

# JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

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FIFTY-FIRST DAY, WEDNESDAY, APRIL 5, 2017

The House met pursuant to adjournment.

Speaker Pro Tem Haahr in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

*God is love and he who abides in love abides in God, and God abides in him. (1 John 4:16)*

God our Creator, we the representatives of the people of this state, bow before You seeking strength for this day and guidance for these hours. Make this moment of prayer a moment when we are aware of Your presence, a moment when we hear Your voice calling us to lead our people in the ways of justice, peace and hope.

Give to us a higher faith and a greater courage to seek to lift the lowly, to strengthen the weak, to encourage the discouraged, and to make this state a state in which men and women are concerned about their fellow citizens.

God Bless Missouri, and help us all to live together with respect for each other and with love in our hearts.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Owen Hart, Presten Tyrrell, Camden Tyrrell, Nina Marie Passantino, Coleman Reese, Olivia Johnson, Tyler Racy, Austin Pritchard, Ethan Pritchard, and Braylynn Dunnivant.

The Journal of the fiftieth day was approved as printed.

## MOTION

Representative Cierpiot moved that Rule 99 be suspended.

Which motion was adopted by the following vote:

AYES: 114

Adams	Alferman	Anders	Anderson	Andrews
Austin	Bahr	Bangert	Baringer	Barnes 28
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brown 27	Brown 94	Burnett	Burns
Butler	Chipman	Christofanelli	Cierpiot	Conway 10
Conway 104	Cookson	Corlew	Crawford	Cross
Curtman	DeGroot	Dogan	Dunn	Eggleston

Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franks Jr	Gannon	Green	Gregory
Grier	Haahr	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hubrecht	Hurst	Johnson	Justus	Kelly 141
Kendrick	Kidd	Kolkmeier	Korman	Lauer
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McCreery	McDaniel	McGaugh	McGee	Merideth 80
Messenger	Miller	Moon	Neely	Peters
Pfautsch	Pierson Jr	Pietzman	Pike	Plocher
Quade	Redmon	Reisch	Remole	Roberts
Roden	Rowland 155	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Sommer
Spencer	Stacy	Stephens 128	Stevens 46	Taylor
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Wessels	Wiemann	Wilson	Wood	

NOES: 001

Marshall

PRESENT: 003

Beck	Ellebracht	Pogue
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ABSENT WITH LEAVE: 044

Arthur	Barnes 60	Brattin	Brown 57	Carpenter
Cornejo	Curtis	Davis	Dohrman	Ellington
Engler	Franklin	Frederick	Gray	Haefner
Hannegan	Kelley 127	Lant	Lavender	May
McCaherty	McCann Beatty	Meredith 71	Mitten	Morgan
Morris	Mosley	Muntzel	Newman	Nichols
Phillips	Razer	Rehder	Reiboldt	Rhoads
Roeber	Rone	Ross	Rowland 29	Smith 163
Swan	Tate	White	Mr. Speaker	

VACANCIES: 001

## PERFECTION OF HOUSE BILLS

**HCS HB 181**, relating to law enforcement, was taken up by Representative Phillips.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 181, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

"577.070. 1. A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, **cigarettes, cigars**, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without the owner's consent.

2. The offense of littering is a class C misdemeanor unless:

(1) Such littering creates a substantial risk of physical injury or property damage to another; or

(2) The person has been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor.

**3. If the offense of littering involves cigarettes or cigars, the fine imposed under this section shall be twice the amount imposed for an offense not involving cigarettes or cigars.";** and

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

Representative Nichols moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Nichols:

AYES: 051

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beard	Beck	Berry	Brown 27
Brown 94	Burnett	Burns	Butler	Carpenter
Conway 10	Dunn	Eggleston	Engler	Franks Jr
Green	Harris	Higdon	Kendrick	Lauer
Lavender	Matthiesen	McCann Beatty	McCreery	McGee
Merideth 80	Mitten	Morgan	Mosley	Newman
Nichols	Peters	Pierson Jr	Quade	Reisch
Roberts	Rowland 29	Runions	Shull 16	Smith 85
Sommer	Stevens 46	Unsicker	Walker 3	Walker 74
White				

NOES: 096

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Black	Bondon	Brattin	Chipman
Christofanelli	Cierpiot	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Gray	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kolkmeier
Korman	Lant	Lichtenegger	Love	Lynch
Marshall	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Plocher	Pogue	Redmon	Rehder	Remole
Rhoads	Roden	Roeber	Rone	Ross
Rowland 155	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Spencer	Stacy	Swan	Tate
Taylor	Trent	Vescovo	Wiemann	Wilson
Wood				

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 014

Bahr	Bernskoetter	Brown 57	Cookson	Curtis
Ellebracht	Kidd	May	Meredith 71	Razer
Reiboldt	Stephens 128	Wessels	Mr. Speaker	

VACANCIES: 001

On motion of Representative Phillips, the title of **HCS HB 181** was agreed to.

On motion of Representative Phillips, **HCS HB 181** was adopted.

On motion of Representative Phillips, **HCS HB 181** was ordered perfected and printed.

**HB 719**, relating to property classification, was taken up by Representative Rhoads.

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

*House Amendment No. 1*

AMEND House Bill No. 719, Page 1, Section 64.002, Line 5, by inserting the following after all of said line:

"64.040. The county planning commission shall have power to make, adopt and may publish an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with present and future needs. The master plan shall be developed so as to:

(1) Conserve the natural resources of the county, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants; **and**

(2) **Identify a long term vision and policy framework for agriculture and land use planning in agricultural areas within the county. The plan's intended purpose shall be to support both existing agricultural operations and provide new opportunities for economic development and diversification of the agriculture industry in the county, and should help inform future planning decisions and policy development related to support, development, and diversification of the agriculture industry. It shall also provide direction for land use planning and integration strategies in agricultural areas.**

Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources. The county planning commission may adopt the master plan in whole or in part, and subsequently amend or extend the adopted plan or any portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in at least four conspicuous places in each township. Such hearing may be adjourned from time to time. The adoption of the plan shall be by resolution carried by not less than a majority vote of the full membership of the county planning commission. After the adoption of the master plan an attested copy shall be certified to the county clerk and a copy shall be recorded in the office of the recorder of deeds.

64.231. 1. The county planning board shall have power to make, adopt and may publish an official master plan for the county for the purpose of bringing about coordinated physical development in accordance with present and future needs. The master plan shall be developed so as to:

(1) Conserve the natural resources of the county, to ensure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants; **and**

(2) **Identify a long term vision and policy framework for agriculture and land use planning in agricultural areas within the county. The plan's intended purpose shall be to support both existing agricultural operations and provide new opportunities for economic development and diversification of the**

**agriculture industry in the county, and should help inform future planning decisions and policy development related to support, development, and diversification of the agriculture industry. It shall also provide direction for land use planning and integration strategies in agricultural areas.**

The master plan may include, among other things, a land use plan, studies and recommendations relative to the locations, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, sewers, parks and recreation facilities, parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources. The county planning board may adopt the master plan in whole or in part, and subsequently amend or extend the adopted plan or any portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the board shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of the hearing shall also be posted at least fifteen days in advance thereof in at least two conspicuous places in each township. The hearing may be adjourned from time to time. The adoption of the plan shall be by resolution carried by not less than a majority vote of the full membership of the county planning board. After the adoption of the master plan an attested copy shall be certified to the county clerk and a copy shall be recorded in the office of the recorder of deeds.

2. The master plan, with the accompanying maps, diagrams, charts, descriptive matter, and reports, shall include the plans specified by this section which are appropriate to the county and which may be made the basis for its physical development. The master plan may comprise any, all, or any combination of the plans specified in this section, for all or any part of the county.

64.550. The county planning commission shall have power to make, adopt and publish an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The official master plan shall be developed so as to:

(1) Conserve the natural resources of the county, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants; **and**

(2) **Identify a long term vision and policy framework for agriculture and land use planning in agricultural areas within the county. The plan's intended purpose shall be to support both existing agricultural operations and provide new opportunities for economic development and diversification of the agriculture industry in the county, and should help inform future planning decisions and policy development related to support, development, and diversification of the agriculture industry. It shall also provide direction for land use planning and integration strategies in agricultural areas.**

Such official master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources. The county planning commission may adopt the official master plan in whole or in part and may subsequently amend or extend the adopted plan or portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time. The adoption of the plan, or part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the county planning commission. After the adoption of the official master plan, or part thereof, an attested copy shall be certified to the county commission, to the recorder of deeds and to the clerk of each incorporated area covered by the plan or part thereof.

