perfected and printed.

HCS HB 122, relating to physicians providing sports medicine services, was taken up by Representative Frederick.

On motion of Representative Frederick, the title of **HCS HB 122** was agreed to.

On motion of Representative Frederick, **HCS HB 122** was adopted.

On motion of Representative Frederick, **HCS HB 122** was ordered perfected and printed.

HCS HB 381, relating to health care records of deceased patients, was taken up by Representative Evans.

Representative Evans offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 381, Page 3, Section 191.227, Line 70, by inserting after all of said line the following:

"193.245. It shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital records or to copy or issue a copy of all or part of any such record except as authorized by this law and by regulation or by order of a court of competent jurisdiction or in the following situations:

(1) ~~[A listing of persons who are born or who die on a particular date may be disclosed upon request, but no information from the record other than the name and the date of such birth or death shall be disclosed;~~

~~—(2)]~~ (2) The department may authorize the disclosure of information contained in vital records for legitimate research purposes;

~~[(3)]~~ (2) To a qualified applicant as provided in section 193.255;

~~[(4)]~~ (3) Copies of death records over fifty years old may be disclosed upon request."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Evans, **House Amendment No. 1** was adopted.

Representative McGaugh offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 381, Page 3, Section 191.227, Line 70, by inserting after all of said section and line the following:

"404.1100. 1. Sections 404.1100 to 404.1110 shall be known and may be cited as the "Designated Health Care Decision-Maker Act".

2. The provisions of sections 404.1100 to 404.1110 shall not be applicable to situations in which a patient has capacity to make health care decisions, a guardian with medical decision-making authority is appointed under chapter 475, an attorney-in-fact is appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, or if the patient is under jurisdiction of the juvenile court.

404.1101. As used in sections 404.1100 to 404.1110, the following terms mean:

(1) "Adult", a person eighteen years of age or older;

(2) "Artificially supplied nutrition and hydration", any medical procedure whereby nutrition or hydration is supplied through a tube inserted into a person's nose, mouth, stomach, or intestines, or nutrients or fluids are administered into a person's bloodstream or provided subcutaneously;

(3) "Best interests":

(a) Promoting the incapacitated person's right to enjoy the highest attainable standard of health for that person;

(b) Advocating that the person who is incapacitated receive the same range, quality, and standard of health care, care, and comfort as is provided to a similarly situated individual who is not incapacitated; and

(c) Advocating against the discriminatory denial of health care, care, or comfort, or food or fluids on the basis that the person who is incapacitated is considered an individual with a disability;

(4) "Designated health care decision-maker", the person designated to make health care decisions for a patient under section 404.1104;

(5) "Disability" or "disabled" shall have the same meaning as defined in 42 U.S.C. Section 12102, the Americans with Disabilities Act of 1990, as amended; provided that, the term "this chapter" in that definition shall be deemed to refer to the Missouri health care decision-maker act;

(6) "Health care", services to diagnose or treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin, and includes making arrangements for placement in or transfer to or from a health care facility or health care provider that provides such forms of care;

(7) "Health care facility", any hospital, hospice, inpatient facility, nursing facility, skilled nursing facility, residential care facility, intermediate care facility, dialysis treatment facility, assisted living facility, home health or hospice agency; any entity that provides home or community-based health care services; or any other facility that provides or contracts to provide health care, and which is licensed, certified, or otherwise authorized or permitted by law to provide health care;

(8) "Health care provider", any individual who provides health care to persons and who is licensed, certified, registered, or otherwise authorized or permitted by law to provide health care;

(9) "Incapacitated", as such term is defined and determined by sections 404.800 to 404.865;

(10) "Patient", any adult who:

(a) Is authorized to make health care decisions for himself or herself under Missouri law but is incapacitated; and

(b) Does not have anyone with legal authority to make health care decisions for such person including, but not limited to, a guardian with medical decision-making authority appointed under chapter 475, or an attorney-in-fact appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, or persons under the jurisdiction of the juvenile court;

(11) "Patient with capacity", a patient who is determined to no longer be incapacitated under section 404.1106;

(12) "Physician", a treating, attending, or consulting physician licensed to practice medicine under Missouri law;

(13) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician knowledgeable about the case and the health care possibilities with respect to the medical conditions involved.

404.1103. The physician or another health care provider acting at the direction of the physician shall make reasonable efforts to inform potential designated health care decision-makers set forth under section 404.1104 of whom the physician or physician's designee is aware of the need to appoint a designated health care decision-maker for the patient.

404.1104. 1. Decisions concerning the patient's health care may be made by the following persons with capacity in the following order of priority, with the exception of persons excluded under subsection 5 of this section:

(1) The spouse of the patient, unless the spouse and patient are separated under one of the following:

(a) A current dissolution of marriage or separation action;

(b) A signed written property or marital settlement agreement; or

(c) A permanent order of separate maintenance or support or a permanent order approving a property or marital settlement agreement between the parties;

(2) An adult child of the patient;

(3) A parent of the patient;

(4) An adult sibling of the patient;

(5) Grandparent or adult grandchild of the patient;

(6) Any other adult relative or nonrelative who can demonstrate that he or she has a close personal relationship with the patient and is familiar with the patient's personal values;

(7) A person who is a member of the same community of persons as the patient who is bound by vows to a religious life and who conducts or assists in the conducting of religious services and actually and

regularly engages in religious, benevolent, charitable, or educational ministry, or performance of health care services; or

(8) Any other person designated by the unanimous mutual agreement of the persons listed above who is involved in the patient's care.

