

JOURNAL OF THE HOUSE

Second Regular Session, 101st GENERAL ASSEMBLY

FIFTY-SECOND DAY, TUESDAY, APRIL 12, 2022

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Representative Brad Hudson.

Dear Heavenly Father,

We acknowledge that we need Your help on this and every day. When we are tempted to serve ourselves before others, please remind us of Your example. When we resist showing grace to those we find difficult, please remind us of the grace we've been shown. When haunted by the failures of our past, please remind us of Your love. In everything please remind us that the longest of days on this earth are fleeting in comparison to eternity. May we walk humbly, do justly, and love mercy. May not just our words but also our lives express with the psalmist, "Blessed be the LORD forevermore."

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: Abby Jarman and Maya Newman.

The Journal of the fifty-first day was approved as printed by the following vote:

AYES: 119

Adams	Anderson	Andrews	Atchison	Bangert
Barnes	Basye	Billington	Black 137	Boggs
Bromley	Brown 16	Brown 27	Brown 70	Buchheit-Courtway
Burger	Burnett	Busick	Butz	Clemens
Coleman 97	Cook	Copeland	Davidson	Davis
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Fogle
Francis	Gray	Gregory 51	Griffith	Gunby
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Knight
Lovasco	Mackey	Mayhew	McDaniel	McGaugh
McGill	Morse	Mosley	Murphy	Nurrenbern
O'Donnell	Owen	Patterson	Perkins	Person
Phifer	Pike	Plocher	Pollock 123	Pouche
Price IV	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Sander

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Sassmann	Schnelting	Schroer	Schwadron	Seitz
Sharp 36	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 45	Smith 67	Stephens 128
Tate	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker
Van Schoiack	Veit	Walsh 50	Walsh Moore 93	Weber
West	Wiemann	Young	Mr. Speaker	

NOES: 000

PRESENT: 001

Bosley

ABSENT WITH LEAVE: 037

Aldridge	Appelbaum	Aune	Bailey	Baker
Baringer	Black 7	Bland Manlove	Burton	Chipman
Christofanelli	Coleman 32	Collins	Cupps	Derges
Doll	Ellebracht	Gregory 96	Grier	Hurlbert
Kidd	Lewis 25	Lewis 6	McCreery	Merideth
Pietzman	Pollitt 52	Porter	Roden	Rogers
Rone	Rowland	Sauls	Stacy	Stevens 46
Windham	Wright			

VACANCIES: 006

Representative Grier assumed the Chair.

SPECIAL RECOGNITION

James Cleverly, the United Kingdom Minister of State for Europe and North America, was introduced by Representative Grier.

Minister of State Cleverly addressed the House.

Speaker Vescovo resumed the Chair.

SECOND READING OF HOUSE BILLS - APPROPRIATIONS

The following House Bill was read the second time:

HB 3021, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 2376, relating to residency of children in state custody, was taken up by Representative Kelly (141).

Representative Kelly (141) offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2376, Page 1, In the Title, Lines 2-3, by deleting the words "residency of children in state custody" and inserting in lieu thereof the words "youth services"; and

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

On motion of Representative Kelly (141), **House Amendment No. 1** was adopted.

Representative Kelly (141) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2376, Page 1, Section 163.063, Lines 1-4, by deleting said lines and inserting in lieu thereof the following:

"163.063. 1. For the purpose of determining state and local funding for a child's education,"; and

Further amend said bill, page, and section, Line 8, by inserting after the word "**campus**" the following:

"and the school district uses the residential care facility to provide any portion of the child's education"; and

Further amend said bill, page, and section, Line 12, by deleting the number "**3.**" and inserting in lieu thereof the number "**2.**"; and

Further amend said bill and section, Page 2, Line 21, by deleting the number "**4.**" and inserting in lieu thereof the number "**3.**"; and

Further amend said bill, page, and section, Line 25, by deleting the number "**5.**" and inserting in lieu thereof the following:

"4. If a child receives educational services from a residential care facility, it shall be the responsibility of the school district in which the child resides to provide for the education of the child and ensure the child is receiving education services that are substantially similar to the curriculum and standards of the school district.

5."; and

Further amend said bill, page, and section, Line 26, by inserting after all of said section and line the following:

"210.278. Neighborhood youth development programs shall be exempt from the child care licensing provisions under this chapter so long as the program meets the following requirements:

(1) The program is affiliated and in good standing with a national congressionally chartered organization's standards under Title 36, Public Law 105-225;

(2) The program provides activities designed for recreational, educational, and character building purposes for children ~~six~~ five to seventeen years of age;

(3) The governing body of the program adopts standards for care that at a minimum include staff ratios, staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards;

(4) The program does not collect compensation for its services except for one-time annual membership dues not to exceed fifty dollars per year or program service fees for special activities such as field trips or sports leagues, except for current exemptions as written in section 210.211;

(5) The program informs each parent that the operation of the program is not regulated by licensing requirements;

(6) The program provides a process to receive and resolve parental complaints; and

(7) The program conducts national criminal background checks for all employees and volunteers who work with children, as well as screening under the family care safety registry as provided in sections 210.900 to 210.936.

210.1450. 1. Before January 1, 2024, all licensed residential care facilities currently contracted with the department of social services shall seek and obtain national accreditation by one of the following:

(1) The Commission on Accreditation of Rehabilitation Facilities;

(2) The Joint Commission on Accreditation of Healthcare Organizations;

(3) The Council on Accreditation; or

(4) Any other independent, not-for-profit accrediting body approved by the United States

Department of Health and Human Services.

2. (1) Each licensed residential care facility with accreditation under subsection 1 of this section at the time this section takes effect shall apply for designation as a qualified residential treatment program by the department of social services before October 1, 2023, unless the facility is licensed by the department for intensive residential treatment to meet above level IV needs and may apply for certification as a psychiatric residential treatment facility by the department of health and senior services.

(2) Any licensed residential care facility that obtains accreditation after the effective date of this section shall apply to the department of social services for designation as a qualified residential treatment program within sixty days after obtaining accreditation.

3. Within forty-five days of receiving an application from a licensed residential care facility for designation as a qualified residential treatment program, the department of social services shall issue a qualified residential treatment program designation to a licensed residential care facility meeting the following requirements and shall issue to the facility new or amended contracts for qualified residential treatment program services:

(1) National accreditation as described under subsection 1 of this section; and

(2) Other standards for a qualified residential treatment program under Part IV, Section 50741(a)(4)(A) to (F) of the Family First Prevention Services Act of 2018, as amended.

4. Subject to appropriations, the department shall provide grants to licensed residential care facilities for the purpose of helping the facilities obtain national accreditation and developing the infrastructure, workforce, and programming necessary to meet the standards for a designation as a qualified residential treatment program.

5. The department of social services shall assess and determine if each qualified residential treatment program is an institution for mental diseases (IMD) using the criteria provided in The State Medicaid Manual.

6. (1) The department of social services shall seek a section 1115 demonstration waiver of the IMD exclusion for qualified residential treatment programs within ninety days after the effective date of this section.

(2) No fewer than one hundred eighty days before the expiration of the waiver, the department shall seek an extension or amendment of the waiver or seek a new waiver.

(3) All licensed residential care facilities designated by the department as a qualified residential treatment program shall follow rules and procedures to limit the use of seclusion and restraint under 42 CFR, Part 483, Subpart G.

(4) The provisions of this subsection shall not apply to licensed residential care facilities not assessed and determined to be an institution for mental diseases.

(5) The department has the duty to seek maximum federal funding, and the department shall report to the general assembly the federal financial participation of Title IV-E and Medicaid for licensed residential treatment programs within thirty days after the end of each fiscal quarter in which the waiver is in effect.

7. The provisions of this section shall apply to licensed residential care facilities licensed by the department of social services, except licensed residential care facilities:

(1) With a capacity for fewer than seven children or youth;

(2) With no placement for children or youth beyond fourteen days;

- (3) **With a supervised independent living setting for youth eighteen years of age or older;**
- (4) **That solely provide supportive services for pregnant or parenting youth in foster care;**
- (5) **That solely provide supportive services for children or youth who have been found to be or are at risk of becoming sex trafficking victims;**
- (6) **That serve as an emergency shelter with temporary placement for children or youth; or**
- (7) **That solely provide family-based treatment.**

Section B. Because immediate action is necessary to have access to necessary funding, the enactment of section 210.1450 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 210.1450 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

On motion of Representative Kelly (141), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26, by inserting after all of the said section and line the following:

"208.044. 1. The ~~[children's division]~~ **department of elementary and secondary education** shall provide child day care services to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485).

2. The division shall purchase the child day care services required by this section by making payments directly to any providers of day care services licensed pursuant to chapter 210 or to providers of day care services who are not required by chapter 210 to be licensed because they are providing care to no more than six children pursuant to section 210.211.

3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional ~~[day]~~ **child care services**, as defined in section 208.400, such person may receive day care services from the ~~[division]~~ **department of elementary and secondary education** if otherwise eligible for such services.

208.046. 1. The ~~[children's division]~~ **department of elementary and secondary education** shall promulgate rules ~~[to become effective no later than July 1, 2011,]~~ to modify the income eligibility criteria for any person receiving state-funded child care assistance ~~[under this chapter,]~~ either through vouchers or direct reimbursement to child care providers[;] as follows:

(1) Child care recipients eligible under this chapter and the criteria set forth in ~~[13 CSR 35-32.010]~~ **5 CSR 25-200** may pay a fee based on adjusted gross income and family size unit based on a child care sliding fee scale established by the ~~[children's division]~~ **department of elementary and secondary education**, which shall be subject to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the ~~[children's division]~~ **department of elementary and secondary education**, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the ~~[children's division]~~ **department of elementary and secondary education** and shall be no longer eligible for child care subsidy benefits;

(2) The sliding scale fee may be waived for children with special needs as established by the ~~[division]~~ **department of elementary and secondary education**; and

(3) The maximum payment by the ~~[division]~~ **department of elementary and secondary education** shall be the applicable rate minus the applicable fee.

2. For purposes of this section, "annual appropriation level" shall mean the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.

3. 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, 2010, shall be invalid and void.

208.053. 1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the ~~children's division~~ **department of elementary and secondary education**, in conjunction with the department of revenue, shall, subject to appropriations, by July 1, 2022, implement a pilot program in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program", to allow applicants in the program to receive transitional child care benefits without the requirement that such applicants first be eligible for full child care benefits.

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the division through the annual appropriations process as of August 28, 2021, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that an applicant may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not fall within the transitional child care benefit income limits established through the annual appropriations process.

(2) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The ~~division~~ **department of elementary and secondary education** shall track the number of participants in the hand-up program and shall issue an annual report to the general assembly by September 1, 2023, and annually on September first thereafter, detailing the effectiveness of the pilot program in encouraging recipients to secure employment earning an income greater than the maximum wage eligible for the full child care benefit. The report shall also detail the costs of administration and the increased amount of state income tax paid as a result of the program, as well as an analysis of whether the pilot program could be expanded to include other types of benefits including but not limited to food stamps, temporary assistance for needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits.

3. The ~~division~~ **department of elementary and secondary education** shall pursue all necessary waivers from the federal government to implement the hand-up program. If the ~~division~~ **department of elementary and secondary education** is unable to obtain such waivers, the ~~division~~ **department** shall implement the program to the degree possible without such waivers.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under 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, 2012, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, 2021, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

210.027. 1. For child-care providers who receive state or federal funds for providing child-care services, either by direct payment or through reimbursement to a child-care beneficiary, the department of ~~social services~~ **elementary and secondary education** shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this ~~section~~ **subsection and subsection 2 of this section;**

(2) Establish or designate one hotline for parents to submit complaints about child care providers;

(3) Be authorized to revoke the registration of a registered provider for due cause;

(4) Require providers to be at least eighteen years of age;

(5) **(a)** Establish minimum requirements for building and physical premises to include:

~~(a)~~ **a.** Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and

~~(b)~~ **b.** Emergency preparedness and response planning.