64.815. The county planning commission shall prepare an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The official master plan shall be developed so as to:

(1) Conserve the natural resources of the county, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants; **and**

(2) **Identify a long term vision and policy framework for agriculture and land use planning in agricultural areas within the county. The plan's intended purpose shall be to support both existing agricultural operations and provide new opportunities for economic development and diversification of the**

**agriculture industry in the county, and should help inform future planning decisions and policy development related to support, development, and diversification of the agriculture industry. It shall also provide direction for land use planning and integration strategies in agricultural areas.**

The official master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources. The county commission, upon the recommendation of the county planning commission, may adopt the official master plan in whole or in part and may subsequently amend or extend the adopted plan or portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the county commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the courthouse of the county. The hearing may be adjourned from time to time. The adoption of the plan, or part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the county commission. After the adoption of the official master plan, or part thereof, an attested copy shall be certified by the county commission to the recorder of deeds and to the clerk of each incorporated area covered by the plan or part thereof.

65.662. The township planning commission shall have power to make, adopt and publish an official master plan of the township for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The official master plan shall be developed so as to:

(1) Conserve the natural resources of the township, to ensure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants; **and**

(2) **Identify a long term vision and policy framework for agriculture and land use planning in agricultural areas within the county. The plan's intended purpose shall be to support both existing agricultural operations and provide new opportunities for economic development and diversification of the agriculture industry in the county, and should help inform future planning decisions and policy development related to support, development, and diversification of the agriculture industry. It shall also provide direction for land use planning and integration strategies in agricultural areas.**

Such official master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources. The township planning commission may adopt the official master plan in whole or in part and may subsequently amend or extend the adopted plan or portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the township planning commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the township, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public area in the township. Such hearing may be adjourned from time to time. The adoption of the plan, or part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the township planning commission. After the adoption of the official master plan, or part thereof, an attested copy shall be certified to the township board, to the county commission, to the recorder of deeds and to the township clerk."; and

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

Representative Runions 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 Bill No. 719, Page 4, Line 14, by inserting after all of said line the following:

"Further amend said bill, Page 3, Section 89.020, Line 51, by inserting after all of said section and line the following:

"89.330. 1. **Except as provided under subsection 3 of this section**, the commission shall elect its [~~chairman~~] **chair** and secretary from among the citizen members. The term of [~~chairman~~] **chair** and secretary shall be for one year with eligibility for reelection. The commission shall hold regular meetings and special meetings as they provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The commission shall appoint the employees and staff necessary for its work, and may contract with city planners and other professional persons for the services that it requires. The expenditures of the commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by council.

2. Where a zoning or planning commission exists on October 13, 1963, it shall constitute the city planning commission for the purposes of sections 89.300 to 89.480 in lieu of the commission provided for herein with the same officers, membership procedures, powers and terms of office as theretofore existing, unless the council otherwise provides; except in a charter city where the provisions of the charter shall govern.

3. **As an alternative to the commission electing its chair, beginning with the first term after the expiration of the term of the commission chair serving on the effective date of this subsection, the mayor, with the approval of the board or council, shall appoint one citizen member from the first ward of the municipality to be chair of the commission; thereafter, the term of chair shall be for one year, and the position shall rotate among wards in numerical order.**"; and"; and

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

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

**House Amendment No. 1, as amended**, was withdrawn.

On motion of Representative Rhoads, the title of **HB 719** was agreed to.

On motion of Representative Rhoads, **HB 719** was ordered perfected and printed.

**HB 571**, relating to fees for explosives use, was taken up by Representative Engler.

Representative Fitzwater (49) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 571, Page 3, Section 319.318, Line 66, by inserting immediately after all of said section and line the following:

"**319.337. Any person regulated under sections 319.300 to 319.345 shall not be subject to any action for public or private nuisance, provided that such person is operating lawfully and is not in violation of such sections.**"; and

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

Speaker Richardson assumed the Chair.

Representative McGaugh 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 Bill No. 571, Page 1, Line 6, by deleting said line and inserting in lieu thereof the following:

**"violation of such sections.**

**537.535. No action for a private nuisance shall be brought against a permittee in compliance with a related permit issued by the department of natural resources, the United States Environmental Protection Agency, or the United States Army Corps of Engineers, except that the provisions of this section shall not apply to any permittee in compliance with a hazardous waste permit issued pursuant to chapter 260 for hazardous waste that is either nuclear waste or radioactive waste, or a sanitary landfill permit issued pursuant to chapter 260.";** and

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

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

Representative Barnes (60) offered **House Amendment No. 2 to House Amendment No. 1.**

*House Amendment No. 2*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 571, Page 1, Line 4, by deleting the words "**subject to any**" and insert in lieu thereof the following:

**"liable for damages for public or private nuisance relating to noise within the limits of this chapter during ordinary business hours.";** and"; and

Further amend said amendment and page, Lines 5-6, by deleting said lines; and

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

On motion of Representative Barnes (60), **House Amendment No. 2 to House Amendment No. 1** was adopted.

On motion of Representative Fitzwater (49), **House Amendment No. 1, as amended,** was adopted.

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

*House Amendment No. 2*

AMEND House Bill No. 571, Page 2, Section 319.318, Line 35, by inserting immediately at the end of said line the following:

**"The fee authorized in this section and adjusted by rule shall not apply to any person, company, or entity regulated by the department of natural resources under sections 444.800 through 444.980 and 10 CSR 40-3.160.";** and



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

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

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

*House Amendment No. 3*

AMEND House Bill No. 571, Page 3, Section 319.318, Line 66, by inserting immediately after all of said section and line the following:

"320.097. 1. As used in this section, "fire department" means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No employee of a fire department who has worked for seven years for such department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. Employees who have satisfied the seven-year requirement in this subsection and who choose to reside outside the geographical boundaries of the department shall reside within a one-hour response time. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited.

**4. No employee of a fire department who does not receive a salary shall be required to live in a fire department's fixed and legally recorded geographical area.**

**320.098. No county shall require attendance at a specific training academy by any candidate for a firefighter position but may require a specific certification from any training academy.**

321.017. 1. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that an employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board.

2. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

**3. Notwithstanding any provision of law to the contrary, no fire protection district or ambulance district shall require an employee who does not receive a salary to live within the district.**

321.200. 1. Except as otherwise provided in subsection 3 of this section, the board shall meet regularly, not less than once each month, at a time and at some building in the district to be designated by the board. Notice of the time and place of future regular meetings shall be posted continuously at the firehouse or firehouses of the district. Additional meetings may be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and place shall be given to each member of the board. Meetings of the board shall be held and conducted in the manner required by the provisions of chapter 610. All minutes of meetings of the board and all other records of the fire protection district shall be available for public inspection at the main firehouse within the district by appointment with the secretary of the board within one week after a written request is made between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a quorum at any meeting and no business shall be transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other governmental or

other body or entity or association, and without delegation thereof to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, firemen and any other member of the staff of the district may be employed or discharged only by a board which includes at least two directors; but any board of directors may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform his or her regular functions.

2. Any vacancy on the board shall be filled by the remaining elected members of the board, except when less than two elected members remain on the board any vacancy shall be filled by the circuit court of the county in which all or a majority of the district lies. The appointee or appointees shall act until the next biennial election at which a director or directors are elected to serve the remainder of the unexpired term.

3. Notwithstanding any provision of sections 610.015 and 610.020 to the contrary, when Missouri Task Force One or any Urban Search and Rescue Task Force is activated for deployment by the federal emergency management agency, state emergency management agency, or statewide mutual aid, a quorum of the board of directors of the affiliated fire protection district may meet in person, via telephone, facsimile, internet, or any other voice or electronic means, without public notice, in order to authorize by roll call vote the disbursement of funds necessary for the deployment.

4. In the event action is necessary under subsection 3 of this section, the board of directors of the affiliated fire protection district shall keep minutes of the emergency meeting and disclose during the next regularly scheduled meeting of the board that the emergency meeting was held, the action that precipitated calling the emergency meeting without notice, and that the minutes of the emergency meeting are available as a public record of the board.

**5. Members of a fire district or ambulance district board of directors shall only receive compensation for meetings the member attended. If multiple meetings occur on the same day, members shall not receive compensation for more than one meeting.**

**590.025. No law enforcement agency shall require an employee who does not receive a salary to live within a jurisdiction more specific than this state.";** and

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

**House Amendment No. 3** was withdrawn.

On motion of Representative Engler, the title of **HB 571, as amended**, relating to natural resources, was agreed to.

On motion of Representative Engler, **HB 571, as amended**, was ordered perfected and printed.