2. Reasonable efforts include, without limitation, identifying potential designated health care decision-makers as set forth under this section by examining the patient's personal effects and medical records. If a person with potential health care decision-making authority is identified, attempts to contact that person shall be made within a reasonable time consistent with the patient's medical needs after a determination of incapacity. Contact attempts, including name of the person and known telephone numbers and other contact information, shall be documented in the patient's medical record. The health care facility or health care provider shall look to the health care decision-maker highest in priority who is available and willing to act at the time a health care decision shall be made for the patient.

3. Any person or entity interested in the welfare of the patient, including a health care provider or health care facility, who disagrees on whether certain health care should be provided to or withheld or withdrawn from a patient may petition the probate court for an order for the appointment of a temporary or permanent guardian in accordance with chapter 475 to act in the best interests of the patient.

4. A person who is a member of the classes listed under subsection 1 of this section shall not be denied priority under this section based solely upon that person's support for, or direction to provide, withhold or withdraw health care to the patient, subject to the rights of other classes of potential designated decision-makers, a health care provider, or health care facility to petition the probate court for an order for the appointment of a temporary or permanent guardian under chapter 475 to act in the best interests of the patient.

5. Notwithstanding the provisions of subsection 1 of this section, priority under this section shall not be given to persons in any of the following circumstances:

(1) If a health care provider knows the person has been reported under any mandatory reporting statute for abuse or neglect of the patient including, but not limited to, section 192.2475, 198.070, 208.912, 210.115, 565.188, 630.162, or 630.165 or any other mandatory reporting statute and a finding of abuse or neglect has been substantiated. If the health care provider is aware of a report where a finding has not yet been made, such person shall not be given priority until the investigating agency either makes a finding that the allegations are unsubstantiated or, after investigation, closes the case without making a finding; provided that, such a report shall not be based on the person's support for, or direction to provide, health care to the patient;

(2) If the health care provider determines, after making a reasonable effort to contact the designated health care decision-maker using known telephone numbers and other contact information and receiving no response, that such person is unable to be found, not reasonably available, or is unwilling to make health care decisions as needed for the patient;

(3) If a probate court in a proceeding under chapter 475 finds that the involvement of the person in decisions concerning the patient's health care is contrary to instructions that the patient had unambiguously, and without subsequent contradiction or change, expressed before he or she became incapacitated. Such a statement to the patient's physician or other health care provider contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider shall be deemed such an instruction, subject to the ability of a party to a proceeding under chapter 475 to dispute its accuracy, weight, or interpretation; or

(4) If the person is the subject of a protective order or other court order that directs that person to avoid contact with the patient or if such person has been found guilty of abuse under section 565.180, 565.182, or 565.184.

6. (1) The designated health care decision-maker shall make reasonable efforts to obtain information regarding the patient's health care preferences from health care providers, family, friends, or others who may have credible information.

(2) The designated health care decision-maker shall make health care decisions in the patient's best interests, taking into consideration evidence of the patient's known health care preferences and religious and moral beliefs.

7. This section does not authorize the provision or withholding of health care services that the patient has unambiguously at a time when the patient had capacity, without subsequent contradiction or

change of instruction of what he or she would or would not want, expressed either in a valid living will created under sections 459.010 to 459.055 or to the patient's physician or other health care provider. Such a statement to the patient's physician or other health care provider, contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider, shall be deemed such evidence, subject to the ability of a party to a proceeding under chapter 475 to dispute its accuracy, weight, or interpretation.

8. A designated health care decision-maker shall be deemed a personal representative for the purposes of access to and disclosure of private medical information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. Section 1320d and 45 CFR 160-164.

9. Nothing under sections 404.1100 to 404.1110 shall preclude any person interested in the welfare of a patient including, but not limited to, a designated health care decision-maker, a member of the classes listed under this section regardless of priority, or a health care provider or health care facility involved in the care of the patient, from petitioning the probate court for the appointment of a temporary or permanent guardian for the patient, including expedited adjudication under chapter 475.

10. Pending the final outcome of proceedings initiated under chapter 475, the designated health care decision-maker, health care provider, or health care facility shall not withhold or withdraw or direct the withholding or withdrawal of health care, nutrition, or hydration if withholding or withdrawal, in reasonable medical judgment, would result in or hasten the death of the patient, would jeopardize the health or limb of the patient, or would result in disfigurement or impairment of the patient's faculties. If a health care provider or a health care facility objects to the provision of such health care, nutrition, or hydration on the basis of religious beliefs or sincerely held moral convictions, the provider or facility shall not impede the transfer of the patient to another health care provider or health care facility willing to provide it and shall provide such health care, nutrition, or hydration to the patient pending the completion of the transfer. For purposes of this section, artificially supplied nutrition and hydration may be withheld or withdrawn during the pendency of the guardianship proceeding only if, based on reasonable medical judgment, the patient's physician and a second licensed physician certify that the patient meets the standard set forth under subdivision (2) of subsection 1 of section 404.1105. If tolerated by the patient and adequate to supply the patient's needs for nutrition or hydration, natural feeding should be the preferred method.

404.1105. 1. No designated health care decision-maker may, with the intent of hastening or causing the death of the patient, authorize the withdrawal or withholding of nutrition or hydration supplied through either natural or artificial means. A designated health care decision-maker may authorize the withdrawal or withholding of artificially supplied nutrition and hydration only if the physician and a second licensed physician certify in the patient's medical record, based on reasonable medical judgment, that:

(1) Artificially supplied nutrition or hydration is not necessary for comfort care or the relief of pain and would serve only to prolong artificially the dying process and when death will occur within a short period of time regardless of whether such artificially supplied nutrition or hydration is withheld or withdrawn; or

(2) Artificially supplied nutrition or hydration cannot be physiologically assimilated or tolerated by the patient.

