

FIRST REGULAR SESSION

HOUSE BILL NO. 997

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEGROOT.

2153H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions from exposure to viruses or other communicable diseases.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.1075, to read as follows:

537.1075. 1. No party shall recover damages from another person or entity for exposing the party to a virus or other communicable disease unless the party pleads and proves by clear and convincing evidence that:

(1) The person or entity caused the party to be exposed to the virus or other communicable disease;

(2) The party contracted the virus or other communicable disease from the person or entity;

(3) At the time of exposure, the person or entity was aware of the presence of the virus or other communicable disease and the risk that such virus or communicable disease could be transmitted to the party;

(4) At the time of exposure, the person or entity was in knowing violation of a risk prevention protocol or protocols published by the Missouri department of health and senior services addressing the virus or other communicable disease to which the party was exposed;

(5) Compliance with that protocol or those protocols would have prevented the party from contracting the virus or other communicable disease; and

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 **(6) The party sustained actual damages as a result of the exposure to the virus or**
18 **other communicable disease.**

19 **2. At the time of pleading, a party seeking to recover damages from another person**
20 **or entity for exposing the party to a virus or other communicable disease shall provide the**
21 **defendant with an affidavit signed under penalty of perjury from a physician licensed in**
22 **the state of Missouri stating that to a reasonable degree of medical certainty:**

23 **(1) The defendant caused the party to be exposed to the virus or other**
24 **communicable disease;**

25 **(2) The party contracted the virus or other communicable disease from the**
26 **defendant;**

27 **(3) At the time of exposure, the person or entity was in violation of a designated risk**
28 **prevention protocol or protocols published by the Missouri department of health and**
29 **senior services addressing the virus or other communicable disease to which the party was**
30 **exposed;**

31 **(4) Compliance with that protocol or protocols would have prevented the party**
32 **from contracting the virus or other communicable disease; and**

33 **(5) The party sustained actual damages as a result of the exposure to the virus or**
34 **other communicable disease.**

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36 **Failure to provide such affidavit shall result in a dismissal of the party's cause of action**
37 **and an award in favor of the defendant for the defendant's costs and attorney's fees**
38 **incurred in the matter.**

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