On motion of Representative Cierpiot, the House recessed until 2:15 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Haahr.

Representative Cierpiot suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 050

Alferman	Basye	Beck	Bernskoetter	Black
Bondon	Brown 27	Brown 94	Burnett	Burns
Butler	Christofanelli	Conway 10	Cross	DeGroot
Engler	Fitzpatrick	Francis	Frederick	Gannon

Green	Hannegan	Hansen	Harris	Henderson
Hill	Hurst	Justus	Kelley 127	Kelly 141
Kidd	Kolkmeier	Korman	Lant	Lauer
McCaherty	Neely	Newman	Phillips	Pietzman
Pogue	Quade	Reiboldt	Remole	Roeber
Stevens 46	Taylor	Wessels	White	Mr. Speaker

NOES: 004

Barnes 60	Curtis	Dogan	Franks Jr
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PRESENT: 070

Anderson	Andrews	Austin	Bahr	Bangert
Baringer	Barnes 28	Beard	Berry	Brown 57
Chipman	Cierpiot	Corlew	Crawford	Dohrman
Dunn	Eggleston	Ellebracht	Evans	Fitzwater 49
Haahr	Helms	Higdon	Houghton	Houx
Hubrecht	Johnson	Kendrick	Lavender	Love
Lynch	Mathews	Matthiesen	McCann Beatty	McGaugh
McGee	Meredith 71	Merideth 80	Messenger	Miller
Moon	Morgan	Mosley	Muntzel	Nichols
Peters	Pfautsch	Pierson Jr	Plocher	Reisch
Rhoads	Roden	Rone	Ross	Rowland 155
Runions	Ruth	Schroer	Shaul 113	Shumake
Smith 163	Sommer	Stacy	Trent	Unsicker
Vescovo	Walker 3	Walker 74	Wiemann	Wood

ABSENT WITH LEAVE: 038

Adams	Anders	Arthur	Brattin	Carpenter
Conway 104	Cookson	Cornejo	Curtman	Davis
Ellington	Fitzwater 144	Fraker	Franklin	Gray
Gregory	Grier	Haefner	Lichtenegger	Marshall
May	McCreery	McDaniel	Mitten	Morris
Pike	Razer	Redmon	Rehder	Roberts
Rowland 29	Shull 16	Smith 85	Spencer	Stephens 128
Swan	Tate	Wilson		

VACANCIES: 001

## HOUSE RESOLUTIONS

Representative Bernskoetter offered House Resolution No. 1714.

## PERFECTION OF HOUSE BILLS

**HB 294**, relating to immunity for persons who seek medical assistance for a drug or alcohol overdose, was taken up by Representative Lynch.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

1356 *Journal of the House*

AYES: 099

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Chipman	Christofanelli
Conway 104	Corlew	Cornejo	Crawford	Cross
Davis	DeGroot	Dogan	Dohrman	Eggleston
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Francis	Gannon	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kolkmeier
Korman	Lant	Lauer	Love	Lynch
Marshall	Mathews	Matthiesen	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Plocher	Rehder	Reiboldt	Reisch	Remole
Roden	Roeber	Rone	Ross	Rowland 155
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	

NOES: 044

Adams	Arthur	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellebracht
Ellington	Franks Jr	Gray	Green	Harris
Kendrick	Lavender	May	McCann Beatty	McCreery
McGee	Meredith 71	Merideth 80	Mitten	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Pogue	Quade	Roberts	Runions	Smith 85
Stevens 46	Unsicker	Walker 74	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 019

Anders	Beard	Bernskoetter	Cierpiot	Cookson
Curtman	Fraker	Franklin	Frederick	Gregory
Kidd	Lichtenegger	McDaniel	Razer	Redmon
Rhoads	Rowland 29	Spencer	Mr. Speaker	

VACANCIES: 001

On motion of Representative Lynch, the title of **HB 294** was agreed to.

On motion of Representative Lynch, **HB 294** was ordered perfected and printed.

**HCS HB 576**, relating to the operation of motorcycles or motortricycles, was taken up by Representative McCaherty.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 576, Page 2, Section 302.026, Line 10, by inserting immediately after the phrase "**shall be provided**" the phrase "**to law enforcement**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 576, Pages 1-2, Section 302.020, Lines 19-23, by deleting all of said lines and inserting in lieu thereof the following:

"of this state shall wear protective headgear at all times the vehicle is in motion. **Every person twenty-one years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion. Every person twenty-one years of age or older operating any motorcycle or motortricycle who has neither possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years nor completed a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 shall wear**"; and

Further amend said bill and section, Page 2, Lines 25-26, by deleting "**twenty-one years of age or older**"; and

Further amend said bill and page, Section 302.026, Line 13, by inserting immediately after all of said section and line the following:

"304.005. 1. As used in this section, the term "autocycle" means a three-wheeled motor vehicle ~~on~~ which the drivers and passengers ride in a **partially or** completely enclosed~~[-tandem]~~ **non-straddle** seating area ~~[that is equipped with air bag protection, a roll cage, safety belts for each occupant, and antilock brakes and]~~, that is designed to be controlled with a steering wheel and pedals, **and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.**

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear.

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340."; and

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

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

Representative Meredith (71) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 576, Page 2, Section 302.020, Line 22, by inserting after the number "**302.137**," the phrase "**been registered as an organ donor**"; and

Further amend said bill, Section 302.026, Page 2, Line 3, by inserting after the word "**coverage**" the phrase "**, has registered as an organ donor,**"; and

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

Representative Meredith (71) moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Haefner assumed the Chair.

On motion of Representative McCaherty, the title of **HCS HB 576, as amended**, was agreed to.

On motion of Representative McCaherty, **HCS HB 576, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 576, as amended**, was ordered perfected and printed.

**HB 813**, relating to obtaining duplicate licenses from the board of cosmetology and barber examiners, was taken up by Representative Basye.

Representative Barnes (60) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 813, Page 1, Section 329.033, Line 5, by inserting immediately after all of said section and line the following:

"345.051. 1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such renewal date shall be determined by the board. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license or registration, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory or federal agency or country and information concerning the applicant's current physical and mental fitness to practice.

2. A blank form for application for license or registration renewal shall be mailed to each person licensed or registered in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license or registration and pay the fee required by sections 345.010 to 345.080 for failure to renew the license or registration.

3. An applicant for renewal of a license or registration under this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license or registration renewal, including the demonstration of continued competence to practice the profession for which the license or registration is issued. A requirement of continued competence may include, but is not limited to, **up to thirty hours triennially of** continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license or registration is suspended pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may be renewed but does not entitle the licensee to engage in the licensed or registered activity or in any other conduct or activity which violates the order of judgment by which the license or registration was suspended until such license or registration has been reinstated.

5. If a license or registration is revoked on disciplinary grounds pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may not be renewed. If a license or registration is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board."; and

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

On motion of Representative Barnes (60), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Bill No. 813, Page 1, Section 328.025, Lines 2-5, by deleting all of said lines and inserting in lieu thereof the following:

**"beyond practical usage, or was never received, the board shall issue a duplicate license, by mail, upon request. A request form shall be available online and may be submitted electronically or by mail.";** and

Further amend said bill and page, Section 329.033, Lines 2-5, by deleting all of said lines and inserting in lieu thereof the following:

**"beyond practical usage, or was never received, the board shall issue a duplicate license, by mail, upon request. A request form shall be available online and may be submitted electronically or by mail.";** and

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

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

Representative Brown (57) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Bill No. 813, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"192.500. 1. For purposes of this section, the following terms shall mean:**

**(1) "Cone beam computed tomography system", a medical imaging device using x-ray computed tomography to capture data using a cone-shaped x-ray beam;**

**(2) "Panoramic x-ray system", an imaging device that captures the entire mouth in a single, two-dimensional image including the teeth, upper and lower jaws, and surrounding structures and tissues.**

**2. Cone beam computed tomography systems and panoramic x-ray systems shall not be required to be inspected more frequently than every six years.**

**3. Notwithstanding any law to the contrary, inspections of x-ray equipment used exclusively on animals by a licensed veterinarian or veterinary facility under chapter 340 shall not be required to be inspected more frequently than every six years.";** and

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

On motion of Representative Brown (57), **House Amendment No. 3** was adopted.