2. When tolerated by the patient and adequate to supply the patient's need for nutrition or hydration, natural feeding should be the preferred method.

404.1106. If any of the individuals specified under section 404.1104 or the designated health care decision-maker or physician believes the patient is no longer incapacitated, the patient's physician shall reexamine the patient and determine in accordance with reasonable medical judgment whether the patient is no longer incapacitated, shall certify the decision and the basis therefor in the patient's medical record, and shall notify the patient with capacity, the designated health care decision-maker, and the person who initiated the redetermination of capacity. Rights of the designated health care decision-maker shall end upon the physician's certification that the patient is no longer incapacitated.

404.1107. 1. No health care provider or health care facility that in good faith makes reasonable efforts to identify, locate, and communicate with potential designated health care decision-makers in accordance with sections 404.1100 to 404.1110 shall be subject to civil or criminal liability or regulatory sanction for the effort to identify, locate, and communicate with such potential designated health care decision-makers.

2. No health care provider or health care facility or employee thereof that makes good faith efforts to comply with the provisions in sections 404.1101 to 404.1110 and acts upon decisions, which are not otherwise unlawful, made by a health care decision-maker shall, as a result thereof, be subject to criminal or civil liability or regulatory sanction.

3. No health care decision-maker acting in accordance with sections 404.1101 to 404.1110 who in good faith makes decisions that are not otherwise unlawful shall not, as a result thereof, be subject to criminal or civil liability.

404.1108. 1. A health care provider or a health care facility may decline to comply with the health care decision of a patient or a designated health care decision-maker if such decision is contrary to the religious beliefs or sincerely held moral convictions of the health care provider or health care facility.

2. If at any time a health care facility or health care provider determines that any known or anticipated health care preferences expressed by the patient to the health care provider or health care facility, or as expressed through the patient's designated health care decision-maker, are contrary to the religious beliefs or sincerely held moral convictions of the health care provider or health care facility, such provider or facility shall promptly inform the patient or the patient's designated health care decision-maker.

3. If a health care provider declines to comply with such health care decision, no health care provider or health care facility shall impede the transfer of the patient to another health care provider or health care facility willing to comply with the health care decision.

4. Nothing in this section shall relieve or exonerate a health care provider or a health care facility from the duty to provide for the health care, care, and comfort of a patient pending transfer under this section. If withholding or withdrawing certain health care would, in reasonable medical judgment, result in or hasten the death of the patient, such health care shall be provided pending completion of the transfer. Notwithstanding any other provision of this section, no such health care shall be denied on the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill, or on the basis of the health care provider's or facility's disagreement with how the patient or individual authorized to act on the patient's behalf values the tradeoff between extending the length of the patient's life and the risk of disability.

404.1109. No health care decision-maker shall withhold or withdraw health care from a pregnant patient, consistent with existing law, as set forth under section 459.025.

404.1110. Nothing under sections 404.1100 to 404.1110 is intended to:

- (1) Be construed as condoning, authorizing, or approving euthanasia or mercy killing; or
- (2) Be construed as permitting any affirmative or deliberate act to end a person's life, except to permit natural death as provided by sections 404.1100 to 404.1110."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 2** was adopted.

Representative Ellington offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 381, Page 3, Section 191.227, Line 70, by inserting after all of said line the following:

"191.1500. 1. Sections 191.1500 to 191.1565 shall be known and cited as the "Missouri Death with Dignity Act".

2. As used in sections 191.1500 to 191.1565, the following terms shall mean:

- (1) "Adult", any individual who is eighteen years of age or older;
- (2) "Attending physician", the physician who has primary responsibility for the care of the patient and treatment of the patient's terminal disease;

(3) "Capable", in the opinion of a court or in the opinion of the patient's attending physician or consulting physician, psychiatrist, or psychologist, a patient has the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the patient's manner of communicating if those persons are available;

(4) "Consulting physician", a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease;

(5) "Counseling", one or more consultations as necessary between a state-licensed psychiatrist or psychologist and a patient for the purpose of determining that the patient is capable and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment;

(6) "Health care provider", a person licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care or dispense medication in the ordinary course of business or practice of a profession and includes a health care facility;

(7) "Informed decision", a decision by a qualified patient to request and obtain a prescription for medication to end his or her life in a humane and dignified manner that is based on an appreciation of the relevant facts and after being fully informed by the attending physician of:

(a) His or her medical diagnosis;

(b) His or her prognosis;

(c) The potential risks associated with taking the medication to be prescribed;

(d) The probable result of taking the medication to be prescribed; and

(e) The feasible alternatives including, but not limited to, comfort care, hospice care, and pain control;

(8) "Medically confirmed", the medical opinion of the attending physician has been confirmed by a consulting physician who has examined the patient and the patient's relevant medical records;

(9) "Patient", a person who is under the care of a physician;

(10) "Physician", a doctor of medicine or osteopathy licensed to practice medicine in the state of Missouri;

(11) "Qualified patient", a capable adult who is a resident of this state and has satisfied the requirements of sections 191.1500 to 191.1565 in order to obtain a prescription for medication to end his or her life in a humane and dignified manner;

(12) "Terminal disease", an incurable and irreversible disease that has been medically confirmed and shall, within reasonable medical judgment, produce death within six months.

191.1503. 1. An adult who:

(1) Is capable;

(2) Is a resident of this state;

(3) Has been determined by the attending physician and consulting physician to be suffering from a terminal disease; and

(4) Has voluntarily expressed his or her wish to die;

may make a written request for medication for the purpose of ending his or her life in a humane and dignified manner in accordance with sections 191.1500 to 191.1565.

