

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:

3
4 "67.260. 1. As used in this section, the following terms mean:

5 (1) "Government entity", the government of any political subdivision, as such term is
6 defined under section 70.120; provided that, "government entity" shall not be construed to include
7 the general assembly;

8 (2) "Legislative body", the elected county health center board of trustees, county council,
9 county commission, board of alderman, or other elected governing body having legislative authority
10 over matters of public health within the government entity;

11 (3) "Public health order", an order, rule, or regulation that closes, partially closes, or places
12 restrictions on the opening of or access to business organizations, churches, schools, other places of
13 public or private gathering or assembly, or any individual business, including any order, rule, or
14 regulation that prohibits or otherwise limits attendance at any public or private gathering, which
15 order, rule, or regulation is instituted in response to an actual or perceived threat to public health for
16 the purpose of preventing the spread of a contagious disease.

17 2. No official of a government entity shall enact any rule or regulation that is generally
18 applicable to the political subdivision and that is related to public health, including any rule or
19 regulation intended to prevent or limit the spread of a contagious disease, without first securing a
20 two-thirds vote of the government entity's legislative body to approve the rule or regulation.

21 3. No rule or regulation issued by the department of health and senior services shall
22 authorize a local health official to create or enforce any generally applicable order, ordinance, rule,
23 or regulation described in section 192.300 or to issue any public health order inconsistent with the
24 provisions of subsection 4 of this section.

25 4. Any public health order issued by a government entity, including by a local health officer,
26 local public health agency, or the government entity's executive, as the term "executive" is defined
27 in section 67.750, shall not remain in effect for longer than fifteen calendar days, including the
28 cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall
29 automatically expire at the end of the fifteen days or as specified in the order, whichever is shorter,
30 unless so authorized as follows:

31 (1) For a second period not to exceed an additional fifteen calendar days, upon approval of
32 the government entity's legislative body to extend such order or approve a similar order;

33 (2) For a third period not to exceed an additional ten calendar days, upon a two-thirds vote
34 of the government entity's legislative body to extend such order or approve a similar order;

35 (3) For a fourth period not to exceed an additional ten calendar days, upon a two-thirds vote
36 of the government entity's legislative body to extend such order or approve a similar order;

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1 (4) For a fifth period not to exceed an additional ten calendar days, upon a two-thirds vote
2 of the government entity's legislative body to extend such order or approve a similar order; and

3 (5) For each additional period not to exceed an additional ten calendar days, upon a
4 unanimous vote of the government entity's legislative body to extend such order or approve a similar
5 order.

6 5. The department of health and senior services may promulgate necessary rules and
7 regulations for the administration of this section. Any rule or portion of a rule, as that term is
8 defined in section 536.010, that is created under the authority delegated in this section shall become
9 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
10 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
11 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
12 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
13 rulemaking authority and any rule proposed or adopted after the effective date of this section shall
14 be invalid and void."; and

15
16 Further amend said bill and page, Section 173.1590, Line 7, by inserting after said section and line
17 the following:

18
19 "Section B. Because immediate action is necessary to protect the health and safety of
20 Missouri residents, section 67.260 of section A of this act is deemed necessary for the immediate
21 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
22 emergency act within the meaning of the constitution, and section 67.260 of section A of this act
23 shall be in full force and effect upon its passage and approval."; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.