(b) Child care providers shall meet ~~these~~ **such** minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, the department shall require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence or other building where child care is provided;

(6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;

(7) Require providers to notify parents if the provider does not have immediate access to a telephone;

(8) Make providers aware of local opportunities for training in first aid and child care;

(9) Promulgate rules and regulations to define preservice training requirements for child care providers and employees pursuant to applicable federal laws and regulations;

(10) Establish procedures for conducting unscheduled on-site monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;

(11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and

(12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate groups, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules.

2. The system **established under subdivision (12) of subsection 1 of this section** shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. 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, 2014, shall be invalid and void.

3. Subdivision (12) of subsection 1 of this section and subsection 2 of this ~~subdivision~~ section shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section ~~[161.216]~~ **161.217.**

~~[2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.]~~

210.102. 1. There is hereby established within the department of ~~[social services]~~ **elementary and secondary education** the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor's office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

- (3) A representative of the judiciary;
- (4) A representative of the family and community trust board (FACT);
- (5) A representative from the head start program; **and**

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

2. The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a ~~chairperson~~ **chair**, vice ~~chairperson~~ **chair**, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

~~[2-]~~ 3. The coordinating board for early childhood shall have the power to:

- (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;
- (2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;
- (3) Identify legislative recommendations to improve services for children from birth through age five;
- (4) Promote coordination of existing services and programs across public and private entities;
- (5) Promote research-based approaches to services and ongoing program evaluation;
- (6) Identify service gaps and advise public and private entities on methods to close such gaps;
- (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of subsection 1 of this section and this subsection, and take any and all actions necessary to avail itself of such aid and cooperation;
- (8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;
- (9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;
- (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;
- (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;
- (12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;
- (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;
- (14) Adopt and use an official seal;
- (15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;
- (16) Make all expenditures which are incident and necessary to carry out its purposes;
- (17) Sue and be sued in its official name; **and**
- (18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

~~[3-]~~ 4. There is hereby created the "Coordinating Board for Early Childhood Fund" which shall consist of the following:

- (1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections 1 ~~and 2~~ **to 3** of this section;
- (2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;
- (3) Any moneys received as fees authorized under subsections 1 ~~and 2~~ **to 3** of this section;
- (4) Any moneys received as interest on deposits or as income on approved investments of the fund; **and**
- (5) Any moneys obtained from any other available source.

5. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.

210.203. The department of [~~health and senior services~~] **elementary and secondary education** shall maintain a record of substantiated, signed parental complaints against child care facilities licensed pursuant to this chapter, and shall make such complaints and findings available to the public upon request.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold [~~himself or herself~~] **oneself** out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of [~~health and senior services~~] **elementary and secondary education**; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(3) Any graded boarding school that is conducted in good faith primarily to provide education;

(4) Any summer camp that is conducted in good faith primarily to provide recreation;

(5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

(7) Any school system as defined in section 210.201;

(8) Any Montessori school as defined in section 210.201;

(9) Any business that operates a child care program for the convenience of its customers **or its employees** if the following conditions are met:

(a) The business provides child care for **customers' or employees'** children for no more than four hours per day; and

(b) Customers **or employees** remain on site while their children are being cared for by the business establishment;

(10) Any home school as defined in section 167.031;

(11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

(13) Any neighborhood youth development program under section 210.278;

(14) Any religious organization elementary or secondary school;

(15) Any private organization elementary or secondary school system providing child care to children younger than school age. If a facility or program is exempt from licensure based upon this exception, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status;

(16) Any nursery school as defined in section 210.201; and

(17) Any child care facility maintained or operated under the exclusive control of a religious organization.

If a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed

when such facility is in fact not licensed. A parent or guardian shall sign a written notice indicating ~~[he or she]~~ **such parent or guardian** is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

210.221. 1. The department of ~~[health and senior services]~~ **elementary and secondary education** shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages ~~[and sex]~~;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of ~~[health and senior services]~~ **elementary and secondary education**. The ~~[director]~~ **commissioner** also may revoke or suspend a license when the licensee ~~[fails to renew or]~~ surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the ~~[division]~~ **department** shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed;

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of ~~[health and senior services]~~ **elementary and secondary education** and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department ~~[of health and senior services]~~. Local inspectors may grant a variance, subject to approval by the department ~~[of health and senior services]~~.

3. The department of **elementary and secondary education** shall deny, suspend, place on probation or revoke a license if ~~[it]~~ **the department** receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may deny an application for a license if the department determines that a home or other place in which an applicant would operate a child-care facility is located within one thousand feet of any location where a person required to register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment or services delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or operated by a hospital system. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

210.223. 1. All licensed child care facilities that provide care for children less than one year of age shall implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome and sudden unexpected infant deaths in children less than one year of age.

2. When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics, the child care facility shall be provided with written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The child care facility shall put the infant to sleep in accordance with such written instructions.

3. As used in this section, the following terms shall mean:

(1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age that cannot be explained after a thorough investigation has been conducted, including a complete autopsy, an examination of the death scene, and a review of the clinical history;

(2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than one year of age in which the manner and cause of death are not immediately obvious prior to investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

4. All employees of licensed child care facilities who care for infants less than one year of age or any volunteer who may be assisting at the facility shall successfully complete department-approved training on the most recent safe sleep recommendations of the American Academy of Pediatrics every three years.

5. The department of **elementary and secondary education** shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to:

(1) Amending any current rules which are not in compliance with the most recent safe sleep recommendations of the American Academy of Pediatrics~~], including but not limited to 19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs or playpens];~~

(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items; and

(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

6. The department of **elementary and secondary education** may adopt emergency rules to implement the requirements 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, 2015, shall be invalid and void.

210.231. The department of ~~[health and senior services]~~ **elementary and secondary education** may designate to act for it, with full authority of law, any instrumentality of any political subdivision of the state of Missouri deemed by the department of ~~[health and senior services]~~ **elementary and secondary education** to be competent, to investigate and inspect licensees and applicants for a license. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

210.241. Any person aggrieved by a final decision of the department of ~~[health and senior services]~~ **elementary and secondary education** made in the administration of sections 210.201 to 210.245 shall be entitled to judicial review thereof as provided in chapter 536.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of a class C misdemeanor for the first offense and shall be assessed a fine not to exceed seven hundred fifty dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine of up to two thousand dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of ~~[health and senior services]~~ **elementary and secondary education** proposes to deny, suspend, place on probation or revoke a license, the department ~~[of health and senior services]~~ shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of ~~[health and senior services]~~ **elementary and**

secondary education. If no written request for a hearing is received by the department of ~~[health and senior services]~~ **elementary and secondary education** within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of ~~[health and senior services]~~ **elementary and secondary education** shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of ~~[health and senior services]~~ **elementary and secondary education** may issue letters of censure or warning without formal notice or hearing. Additionally, the department of ~~[health and senior services]~~ **elementary and secondary education** may place a licensee on probation pursuant to chapter 621.

4. The department of ~~[health and senior services]~~ **elementary and secondary education** may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department ~~[of health and senior services]~~ finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of ~~[health and senior services]~~ **elementary and secondary education**. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of ~~[health and senior services]~~ **elementary and secondary education** within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of ~~[health and senior services]~~ **elementary and secondary education**, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of ~~[health and senior services]~~ **elementary and secondary education**, the department ~~[of health and senior services]~~ may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, including an unlicensed, nonexempt facility, the department of **elementary and secondary education** may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility. Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.

7. Any person who operates an unlicensed, nonexempt child-care facility in violation of the provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not less than seven hundred fifty dollars and not more than two thousand dollars. The department of **elementary and secondary education** shall serve upon such person written notice of the department's findings as to the child-care facility's unlicensed, nonexempt status, along with educational materials about Missouri's child-care facility laws and regulations, how a facility may become exempt or licensed, and penalties for operating an unlicensed, nonexempt child-care facility. The notice shall contain a statement that the person shall have thirty days to become compliant with sections 210.201 to 210.245, including attaining exempt status or becoming licensed. The person's failure to do so shall result in a civil action in the circuit court of Cole County or criminal charges under this section. If, following the receipt of the written notice, the person operating the child-care facility fails to become compliant with sections 210.201 to 210.245, the department may bring a civil action in the circuit court of Cole County against such person. The department may, but shall not be required to, request that the attorney general bring the action in place of the department. No civil action provided by this subsection shall be brought if the criminal penalties under subsection 1 of this section have been previously ordered against the person for the same violation. Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.

8. There shall be established the "Family Child Care Provider Fund" in the state treasury, which shall consist of such funds as appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of **elementary and secondary**

education for the dissemination of information concerning compliance with child-care facility laws and regulations, including licensed or exempt status; educational initiatives relating to, inter alia, child care, safe sleep practices, and child nutrition; and the provision of financial assistance on the basis of need for family child-care homes to become licensed, as determined by the department and subject to available moneys in the fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

210.251. 1. ~~By January 1, 1994,~~ Financial incentives shall be provided by the department of ~~health and senior services~~ **elementary and secondary education** through the child development block grant and other public moneys for child-care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health and senior services shall make federal funds available to licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult Care Food Program, 42 U.S.C. Section 1766.

3. Notwithstanding any other provision of law to the contrary, in the administration of the program for at-risk children through the Child and Adult Care Food Program, 42 U.S.C. Section 1766, this state shall not have requirements that are stricter than federal regulations for participants in such program. Child care facilities shall not be required to be licensed child care providers to participate in such federal program so long as minimum health and safety standards are met and documented.

210.254. 1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision (17) of subsection 1 of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of ~~health and senior services~~ **elementary and secondary education** other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of ~~health and senior services~~ **elementary and secondary education** regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted under the provisions of section 210.1080;

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the department of ~~health and senior services~~ **elementary and secondary education**.

210.255. 1. A parent or guardian of a child enrolled in a child care facility established, maintained or operated by a religious organization who has cause to believe that this section and section 210.254 are being violated may notify appropriate local law enforcement authorities.

2. If a child care facility maintained or operated under the exclusive control of a religious organization is suspected of violating any provision of sections 210.252 to 210.255, or if there is good cause to believe that the signatory made a materially false statement in the notice of parental responsibility required by sections 210.252 to 210.255, the department of ~~health and senior services~~ **elementary and secondary education** shall give twenty days' written notice to the facility concerning the nature of its suspected noncompliance. If compliance is not forthcoming within the twenty days, the department shall thereafter notify the prosecuting attorney of the county wherein the facility is located concerning the suspected noncompliance. If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department, the department of ~~health and senior services~~ **elementary and secondary education** may notify the attorney general concerning the suspected noncompliance and the attorney general may proceed under section ~~[210.248]~~ **27.060**.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for such person or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of section 210.252. The injunction shall remain in force until such time as the court determines that the child-care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child-care facility, the department of ~~health and senior services~~ **elementary and secondary education** may apply to the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.258. 1. The provisions of this section and section 210.259 apply to a child care facility maintained or operated under the exclusive control of a religious organization. Nothing in sections 210.252 to 210.257 shall be construed to authorize the department of ~~health and senior services~~ **elementary and secondary education** or any other governmental entity:

(1) To interfere with the program, curriculum, ministry, teaching or instruction offered in a child care facility;

(2) To interfere with the selection, certification, minimal formal educational degree requirements, supervision or terms of employment of a facility's personnel;

(3) To interfere with the selection of individuals sitting on any governing board of a child care facility;

(4) To interfere with the selection of children enrolled in a child care facility; or

(5) To prohibit the use of corporal punishment. However, the department of ~~health and senior services~~ **elementary and secondary education** may require the child care facility to provide the parent or guardian enrolling a child in the facility a written explanation of the disciplinary philosophy and policies of the child care facility.