2. No person shall qualify under sections 191.1500 to 191.1565 solely because of age or disability.

191.1506. 1. A valid request for medication under sections 191.1500 to 191.1565 shall be in substantially the form described in section 191.1560, signed and dated by the patient, and witnessed by at least two individuals who, in the presence of the patient, attest that to the best of their knowledge and belief the patient is capable, acting voluntarily, and is not being coerced to sign the request.

2. One of the witnesses shall be a person who is not:

(1) A relative of the patient by blood, marriage, or adoption;

(2) A person, who at the time the request is signed, would be entitled to any portion of the estate of the qualified patient upon death under any will or by operation of law; or

(3) An owner, operator, or employee of a health care facility where the qualified patient is receiving medical treatment or is a resident.

3. The patient's attending physician at the time the request is signed shall not be a witness.

4. If the patient is in a long-term care facility at the time the written request is made, one of the witnesses shall be an individual designated by the facility and having the qualifications specified by the department of health and senior services by rule.

191.1509. 1. The attending physician shall:

- (1) Make the initial determination of whether a patient has a terminal disease, is capable, and has made the request voluntarily;
 - (2) Request that the patient demonstrate Missouri state residency under section 191.1536;
 - (3) To ensure that the patient is making an informed decision, inform the patient of:
 - (a) His or her medical diagnosis;
 - (b) His or her prognosis;
 - (c) The potential risks associated with taking the medication to be prescribed;
 - (d) The probable result of taking the medication to be prescribed; and
 - (e) The feasible alternatives including, but not limited to, comfort care, hospice care, and pain control;
 - (4) Refer the patient to a consulting physician for medical confirmation of the diagnosis and for a determination that the patient is capable and acting voluntarily;
 - (5) Refer the patient for counseling if appropriate under section 191.1515;
 - (6) Recommend that the patient notify next of kin;
 - (7) Counsel the patient about the importance of having another person present when the patient takes the medication prescribed under sections 191.1500 to 191.1565 and of not taking the medication in a public place;
 - (8) Inform the patient that he or she has an opportunity to rescind the request at any time and in any manner and offer the patient an opportunity to rescind at the end of the fifteen-day waiting period under section 191.1524;
 - (9) Verify, immediately before writing the prescription for medication under sections 191.1500 to 191.1565, that the patient is making an informed decision;
 - (10) Fulfill the medical record documentation requirements of section 191.1533;
 - (11) Ensure that all appropriate steps are carried out in accordance with sections 191.1500 to 191.1565 prior to writing a prescription for medication to enable a qualified patient to end his or her life in a humane and dignified manner; and
 - (12) (a) Dispense medications directly, including ancillary medications intended to facilitate the desired effect to minimize the patient's discomfort; provided that, the attending physician is authorized under state law and rule to dispense, has a current drug enforcement administration certificate, and complies with any applicable administrative rule; or
 - (b) With the patient's written consent:
 - a. Contact a pharmacist and inform the pharmacist of the prescription; and
 - b. Deliver the written prescription personally, by mail, or facsimile to the pharmacist, who shall dispense the medications to either the patient, the attending physician, or an expressly identified agent of the patient.
2. Notwithstanding any other provision of law, the attending physician may sign the patient's death certificate.

191.1512. Before a patient is qualified under sections 191.1500 to 191.1565, a consulting physician shall examine the patient and his or her relevant medical records and confirm in writing the attending physician's diagnosis that the patient is suffering from a terminal disease and verify that the patient is capable, is acting voluntarily, and has made an informed decision.

191.1515. If, in the opinion of the attending physician or the consulting physician, a patient may be suffering from a psychiatric or psychological disorder or depression causing impaired judgment, either physician shall refer the patient for counseling. No medication to end a patient's life in a humane and dignified manner shall be prescribed until the person performing the counseling determines that the patient is not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

191.1518. No person shall receive a prescription for medication to end his or her life in a humane and dignified manner unless he or she has made an informed decision, as defined in section 191.1500. Immediately prior to writing a prescription for medication under sections 191.1500 to 191.1565, the attending physician shall verify that the qualified patient is making an informed decision.

191.1521. The attending physician shall recommend that the patient notify the next of kin of his or her request for medication under sections 191.1500 to 191.1565. A patient who declines or is unable to notify next of kin shall not have his or her request denied for that reason.

191.1524. In order to receive a prescription for medication to end his or her life in a humane and dignified manner, a qualified patient shall have made an oral request and a written request and reiterate the oral request to his or her attending physician at least fifteen days after making the initial oral request. At the time the qualified patient makes his or her second oral request, the attending physician shall offer the qualified patient an opportunity to rescind the request.

191.1527. A patient may rescind his or her request at any time and in any manner without regard to his or her mental state. No prescription for medication under sections 191.1500 to 191.1565 shall be written without the attending physician offering the qualified patient an opportunity to rescind the request.

191.1530. No less than fifteen days shall elapse between the patient's initial oral request and the writing of a prescription under sections 191.1500 to 191.1565. No less than forty-eight hours shall elapse between the date of the patient's written request and the writing of a prescription under sections 191.1500 to 191.1565.

191.1533. The following shall be documented or filed in the patient's medical record:

- (1) All oral requests made by the patient for medication to end his or her life in a humane and dignified manner;
- (2) All written requests made by the patient for medication to end his or her life in a humane and dignified manner;
- (3) The attending physician's diagnosis and prognosis and determination that the patient is capable, is acting voluntarily, and has made an informed decision;
- (4) The consulting physician's diagnosis and prognosis and verification that the patient is capable, is acting voluntarily, and has made an informed decision;
- (5) A report of the outcome and determinations made during counseling, if performed;
- (6) The attending physician's offer to the patient to rescind his or her request at the time of the patient's second oral request under section 191.1524; and
- (7) A note by the attending physician indicating that all requirements under sections 191.1500 to 191.1565 have been met and indicating the steps taken to carry out the request including a notation of the medication prescribed.