Representative Barnes (60) offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Bill No. 813, Page 1, Section 329.033, Line 5, by inserting immediately after said section and line the following:

"332.081. 1. No person or other entity shall practice dentistry in Missouri or provide dental services as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri or to an entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

(1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from extracting teeth;

(2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a meeting of dentists in Missouri;

(3) Dental students in any accredited dental school to practice dentistry under the personal direction of instructors;

(4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under the personal direction of instructors;

(5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as defined in section 332.091;

(6) A dental assistant, certified dental assistant, or expanded functions dental assistant to be delegated duties as defined in section 332.093;

(7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental hygiene school;

(8) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in connection with dental services or dental surgery; or

(9) A person to practice dentistry in or for:

(a) The United States Armed Forces;

(b) The United States Public Health Service;

(c) Migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b));

(d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act;

(e) Governmental entities, including county health departments; or

(f) The United States Veterans Bureau; or

(10) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral, written, or otherwise documented dental opinion when providing testimony or records for the purpose of a civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state.

2. No corporation shall practice dentistry as defined in section 332.071 unless that corporation is organized under the provisions of chapter 355 or 356 provided that a corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients, low-income individuals who have available income below two hundred percent of the federal poverty level, and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or state law or regulation. This subsection shall not apply to:

(1) A hospital licensed under chapter 197 that provides care and treatment only to children under the age of eighteen at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(2) A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396(d)(1)), or a migrant, community, or health care for the homeless health center provided for in Section 330 of the Public Health Services Act (42 U.S.C. 254(b)) at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(3) A city or county health department organized under chapter 192 or chapter 205 at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;



(4) A social welfare board organized under section 205.770, a city health department operating under a city charter, or a city-county health department at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(5) Any entity that has received a permit from the dental board and does not receive compensation from the patient or from any third party on the patient's behalf at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by a city, county, or other political subdivision of the state at which a person regulated under this chapter provides dental care within the scope of his or her license or registration.

**(7) Hospitals licensed under chapter 197 that employ any or all of the following oral health care providers:**

**(a) A dentist licensed under chapter 332 for the purpose of treating on hospital premises those patients who present with a dental condition and such treatment is necessary to ameliorate the condition for which they presented such as severe pain or tooth abscesses;**

**(b) An oral and maxillofacial surgeon licensed under chapter 332 for the purpose of treating oral conditions that need to be ameliorated as part of treating the underlying cause of the patient's medical needs including, but not limited to, head and neck cancer, HIV AIDS, severe trauma resulting in admission to the hospital, organ transplant, diabetes, or seizure disorders. It shall be a condition of treatment that such patients are admitted to the hospital on either an in- or out-patient basis;**

**(c) A maxillofacial prosthodontist licensed under chapter 332 for the purpose of treating and supporting patients of a head and neck cancer team or other complex care or surgical team for the fabrication of appliances following ablative surgery, surgery to correct birth anomalies, extensive radiation treatment of the head or neck, or trauma-related surgery.**

If any of the entities exempted from the requirements of this subsection are unable to provide services to a patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall extend to the person or entity that subsequently provides services to the patient.

3. No unincorporated organization shall practice dentistry as defined in section 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and provides dental treatment without compensation from the patient or any third party on their behalf as a part of a broader program of social services including food distribution. Nothing in this chapter shall prohibit organizations under this subsection from employing any person regulated by this chapter.

4. A dentist shall not enter into a contract that allows a person who is not a dentist to influence or interfere with the exercise of the dentist's independent professional judgment.

5. A not-for-profit corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating pursuant to subsection 3 of this section, or any other person should not direct or interfere or attempt to direct or interfere with a licensed dentist's professional judgment and competent practice of dentistry. Nothing in this subsection shall be so construed as to make it unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and procedure manuals, or quality improvement or assurance requirements.

6. All entities defined in subsection 2 of this section and those exempted under subsection 3 of this section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board. The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

7. Any entity that obtains a permit to render dental services in this state is subject to discipline pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint before the administrative hearing commission. The board may refuse to issue or renew the permit of any entity for one or any combination of causes stated in subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

8. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract. All licensed persons employed by, or contracting with, the health center shall certify in writing to the board at the time of issuance and renewal of the registration that the facility of the health center meets the same operating standards regarding cleanliness, sanitation, and professionalism as would the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such standards.

9. The board may promulgate rules and regulations to ensure not-for-profit corporations are rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit corporations to report patient census data to the board. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

10. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent with, federal statute or regulation.

**332.083. Notwithstanding any other provision of law, the payment of fees or royalties, pursuant to a valid franchise agreement, for services to a dental franchisor shall be permitted. Such fees or royalties may include a percentage based on revenue collection.";** and

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

On motion of Representative Barnes (60), **House Amendment No. 4** was adopted.

On motion of Representative Basye, the title of **HB 813, as amended**, relating to regulation of certain professions, was agreed to.

On motion of Representative Basye, **HB 813, as amended**, was ordered perfected and printed.

**HB 815**, relating to the submitting of information to the division of professional registration, was taken up by Representative Basye.

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

*House Amendment No. 1*

AMEND House Bill No. 815, Page 1, Section 324.005, Line 7, by inserting immediately after "**apply for**" the phrase "**, replace,**"; and

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

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

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

*House Amendment No. 2*

AMEND House Bill No. 815, Page 1, Section 324.005, Line 16, by inserting immediately after all of said section and line the following:

"335.021. 1. "The Missouri State Board of Nursing" shall consist of nine members, five of whom must be registered professional nurses. [~~Two members~~] **One member** of the board must be a licensed practical [~~nurses~~] **nurse** and one member a voting public member. Two of the five registered professional nurses shall hold a graduate degree in nursing, and at least one of the professional nurse members shall represent nursing practice **and at least one member shall be an advanced practice registered nurse**. Any person, other than the public member, appointed to the board as hereinafter provided shall be a citizen of the United States and a resident of this state for a period of at least one year, a licensed nurse in this state, and shall have been actively engaged in nursing for at least three years immediately preceding the appointment or reappointment. Membership on the board shall include representatives with expertise in each level of educational programs the graduates of which are eligible to apply for licensure such as practical, diploma, associate degree, and baccalaureate.

2. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and qualified. Every appointment except to fulfill an unexpired term shall be for a term of four years, but no person shall be appointed to more than two consecutive terms.

3. At least ninety days before the expiration of a term of a board member, and as soon as feasible after the occurrence of a vacancy on the board for reasons other than the expiration of a term, a list of three licensed and qualified nurses shall be submitted to the director of the division of professional registration. The list shall be submitted by the Missouri Nurses Association if the vacancy is for a registered professional nurse, and by the Missouri State Association of Licensed Practical Nurses if the vacancy is for a licensed practical nurse. The governor may appoint a board member to fill the vacancy from the list submitted, or may appoint some other qualified licensed nurse. This subsection shall not apply to public member vacancies.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure."; and

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

Representative Walker (3) offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Bill No. 815, Page 1, Section 324.005, Line 16, by inserting immediately after all of said section and line the following:

"335.021. 1. "The Missouri State Board of Nursing" shall consist of nine members, five of whom must be registered professional nurses. [~~Two members~~] **One member** of the board must be a licensed practical [~~nurses~~] **nurse** and one member a voting public member. Two of the five registered professional nurses shall hold a graduate degree in nursing, and at least one of the professional nurse members shall represent nursing practice **and at least**

**one member shall be an advanced practice registered nurse.** Any person, other than the public member, appointed to the board as hereinafter provided shall be a citizen of the United States and a resident of this state for a period of at least one year, a licensed nurse in this state, and shall have been actively engaged in nursing for at least three years immediately preceding the appointment or reappointment. Membership on the board shall include representatives with expertise in each level of educational programs the graduates of which are eligible to apply for licensure such as practical, diploma, associate degree, and baccalaureate.

2. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and qualified. Every appointment except to fulfill an unexpired term shall be for a term of four years, but no person shall be appointed to more than two consecutive terms.