2. Nothing in subdivisions (2) and (3) of **subsection 1** of this section shall be interpreted to relieve a child care facility of its duties and obligations under section 210.1080, or to interfere with the department's duties and obligations under said section.

210.275. Any program licensed by the department of ~~health and senior services~~ **elementary and secondary education** pursuant to this chapter providing child care to school-age children that is located and operated on elementary or secondary school property shall comply with the child-care licensure provisions in this chapter; except that, for safety, health and fire purposes, all buildings and premises for any such programs shall be deemed to be in compliance with the child-care licensure provisions in this chapter.

210.1007. 1. The department of ~~health and senior services~~ **elementary and secondary education** shall ~~on or before July 1, 2003, and~~ quarterly ~~thereafter,~~ provide all child-care facilities licensed pursuant to this chapter with a comprehensive list of children's products that have been identified by the Consumer Product Safety Commission as unsafe.

2. Upon notification, a child-care facility shall inspect its premises and immediately dispose of any unsafe children's products which are discovered. Such inspection shall be documented by signing and dating the department's notification form in a space designated by the department. Signed and dated notification forms shall be maintained in the facility's files for departmental inspection.

3. During regular inspections, the department of **elementary and secondary education** shall document the facility's maintenance of past signed and dated notification forms. If the department discovers an unsafe children's product, the facility shall be instructed to immediately dispose of the product. If a facility fails to dispose of a product after being given notice that it is unsafe, it shall be considered a violation under the inspection.

4. The department of **elementary and secondary education** may promulgate rules for the implementation 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, 2002, shall be invalid and void.

210.1080. 1. As used in this section, the following terms mean:

(1) "Child care provider", a person licensed, regulated, or registered to provide child care within the state of Missouri, including the member or members, manager or managers, shareholder or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or registered to provide child care within the state of Missouri;

(2) "Child care staff member", a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; individuals residing in a family child care home who are ~~seventeen years of age or older before January 1, 2021, or~~ eighteen years of age or older ~~on or after January 1, 2021~~; or individuals residing in a ~~family child care~~ home **where child care is provided** who are under ~~seventeen years of age before January 1, 2021, or under~~ eighteen years of age ~~on or after January 1, 2021,~~ and have been certified as an adult for the commission of an offense;

(3) "Criminal background check":

(a) A Federal Bureau of Investigation fingerprint check;

(b) A search of the National Crime Information Center's National Sex Offender Registry; and

(c) A search of the following registries, repositories, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five years:

a. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

b. The state sex offender registry or repository; and

c. The state-based child abuse and neglect registry and database;

(4) "~~Designated~~ Department", the department ~~[to which criminal background check results are sent; the department of health and senior services for child care staff members or prospective child care staff members of licensed child care facilities; and the department of social services for child care staff members or prospective child care staff members of a license-exempt child care facility or an unlicensed child care facility registered with the department of social services under section 210.027]~~ **of elementary and secondary education**;

(5) "Qualifying result" or "qualifying criminal background check", a finding that a child care staff member or prospective child care staff member is eligible for employment or presence in a child care setting described under this section.

2. (1) Prior to the employment or presence of a child care staff member in a licensed, **license-exempt, or unlicensed registered** child care facility, the child care provider shall request the results of a criminal background check for such child care staff member from the department ~~[of health and senior services]~~.

(2) ~~[Prior to the employment or presence of a child care staff member in a license-exempt child care facility or an unlicensed child care facility registered with the department of social services, the child care provider shall request the results of a criminal background check for such child care staff member from the department of social services.]~~

~~(3)~~ A prospective child care staff member may begin work for a child care provider after **receiving** the qualifying result of either a Federal Bureau of Investigation fingerprint check or a search of the Missouri criminal registry or repository with the use of fingerprints ~~[has been received from the designated department]~~; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

~~(4)~~ (3) Any individual who meets the definition of child care provider but is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility is not required to request the results of a criminal background check under this section; however, such individual shall be accompanied by an individual with a qualifying criminal background check in order to be present at the child care facility during child care hours.

3. The costs of the criminal background check shall be the responsibility of the child care staff member but may be paid or reimbursed by the child care provider at the provider's discretion. The fees charged for the criminal background check shall not exceed the actual cost of processing and administration.

4. Upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a licensed or license-exempt child care facility or an unlicensed child care facility registered with the department ~~[of social services]~~ and shall be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person:

- (1) Refuses to consent to the criminal background check as required by this section;
- (2) Knowingly makes a materially false statement in connection with the criminal background check as required by this section;
- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;
- (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or
- (5) Has pled guilty or nolo contendere to or been found guilty of:
 - (a) Any felony for an offense against the person as defined in chapter 565;
 - (b) Any other offense against the person involving the endangerment of a child as prescribed by law;
 - (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
 - (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
 - (e) Burglary in the first degree as defined in 569.160;
 - (f) Any misdemeanor or felony for robbery as defined in chapter 570;
 - (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
 - (h) Any felony for arson as defined in chapter 569;
 - (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive **weapon** as defined in section 571.072;
 - (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;
 - (k) A felony drug-related offense committed during the preceding five years; or
 - (l) Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the director of the ~~designated~~ department has knowledge.

5. Household members ~~[seventeen years of age or older before January 1, 2021, or eighteen years of age or older on or after January 1, 2021, or household members under seventeen years of age before January 1, 2021, or under eighteen years of age on or after January 1, 2021,]~~ who have been certified as an adult for the commission of an offense shall be ineligible to maintain a presence at a ~~[facility licensed as a family child care]~~ home **where child care is provided** during child care hours if any one or more of the provisions of subsection 4 of this section apply to such members.

6. A child care provider may also be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person~~;~~ or any person ~~[seventeen years of age or older before January 1, 2021, or]~~ eighteen years of age or older ~~[on or after January 1, 2021,]~~ residing in the household in which child care is being provided, excluding child care provided in the child's home, has been refused licensure or has experienced licensure suspension or revocation under section 210.221 or 210.496.

7. A child care provider shall not be required to submit a request for a criminal background check under this section for a child care staff member if:

- (1) The staff member received a qualifying criminal background check within five years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;
- (2) The department of **elementary and secondary education**, the department of health and senior services, or the department of social services provided to the first provider a qualifying criminal background check result, consistent with this section, for the staff member; and
- (3) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty consecutive days.

8. (1) The department ~~[processing]~~ **shall process** the request for a criminal background check for any prospective child care staff member or child care staff member ~~[shall do so]~~ as expeditiously as possible, but not to exceed forty-five days after the date on which the provider submitted the request.

(2) The department shall provide the results of the criminal background check to the child care provider in a statement that indicates whether the prospective child care staff member or child care staff member is eligible or ineligible for employment or presence at the child care facility or receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits. The department shall not reveal to the child care provider any disqualifying crime or other related information regarding the prospective child care staff member or child care staff member.

(3) If such prospective child care staff member or child care staff member is ineligible for employment or presence at the child care facility, the department shall, when providing the results of criminal background check, include information related to each disqualifying crime or other related information, in a report to such prospective child care staff member or child care staff member, along with information regarding the opportunity to appeal under subsection 9 of this section.

(4) If a prospective child care provider or child care provider has been denied state or federal funds by the department ~~[of social services]~~ for providing child care, ~~[he or she]~~ **such individual** may appeal such denial to the department ~~[of social services]~~ **under section 210.027.**

9. (1) The prospective child care staff member or child care staff member may appeal a finding of ineligibility for employment or presence at a child care facility in writing to the department ~~[that made the determination of ineligibility]~~ to challenge the accuracy or completeness of the information contained in ~~[his or her]~~ **such individual's** criminal background check if ~~[his or her]~~ **such individual's** finding of ineligibility is based on one or more of the following offenses:

- (a) Murder, as described in 18 U.S.C. Section 1111;
- (b) Felony child abuse or neglect;
- (c) A felony crime against children, including child pornography;
- (d) Felony spousal abuse;
- (e) A felony crime involving rape or sexual assault;
- (f) Felony kidnapping;
- (g) Felony arson;
- (h) Felony physical assault or battery;
- (i) A violent misdemeanor offense committed as an adult against a child, including the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving child pornography; or
- (j) Any similar offense in any federal, state, municipal, or other court.

(2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of this subsection, the prospective child care staff member or child care staff member may appeal to challenge the accuracy or completeness of the information contained in ~~[his or her]~~ **such individual's** criminal background check or to offer information mitigating the results and explaining why an eligibility exception should be granted.

(3) The **written** appeal shall be filed with the department ~~[that made the determination]~~ within ten days from the mailing of the notice of ineligibility. ~~[Such]~~ **The** department shall attempt to verify the accuracy of the information challenged by the individual, including making an effort to locate any missing disposition information related to the disqualifying offense. After the department verifies the accuracy of the information challenged by the individual, the department shall ~~[forward the appeal to the child care background screening review committee established in subdivision (4) of this subsection. The child care background screening review committee shall]~~ make a final decision on the written appeal, and such decision shall be made in a timely manner. Such decision shall be considered a noncontested final agency decision by the department ~~[that made the determination of ineligibility under this section]~~ and appealable under section 536.150. Such decision shall be appealed within thirty days of the mailing of the decision.

~~[(4) There is hereby established a "Child Care Background Screening Review Committee", which shall consist of the directors of the department of health and senior services and the department of social services or the directors' designee or designees.~~

~~(5) Any decision by the child care background screening review committee to grant an eligibility exception as allowed in this section shall only be made upon the approval of all committee members.~~

~~10. The department of health and senior services and the department of social services are authorized to enter into any agreements necessary to facilitate the sharing of information between the departments for the enforcement of this section including, but not limited to, the results of the criminal background check or any of its individual components.~~

~~11.]~~ **10.** Nothing in this section shall prohibit ~~[either]~~ the department ~~[of health and senior services or the department of social services]~~ from requiring more frequent checks of the family care safety registry established under section 210.903 or the central registry for child abuse established under section 210.109 in order to determine eligibility for employment or presence at the child care facility or receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits.

~~[12.]~~ **11.** The department ~~[of health and senior services and the department of social services]~~ may ~~[each]~~ adopt emergency rules to implement the requirements 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, 2018, shall be invalid and void.

~~[13-]~~ 12. The provisions of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision (17) of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.

~~[210.199. Any applicant for a grant or contract who offers early childhood development, education or care programs and who receives funds derived from an appropriation to the department of elementary and secondary education pursuant to paragraph (d) of subdivision (3) of section 313.835 shall be licensed by the department of health and senior services pursuant to sections 210.201 to 210.259 prior to opening of the facility. The provisions of this section shall not apply to any grant or contract awarded to a request for proposal issued prior to August 28, 1999.]; and~~

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

Representative Kelley (127) offered **House Amendment No. 1 to House Amendment No. 3**.

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 2376, Page 7, Line 3, by inserting after the word "request" the phrase "**provided, however, that no information identifying the reporters shall be made available**"; and

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

On motion of Representative Kelley (127), **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Shields, **House Amendment No. 3, as amended**, was adopted.

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26, by inserting after all of said section and line the following:

"210.493. 1. Officers, managers, contractors, volunteers with access to children, **and employees**~~], and other support staff~~ of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

2. Officers, managers, contractors, volunteers with access to children, **and** employees ~~], and other support staff]~~ of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

3. A background check shall include:

(1) A **state and** Federal Bureau of Investigation fingerprint check; **and**

(2) ~~[A search of the National Crime Information Center's National Sex Offender Registry; and~~

~~(3)]~~ A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant resided during the preceding five years:

(a) The state criminal registry or repository, with the use of fingerprints being required in the state where the applicant resides and optional in other states;

(b) The state sex offender registry or repository;

(c) The state family care safety registry; and

(d) The state-based child abuse and neglect registry and database.

4. For the purposes this section and notwithstanding any other provision of law, "department" means the department of social services.

5. The department shall be responsible for background checks as part of a residential care facility or child placing agency application for licensure, renewal of licensure, or for license monitoring.