191.1536. Only requests made by Missouri residents under sections 191.1500 to 191.1565 shall be granted. Factors demonstrating Missouri residency include, but are not limited to:

- (1) Possession of a Missouri driver's license;
- (2) Registration to vote in Missouri;
- (3) Evidence that the person owns or leases property in Missouri; or
- (4) Filing of a Missouri tax return for the most recent tax year.

191.1539. 1. (1) The department of health and senior services shall annually review all records maintained under sections 191.1500 to 191.1565.

(2) The department of health and senior services shall require any health care provider upon dispensing medication under sections 191.1500 to 191.1565 to file a copy of the dispensing record with the department.

2. The department of health and senior services shall adopt rules to facilitate the collection of information regarding compliance with sections 191.1500 to 191.1565. Except as otherwise required by law, the information collected shall not be a public record and shall not be made available for inspection by the public.

3. The department of health and senior services shall generate and make available to the public an annual statistical report of information collected under subsection 2 of this section.

191.1542. 1. No provision in a contract, will, or other agreement, whether written or oral, to the extent the provision would affect whether a person may make or rescind a request for medication to end his or her life in a humane and dignified manner, shall be valid.

2. No obligation owing under any currently existing contract shall be conditioned or affected by the making or rescinding of a request by a person for medication to end his or her life in a humane and dignified manner.

191.1545. The sale, procurement, or issuance of any life, health, or accident insurance or annuity policy or the rate charged for any policy shall not be conditioned upon or affected by the making or rescinding of a request by a person for medication to end his or her life in a humane and dignified manner. A qualified patient's act of ingesting medication to end his or her life in a humane and dignified manner shall not have an effect upon a life, health, or accident insurance or annuity policy.

191.1548. Nothing in sections 191.1500 to 191.1565 shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Actions taken in accordance with sections 191.1500 to 191.1565 shall not for any purpose constitute suicide, assisted suicide, mercy killing, or homicide under the law.

191.1551. 1. Except as provided in subsection 2 of this section and section 191.1557:

(1) No person shall be subject to civil or criminal liability or professional disciplinary action for participating in good faith compliance with sections 191.1500 to 191.1565, including being present when a qualified patient takes the prescribed medication to end his or her life in a humane and dignified manner;

(2) No professional organization or association or health care provider shall subject a person to censure, discipline, suspension, loss of license, loss of privileges, loss of membership, or other penalty for participating or refusing to participate in good faith compliance with sections 191.1500 to 191.1565;

(3) No request by a patient for or provision by an attending physician of medication in good faith compliance with sections 191.1500 to 191.1565 shall constitute neglect for any purpose of law or provide the sole basis for the appointment of a guardian or conservator; and

(4) No health care provider shall be under any duty, whether by contract, statute, or any other legal requirement to participate in the provision to a qualified patient of medication to end his or her life in a humane and dignified manner. If a health care provider is unable or unwilling to carry out a patient's request under sections 191.1500 to 191.1565 and the patient transfers his or her care to a new health care provider, the prior health care provider shall, upon request, transfer a copy of the patient's relevant medical records to the new health care provider.

2. (1) Notwithstanding any other provision of law, a health care provider may prohibit another health care provider from participating under the Missouri death with dignity act on the premises of the prohibiting provider if the prohibiting provider has notified the health care provider of the prohibiting provider's policy regarding participation in the Missouri death with dignity act. Nothing in this subdivision shall prevent a health care provider from providing health care services to a patient that do not constitute participation in the Missouri death with dignity act.

(2) Notwithstanding the provisions of subsection 1 of this section, a health care provider may subject another health care provider to the following sanctions if the sanctioning health care provider has notified the sanctioning provider prior to participation under sections 191.1500 to 191.1565 that it prohibits participation in the Missouri death with dignity act:

(a) Loss of privileges, loss of membership, or other sanctions provided under the medical staff bylaws, policies, and procedures of the sanctioning health care provider if the sanctioned provider is a member of the sanctioning provider's medical staff and participates under the Missouri death with dignity act while on the health care facility premises of the sanctioning health care provider, but not including the private medical office of a physician or other provider;

(b) Termination of a lease or other property contract or other nonmonetary remedies provided by a lease contract, not including loss or restriction of medical staff privileges or exclusion from a provider panel, if the sanctioned provider participates under the Missouri death with dignity act while on the premises of the sanctioning health care provider or on property that is owned by or under the direct control of the sanctioning health care provider; or

(c) Termination of a contract or other nonmonetary remedies provided by contract if the sanctioned provider participates under the Missouri death with dignity act while acting in the course and scope of the sanctioned provider's capacity as an employee or independent contractor of the sanctioning health care provider. Nothing in this paragraph shall be construed to prevent:

a. A health care provider from participating under the Missouri death with dignity act while acting outside the course and scope of the provider's capacity as an employee or independent contractor; or

b. A patient from contracting with his or her attending physician and consulting physician to act outside the course and scope of the provider's capacity as an employee or independent contractor of the sanctioning health care provider.

(3) A health care provider that imposes sanctions under subdivision (2) of this subsection shall follow all due process and other procedures the sanctioning health care provider may have that are related to the imposition of sanctions on another health care provider.