3. At least ninety days before the expiration of a term of a board member, and as soon as feasible after the occurrence of a vacancy on the board for reasons other than the expiration of a term, a list of three licensed and qualified nurses shall be submitted to the director of the division of professional registration. The list shall be submitted by the Missouri Nurses Association if the vacancy is for a registered professional nurse, and by the Missouri State Association of Licensed Practical Nurses if the vacancy is for a licensed practical nurse. The governor may appoint a board member to fill the vacancy from the list submitted, or may appoint some other qualified licensed nurse. This subsection shall not apply to public member vacancies.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense, or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, **who has been granted a certificate of controlled substance prescriptive authority**, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the ~~following provisions:-~~  
~~———(1) complete names, home and business addresses, zip codes, [and] telephone numbers, and license numbers of the collaborating physician and the advanced practice registered nurse[-~~  
~~———(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;~~  
~~———(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;~~  
~~———(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;~~

~~\_\_\_\_\_ (5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:~~

~~\_\_\_\_\_ (a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;~~

~~\_\_\_\_\_ (b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and~~

~~\_\_\_\_\_ (c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;~~

~~\_\_\_\_\_ (6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;~~

~~\_\_\_\_\_ (7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;~~

~~\_\_\_\_\_ (8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;~~

~~\_\_\_\_\_ (9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and~~

~~\_\_\_\_\_ (10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection].~~

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to ~~[specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including]~~ delegating authority to prescribe controlled substances. **Any previously adopted rules regulating the use of collaborative practice arrangements that are not limited to delegating authority to prescribe controlled substances shall from the effective date of this act be null and void.** Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to

any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his **or her** medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board ~~[may]~~ **shall** make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. ~~[A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.]~~

~~9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.]~~

~~10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.]~~

~~11.] No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. [No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.]~~

~~[12.]~~ **9.** No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice registered nurse" **or "APRN"**, a ~~[nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse-practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"]~~ **person who is licensed under the**

**provisions of this chapter to engage in the practice of advanced practice nursing in one of the four APRN roles recognized in this section;**

(3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

(4) "Board" or "state board", the state board of nursing;

(5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing. **A certified clinical nurse specialist is one of the four APRN roles;**

(6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing. **A certified nurse midwife is one of the four APRN roles;**

(7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing. **A certified nurse practitioner is one of the four APRN roles;**

(8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the [~~Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists,~~] **National Board of Certification and Recertification for Nurse Anesthetists** or other nationally recognized certifying body approved by the board of nursing. **A certified registered nurse anesthetist is one of the four APRN roles;**

(9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

(10) "Inactive nurse", as defined by rule pursuant to section 335.061;

(11) "Lapsed license status", as defined by rule under section 335.061;

(12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

(13) "Licensure", the issuing of a license **to an individual authorizing the individual** to practice **advanced practice**, professional, or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional, or practical nursing;

(14) **"Population focus", one of the following six areas of practice for which an advanced practice registered nurse has the education and training to provide care and services:**

(a) **A family or individual across the lifespan;**

(b) **Adult-gerontology;**

(c) **Pediatrics;**

(d) **Neonatal;**

(e) **Women's health or gender-related; and**

(f) **Psychiatric or mental health;**

(15) **"Practice of advanced practice nursing":**

(a) **The practice of advanced practice nursing that includes, but is not limited to:**

a. **The practice of professional nursing as defined in this section performed with or without compensation or personal profit;**

b. **Conducting an advanced assessment beyond a registered nurse's assessment;**

c. **Ordering and interpreting diagnostic procedures;**

d. **Establishing primary and differential diagnoses;**

e. **Prescribing, ordering, administering, dispensing, and furnishing therapeutic measures, including the authority to:**

(i) **Diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources;**

(ii) **Prescribe, order, procure, administer, dispense, and furnish pharmacological agents, including over-the-counter and legend drugs;**

(iii) **Prescribe, order, procure, administer, dispense, and furnish controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone with a certificate of controlled substance prescriptive authority as part of a collaborative practice arrangement; and**

(iv) **Plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions including, but not limited to, durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services including, but not limited to, home health care, hospice, and physical and occupational therapy;**

**f. Delegating and assigning the performance of therapeutic measures to assistive personnel;**

**g. Consulting with other disciplines and providing referrals to health care agencies, health care providers, and community resources; and**

**h. Other acts that require education and training consistent with professional standards and commensurate with the APRN's education, certification, demonstrated competencies, and experience;**

**(b) Advanced practice nursing shall be practiced in accordance with the APRN's graduate-level education and certification in one of four recognized roles, with at least one population focus, including a:**

**a. Certified clinical nurse specialist;**

**b. Certified nurse midwife;**

**c. Certified nurse practitioner; and**

**d. Certified registered nurse anesthetist;**

**(c) When providing direct patient care, an APRN shall wear identification that clearly identifies the nurse as an APRN, unless wearing identification creates a safety or health risk for either the nurse or the patient;**

**(d) Nothing in this subdivision shall alter the definition of the practice of professional nursing;**

**(16) "Practice of practical nursing"**, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or ~~supervision~~ **oversight** provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

~~[(45)]~~ **(17) "Practice of professional nursing"**, the performance for compensation of any act **or function** which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, **behavioral**, and nursing sciences, including, but not limited to:

(a) Responsibility for the **promotion and** teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, **data collection**, nursing diagnosis, nursing care, **evaluation**, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination, **initiation, performance**, and assistance in the **determination and** delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

~~[(46)-A]~~ **(18) "Registered professional nurse" or "registered nurse"**, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

~~[(47)]~~ **(19) "Retired license status"**, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. **1. An advanced practice registered nurse's prescriptive authority shall include authority to:**

**(1) Prescribe, dispense, and administer nonscheduled legend drugs and medications as defined under section 338.330 within such APRN's practice and specialty;**



**(2) Notwithstanding any other provision of this chapter, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.**

2. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse, as defined in section 335.016, who[-

~~—(1)] submits proof of successful completion of an advanced pharmacology course that shall include [preceptorial experience in] the prescription of drugs, medicines, and therapeutic devices[- and~~

~~—(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and~~

~~—(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and~~

~~—(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse].~~

**3. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse, as defined under section 335.016, to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone within the parameters of a collaborative practice arrangement; except that, such certificate shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures.**

**4. Advanced practice registered nurses, except for certified registered nurse anesthetists, shall not administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing general anesthesia for procedures that are outside the advanced practice registered nurse's scope of practice.**

335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant ~~[must]~~ **shall** be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-

English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant ~~must~~ **shall** be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. **(1) An applicant for a license to practice as an advanced practice registered nurse shall submit a completed application as established by the board. The application shall, at a minimum, contain:**

**(a) The applicant's advanced nursing education and other pertinent information as the board may require;**

**(b) A statement under oath or affirmation that the applicant is of good moral character and that the representations contained in the application are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration;**

**(c) Documentation that demonstrates the following educational requirements:**

**a. Prior to July 1, 1998, completion of a formal post-basic educational program from or formally affiliated with an accredited college, university, or hospital of at least one academic year, which includes advanced nurse theory and clinical nursing practice, leading to a graduate degree or certificate with a concentration in an advanced nursing clinical specialty area;**

**b. From July 1, 1998, to June 30, 2009, completion of a graduate degree from an accredited college or university with a concentration in an advanced practice nursing clinical specialty area, which includes advanced nursing theory and clinical nursing practice;**

**c. On or after July 1, 2009, completion of an accredited graduate-level advanced practice registered nursing program that prepared the applicant for one of the four APRN roles in at least one population focus;**

**(d) Documentation of current certification in one of the four APRN roles from a nationally recognized certifying body approved by the board, or current documentation of recognition as an advanced practice registered nurse issued by the board prior to January 1, 2018; and**

**(e) Other evidence as required by board rule, including, as may be applicable, evidence of proficiency in the English language.**

**(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a license fee in such amount as set by the board that shall be uniform for all such applicants.**

**(3) Upon issuance of a license, the license holder's advanced practice registered nursing license and his or her professional nursing license shall be treated as one license for the purpose of renewal and assessment of renewal fees.**

4. Upon refusal of the board to allow any applicant to sit for either the registered professional nurses' examination or the licensed practical nurses' examination, as the case may be, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

~~[4-]~~ 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.056. The license of every person licensed under the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse**, as a registered professional nurse, or as a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter**.

335.086. No person, firm, corporation, or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal, or record or aid or abet therein;

(2) Practice ~~[professional or practical]~~ nursing as defined ~~[by sections 335.011 to 335.096]~~ **in this chapter** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice ~~[professional nursing or practical]~~ nursing as defined ~~[by sections 335.011 to 335.096]~~ **in this chapter** unless duly licensed to do so under the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter**;

(5) Practice **advanced practice nursing**, professional nursing, or practical nursing during the time his **or her** license issued under the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board."; and

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

Speaker Pro Tem Haahr resumed the Chair.

**House Substitute Amendment No. 1 for House Amendment No. 2** was withdrawn.

Representative Roden offered **House Amendment No. 1 to House Amendment No. 2**.

*House Amendment No. 1  
to  
House Amendment No. 2*

AMEND House Amendment No. 2 to House Bill No. 815, Page 1, Line 24, by inserting immediately after the word "by" the following:

**"the Association of Missouri Nurse Practitioners if the vacancy is for an advanced practice registered nurse,"**; and

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

On motion of Representative Roden, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Hubrecht, **House Amendment No. 2, as amended**, was adopted.

Speaker Richardson resumed the Chair.