6. The department shall be responsible for background checks for residential care facilities subject to the notification requirements of sections 210.1250 to 210.1286.

7. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the department.

8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks under this section shall be valid for a period of five years.

9. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed residential care facility or licensed child placing agency. The department shall not reveal to the residential care facility or the child placing agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

10. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not reveal to the residential care facility any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

11. An applicant shall be ineligible if the applicant:

(1) Refuses to consent to the background check as required by this section;

(2) Knowingly makes a materially false statement in connection with the background check as required by this section;

(3) Is registered, or is required to be registered, on a state sex offender registry or repository ~~[or the National Sex Offender Registry];~~

(4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or

(5) Has pled guilty or nolo contendere to or been found guilty of:

(a) Any felony for an offense against the person as defined in chapter 565;

(b) Any other offense against the person involving the endangerment of a child as prescribed by law;

(c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

- (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
- (e) Burglary in the first degree as defined in section 569.160;
- (f) Any misdemeanor or felony for robbery as defined in chapter 570;
- (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
- (h) Any felony for arson as defined in chapter 569;
- (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;
- (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;
- (k) A felony drug-related offense committed during the preceding five years; or
- (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the department has knowledge.

12. Any person aggrieved by a decision of the department shall have the right to seek an administrative review. The review shall be filed with the department within fourteen days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

13. Any required fees shall be paid by the individual applicant, facility, or agency.

14. The department is authorized to promulgate rules, including emergency rules, to implement 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 July 14, 2021, shall be invalid and void."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 2376, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"162.720. 1. **(1) This subdivision shall apply to all school years ending before July 1, 2024.** Where a sufficient number of children are ~~determined to be~~ **identified as** gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

(2) For school year 2024-25 and all subsequent school years, if three percent or more of students enrolled in a school district are identified as gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, the district shall establish a state-approved gifted program for gifted children.

2. **For school year 2024-25 and all subsequent school years, any teacher providing gifted services to students in districts with an average daily attendance of more than three hundred fifty students shall be certificated in gifted education. In districts with an average daily attendance of three hundred fifty students or fewer, any teacher providing gifted services shall not be required to be certificated to teach gifted education but such teacher shall annually participate in at least six clock hours of professional development focused on gifted services. The school district shall pay for such professional development focused on gifted services.**

3. The state board of education shall determine standards for such **gifted programs and gifted services.** Approval of ~~such~~ **gifted** programs shall be made by the state department of elementary and secondary education based upon project applications submitted ~~by July fifteenth of each year~~ **at a time and in a form determined by the department of elementary and secondary education.**

~~[3-]~~ 4. No district shall ~~[make a determination as to whether]~~ identify a child ~~[is]~~ as gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall ~~[determine]~~ identify a child ~~[is]~~ as gifted only if the child meets the definition of gifted children as provided in section 162.675.

~~[4-]~~ 5. Any district with a gifted education program approved under subsection ~~[2]~~ 3 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision ~~[that determined]~~ that their child did not qualify to receive services through the district's gifted education program.

~~[5-]~~ 6. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district's gifted education program.

7. **The department of elementary and secondary education may promulgate all necessary rules and regulations for the implementation and administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**"; and

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

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

Representative Veit offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26, by inserting after all of said section and line the following:

"210.201. As used in sections 210.201 to 210.257, the following terms mean:

- (1) "Child", an individual who is under the age of seventeen;
- (2) "Child care", care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) "Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
 - (a) Six children; or
 - (b) Three children under two years of age;
- (4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- (5) **"Day camp", a program operated by a person or organization between the hours of 6:00 a.m. and 7:00 p.m. when a local school system is not in session requiring actual pupil attendance with the primary function of providing a recreational program for children five years of age or older who are enrolled in kindergarten or any grade above kindergarten but providing no child care for children under five years of age who are not yet enrolled in kindergarten in the same space or in the same outdoor play area simultaneously;**
- (6) "Montessori school", a child care program that is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;
- ~~[(6)]~~ (7) "Neighborhood youth development program", as described in section 210.278;

~~[(7)]~~ (8) "Nursery school", a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

~~[(8)]~~ (9) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;

~~[(9)]~~ (10) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

~~[(10)]~~ (11) "School system", a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

~~[(11)]~~ (12) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same ~~[building]~~ space or in the same outdoor play area **simultaneously**.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(3) Any graded boarding school that is conducted in good faith primarily to provide education;

(4) Any summer **or day** camp that is conducted in good faith primarily to provide recreation;

(5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

(7) Any school system as defined in section 210.201;

(8) Any Montessori school as defined in section 210.201;

(9) Any business that operates a child care program for the convenience of its customers if the following conditions are met:

(a) The business provides child care for employees' children for no more than four hours per day; and

(b) Customers remain on site while their children are being cared for by the business establishment;

(10) Any home school as defined in section 167.031;

(11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

(13) Any neighborhood youth development program under section 210.278;

(14) Any religious organization elementary or secondary school;

(15) Any private organization elementary or secondary school system providing child care to children younger than school age. If a facility or program is exempt from licensure based upon this exception, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status;

(16) Any nursery school as defined in section 210.201; and

(17) Any child care facility maintained or operated under the exclusive control of a religious organization.

If a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

3. ~~[Any]~~ **Every** child care facility ~~[not exempt from licensure]~~ shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian **utilizing an unlicensed child care facility** shall sign a written notice indicating he or she is aware of the ~~[licensure]~~ **unlicensed** status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility."; and

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

Representative Burnett offered **House Amendment No. 1 to House Amendment No. 6.**

*House Amendment No. 1
to
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 2376, Page 1, Line 1, by inserting after the number "2376," the following:

"Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"135.347. 1. As used in this section, the following terms mean:

(1) "Qualified taxpayer", any employer subject to the state income tax imposed under chapter 143, excluding the withholding tax imposed under sections 143.191 to 143.265, who pays for or provides child day care services, including the provision of the service of locating such services, to its employees or that provides facilities and necessary equipment for child day care services;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2023, a qualified taxpayer shall be allowed to claim a tax credit against the qualified taxpayer's state tax liability as follows:

(1) Thirty percent of the total amount expended in the state during the tax year by a qualified taxpayer for child day care services purchased to provide care for the dependent children of the qualified taxpayer's employees or for the provision of the service of locating such services for such children;

(2) (a) In the tax year in which a facility providing child day care services in the state for use primarily by the dependent children of the qualified taxpayer's employees is established, fifty percent of the total amount expended during such year by a qualified taxpayer in the establishment and operation of such facility;

(b) For all tax years beginning on or after January 1, 2023, in the tax years other than the tax year to which paragraph (a) of this subdivision applies, fifty percent of the total amount expended during the tax year by a qualified taxpayer for the operation of a facility described in this subdivision less the amount of moneys received by the qualified taxpayer for use of such facility for child day care services;

(3) (a) In the tax year in which a facility providing child day care services in the state for use primarily by the dependent children of the qualified taxpayer's employees is established in conjunction with one or more other qualified taxpayers, fifty percent of the total amount expended during such year by a qualified taxpayer in the establishment and operation of such facility;

(b) For all tax years beginning on or after January 1, 2023, in the tax years other than the tax year to which paragraph (a) of this subdivision applies, fifty percent of the total amount expended during the tax year by a qualified taxpayer for the operation of a facility described in this subdivision less the amount of moneys received by the qualified taxpayer for use of such facility for child day care services; and

(4) For all tax years beginning on or after January 1, 2023, fifty percent of the total amount expended during the tax year by a qualified taxpayer as payments to an organization providing access to available child day care services for the qualified taxpayer's employees.

3. No credit shall be allowed under this section unless the child day care facility or provider is licensed or registered under Missouri law.

4. The credit allowed by subdivision (1) of subsection 2, paragraph (b) of subdivision (2) of subsection 2, and paragraph (b) of subdivision (3) of subsection 2 shall not exceed thirty thousand dollars for any qualified taxpayer during any tax year. The credit allowed by paragraph (a) of subdivision (2) of subsection 2, paragraph (a) of subdivision (3) of subsection 2, and subdivision (4) of subsection 2 shall not exceed forty-five thousand dollars for any qualified taxpayer during any tax year.

5. The amount of the credit that exceeds the tax liability for the tax year shall be refunded to the qualified taxpayer.

6. If the qualified taxpayer is a corporation having an election in effect under Subchapter S of the federal Internal Revenue Code or a partnership, the credit provided by this section shall be claimed by the shareholders of such corporation or the partners of such partnership in the same manner as such shareholders or partners account for their proportionate shares of the income or loss of the corporation or partnership.

7. The cumulative amount of tax credits allowed to all qualified taxpayers under this section shall not exceed three million dollars per tax year. If the amount of tax credits claimed in a tax year under this section exceeds three million dollars, tax credits shall be allowed based on the order in which they are claimed.

8. No tax credit claimed under this section shall be carried forward to any subsequent tax year.

9. No tax credit claimed under this section shall be assigned, transferred, sold, or otherwise conveyed.

10. The department of revenue shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the provisions authorized under this section are sunset."; and

Further amend said bill,"; and

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

Representative Schwadron raised a point of order that **House Amendment No. 1 to House Amendment No. 6** amends previously amended material.

The point of order was withdrawn.

House Amendment No. 1 to House Amendment No. 6 was withdrawn.

Representative Toalson Reisch offered **House Amendment No. 2 to House Amendment No. 6**.

House Amendment No. 2
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 2376, Page 3, Line 39, by deleting said line and inserting in lieu thereof the following:

"of the child care facility.

4. Up to two children who are five years of age or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court-appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care facility that is organized as a corporation, association, firm, partnership, limited liability company, sole proprietorship, or any other type of business entity in this state shall not be included in the number of children counted toward the maximum number of children for which the licensed family child care facility is licensed under section 210.221. If more than one member of the corporation, association, firm, partnership, limited liability company, or other business entity is responsible for the daily operation of the licensed family child care facility, then the related children of only one such member shall be excluded. A licensed family child care facility caring for children not counted in the maximum number of children, as permitted under this subsection, shall disclose this to parents or guardians on the written notice required under subsection 3 of this section. If a licensed family child care facility begins caring for children not counted in the maximum number of children after a parent or guardian has signed the written notice required under subsection 3 of this section, the licensed family child care facility shall provide a separate notice to the parent or guardian that the licensed family child care facility is caring for children not counted in the maximum number of children for which the licensed family child care facility is licensed and shall keep a copy of the signed notice on file.

5. Nothing in this section shall prevent the department from enforcing licensing regulations promulgated under this chapter, including, but not limited to, supervision requirements and capacity limitations based on the amount of child care space available.

6. Notwithstanding any other provision of law to the contrary, any licensed child care facility receiving funding for a child in the facility's care under the Child Care and Development Block Grant Act of 2014, as amended, and not utilizing the exemptions outlined in this section, shall abide by the licensure provisions required under this chapter to receive such funding.

Section B. Because of the need for safe and adequate child care services for Missouri families, the repeal and reenactment of sections 210.201 and 210.211 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 210.201 and 210.211 of section A of this act shall be in full force and effect upon its passage and approval."; and"; and

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

On motion of Representative Toalson Reisch, **House Amendment No. 2 to House Amendment No. 6** was adopted.

On motion of Representative Veit, **House Amendment No. 6, as amended**, was adopted.

Representative Shields offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 2376, Page 1, Section A, Line 2, by inserting after all of the said section and line the following:

"161.217. 1. The department of elementary and secondary education, in collaboration with **the department's office of childhood**, the Missouri Head Start State Collaboration Office, and the departments of ~~[health and senior services,]~~ mental health~~[-]~~ and social services, shall ~~[develop, as a three-year pilot program,]~~ **provide a continuous quality improvement process for early learning programs and present families with consumer education about the quality of early learning programs by producing** a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

2. Participation in the early learning quality assurance report ~~[pilot]~~ program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.

3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.