(4) For the purposes of this subsection, the following terms shall mean:

(a) "Notify", a separate statement in writing to the health care provider specifically informing the health care provider before the provider's participation under the Missouri death with dignity act of the sanctioning health care provider's policy about participation in activities covered by the Missouri death with dignity act;

(b) "Participate under the Missouri death with dignity act", to perform the duties of an attending physician under section 191.1512, the consulting physician function under section 191.1512, or the counseling function under section 191.1515. Participate under the Missouri death with dignity act does not include:

a. Making an initial determination that a patient has a terminal disease and informing the patient of the medical prognosis;

b. Providing information about the Missouri death with dignity act to a patient upon the request of the patient;

c. Providing a patient, upon the request of the patient, with a referral to another physician; or

d. A patient contracting with his or her attending physician and consulting physician to act outside of the course and scope of the provider's capacity as an employee or independent contractor of the sanctioning health care provider.

3. Suspension or termination of staff membership or privileges under subsection 2 of this section is not reportable to the department or state board of registration for the healing arts. Action taken under sections 191.1506 to 191.1515 shall not be the sole basis for a report of unprofessional conduct.

4. No provision of sections 191.1500 to 191.1565 shall be construed to allow a lower standard of care for patients in the community where the patient is treated or a similar community.

191.1554. 1. A person, who without authorization of the patient, willfully alters or forges a request for medication or conceals or destroys a rescission of that request with the intent or effect of causing the patient's death is guilty of a class A felony.

2. A person who coerces or exerts undue influence on a patient to request medication to end the patient's life or to destroy a rescission of a request is guilty of a class A felony.

3. Nothing in sections 191.1500 to 191.1565 shall limit further liability for civil damages resulting from other negligent conduct or intentional misconduct by any person.

4. The penalties in sections 191.1500 to 191.1565 do not preclude criminal penalties applicable under other law for conduct that is inconsistent with sections 191.1500 to 191.1565.

191.1557. Any governmental entity that incurs costs resulting from a person terminating his or her life under sections 191.1500 to 191.1565 in a public place has a claim against the estate of the person to recover such costs and reasonable attorneys' fees related to enforcing the claim.

191.1560. A request for a medication as authorized by sections 191.1500 to 191.1565 shall be in substantially the following form:

**REQUEST FOR MEDICATION TO END MY LIFE
IN A HUMANE AND DIGNIFIED MANNER**

I,, am an adult of sound mind.

I am suffering from, which my attending physician has determined is a terminal disease and which has been medically confirmed by a consulting physician.

I have been fully informed of my diagnosis, prognosis, the nature of medication to be prescribed and potential associated risks, the expected result, and the feasible alternatives, including comfort care, hospice care, and pain control.

I request that my attending physician prescribe medication that will end my life in a humane and dignified manner.

INITIAL ONE:

..... I have informed my family of my decision and taken their opinions into consideration.

..... I have decided not to inform my family of my decision.

..... I have no family to inform of my decision.

I understand that I have the right to rescind this request at any time.

I understand the full import of this request and I expect to die when I take the medication to be prescribed. I further understand that although most deaths occur within three hours, my death may take longer, and my physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed:

Dated:

DECLARATION OF WITNESSES

We declare that the person making and signing the above request:

(1) Is personally known to us or has provided proof of identity;

(2) Signed this request in our presence on the date of the person's signature;

(3) Appears to be of sound mind and not under duress, fraud, or undue influence; and

(4) Is not a patient for whom either of us is the attending physician.

..... Witness 1/Date

..... Witness 2/Date

NOTE: One witness shall not be a relative (by blood, marriage, or adoption) of the person signing this request, shall not be entitled to any portion of the person's estate upon death, and shall not own, operate, or be employed at a health care facility where the person is a patient or resident. If the patient is an inpatient at a health care facility, one of the witnesses shall be an individual designated by the facility.

191.1563. 1. Any person who, without authorization of the principal, willfully alters, forges, conceals, or destroys an instrument, the reinstatement or revocation of an instrument, or any other evidence or document reflecting the principal's desires and interests with the intent and effect of causing a withholding or withdrawal of life-sustaining procedures or of artificially administered nutrition and hydration which hastens the death of the principal is guilty of a class A felony.

2. Except as provided in subsection 1 of this section, any person who, without authorization of the principal, willfully alters, forges, conceals, or destroys an instrument, the reinstatement or revocation of an instrument, or any other evidence or document reflecting the principal's desires and interests with the intent and effect of affecting a health care decision is guilty of a class A misdemeanor.

191.1565. The department of health may promulgate rules to implement the provisions of sections 191.1500 to 191.1565. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 191.1500 to 191.1565 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 191.1500 to 191.1565 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Haahr assumed the Chair.

Representative Ellington moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative Evans, the title of **HCS HB 381, as amended**, relating to health care records, was agreed to.

On motion of Representative Evans, **HCS HB 381, as amended**, was adopted.

On motion of Representative Evans, **HCS HB 381, as amended**, was ordered perfected and printed.

HB 193, relating to taxes in hospital districts, was taken up by Representative Kelley (127).

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 193, Page 1, Section 205.205, Lines 6-9, by deleting said lines and inserting in lieu thereof the following:

"thousand eight hundred fifty inhabitants, **or any county of the third classification** may,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted.

On motion of Representative Kelley (127), the title of **HB 193, as amended**, was agreed to.

On motion of Representative Kelley (127), **HB 193, as amended**, was ordered perfected and printed.

HCS HB 199, relating to county treasurer qualifications, was taken up by Representative Fraker.

On motion of Representative Fraker, the title of **HCS HB 199** was agreed to.

On motion of Representative Fraker, **HCS HB 199** was adopted.

On motion of Representative Fraker, **HCS HB 199** was ordered perfected and printed.