Representative Barnes (60) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Bill No. 815, Page 1, Section 324.005, Line 16, by inserting immediately after all of said section and line the following:

"345.051. 1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such renewal date shall be determined by the board. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license or registration, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory or federal agency or country and information concerning the applicant's current physical and mental fitness to practice.

2. A blank form for application for license or registration renewal shall be mailed to each person licensed or registered in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license or registration and pay the fee required by sections 345.010 to 345.080 for failure to renew the license or registration.

3. An applicant for renewal of a license or registration under this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license or registration renewal, including the demonstration of continued competence to practice the profession for which the license or registration is issued. A requirement of continued competence may include, but is not limited to, **up to thirty hours triennially of** continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license or registration is suspended pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may be renewed but does not entitle the licensee to engage in the licensed or registered activity or in any other conduct or activity which violates the order of judgment by which the license or registration was suspended until such license or registration has been reinstated.

5. If a license or registration is revoked on disciplinary grounds pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may not be renewed. If a license or registration is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board."; and

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

On motion of Representative Barnes (60), **House Amendment No. 3** was adopted.

On motion of Representative Basye, the title of **HB 815, as amended**, relating to the regulation of certain professions, was agreed to.

On motion of Representative Basye, **HB 815, as amended**, was ordered perfected and printed.

**HCS HB 29**, relating to powdered alcohol, was taken up by Representative Pike.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 29, Pages 1-3, Section 311.185, Line 1-63, by deleting all of said section and line and inserting in lieu thereof the following:

"311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person currently licensed in this state or any other state as a wine manufacturer may apply for and the supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided in this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to a ~~resident of~~ **person within** this state who is at least twenty-one years of age for such ~~resident's~~ **person's** personal use and not for resale. Before sending any shipment to a ~~resident of~~ **person within** this state, the wine manufacturer shall first obtain a wine direct shipper license as follows:

(1) File an application with the division of alcohol and tobacco control; ~~and~~

(2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic beverage license issued in this state or any other state, as well as a copy of the winery license from the Alcohol and Tobacco Tax and Trade Bureau; **and**

(3) **Pay a license fee of one hundred dollars per year.**

2. All wine direct shipper licensees shall:

- (1) Not ship more than two cases of wine per month to any person for his or her personal use and not for resale;
- (2) Not use any carrier for shipping of wine that is not licensed under ~~[this]~~ section **311.186**;
- (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau;
- (4) Only ship **from the winery premises** wine **that is** manufactured on the winery premises;
- (5) Ensure that all containers of wine delivered directly to ~~[a resident of]~~ **persons within** this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control;
- (6) If the winery is located outside of this state, ~~[by January thirty-first]~~ **on or before the fifteenth day of each calendar month**, make a report under oath to the supervisor of alcohol and tobacco control setting out the total amount of wine shipped into the state the preceding ~~[year]~~ **month**;
- (7) If the winery is located outside of this state, pay the division of alcohol and tobacco control all excise taxes due on the amount to be calculated as if the sale were in this state at the location where the delivery is made;
- (8) If the winery is located within this state, provide the division of alcohol and tobacco control any additional information deemed necessary beyond that already required for retail sales from the winery tasting room to ensure compliance with this section;
- (9) Permit the division of alcohol and tobacco control to perform an audit of the wine direct shipper licensees' records upon request; and
- (10) Be deemed to have consented to the jurisdiction of the division of alcohol and tobacco control or any other state agency and the Missouri courts concerning enforcement of this section and any related laws, rules, or regulations.

3. The wine direct shipper licensee may annually renew its license with the division of alcohol and tobacco control by providing the division of alcohol and tobacco control all required items provided in subsection 1 of this section.

~~4. [Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of wine directly to a resident of this state who is at least twenty-one years of age or older. Before transporting any shipment of wine to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control.~~

~~5. All alcohol carrier licensees shall:~~

- ~~(1) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication;~~
- ~~(2) Require valid proof of identity and age;~~
- ~~(3) Obtain the signature of an adult as a condition of delivery; and~~
- ~~(4) Keep records of wine shipped which include the license number and name of the winery or retailer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine.~~

~~6.] The division of alcohol and tobacco control may promulgate rules to effectuate the provisions 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, 2007, shall be invalid and void.~~

**311.186. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, any carrier may apply for, and the supervisor of alcohol and tobacco control may issue, an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of intoxicating liquor for personal use and not for resale directly to a person within this state who is at least twenty-one years of age. Before transporting any such shipment of intoxicating liquor to a person within this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control and paying a license fee of five hundred dollars per year.**

2. It shall be unlawful for any person, firm, partnership, or corporation to deliver intoxicating liquor, as defined in section 311.020, from outside the state of Missouri, in any quantity, directly to a person within this state for personal use and not for resale without first obtaining an alcohol carrier license.

3. All alcohol carrier licensees shall:

(1) Ensure that all containers of intoxicating liquor delivered directly to a person within this state for personal use and not for resale are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control;

(2) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication;

(3) Require valid proof of identity and age;

(4) Obtain the signature of a person at least twenty-one years of age as a condition of delivery;

(5) Keep records for a period of two years of intoxicating liquor shipped which include the name of the winery or retailer, weight of intoxicating liquor shipped, purchaser's name, recipient's name and address, and an electronic or paper form of signature from the recipient of the intoxicating liquor;

(6) Only deliver intoxicating liquor to persons within this state for personal use and not for resale from persons licensed by the division of alcohol and tobacco control as:

(a) Wine direct shippers, licensed under section 311.185; or

(b) Retailers, licensed under chapter 311; and

(7) Provide the division of alcohol and tobacco control a quarterly report of all intoxicating liquor shipments made by each shipper to persons within this state for personal use and not for resale during the preceding quarter. The alcohol carrier's quarterly report shall detail the:

(a) Business name for each shipper of intoxicating liquor;

(b) Name and address of the person within this state who received the intoxicating liquor;

(c) Weight of intoxicating liquor shipped; and

(d) Date of delivery.

4. Upon request by the licensed alcohol carrier, the division of alcohol and tobacco control shall provide an electronic copy of all licensees that may ship intoxicating liquor to persons within this state for personal use and not for resale.

311.187. 1. Notwithstanding any provision of law, rule, or regulation to the contrary, any retailer located and conducting business in this state and who is licensed under this chapter may deliver intoxicating liquor directly to persons within this state for personal use and not for resale, excluding powdered alcohol as prohibited under section 311.188.

2. Missouri retailers who make deliveries directly to persons within this state for personal use and not for resale shall:

(1) Consummate the sale of intoxicating liquor on the licensed premises. The sale may be made in person, by phone, or by other electronic means;

(2) Ensure that all containers of intoxicating liquor delivered directly to a person within this state for personal use and not for resale are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control;

(3) Ensure the delivery driver is at least twenty-one years of age;

(4) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication;

(5) Require valid proof of identity and age;

(6) Obtain the signature of a person at least twenty-one years of age as a condition of delivery; and

(7) Keep records for a period of two years of intoxicating liquor delivered, which include the name of the purchaser, the weight of intoxicating liquor delivered, a copy of the invoice or receipt, the recipient's name and address, and an electronic or paper form of signature from the receipt of the intoxicating liquor."; and

Further amend said bill, Page 3, Section 311.188, Line 3, by inserting immediately after all of said section and line the following:

"311.420. 1. No person, except carriers regulated by the motor carrier and railroad safety division of the department of economic development under chapters 387, 389 and 390, shall transport into, within, or through the state of Missouri any intoxicating liquors in quantities larger than five gallons unless such person holds a valid license or permit from the supervisor of alcohol and tobacco control of the state of Missouri to do so. For such license, there shall be paid to the director of revenue the sum of ten dollars per annum. Application for such license shall be made to the supervisor of alcohol and tobacco control of the state of Missouri and each applicant shall submit with his application a bond in the penal sum of one thousand dollars with sufficient surety to be approved by the supervisor of alcohol and tobacco control, conditioned that he will not violate any provisions of the liquor control laws of this state or any regulation promulgated under such liquor control laws, and any violation of such condition shall work a forfeiture of such bond to the state of Missouri. The license year shall end on June thirtieth, and the applicant shall pay as many twelfths as there are months, with each part of a month being counted as a month, remaining from the date of the license to the next succeeding July first. The supervisor of alcohol and tobacco control may issue single transaction licenses, for which there shall be paid to the director of revenue the sum of five dollars, and, if the value of the liquor to be transported exceeds one hundred dollars, the permit shall not be issued until the bond provided for above in this section is given to the state. No such transporter's license shall be required of any person licensed by the supervisor of alcohol and tobacco control whose licensed premises are located in the state of Missouri, nor shall it be necessary to procure a license to transport liquor purchased from a retail liquor dealer duly licensed by the supervisor of alcohol and tobacco control of the state of Missouri. No license or permit shall be required to transport industrial alcohol.