4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) ~~[The provisions of the new program authorized under]~~ This section shall ~~[automatically]~~ sunset ~~[three years after August 28, 2019, unless reauthorized by an act of the general assembly; and~~

~~(2) If such program is reauthorized, the program authorized under this section shall automatically sunset three years after the effective date of the reauthorization of this section]~~ **on August 28, 2026; and**

~~[(3)]~~ **(2)** This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

On motion of Representative Shields, **House Amendment No. 7** was adopted.

On motion of Representative Kelly (141), **HCS HB 2376, as amended**, was adopted.

On motion of Representative Kelly (141), **HCS HB 2376, as amended**, was ordered perfected and printed.

HB 2325, relating to the workforce diploma program, was taken up by Representative Patterson.

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

House Amendment No. 4

AMEND House Bill No. 2325, Page 1, In the Title, Lines 2 and 3, by deleting the words "the workforce diploma program" and inserting in lieu thereof the words "professional development"; and

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

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

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

House Amendment No. 5

AMEND House Bill No. 2325, Page 1, Section A, Line 2, by inserting after all of the said section and line the following:

"160.565. 1. This act shall be known and may be cited as the "Extended Learning Opportunities Act".

2. As used in this section, the following terms mean:

(1) "Extended learning opportunity", an out-of-classroom learning experience that is approved by a local school board, or a charter school and that provides a student with:

(a) Enrichment opportunities;
(b) Career readiness or employability skills opportunities including, but not limited to, internships; preapprenticeships; or apprenticeships; or

(c) Any other approved educational opportunity;

(2) "Parent", a student's parent, guardian, or other person having control or custody of such student;

(3) "Student", any child attending an elementary or secondary public school in grades kindergarten through twelve.

3. Beginning with the 2023-24 school year, each local school board or charter school shall routinely inform students and parents of the ability for students to earn credit for participating in extended learning opportunities. Public schools and charter schools may assist students and parents in completing enrollment processes required for participating in approved extended learning opportunities. No student or parent shall be required to obtain permission from the student's school district or charter school to enroll in an extended learning opportunity. Before participating in any extended learning opportunity, the student and at least one parent shall sign an agreement detailing all program requirements in a form developed by the department of elementary and secondary education and approved by the state board of education.

4. An extended learning opportunity shall count as a credit toward graduation requirements and the achievement of applicable state standards for students. To receive credit, a student shall submit a written request for credit and proof of successful completion of the extended learning opportunity to a designated administrator of the school the student attends.

5. Each local school district and charter school shall adopt, distribute, and implement extended learning opportunities policies that provide all of the following:

(1) An application process for accepting and approving extended learning opportunities offered for credit from outside entities;

(2) A list of entities that are eligible to submit applications to offer extended learning opportunities including, but not limited to:

(a) Nonprofit organizations;

(b) Businesses with established locations;

(c) Trade associations; and

(d) The Armed Forces of the United States, subject to applicable age requirements;

(3) A process for students and parents to request credit;

(4) Criteria that school districts and charter schools shall use to determine whether a proposed extended learning opportunity shall be approved; and

(5) Criteria that school districts and charter schools shall use to award a certificate of completion and credit for completing an extended learning opportunity including, but not limited to, allowing a student to demonstrate competencies through performance-based assessments and other methods independent of instructional time and credit hours.

6. An entity approved by the state board of education to offer an extended learning opportunity shall be automatically qualified to offer that extended learning opportunity to all school districts and charter schools.

7. A student who successfully completes an approved extended learning opportunity and satisfies criteria for the award of a certification of completion and credit under subdivision (5) of subsection 5 of this section shall be considered to have completed all required coursework for the particular course. In an

extended learning opportunity that satisfies all required coursework for a high school course, the student shall also be considered to have satisfied the equivalent number of credits toward the student's graduation requirements.

8. Any policy or procedure adopted by the state board of education, a school board, or a charter school for participating in an extended learning opportunity shall provide every student an equal opportunity to participate and shall satisfy established timelines and requirements for purposes of transcribing credits and state reporting.

9. The state board of education may promulgate rules to implement 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 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, 2022, shall be invalid and void."; and

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

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

Representative Patterson offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Bill No. 2325, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"160.2700. For purposes of sections 160.2700 to 160.2725, "adult high school" means a school that:

- (1) Is for individuals who do not have a high school diploma and who are twenty-one years of age or older;
- (2) Offers an industry certification program or programs and a high school diploma in a manner that allows students to earn a diploma at the same time that they earn an industry certification;
- (3) Offers ~~on-site~~ child care for children of enrolled students attending the school; and
- (4) Is not eligible to receive funding under section 160.415 or 163.031.

160.2705. 1. The department of elementary and secondary education shall authorize before January 1, 2018, a Missouri-based nonprofit organization meeting the criteria under subsection 2 of this section to establish and operate four adult high schools, with:

- (1) One adult high school to be located in a city not within a county;
- (2) One adult high school to be located in a county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants or a county contiguous to that county;
- (3) One adult high school to be located in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a county contiguous to that county; and
- (4) One adult high school to be located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

2. The department of elementary and secondary education shall grant the authorization described under subsection 1 of this section based on a bid process conducted in accordance with the rules and regulations governing purchasing through the office of administration. The successful bidder shall:

- (1) Demonstrate the ability to establish, within twenty-one months of the receipt of the authorization, four adult high schools offering high school diplomas, an industry certification program or programs, and ~~on-site~~ child care for children of the students attending the high schools;
- (2) Commit at least two million dollars in investment for the purpose of establishing the necessary infrastructure to operate four adult high schools;
- (3) Demonstrate substantial and positive experience in providing services, including industry certifications and job placement services, to adults twenty-one years of age or older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

- (4) Establish a partnership with a state-supported postsecondary education institution or more than one such partnership, if a partnership or partnerships are necessary in order to meet the requirements for an adult high school;
 - (5) Establish a comprehensive plan that sets forth how the adult high schools will help address the need for a sufficiently trained workforce in the surrounding region for each adult high school;
 - (6) Establish partnerships and strategies for engaging the community and business leaders in carrying out the goals of each adult high school;
 - (7) Establish the ability to meet quality standards through certified teachers and programs that support each student in ~~his or her~~ **such student's** goal to find a more rewarding job;
 - (8) Establish a plan for assisting students in overcoming barriers to educational success including, but not limited to, educational disadvantages, homelessness, criminal history, disability, including learning disability such as dyslexia, and similar circumstances;
 - (9) Establish a process for determining outcomes of the adult high school, including outcomes related to a student's ability to find a more rewarding job through the attainment of a high school diploma and job training and certification; and
 - (10) Bids shall not include an administrative fee greater than ten percent.
3. (1) The department of elementary and secondary education shall establish academic requirements for students to obtain high school diplomas.
 - (2) Requirements for a high school diploma shall be based on an adult student's prior high school achievement and the remaining credits and coursework that would be necessary for the student to receive a high school diploma if ~~he or she~~ **such student** were in a traditional high school setting. The adult student shall meet the requirements with the same level of academic rigor as would otherwise be necessary to attain such credits.
 - (3) The adult high school authorized under this section shall award high school diplomas to students who successfully meet the established academic requirements. The adult high school authorized under this section shall confer the diploma as though the student earned the diploma at a traditional high school. The diploma shall have no differentiating marks, titles, or other symbols.
 - (4) Students at adult high schools may complete required coursework at their own pace and as available through the adult high school. They shall not be required to satisfy any specific number of class minutes. The adult high school may also make classes available to students online as may be appropriate. However, students shall not complete the majority of instruction of the school's curriculum online or through remote instruction. **For the purposes of this subsection, synchronous instruction connecting students to a live class conducted in a Missouri adult high school shall be treated the same as in-person instruction.**
 - (5) The department of elementary and secondary education shall not create additional regulations or burdens on the adult high school or the students attending the adult high schools beyond certifying necessary credits and ensuring that students have sufficiently mastered the subject matter to make them eligible for credit.
 4. **An adult high school shall be deemed a "secondary school system" for the purposes of subdivision (15) of subsection 1 of section 210.211.**; and

Further amend said bill, Page 2, Section 173.831, Line 21, by deleting said line and inserting in lieu thereof the following:

"reimbursed to an approved program provider for each cohort during the period of time from the beginning of the same cohort through the subsequent twelve months after the close of the same cohort, divided by the total number of students who graduated from the same cohort within twelve months after the close of the same cohort;"; and

Further amend said bill, page, and section, Lines 38 through 40, by deleting said lines and inserting in lieu thereof the following:

"(13) "Graduation rate", the total number of graduates from a cohort who graduated within twelve months after the close of the cohort divided by the total number of students included in the same cohort;"; and

Further amend said bill and section, Page 4, Line 111, by inserting after the word **"approved"** the word **"program"**; and

Further amend said bill, page, and section, Line 124, by inserting after the first occurrence of the word "**credential**" the phrase ", **technical skills assessment**,"; and

Further amend said bill and section, Page 5, Line 135, by inserting after the words "**offered by the**" the word "**approved**"; and

Further amend said bill, page, and section, Line 149, by inserting after the word "**department**" the words "**for each individual cohort, on a cohort-by-cohort basis**"; and

Further amend said bill, page, and section, Lines 154 through 158, by deleting said lines and inserting in lieu thereof the following:

"and technical skills assessments earned for each tier of funding;
(5) The total number of graduates;
(6) The average cost per graduate once the stipulated time to make such a calculation has passed;
and
(7) The graduation rate once the stipulated time to make such a calculation has passed.
9. (1) Before September sixteenth of each year, each approved program provider shall conduct and submit to the department the aggregate results of a survey of each individual cohort, on a cohort-by-cohort basis, who graduated from the program of the approved program provider"; and

Further amend said bill and section, Page 6, Line 169, by deleting the word "**Upon**" and inserting in lieu thereof the words "**Beginning at**"; and

Further amend said bill, page, and section, Line 172, by deleting said line and inserting in lieu thereof the following:

"(a) A minimum fifty percent average graduation rate per cohort; and"; and

Further amend said bill, page, and section, Line 173, by inserting after the words "**per graduate**" the words "**per cohort**"; and

Further amend said bill, page, and section, Line 179, by inserting after the word "**approved**" the word "**program**"; and

Further amend said bill, page, and section, Line 183, by inserting after the word "**approved**" the word "**program**"; and

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

On motion of Representative Patterson, **House Amendment No. 6** was adopted by the following vote, the ayes and notes having been demanded pursuant to Rule 16:

AYES: 130

Adams	Anderson	Andrews	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Basye
Billington	Black 137	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Burton	Butz	Chipman	Christofanelli	Clemens
Coleman 97	Collins	Cook	Copeland	Cupps
Davidson	Davis	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96
Griffith	Gunby	Haden	Haffner	Haley

Hardwick	Henderson	Hicks	Houx	Hovis
Hudson	Ingle	Johnson	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McDaniel	McGaugh	McGill
Morse	Mosley	Murphy	Nurrenbern	O'Donnell
Owen	Patterson	Perkins	Person	Phifer
Pike	Plocher	Porter	Pouche	Price IV
Proudie	Quade	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Rogers	Rone
Rowland	Sander	Sassmann	Sauls	Schwadron
Seitz	Sharp 36	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 45	Smith 67	Stephens 128
Stevens 46	Tate	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Turnbaugh	Unsicker
Van Schoiack	Veit	Walsh 50	Walsh Moore 93	Weber
West	Wiemann	Windham	Young	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 027

Aldridge	Appelbaum	Barnes	Black 7	Bland Manlove
Boggs	Busick	Coleman 32	Deaton	DeGroot
Derges	Doll	Grier	Hurlbert	Kalberloh
Lewis 25	Merideth	Pietzman	Pollitt 52	Pollock 123
Roden	Schnelting	Schroer	Smith 163	Stacy
Trent	Wright			

VACANCIES: 006

On motion of Representative Patterson, **HB 2325, as amended**, was ordered re-perfected and printed.