HB 248, relating to the establishment of a statewide STEM career awareness program, was taken up by Representative Fitzwater (49).

On motion of Representative Fitzwater (49), the title of **HB 248** was agreed to.

On motion of Representative Fitzwater (49), **HB 248** was ordered perfected and printed.

HB 401, relating to special license plates for police chaplains, was taken up by Representative McDaniel.

On motion of Representative McDaniel, the title of **HB 401** was agreed to.

On motion of Representative McDaniel, **HB 401** was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

HB 786 - Health and Mental Health Policy

COMMITTEE REPORTS

Special Committee on Homeland Security, Chairman Higdon reporting:

Mr. Speaker: Your Special Committee on Homeland Security, to which was referred **HCR 7**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Basye, Curtis, Ellington, Francis, Green, Higdon, Kidd, Lichtenegger, McDaniel, Meredith (71), Roden and Sommer

Noes (1): Curtman

Absent (0)

Mr. Speaker: Your Special Committee on Homeland Security, to which was referred **HB 403**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (11): Basye, Curtis, Curtman, Francis, Green, Higdon, Kidd, Lichtenegger, McDaniel, Meredith (71) and Sommer

Noes (2): Ellington and Roden

Absent (0)

Special Committee on Litigation Reform, Chairman Lant reporting:

Mr. Speaker: Your Special Committee on Litigation Reform, to which was referred **SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (8): Corlew, Cornejo, DeGroot, Hill, Lant, McGaugh, Rehder and White

Noes (2): Ellebracht and Roberts

Absent (3): Haahr, Mitten and Phillips

Committee on Transportation, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 834**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Burns, Hurst, Kolkmeier, Korman, Reiboldt, Ruth and Tate

Noes (2): May and Runions

Absent (2): Corlew and Cornejo

Committee on Rules - Administrative Oversight, Chairman Barnes (60) reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 1194** and **HB 1193**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (10): Austin, Barnes (60), Berry, Corlew, Engler, Mathews, Roeber, Sommer, Vescovo and Wiemann

Noes (4): Arthur, Carpenter, Runions and Unsicker

Absent (0)

Committee on Rules - Legislative Oversight, Chairman Rhoads reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HJR 10**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Bondon, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 29**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 191**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16) and Wessels

Noes (0)

Absent (2): Brown (94) and Shumake

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 219**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 326**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Bondon, Dogan, Eggleston, Fitzwater (49), Haahr, Rhoads, Rone, Shull (16) and Shumake

Noes (4): Butler, Curtis, Lavender and Wessels

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 348**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 349**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 573**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Bondon, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Brown (94)

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 719**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Brown (94)

COMMUNICATIONS

March 2, 2017

Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Mr. Chief Clerk,

The Committee on Consent and House Procedure has reviewed the House Resolutions requesting the use of the House Chamber and has approved the following: **HR 699**.

Sincerely,

/s/ Donna Pfautsch
State Representative
Chair, Committee on Consent and House Procedure

The following member's presence was noted: May.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Tuesday, March 7, 2017.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, March 7, 2017, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 1.

Executive session will be held: HB 384

Executive session may be held on any matter referred to the committee.

BUDGET

Wednesday, March 8, 2017, 8:00 AM, House Hearing Room 3.

Executive session will be held: HCB 3

Executive session may be held on any matter referred to the committee.

Budget Committee will hear recommended changes from Appropriation Subcommittees.

CHILDREN AND FAMILIES

Tuesday, March 7, 2017, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Public hearing will be held: HB 712, HB 713, HB 903

Executive session will be held: HB 182, HB 194, HB 757, HB 908

Executive session may be held on any matter referred to the committee.

AMENDED

CONSENT AND HOUSE PROCEDURE

Tuesday, March 7, 2017, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HB 1045

Executive session will be held: HB 1045, HCS HB 645, HB 805, HB 850, HB 871, HB 909

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, March 7, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 826, HB 1009, HB 137, HB 438

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, March 7, 2017, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 352

Executive session will be held: HB 44, HB 78, HB 79, HB 133, HB 309, HB 486, HB 637

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Tuesday, March 7, 2017, 12:00 PM, House Hearing Room 5.

Executive session will be held: HB 746, HB 70

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, March 9, 2017, 8:30 AM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, March 7, 2017, 4:00 PM or upon afternoon adjournment (whichever is later), House Hearing Room 5.

Public hearing will be held: HB 642, HB 696, HB 761, HB 246

Executive session will be held: HB 379, HB 433, HB 502, HB 608

Executive session may be held on any matter referred to the committee.

Access to the capitol building after 5:00 p.m. will be available through the Senate East entrance.

GOVERNMENT EFFICIENCY

Tuesday, March 7, 2017, 12:00 PM or upon adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 914, HB 322, HB 897
Executive session may be held on any matter referred to the committee.

HEALTH AND MENTAL HEALTH POLICY

Wednesday, March 8, 2017, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 7.

Public hearing will be held: HB 657, HCR 34, HCR 36
Executive session may be held on any matter referred to the committee.
AMENDED

INSURANCE POLICY

Tuesday, March 7, 2017, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 4.

Public hearing will be held: HB 388
Executive session will be held: HB 611, HB 716, HB 720, HB 780, HB 784, HB 863, HB 209, HB 741
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON JUSTICE SYSTEM

Thursday, March 9, 2017, 8:30 AM, House Hearing Room 5.
Executive session may be held on any matter referred to the committee.
Organizational: Election of Officers.
CORRECTED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 16, 2017, 9:00 AM, Senate Committee Room 2.
Executive session may be held on any matter referred to the committee.
First quarter meeting.