2. The qualifications prescribed for the issuance of other licenses by the provisions of the liquor control law shall not apply to licenses issued under this section, but no license shall be issued to any person who is not of good moral character or who has been convicted since the ratification of the twenty-first amendment to the Constitution of the United States of the violation of any law applicable to the manufacture or sale of intoxicating liquor, nor to any person who has had a license from the supervisor of alcohol and tobacco control revoked. If applicant is a corporation, the managing officer thereof must possess the qualifications prescribed in this section.

3. Carriers licensed under this section or carriers exempt from holding a permit under this section shall not deliver ~~[wine]~~ **intoxicating liquor from outside the state of Missouri, in any quantity, directly** to a ~~[resident of]~~ **person within** this state without obtaining an alcohol carrier license under section ~~[311.185]~~ **311.186**.

~~[311.462. 1. Notwithstanding any other provision of law, a holder of a retailer alcoholic beverage license in this state or a state which affords Missouri licensees an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than two cases of wine, each case containing not more than nine liters, per year to any adult resident of this state. Delivery of a shipment pursuant to this section shall not be deemed to constitute a sale in this state.~~

~~2. The shipping container of any wine sent into or out of this state under this section shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of twenty one years or to an intoxicated person.—~~

~~3. No broker within this state may solicit consumers to engage in interstate reciprocal wine shipments under this section. No shipper located outside this state may advertise such interstate reciprocal wine shipments in this state.]; and~~

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 29, Page 3, Section 311.188, Line 3, by inserting immediately after said line the following:

"311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the holder of such solicitor's license has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of alcohol and tobacco control shall provide forms for annual registration as the primary American source of supply, and shall prescribe the procedures for such registration.

2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received.

3. The term "primary American source of supply" as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers.

4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

**5. The supervisor of alcohol and tobacco control shall approve or deny any application for primary American source of supply for any intoxicating liquor product within five working days following the receipt of a properly completed application. Any such application for an intoxicating liquor product received by the supervisor of alcohol and tobacco control that is not approved or denied within five working days shall be considered conditionally approved and such intoxicating liquor product may be solicited, sold, shipped, ordered, purchased, and received in this state.**

311.510. 1. It shall be the duty of the supervisor of liquor control to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he **or she** shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has been correctly labeled to show that the same has been made from wholesome ingredients.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the ~~[Federal Bureau of Alcohol, Tobacco and Firearms]~~ **Alcohol and Tobacco Trade Bureau** ~~[which verifies the alcohol content of the product].~~

**3. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples prior to granting approval for the sale of any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in this state if the supervisor of liquor control is provided a label. The supervisor of liquor control shall have sole authority to approve all labels for keg collars, bottles, and cans of such beer or other intoxicating malt liquor and any inspections to determine labeling compliance for such products shall be under the sole authority of the supervisor of liquor control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau required.**

311.540. 1. Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control, **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control, **or**



his or her designee, is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product."; and

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

Representative Ellington raised a point of order that **House Amendment No. 2** is not germane.

The Chair ruled the point of order not timely.

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 29, Page 1, Section 311.020, Line 9, by inserting after all of said section and line the following:

"311.179. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international airport located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants **or in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat** may apply to the supervisor of [~~liquor control~~] **alcohol and tobacco control** for a special permit[~~-. The permit shall allow~~] **which:**

(1) **Allows** the premises located in the international airport in such county to open at 4 a.m. and sell intoxicating liquor by the drink at retail for consumption [on the premises where sold]. The provisions of this section and not those of section 311.097 regarding the time of opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption [~~on the premises where sold~~] on Sunday[-];

(2) **Allows persons to leave licensed establishments with an alcoholic beverage and enter other airport designated areas located within such airport. No person shall take any alcoholic beverage or beverages outside such designated areas, including onto any airplane; and**

(3) **Requires every licensee within such international airport to serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.**

2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees."; and

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

On motion of Representative Corlew, **House Amendment No. 3** was adopted.

Representative Bondon offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 29, Page 3, Section 311.188, Line 3, by inserting immediately after all of section and line the following:

"311.355. 1. Manufacturers of intoxicating liquor [~~other than beer or wine~~] shall be permitted to offer consumer cash rebate coupons as provided in this subsection:

(1) Consumer cash rebate coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media;

(2) Coupon advertisements may list the amount of the cash rebate, but not the retail price of the intoxicating liquor after the rebate;

(3) Applications for cash rebates must be made directly from the consumer to the manufacturer, and not through retailers or wholesalers;

(4) Cash rebates must be made directly to consumers by manufacturers;

(5) Wholesalers and manufacturers may deliver cash rebate coupons to retailers, either for distribution at the point of sale or in connection with packaging.

2. Manufacturers of intoxicating liquor including beer and wine may offer coupons redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made available without a purchase requirement to consumers at the point of sale, or by request through the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media. Advertisements must state that no purchase is required to obtain the nonalcoholic merchandise and provide information on the procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise shall not be stated in the advertisement or on the product. Wholesalers and manufacturers may deliver these redeemable coupons at the point of sale or in connection with packaging.

**3. A wholesaler shall not directly or indirectly fund the cost of any cash rebate coupon program allowed under this section.";** and

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

Representative Houghton assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Alferman	Anderson	Austin	Bahr	Barnes 60
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dohrman
Eggleston	Engler	Evans	Fitzpatrick	Fitzwater 49
Fraker	Francis	Frederick	Gannon	Gregory
Grier	Haahr	Haefner	Hannegan	Helms
Henderson	Hill	Houghton	Houx	Hubrecht
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Kidd	Kolkmeyer	Korman	Lant	Lauer
Lichtenegger	Lynch	Marshall	Mathews	Matthiesen
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Pfautsch	Pietzman
Pike	Plocher	Rehder	Reiboldt	Reisch
Remole	Roeber	Rone	Ross	Rowland 155
Ruth	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	

NOES: 039

Adams	Arthur	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Dunn	Franks Jr	Gray

Green	Harris	Kendrick	Lavender	McCann Beatty
McCreery	McGee	Meredith 71	Merideth 80	Mitten
Morgan	Mosley	Newman	Nichols	Peters
Pierson Jr	Pogue	Quade	Roberts	Runions
Smith 85	Stevens 46	Unsicker	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 024

Anders	Andrews	Brown 57	Cookson	Curtis
Dogan	Ellebracht	Ellington	Fitzwater 144	Franklin
Hansen	Higdon	Love	May	Neely
Phillips	Razer	Redmon	Rhoads	Roden
Rowland 29	Schroer	Walker 74	Mr. Speaker	

VACANCIES: 001

On motion of Representative Bondon, **House Amendment No. 4** was adopted.

Representative McGaugh offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 29, Page 1, Section 311.020, Line 9, by inserting immediately after all of said section and line the following:

"311.055. 1. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. ~~[The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household.]~~ Any intoxicating liquor manufactured under this section shall not be sold or offered for sale.

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

3. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090."; and

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

On motion of Representative McGaugh, **House Amendment No. 5** was adopted.

On motion of Representative Pike, the title of **HCS HB 29, as amended**, relating to intoxicating liquor, was agreed to.

On motion of Representative Pike, **HCS HB 29, as amended**, was adopted.

On motion of Representative Pike, **HCS HB 29, as amended**, was ordered perfected and printed.

**HB 170**, relating to industrial hemp, was taken up by Representative Curtman.

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

*House Amendment No. 1*

AMEND House Bill No. 170, Page 31, Section 195.603, Lines 16-18, by deleting all of said lines and renumbering subsequent subdivisions accordingly; and

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

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

Speaker Richardson resumed the Chair.

On motion of Representative Curtman, the title of **HB 170, as amended**, was agreed to.

On motion of Representative Curtman, **HB 170, as amended**, was ordered perfected and printed.

**HCS HB 654**, relating to the Schoolcraft Ozark exploration bicentennial commission, was taken up by Representative Rowland (155).

On motion of Representative Rowland (155), the title of **HCS HB 654** was agreed to.

On motion of Representative Rowland (155), **HCS HB 654** was adopted.

On motion of Representative Rowland (155), **HCS HB 654** was ordered perfected and printed.