HB 2365, relating to the early learning quality assurance report program, was taken up by Representative Shields.

On motion of Representative Shields, the title of **HB 2365** was agreed to.

On motion of Representative Shields, **HB 2365** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HB 2589, HB 2615, HB 2674, HCS HB 2810, HCS HB 1553, HCS HB 1704, HCS HB 1753, HCS HB 1858, HB 1960, and HCS HB 2008 were placed on the Informal Calendar.

HCS HB 2152, relating to school innovation waivers, was taken up by Representative Henderson.

On motion of Representative Henderson, the title of **HCS HB 2152** was agreed to.

Representative Baker assumed the Chair.

On motion of Representative Henderson, **HCS HB 2152** was adopted.

On motion of Representative Henderson, **HCS HB 2152** was ordered perfected and printed.

On motion of Representative Plocher, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 054

Anderson	Atchison	Aune	Basye	Billington
Bromley	Brown 16	Burton	Busick	Coleman 97
Cook	Copeland	Davidson	Davis	Evans
Francis	Gunby	Haden	Haffner	Haley
Hardwick	Hicks	Johnson	Kalberloh	Kelley 127
Kidd	Lewis 6	McGaugh	McGill	Morse
Murphy	Owen	Perkins	Phifer	Pike
Railsback	Reedy	Richey	Riggs	Roberts
Rone	Sander	Sassmann	Schnelting	Seitz
Shields	Taylor 139	Thompson	Toalson Reisch	Turnbaugh
Van Schoiack	Veit	Walsh 50	Young	

NOES: 002

Mackey	McDaniel
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PRESENT: 055

Adams	Andrews	Appelbaum	Baker	Bangert
Baringer	Black 137	Brown 70	Buchheit-Courtway	Burger
Burnett	Butz	Dinkins	Eggleston	Falkner
Fitzwater	Fogle	Gregory 51	Gregory 96	Griffith
Henderson	Houx	Hovis	Hudson	Knight
Mayhew	McCreery	Mosley	Nurrenbern	O'Donnell
Patterson	Plocher	Pollitt 52	Porter	Pouche
Proudie	Quade	Riley	Roden	Schwadron
Sharpe 4	Shaul	Smith 163	Smith 45	Stephens 128
Tate	Taylor 48	Terry	Thomas	Unsicker
Walsh Moore 93	Weber	Wiemann	Windham	Mr. Speaker

ABSENT WITH LEAVE: 046

Aldridge	Bailey	Barnes	Black 7	Bland Manlove
Boggs	Bosley	Brown 27	Chipman	Christofanelli
Clemens	Coleman 32	Collins	Cupps	Deaton

DeGroot	Derges	Dogan	Doll	Ellebracht
Fishel	Gray	Grier	Hurlbert	Ingle
Kelly 141	Lewis 25	Lovasco	Merideth	Person
Pietzman	Pollock 123	Price IV	Rogers	Rowland
Sauls	Schroer	Sharp 36	Simmons	Smith 155
Smith 67	Stacy	Stevens 46	Trent	West
Wright				

VACANCIES: 006

PERFECTION OF HOUSE BILLS - INFORMAL

HB 2090, relating to state employee pay periods, was taken up by Representative Griffith.

On motion of Representative Griffith, the title of **HB 2090** was agreed to.

On motion of Representative Griffith, **HB 2090** was ordered perfected and printed.

HCS HB 1683, relating to advanced placement examinations, was taken up by Representative Brown (16).

On motion of Representative Brown (16), the title of **HCS HB 1683** was agreed to.

On motion of Representative Brown (16), **HCS HB 1683** was adopted.

On motion of Representative Brown (16), **HCS HB 1683** was ordered perfected and printed.

HCS HB 1858, relating to the rights of parents, was taken up by Representative Baker.

On motion of Representative Baker, the title of **HCS HB 1858** was agreed to.

MOTION

Representative Baker, having voted on the prevailing side, moved that the vote by which the title of **HCS HB 1858** was agreed to be reconsidered.

Which motion was adopted by the following vote:

AYES: 091

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Dinkins
Dogan	Eggleston	Evans	Falkner	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griffith

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Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Kalberloh
Kelley 127	Lewis 6	Mayhew	McGill	Morse
Murphy	O'Donnell	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Railsback	Reedy	Richey	Riley
Roberts	Roden	Rone	Sander	Schnelting
Schwadron	Seitz	Sharpe 4	Shaul	Simmons
Smith 155	Smith 163	Stephens 128	Tate	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Veit	Walsh 50	Wiemann	Wright
Mr. Speaker				

NOES: 041

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Collins	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Mackey	McCreery	Mosley
Nurrenbern	Person	Phifer	Price IV	Quade
Rogers	Sharp 36	Smith 45	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Young				

PRESENT: 002

Proudie Windham

ABSENT WITH LEAVE: 023

Clemens	Coleman 32	Derges	Doll	Fishel
Hurlbert	Kelly 141	Kidd	Knight	Lewis 25
Lovasco	McDaniel	McGaugh	Merideth	Pietzman
Riggs	Rowland	Sassmann	Sauls	Schroer
Shields	Stacy	West		

VACANCIES: 006

Representative Baker offered House Amendment No. 1.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1858, Page 1, In the Title, Lines 2 to 3, by deleting the phrase "the rights of parents" and inserting in lieu thereof the phrase "transparency in public education"; and

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

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

Representative Basye offered House Amendment No. 2.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1858, Page 1, Section 37.850, Lines 4 to 11, by deleting all of the said lines and inserting in lieu thereof the following:

"2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to:

- (1) The purchase of goods and services and the distribution of funds for state programs;
- (2) All bonds issued by any public institution of higher education, **public school district**, or political subdivision of this state or its designated authority after August 28, 2013;
- (3) All obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority; ~~and~~
- (4) The revenue stream pledged to repay such bonds or obligations;
- (5) **All forms of compensation and benefits paid to or on behalf of public employees, including employees of political subdivisions, public institutions of higher education, public school districts, and public charter schools; and**
- (6) All debt incurred by any public charter school."; and

Further amend said bill and section, Page 2, Lines 21 to 36, by deleting all of the said lines and inserting in lieu thereof the following:

"5. Every political subdivision of the state, including public institutions of higher education ~~[but excluding]~~, **public school districts, and public charter schools** shall supply all information described in subsection 2 of this section to the office of administration within ~~[seven days of issuing or incurring such corresponding bond or obligation. For all such bonds or obligations issued or incurred prior to August 28, 2013, every such political subdivision and public institution of higher education shall have ninety days to supply such information to]~~ **the number of days and in a manner to be determined by** the office of administration.

6. Every school district and public charter school shall supply all information described in **subdivisions (2), (4), (5), and (6)** of subsection 2 of this section to the department of elementary and secondary education ~~[within seven days of issuing such bond, or incurring such debt]. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration. [For all such bonds issued or debt incurred prior to August 28, 2013, every school district and public charter school shall have ninety days to supply such information to the department of elementary and secondary education. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration.]~~"; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1858, Page 4, Section 161.841, Line 62, by deleting all of the said line and inserting in lieu thereof the following:

"child during school hours, except:

- (1) **During an emergency in which the safety of the students requires:**
 - (a) **A lockdown to limit exposure of building occupants to an imminent hazard or threat; or**
 - (b) **A lockout to prevent an outside hazard or threat from entering the building; and**
- (2) **No school district or public school shall allow an individual"; and**

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

Representative McCreery raised a point of order that an amendment was not timely distributed.

The Chair ruled the point of order not well taken.

Representative Coleman (97) offered **House Amendment No. 1 to House Amendment No. 3**.

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 1858, Page 1, Line 1, by inserting after the number "1858," the following:

"Page 2, Section 37.850, Line 36, by inserting the following after all of the said section and line:

"160.516. 1. Notwithstanding the provisions of section 160.514, the state board of education and the department of elementary and secondary education shall not be authorized to mandate and are expressly prohibited from mandating **or promoting** the curriculum, textbooks, or other instructional materials to be used in public schools. Each local school board shall be ~~[responsible for the approval and adoption of]~~ **required to approve and adopt the** curriculum used by the school district **at least six months prior to implementation**. The provisions of this subsection shall not apply to schools and instructional programs administered by the state board of education and the department of elementary and secondary education or to school districts that are classified as unaccredited.

2. The state board of education and the department of elementary and secondary education shall not require districts to use any appendix to the common core state standards.

3. The school board for each school district shall adopt policies and procedures to ensure the approved and adopted curricula presented under subsection 1 of this section are properly implemented in the classroom. The choice of academic class offerings and curriculum materials:

(1) **Shall not be based on surveys, inventories, or other evaluations, analyses, or assessments of:**

(a) **Student, family, or community immutable and other identifying characteristics including, but not limited to, race, binary sex, gender choices, religion, disabilities, or income;**

(b) **Psychological or social emotional data; or**

(c) **Trauma and other psychological and emotional problems; and**

(2) **Shall ensure schools meet the purpose of education as provided in the Missouri Constitution and disseminate the knowledge and intelligence needed to ensure the rights and liberties of legal United States citizens in Missouri.**

4. **At least five years of data showing percentages of students by grade level, subject, and percentage level of proficiency based on state assessment scores shall be posted in the same section as the curricula on the district's website and shall also be available for inspection at each school within the district.**

161.023. 1. **All administrator, teacher, and staff professional development and instructional programs offered to schools that are paid for with state funds, whether offered directly by the department of elementary and secondary education, another state agency, or by a third-party contractor, shall be fully transparent and available to the public as follows:**

(1) **All program materials, videos, links, and resources shall be publicly available at no charge on the department's website;**

(2) **All program offerings shall be open for public attendance. All program offerings shall be listed in one location on the department's website by date and show the title of the program, program description, location, and time. Programs shall be publicly posted at least thirty days in advance, with exceptions applying only when the program is added with fewer than thirty days notice based on an emergency as detailed by the school. Any resident of the state shall be allowed access in some manner to the program. Audio and video recordings of these programs shall be required and accessible to the public free of charge for at least three years after the event date. If a program recording was not made or maintained, the program date, name, and description shall still be listed on the website for three years after the event date has passed with a clear explanation as to why a recording is not available;**

(3) **Lists by school district showing date of attendance, name and position of district attendee, program name, and description shall be provided by request and free of charge to Missouri residents for the prior three years;**

(4) No on-site program shall be provided by a school prior to the local school board approving and adopting the state program; and

(5) Lists of local school boards that have approved the state program shall be provided on the department's website.

2. For programs offered to schools by third-party contractors, the department shall maintain data and information on the department's website related to those programs including, but not limited to, a breakdown by school district for each Missouri state-funded program showing the amount paid to the third-party contractor by year and by program, detailing the public funds spent on categories of program promotion, development, training, local implementation, and other miscellaneous costs such as travel and physical materials for the prior three years.

3. Information describing all items required to be made available to the public under this section and instructions for viewing such information on the department's website shall be posted on the Missouri education transparency and accountability portal created under section 161.852."; and

Further amend said bill,"; and

Further amend said amendment and page, Line 8, by inserting after said line the following:

"Further amend said bill and section, Page 5, Line 94, by inserting after said section and line the following:

"161.852. 1. The commissioner of education shall establish the "Missouri Education Transparency and Accountability Portal", which shall be an internet-based tool creating transparency in Missouri's public education system and providing citizens access to every school district's curricula, source materials, and professional development materials.

2. The portal shall consist of an easy-to-search database including, but not limited to, the following:

- (1) All curricula taught by the school district;**
- (2) All source materials used to develop a district's curricula;**
- (3) All documents used by a school district in the professional development of the district's faculty and staff including, but not limited to, administrators, teachers, counselors, and classroom support staff;**
- (4) All source materials used to develop the documents used by a school district in its professional development materials as outlined in subdivision (3) of this subsection;**
- (5) All speakers and guests used by a school district in its professional development activities;**
- (6) The costs associated with speakers and guests used by a school district in its professional development activities; and**
- (7) Information required to be posted on the portal under sections 161.023 and 170.360.**

3. The commissioner of education shall establish an online form that each school district in this state shall complete with information required under subsection 2 of this section.

