

FIRST REGULAR SESSION

# HOUSE BILL NO. 572

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAFFNER.

0384H.02I

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to local health ordinances.

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

Section A. Section 192.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.300, to read as follows:

192.300. 1. ~~[The]~~ **For purposes of this section, the term "local public health agency" means a county health center board established under chapter 205, a county health department, a combined city and county health department or agency, a multicounty health department or agency, or any other county health authority.**

2. (1) County commissions and ~~[the county health center boards of the several counties]~~ **local public health agencies** may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into ~~[such county, but]~~ **their jurisdictions.**

(2) (a) **Notwithstanding any other provision of law:**

a. **Any order, ordinance, rule, or regulation made and promulgated by a county health center board established under chapter 205 or a county health department shall not become effective until approved by the county commission;**

b. **Any order, ordinance, rule, or regulation made and promulgated by a combined city and county health department or agency shall not become effective until approved by the county commission, the municipal governing body, and the municipal elected executive official;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           c. Any order, ordinance, rule, or regulation made and promulgated by a  
18 multicounty health department or agency shall not become effective until approved by each  
19 county commission; and

20           d. Any order, ordinance, rule, or regulation made and promulgated by any county  
21 health authority not described in subparagraph a., b., or c. of this paragraph shall not  
22 become effective until approved by the county commission, any other governing body with  
23 jurisdiction over the county health authority, and any local elected executive official with  
24 jurisdiction over the county health authority.

25           (b) Local public health agencies shall submit for review such orders, ordinances,  
26 rules, and regulations to all appropriate governing bodies or officials from which approval  
27 is required under paragraph (a) of this subdivision, and approval or disapproval shall  
28 occur as soon as practicable.

29           3. Any orders, ordinances, rules or regulations promulgated under this section shall  
30 not:

31           (1) Be in conflict with any rules or regulations authorized and made by the department  
32 of health and senior services in accordance with this chapter or by the department of social  
33 services under chapter 198; or

34           (2) Impose standards or requirements on an agricultural operation and its appurtenances,  
35 as such term is defined in section 537.295, that are inconsistent with or more stringent than any  
36 provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation  
37 promulgated under such chapters.

38           ~~[2-]~~ 4. The county commissions and ~~[the county health center boards of the several~~  
39 ~~counties]~~ **local public health agencies** may establish reasonable fees to pay for any costs  
40 incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment  
41 of such fees shall not deny personal health services to those individuals who are unable to pay  
42 such fees or impede the prevention or control of communicable disease. Fees generated shall  
43 be deposited in the county treasury. All fees generated under the provisions of this section shall  
44 be used to support the public health activities for which they were generated.

45           ~~[3-]~~ 5. After the promulgation and adoption of such orders, ordinances, rules or  
46 regulations ~~[by such county commission or county health board]~~ **and any necessary approval**  
47 **required under subdivision (2) of subsection 2 of this section**, such commission or ~~[county~~  
48 ~~health board]~~ **local public health agency** shall make and enter an order or record declaring such  
49 orders, ordinances, rules or regulations to be printed and available for distribution to the public  
50 in the office of the county clerk, and shall require a copy of such order to be published in some  
51 newspaper in the county in three successive weeks, not later than thirty days after the entry of  
52 such order, ordinance, rule or regulation.

53           [4:] 6. Any person, firm, corporation or association which violates any of the orders or  
54 ordinances adopted, promulgated and published by such county commission **or local public**  
55 **health agency** is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise  
56 provided by law. The county commission or ~~[county health board of any such county]~~ **local**  
57 **public health agency** has full power and authority to initiate the prosecution of any action under  
58 this section.

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