**PERFECTION OF HOUSE BILLS - FEDERAL MANDATE**

**HCS HB 542**, relating to compliance with the federal transportation laws, was taken up by Representative Korman.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 542, Page 27, Section 304.180, Line 147, by deleting the phrase "**or any other law**" on said line; and

Further amend said bill, Page 27, Section 304.180, Line 154, by deleting the phrase "**or any other law**" on said line; and

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

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

On motion of Representative Korman, the title of **HCS HB 542, as amended**, was agreed to.

On motion of Representative Korman, **HCS HB 542, as amended**, was adopted.

On motion of Representative Korman, **HCS HB 542, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolution was referred to the Committee indicated:

**HR 1714** - Consent and House Procedure

### **COMMITTEE REPORTS**

**Committee on Agriculture Policy**, Chairman Houghton reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1036**, 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 (9): Bernskoetter, Eggleston, Harris, Houghton, Hurst, Kelly (141), Love, Reiboldt and Rone

Noes (3): Lavender, McCreery and Stevens (46)

Present (1): Redmon

Absent (0)

**Committee on General Laws**, Chairman Cornejo reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 231**, 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 (11): Anderson, Arthur, Basye, Carpenter, Cornejo, Cross, Evans, Mathews, McCreery, Merideth (80) and Roeber

Noes (0)

Absent (2): Schroer and Taylor

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 424**, 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 (13): Anderson, Arthur, Basye, Carpenter, Cornejo, Cross, Evans, Mathews, McCreery, Merideth (80), Roeber, Schroer and Taylor

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 428**, 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): Anderson, Cornejo, Cross, Evans, Mathews, Roeber, Schroer and Taylor

Noes (5): Arthur, Basye, Carpenter, McCreery and Merideth (80)

Absent (0)

**Committee on Insurance Policy**, Chairman Engler reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 716**, 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 (9): Burns, Ellebracht, Engler, Messenger, Morris, Muntzel, Pfautsch, Stephens (128) and Wiemann

Noes (1): Burnett

Absent (1): Shull (16)

**Committee on Transportation**, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 64**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**, and pursuant to Rule 24(5) be referred to the Committee on Consent and House Procedure by the following vote:

Ayes (11): Burns, Corlew, Cornejo, Hurst, Kolkmeier, Korman, May, Reiboldt, Runions, Ruth and Tate

Noes (0)

Absent (0)

**Committee on Rules - Legislative Oversight**, Chairman Rhoads reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCR 48**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Bondon, Brown (94), Dogan, Fitzwater (49), Haahr, Rhoads, Shull (16) and Shumake

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

Absent (2): Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCB 8**, begs leave to report it has examined the same and recommends that it **be returned to committee of origin** by the following vote:

Ayes (12): Bondon, Brown (94), Butler, Curtis, Dogan, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (2): Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 494**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Bondon, Brown (94), Dogan, Fitzwater (49), Haahr, Rhoads, Shull (16), Shumake and Wessels

Noes (3): Butler, Curtis and Lavender

Absent (2): Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 499**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Bondon, Brown (94), Dogan, Fitzwater (49), Haahr, Rhoads, Shull (16) and Shumake

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

Absent (2): Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 592**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Bondon, Brown (94), Curtis, Dogan, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (3): Butler, Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 849**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Bondon, Brown (94), Butler, Curtis, Dogan, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (2): Eggleston and Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 1158**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Bondon, Brown (94), Curtis, Dogan, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (3): Butler, Eggleston and Rone

## **ADJOURNMENT**

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Thursday, April 6, 2017.

## **COMMITTEE HEARINGS**

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Thursday, April 6, 2017, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 567, HB 973, HB 1002, HB 1099

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

### **CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, April 11, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1213, HB 1214, HB 1115, HR 405

Executive session will be held: HB 572

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

### **FISCAL REVIEW**

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

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

**CANCELLED**

### **GENERAL LAWS**

Thursday, April 6, 2017, 9:30 AM, North Gallery.

Executive session will be held: HB 551, HB 919, HB 937, HB 1007

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

### **JOINT COMMITTEE ON EDUCATION**

Monday, May 1, 2017, 12:30 PM, Senate Committee Room 2.

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

1. Department of Elementary and Secondary Education (DESE) will present a draft state response to the Federal Every Student Succeeds Act (ESSA).

2. Elections of JCED Chair and Co-Chair.

3. Discuss possible JCED interim projects.

### **JUDICIARY**

Thursday, April 6, 2017, 9:30 AM, Southside of Rear Gallery.

Executive session will be held: HB 430, HB 274, HB 338, HB 519, HB 490, HB 491, HB 727, HB 848, HB 38

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



**PENSIONS**

Monday, April 10, 2017, 5:00 PM, House Hearing Room 1.

Public hearing will be held: HB 819, HB 865, HB 918, HB 971, HB 996, HB 1085, HB 1086, HB 1151

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

**SPECIAL COMMITTEE ON LITIGATION REFORM**

Monday, April 10, 2017, 1:00 PM, House Hearing Room 6.

Executive session will be held: SS#2 SCS SB 43

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

**SUBCOMMITTEE ON CORRECTIONS WORKFORCE ENVIRONMENT AND CONDUCT**

Thursday, April 6, 2017, 8:30 AM or upon adjournment of the Corrections and Public Institutions Committee meeting, House Hearing Room 1.

The subcommittee will continue to hear testimony from current/former employees of the Department of Corrections.

**VETERANS**

Tuesday, April 11, 2017, 8:00 AM, House Hearing Room 1.

Executive session will be held: HB 898, HB 946, HR 398

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

**HOUSE CALENDAR**

FIFTY-SECOND DAY, THURSDAY, APRIL 6, 2017

**HOUSE BILLS FOR PERFECTION**

HB 459 - Kolkmeyer

HB 463 - Kolkmeyer

HCS HB 159 - McGaugh

HB 39 - Higdon

HB 97 - Swan

HB 121 - Frederick

HB 182 - Hurst

HCS HB 194 - Franklin

HCS HB 219 - Hill

HB 227 - Hubrecht

HCS HB 303 - Mathews

HCS HB 324 - Neely

HCS HB 326 - Miller

HB 358 - Bahr

HCS HB 411 - Lichtenegger

HCS HB 415 - McGaugh

HB 426 - Cornejo

HCS HB 670 - Sommer  
HCS HB 698 - Pietzman  
HCS HB 741 - Engler  
HCS HB 746 - Crawford  
HB 824 - Reiboldt  
HCS HBs 908 & 757 - Lichtenegger  
HCS HBs 960, 962 & 828 - Mathews  
HB 708 - Hill  
HB 56 - Love  
HB 105 - Love  
HB 110 - Davis  
HCS HB 334 - Lauer  
HCS HB 574 - Davis  
HCS HB 677 - Rowland (155)  
HCS HB 694 - Redmon  
HB 738 - Kolkmeier  
HB 799 - Lauer  
HCS HB 890 - Mathews  
HB 114 - McGaugh  
HCS HB 118 - Wood  
HCS HB 162 - Eggleston  
HCS HB 260 - Brown (94)  
HB 301 - Hill  
HB 305 - Pike  
HB 322 - Neely  
HCS HB 379 - Plocher  
HCS HB 384 - Anderson  
HCS HB 436 - Hill  
HB 598 - Cornejo  
HCS HB 608 - Anderson  
HB 705 - Cross  
HCS HB 754 - Schroer  
HCS HB 827 - DeGroot  
HB 889 - Rehder  
HCS HB 433 - Cornejo  
HCS HB 1116 - Shaul (113)  
HCS HB 136 - Spencer  
HCS HB 351 - McGaugh  
HB 352 - Eggleston  
HCS HB 380 - Plocher  
HB 603 - Rone  
HB 897 - Houghton

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HCS HB 1 - Fitzpatrick  
HCS HB 2 - Fitzpatrick

HCS HB 3 - Fitzpatrick  
HCS HB 4 - Fitzpatrick  
HCS HB 5 - Fitzpatrick  
HCS HB 6 - Fitzpatrick  
HCS HB 7 - Fitzpatrick  
HCS HB 8 - Fitzpatrick  
HCS HB 9 - Fitzpatrick  
HCS HB 10 - Fitzpatrick  
HCS HB 11 - Fitzpatrick  
HCS HB 12 - Fitzpatrick  
HCS HB 13 - Fitzpatrick

**HOUSE BILLS FOR THIRD READING**

HB 401 - McDaniel  
HCS HB 261 - Brown (94)  
HB 111 - Mathews

**HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE**

HCS HB 542 - Korman

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 914 - Kidd

**SENATE BILLS FOR THIRD READING - CONSENT**

SCS SB 52, E.C. - Frederick

**HOUSE RESOLUTIONS**

HR 11 - Peters

**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