4. A school district shall submit any updates to the information outlined in subsection 2 of this section within five business days of the information changing.

5. The commissioner of education shall update the portal with the information required by this section to be submitted by each school district no less than weekly and shall ensure that the portal is maintained as the primary centralized source of information about the curricula and instructional materials used by public school districts.

6. The department of elementary and secondary education may promulgate rules to implement 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, 2022, shall be invalid and void.

170.360. 1. (1) School districts and charter schools shall display the following information on the school website in an easily accessible location:

(a) All training materials used for staff and faculty training related to nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias;

(b) All instructional or curricular materials relating to nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias. Such instructional materials shall identify, at a minimum:

- a. The title, author, organization, and any website associated with each material and activity;
- b. A brief description of the instructional material;
- c. A link to the instructional material, if publicly available on the internet, or information on how to request review of a copy of the instructional material; and
- d. If the instructional material was created by a staff or faculty member, the identity of such person;

and

(c) Any procedures for the documentation, review, or approval of the training, instructional, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

(2) Nothing in this subsection shall be construed to require the digital reproduction or posting of copies of instructional materials if such reproduction or posting would infringe upon a copyright; provided that, such copyrighted material shall be made available upon request to the extent authorized by law.

2. The information required by subsection 1 of this section shall be displayed online within seven days after the first instance of training or instruction in which the materials are used. Such information shall remain displayed on the school website for at least two years. Information describing all items required to be made available to the public under this section and instructions for viewing such information on the school website shall be posted on the Missouri education transparency and accountability portal created under section 161.852.

3. Any employee of a school district that discloses a violation of this section shall be protected from any manner of retaliation as set forth in section 105.055.

4. (1) Suit for alleged violations of this section may be brought by the department of elementary and secondary education; the attorney general; the prosecuting attorney, county counselor, or circuit attorney for the city or county in which the school district, public school, or charter school alleged to have violated this section is located; or any aggrieved person, taxpayer, or citizen residing in such city or county.

(2) Such suit shall be initiated in the circuit court for the city or county in which the school district, public school, or charter school alleged to have violated this section is located.

(3) Upon a finding by a preponderance of the evidence that a school district, public school, or charter school has violated this section, the court shall issue such injunctive relief reasonably necessary to correct such violation.

(4) Upon a finding by a preponderance of the evidence that a school district, public school, or charter school has knowingly violated this section, the court shall issue a civil penalty in an amount up to one thousand dollars and may order the payment by such district or school of all costs and reasonable attorney's fees to any party successfully establishing such violation.

(5) Upon a finding by a preponderance of the evidence that a school district, public school, or charter school has purposefully violated this section, the court shall issue a civil penalty in an amount up to ten thousand dollars and may order the payment by such district or school of all costs and reasonable attorney's fees to any party successfully establishing such violation.

5. A school district or charter school that doubts whether any action or decision would violate this section may bring suit at such district's or school's expense in the circuit court of the city or county in which such district or school is located to ascertain the propriety of any such action or decision. Review of such action or decision may include consideration of a proposed use of school resources or of particular pieces of training, instructional, or curricular material.

6. A school district or charter school that doubts whether any action or decision would violate this section may seek a formal opinion of the attorney general to ascertain the propriety of any such action or decision. Review of such action or decision may include consideration of a proposed use of school resources or of particular pieces of training, instructional, or curricular material."; and

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

Representative Coleman (97) moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated.

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

Representative Walsh (50) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1858, Page 3, Section 161.841, Line 24, by deleting all of the said line and inserting in lieu thereof the following:

"4. In addition to the parental rights under subsection 3 of this section, this section shall be construed to empower parents with the right to enroll the parent's minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

5. The department of elementary and secondary education shall develop policies"; and

Further amend said bill and section, Pages 3 to 5, by renumbering subsequent subsections accordingly; and

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

On motion of Representative Walsh (50), **House Amendment No. 4** was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1858, Page 4, Section 161.841, Line 66, by deleting all of the said line and inserting in lieu thereof the following:

"13. No employee of any public school or school district shall encourage, coerce, or attempt to coerce a minor child to withhold information from such minor child's parents; provided, however, that any such person required to report suspected abuse or neglect under sections 210.109 to 210.183 may encourage a minor child to withhold information where disclosure could reasonably result in abuse or neglect.

14. Each school board shall affirm the board's commitment to ensuring"; and

Further amend said bill, page, and section, Line 81, by deleting the number "14." and inserting in lieu thereof the number "15."; and

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

Representative Eggleston assumed the Chair.

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

Representative Richey offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1858, Page 5, Section 161.841, Line 94, by inserting after all of the said section and line the following:

"161.852. 1. The department of elementary and secondary education shall develop a tool within the department's comprehensive data system that provides access to every school district's curriculum and professional development materials.

2. The tool shall consist of an easy-to-search database including, but not limited to, the following:

- (1) All curriculum taught by the school district;
- (2) All documents used by a school district in the professional development of the district's faculty and staff including, but not limited to, administrators, teachers, counselors, and classroom support staff;
- (3) The names of all speakers and guests used by a school district in the school district's professional development activities; and
- (4) The costs associated with speakers and guests used by a school district in the school district's professional development activities.

3. The department of elementary and secondary education shall establish an online form that each school district in this state shall complete with information required under subsection 2 of this section.

4. A school district shall submit any updates to the information outlined in subsection 2 of this section every six months. A public school or school district may make good-faith modifications to curricula during each six-month period between updates but shall not be required to submit an update of such modifications until the next six-month update.

5. Not less than monthly, the department of elementary and secondary education shall update the tool with the information required by this section to be submitted by each school district and shall ensure that the tool is maintained as the primary centralized source of information about the curriculum and instructional materials used by public school districts.

6. The department of elementary and secondary education may promulgate rules to implement 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, 2022, shall be invalid and void."; and

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

Speaker Vescovo resumed the Chair.

Representative Schroer offered **House Amendment No. 1 to House Amendment No. 6.**

House Amendment No. 1

to

House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 1858, Page 2, Line 5, by deleting said line and inserting in lieu thereof the following:

"adopted after August 28, 2022, shall be invalid and void.

170.355. 1. As used in this section, the following terms mean:

- (1) "Parent", a student's parent, guardian, or other person having control or custody of the student;
 - (2) "School", a public school or school district as such terms are defined in section 160.011.
2. No school or school employee shall compel a teacher or student to discuss public policy issues of the day without such teacher's or student's consent.

3. No school or school employee shall compel a teacher or student to adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil Rights Act of 1964, as amended, including, but not limited to, the following:

- (1) That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;

(2) That individuals should be adversely or advantageously treated on the basis of individual race, ethnicity, color, or national origin; or

(3) That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin.

4. No course of instruction or unit of study offered by any school shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

5. No course of instruction, unit of study, professional development, or training program shall direct or otherwise compel teachers to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

6. (1) No school employee, when acting in the course of such employee's official duties, shall organize, participate in, or carry out any act or communication that would violate subsection 3 of this section.

(2) This subsection shall not be construed to prohibit a school employee from discussing the ideas and history of the ideas listed in subsection 3 of this section.

7. This section shall not be construed to prohibit teachers or students from discussing public policy issues or ideas that individuals may find unwelcome, disagreeable, or offensive.

8. No school shall require nondisclosure agreements or similar forms for parental review of curricula. Schools shall allow parents to make copies of curriculum documents.

9. (1) Students, parents, or teachers may file a complaint with the department of elementary and secondary education regarding any violation of this section.

(2) In addition to any relief sought through the appropriate Office for Civil Rights of the U.S. Department of Education, an individual may, in the alternative, bring a private right of action against any school or school employee violating this section."; and"; and

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

On motion of Representative Schroer, **House Amendment No. 1 to House Amendment No. 6** was adopted by the following vote, the ayes and noes having been demanded by Representative Schroer:

AYES: 094

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Christofanelli
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Eggleston
Evans	Falkner	Fitzwater	Francis	Gregory 51
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Houx	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Perkins	Pike	Plocher	Pollitt 52
Pollock 123	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rone
Sander	Sassmann	Schnelting	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Simmons	Smith 155
Smith 163	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Walsh 50	West	Wright	Mr. Speaker	

NOES: 039

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 70
Burnett	Burton	Butz	Chipman	Clemens
Collins	Fogle	Gunby	Johnson	Mackey
McCreery	Mosley	Nurrenbern	Person	Phifer
Price IV	Proudie	Quade	Rogers	Sharp 36
Smith 45	Stephens 128	Terry	Turnbaugh	Unsicker
Walsh Moore 93	Weber	Windham	Young	

PRESENT: 001

Dogan

ABSENT WITH LEAVE: 023

Bland Manlove	Brown 27	Coleman 32	Derges	Doll
Ellebracht	Fishel	Gray	Hicks	Ingle
Lewis 25	McDaniel	Merideth	Patterson	Pietzman
Porter	Rowland	Sauls	Shields	Smith 67
Stacy	Stevens 46	Wiemann		

VACANCIES: 006

House Amendment No. 6, as amended, was withdrawn.

Representative Davidson offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1858, Page 4, Section 161.841, Line 81, by deleting the word "**Parents**" and inserting in lieu thereof the phrase "**The attorney general of this state or any parent of a minor child enrolled in a public school in the district**"; and

Further amend said bill and section, Page 5, Line 94, by inserting after all of the said line the following:

"15. This section shall not be construed to limit the inalienable rights of a parent or taxpayer, regardless of whether such rights are enumerated in the provisions of this section."; and

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

On motion of Representative Davidson, **House Amendment No. 7** was adopted.

Representative Dogan offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 1858, Page 5, Section 161.841, Line 94, by inserting after all of the said section and line the following:

"170.355. 1. As used in this section, the following terms mean:

- (1) "Parent", a student's parent, guardian, or other person having control or custody of the student;**
- (2) "School", a public school or school district as such terms are defined in section 160.011.**

2. No school or school employee shall compel a teacher or student to discuss public policy issues of the day.

3. No school or school employee shall compel a teacher or student to personally adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil Rights Act of 1964, as amended, including the following:

(1) That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;

(2) That individuals should be adversely or advantageously treated on the basis of individual race, ethnicity, color, or national origin; or

(3) That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin.

4. No course of instruction or unit of study offered by any school shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

5. No course of instruction, unit of study, professional development, or training program shall direct or otherwise compel teachers to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

6. (1) No school employee, when acting in the course of such employee's official duties, shall organize, participate in, or carry out any act or communication that would violate subsection 3 of this section.

(2) This subsection shall not be construed to prohibit a school employee from discussing the ideas and history of the ideas listed in subsection 3 of this section.

7. This section shall not be construed to prohibit teachers or students from discussing public policy issues or ideas that individuals may find unwelcome, disagreeable, or offensive.

8. Students, parents, or teachers may file a complaint with the department of elementary and secondary education or with the state attorney general's office regarding any violation of this section."; and

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

Representative Richey offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1
to
House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for House Bill No. 1858, Page 1, Line 4, by deleting all of the said line and inserting in lieu thereof the following:

""161.852. 1. The department of elementary and secondary education shall develop a tool within the department's comprehensive data system that provides access to every school district's curriculum and professional development materials.

2. The tool shall consist of an easy-to-search database including, but not limited to, the following:

(1) All curriculum taught by the school district;

(2) All documents used by a school district in the professional development of the district's faculty and staff including, but not limited to, administrators, teachers, counselors, and classroom support staff;

(3) The names of all speakers and guests used by a school district in the school district's professional development activities; and

(4) The costs associated with speakers and guests used by a school district in the school district's professional development activities.