JUDICIARY

Tuesday, March 7, 2017, 4:00 PM or upon conclusion of afternoon session (whichever is later), House Hearing Room 1.
Public hearing will be held: HCB 1, HB 152, HB 848, HB 876, HB 765
Executive session will be held: HB 351, HB 354, HB 592, HB 623, HB 768
Executive session may be held on any matter referred to the committee.
Hearing will begin with executive session.

LOCAL GOVERNMENT

Wednesday, March 8, 2017, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 1.
Public hearing will be held: HB 935, HJR 20
Executive session will be held: HB 589, HB 790, HB 843, HB 867, HB 899
Executive session may be held on any matter referred to the committee.
We will hold executive session before public hearing.

SPECIAL COMMITTEE ON EMPLOYMENT SECURITY

Tuesday, March 7, 2017, 9:00 AM, House Hearing Room 6.

Public hearing will be held: HB 1100

Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON GOVERNMENT OVERSIGHT

Tuesday, March 7, 2017, 12:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Executive session will be held: HB 864, HCR 10, HB 928

Executive session may be held on any matter referred to the committee.

SUBCOMMITTEE ON AGRICULTURE EDUCATION

Tuesday, March 7, 2017, upon conclusion of the Committee on Agriculture Policy, House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Testimony by former and/or current members of the agriculture education community.

SUBCOMMITTEE ON BOARDS AND COMMISSIONS

Tuesday, March 7, 2017, 1:00 PM or upon adjournment of the Special Committee on Government Oversight, House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Informational only, will not hear any public testimony.

SUBCOMMITTEE ON CREATION AND APPOINTMENTS

Tuesday, March 7, 2017, 1:00 PM or upon adjournment of the Insurance Policy Committee, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Organizational meeting.

SUBCOMMITTEE ON SCOPE OF PRACTICE

Tuesday, March 7, 2017, 3:00 PM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

During this subcommittee meeting we will not hear witness testimony. The committee members will have a discussion on expanding the scope of practice for Advance Practice Registered Nurses, and we will begin drafting our ideas into a report format.

AMENDED

TRANSPORTATION

Wednesday, March 8, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HCB 2

Executive session will be held: HB 651, HB 964

Executive session may be held on any matter referred to the committee.

We added the hearing room location.

CORRECTED

UTILITIES

Wednesday, March 8, 2017, 5:00 PM, House Hearing Room 5.

Public hearing will be held: HB 1094

Executive session will be held: HB 656

Executive session may be held on any matter referred to the committee.

VETERANS

Wednesday, March 8, 2017, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HCR 35

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-SEVENTH DAY, TUESDAY, MARCH 7, 2017

HOUSE BILLS FOR PERFECTION

HB 459 - Kolkmeier

HCS HB 460 - Kolkmeier

HB 461 - Kolkmeier

HB 462 - Kolkmeier

HB 463 - Kolkmeier

HCS HB 452 - Austin

HCS HB 229 - Dogan

HB 175 - Reiboldt

HCS HB 247 - Alferman

HCS HBs 339 & 714 - DeGroot

HB 355 - Bahr

HCS HB 441 - Corlew

HB 52 - Andrews

HB 557 - Ross

HB 558 - Ross

HCS HB 586 - Rhoads

HB 587 - Redmon

HB 599 - Hansen

HCS HBs 90 & 68 - Rehder

HCS HB 270 - Evans

HCS HB 275 - Spencer

HCS HBs 480, 272, 413 & 609 - Ross

HCS HB 634 - Roeber

HCS HB 255 - Rhoads

HCS HBs 1194 & 1193 - Chipman

HOUSE BILLS FOR PERFECTION - CONSENT

(03/02/2017)

HB 811 - Ruth
HCS HB 631 - Redmon
HB 568 - Tate
HCS HB 304 - Pike
HB 245 - Rowland (155)
HB 610 - Justus

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 28 - Rowland (29)
HCS HCR 19 - Shull (16)

HOUSE BILLS FOR THIRD READING

HCS HB 151, E.C. - Corlew
HB 327, (Fiscal Review 3/2/17) - Morris

HOUSE BILLS FOR THIRD READING - CONSENT

HB 262 - Sommer
HB 28 - Pike
HB 49 - Roeber
HB 390 - Vescovo
HB 61 - Alferman
HB 128 - Davis
HCS HB 183 - Franks Jr.
HCS HB 253 - Swan
HCS HB 647 - Fitzpatrick
HCS HB 703 - Crawford
HB 87 - Henderson
HB 701 - Burns
HB 678 - Gannon
HB 200 - Fraker
HB 664 - Korman
HB 281 - Rowland (155)
HCS HB 258 - Pfautsch
HB 256, E.C. - Rhoads
HCS HB 569, E.C. - Frederick

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Fitzpatrick
CCS SCS HCS HB 2002 - Fitzpatrick
CCS SCS HCS HB 2003 - Fitzpatrick
CCS SCS HCS HB 2004 - Fitzpatrick
CCS SCS HCS HB 2005 - Fitzpatrick
CCS SCS HCS HB 2006 - Fitzpatrick
CCS SCS HCS HB 2007 - Fitzpatrick
CCS SCS HCS HB 2008 - Fitzpatrick
CCS SCS HCS HB 2009 - Fitzpatrick
CCS SCS HCS HB 2010 - Fitzpatrick
CCS SCS HCS HB 2011 - Fitzpatrick
CCS SCS HCS HB 2012 - Fitzpatrick
HCS HB 2013 - Fitzpatrick
SCS HCS HB 2017 - Fitzpatrick
SS SCS HCS HB 2018 - Fitzpatrick