3. The department of elementary and secondary education shall establish an online form that each school district in this state shall complete with information required under subsection 2 of this section.

4. A school district shall submit any updates to the information outlined in subsection 2 of this section every six months. A public school or school district may make good-faith modifications to curricula during each six-month period between updates but shall not be required to submit an update of such modifications until the next six-month update.

5. Not less than monthly, the department of elementary and secondary education shall update the tool with the information required by this section to be submitted by each school district and shall ensure that the tool is maintained as the primary centralized source of information about the curriculum and instructional materials used by public school districts.

6. The department of elementary and secondary education may promulgate rules to implement 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, 2022, shall be invalid and void.

170.355. 1. As used in this section, the following terms mean:"; and

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

On motion of Representative Richey, **House Amendment No. 1 to House Amendment No. 8** was adopted.

Representative Seitz offered **House Amendment No. 2 to House Amendment No. 8**.

House Amendment No. 2

to

House Amendment No. 8

AMEND House Amendment No. 8 to House Committee Substitute for House Bill No. 1858, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""170.348. 1. As used in this section, "public school" has the same definition as in section 160.011.

2. (1) No pupil in any public school shall be required to engage in any form of mandatory gender or sexual diversity training or counseling. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex is prohibited.

(2) This subsection shall not be construed to prohibit voluntary counseling.

3. (1) No school or school employee shall compel a teacher or student to adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil Rights Act of 1964, as amended, including, but not limited to, the following:

(a) One race or sex is inherently superior to another race or sex;

(b) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(c) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;

(d) Members of one race or sex can not and should not attempt to treat others without respect to race or sex;

(e) An individual's moral character is necessarily determined by the individual's race or sex;

(f) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(g) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex; or

(h) Meritocracy or traits such as a strong work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

(2) This subsection shall not be construed to prohibit the teaching of concepts that align with the academic performance standards, learning standards, or the statewide assessment system as established under chapter 160.

4. If an individual holding a certificate of license to teach granted under chapter 168 violates this section, the state board of education shall begin discipline proceedings against such individual under section 168.071.

5. (1) If the state board of education determines that a publicly funded local education agency or online program of instruction has violated this section, the board shall notify the entity of its violation.

(2) If such entity fails to comply with this section within thirty days of such notification, the state board of education shall direct the department of elementary and secondary education to withhold a maximum of ten percent of the monthly distribution of state formula funding to such entity. After the board determines that such entity is in compliance with this section, the department shall restore the distribution of the funding to its original amount before the percentage of the distribution was withheld.

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

170.355. 1. As used in this section, the following terms mean:"; and

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

House Amendment No. 2 to House Amendment No. 8 was withdrawn.

On motion of Representative Dogan, **House Amendment No. 8, as amended**, was adopted by the following vote, the ayes and noes having been demanded by Representative Dogan:

AYES: 091

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Cook	Davidson	Davis	Deaton
Dinkins	Dogan	Eggleston	Evans	Falkner
Francis	Gregory 51	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Mayhew	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pollitt 52	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Rone	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Smith 163	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 042

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Mackey	McCreery	Mosley

Nurrenbern	Person	Phifer	Proudie	Quade
Rogers	Sauls	Sharp 36	Smith 45	Smith 67
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 024

Baringer	Coleman 32	Coleman 97	Copeland	Cupps
DeGroot	Derges	Doll	Fishel	Fitzwater
Hicks	Kidd	Lewis 25	McDaniel	Merideth
Pietzman	Pollock 123	Price IV	Roden	Rowland
Simmons	Smith 155	Stacy	Stevens 46	

VACANCIES: 006

Representative Schwadron offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 1858, Page 5, Section 161.841, Line 94, by inserting after all of the said section and line the following:

"170.231. **1.** The school board of each school district **and the governing board of each charter school** shall provide that all public school instructional material intended for use in connection with any public school classroom instruction, or any public school research or experimentation program or project, shall be available for inspection by any person. For the purpose of this section, "classroom instruction" shall mean any public school instruction involving teachers and students or peers and students; "research or experimentation program or project" shall mean any public school research or experimentation program or project designed to explore or develop new and unproven teaching methods and techniques.

2. (1) The school board of each school district and the governing board of each charter school shall prominently post on the home page of the school board's or charter school's website, in such a manner that the information is available to the public, the curricula intended for use by such school district or charter school in connection with school instruction in math, social studies, science, English, foreign language, fine arts, health, physical education, and vocational education. If such school board or governing board adopts a change of any curriculum used by such school district or charter school, such school board's or charter school's website shall be updated within thirty days after such change is adopted.

(2) The school board of each school district and the governing board of each charter school shall notify parents and guardians that the curricula list on the website has been updated by posting a notice on such school board's or charter school's website and providing notice in a newsletter or other written communication that is regularly distributed to parents and guardians.

(3) Where the curricular materials being made available to parents for review are subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher and content validity is not undermined.

(4) A resident of a school district may bring an action for injunctive relief or a writ of mandamus in the circuit court with jurisdiction over the school district to compel the school board of such school district or the governing board of a charter school within the boundaries of such school district to comply with this subsection. If the resident prevails, the court shall award to such resident reasonable attorney's fees not to exceed fifteen thousand dollars.

(5) This subsection shall apply in the 2023-24 school year and all subsequent school years."; and

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

Representative West offered **House Amendment No. 1 to House Amendment No. 9.**

House Amendment No. 1
to
House Amendment No. 9

AMEND House Amendment No. 9 to House Committee Substitute for House Bill No. 1858, Page 1, Line 4, by deleting all of the said line and inserting in lieu thereof the following:

""162.005. 1. As used in this section, "school board" means a special administrative board or any other form of governance appointed under section 162.081; a board of directors established under section 162.471; a board of education established under section 162.261, 162.571, or 162.855; the governing board of a charter school established under section 160.400; and any other form of governance over a school district established under state law.

2. Before July 1, 2023, each school board shall adopt a school board meeting speaker policy to ensure that the requirements listed in this subsection are followed at each school board meeting:

(1) Each school board shall designate a time for public comment at the beginning of each regular public meeting of the school board. Such public comment period shall be available to residents of the district and shall be subject to reasonable rules requiring decorum and civility in the meeting space;

(2) A school board may set a time limit on any individual who desires to speak at a school board meeting. Each such time limit shall designate not less than three minutes per speaker. The school board may limit the public comment period to one hour of actual testimony or twenty speakers, whichever is less based on the number of minutes designated per speaker. If the time designated for the public comment period expires and additional speakers were not afforded the time to speak, such additional speakers shall have the first opportunity to speak at the public comment period of the next regular public meeting of the school board and the school board shall provide an alternate method of communicating such additional speakers' concerns to the school board;

(3) Each school board shall determine specific identifying information each individual desiring to speak shall provide to the school board before speaking;

(4) Each school board may determine that particular issues are inappropriate for individuals to speak about during such public comment period including, but not limited to, personnel issues and litigation issues. Any guideline prohibiting particular issues from being addressed during such public comment period shall be made available to the public in writing before each public comment period begins;

(5) No school board shall ban an individual from attending or remove an individual from participating in a school board meeting unless such individual is banned or removed because such individual commits the offense of peace disturbance as provided in section 574.010, has previously been removed from a school board meeting and issued a summons for the offense of peace disturbance under section 574.010, or is prohibited from being on school property under state law; and

(6) Each school board shall provide a method for an individual who is unable to attend the public comment period of a school board meeting to submit a written statement. Any such written statement submitted before the beginning of the school board meeting shall be provided to the school board and made available to all individuals attending such meeting and to the public upon request unless such written statement violates the policies or rules established for the public comment period.

3. If multiple speakers desire to speak on the same issue during the public comment period, the school board may suggest that the speakers select one individual to present comments on behalf of all such speakers.

4. Parents may bring a civil action for injunctive relief against the school district or public school in which their child is enrolled if such school district or public school violates this section. Such action shall be brought in the county where the violation occurred. If a court finds that the school district or public school has knowingly engaged in multiple or repeated violations of this section, the department of elementary and secondary education shall withhold all moneys provided by monthly distribution of state formula funding to such school district or public school until such school district or public school is in compliance with this section. After the school district or public school provides evidence that such school district or public school is in compliance with this section, the department shall restore the distribution of the funding to its original

amount before the distribution was withheld. Any moneys that were withheld under this subsection shall be released to such school district or public school only if such school district or public school establishes compliance with this section in the same school year in which the department withheld such moneys.

170.231. 1. The school board of each school district **and the governing board of each**"; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Cook	Cupps	Davidson	Davis
Deaton	Dinkins	Dogan	Eggleston	Evans
Falkner	Francis	Gregory 51	Gregory 96	Grier
Griffith	Haden	Haffner	Haley	Henderson
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Mayhew	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pollitt 52	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Rone	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Smith 163	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 041

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Mackey	McCreery	Mosley	Nurrenbern
Person	Phifer	Proudie	Quade	Rogers
Sauls	Sharp 36	Smith 45	Smith 67	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 027

Baringer	Coleman 32	Coleman 97	Collins	Copeland
DeGroot	Derges	Doll	Fishel	Fitzwater
Hardwick	Hicks	Kidd	Lewis 25	McDaniel
Merideth	Pietzman	Pollock 123	Price IV	Roden
Rowland	Schnelting	Schroer	Simmons	Smith 155
Stacy	Stevens 46			

VACANCIES: 006

On motion of Representative West, **House Amendment No. 1 to House Amendment No. 9** was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 085

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Cook	Cupps	Davidson	Davis
Deaton	Dinkins	Eggleston	Evans	Falkner
Francis	Gregory 51	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Henderson	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Rone	Sander
Sassmann	Schroer	Schwadron	Seitz	Sharpe 4
Shaul	Smith 163	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 042

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Mackey	McCreery	Mosley
Nurrenbern	Person	Phifer	Proudie	Quade
Rogers	Sauls	Sharp 36	Smith 45	Smith 67
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 001

Stephens 128

ABSENT WITH LEAVE: 029

Coleman 32	Coleman 97	Collins	Copeland	DeGroot
Derges	Dogan	Doll	Fishel	Fitzwater
Hardwick	Hicks	Kidd	Lewis 25	McDaniel
Merideth	Pietzman	Pollock 123	Porter	Price IV
Roden	Rowland	Schnelting	Shields	Simmons
Smith 155	Stacy	Stevens 46	Veit	

VACANCIES: 006

On motion of Representative Schwadron, **House Amendment No. 9, as amended**, was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Andrews	Atchison	Basye	Billington	Black 137
Black 7	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Cook
Cupps	Davidson	Davis	Deaton	Dinkins
Eggleston	Francis	Gregory 51	Gregory 96	Grier
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Houx	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Morse
Murphy	O'Donnell	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Rone	Sander	Sassmann	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Smith 163
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 040

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Ellebracht	Fogle	Gray	Gunby
Ingle	Mackey	McCreery	Mosley	Nurrenbern
Person	Phifer	Proudie	Quade	Rogers
Sauls	Smith 45	Smith 67	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 033

Bailey	Baker	Bland Manlove	Coleman 32	Coleman 97
Copeland	DeGroot	Derges	Dogan	Doll
Evans	Falkner	Fishel	Fitzwater	Hicks
Johnson	Kidd	Lewis 25	McDaniel	Merideth
Pietzman	Pollock 123	Porter	Price IV	Roden
Rowland	Schnelting	Sharp 36	Simmons	Smith 155
Stacy	Stevens 46	Veit		

VACANCIES: 006

On motion of Representative Baker, **HCS HB 1858, as amended**, was adopted.

On motion of Representative Baker, **HCS HB 1858, as amended**, was ordered perfected and printed.

HCS HB 2564, HCS HB 2583, HB 2611, HB 1547, HCS HB 1550, HB 1585, HCS HB 1595, HB 1601, HCS HB 1614, HB 1629, HB 1680, HB 1736, HCS HB 1740, HB 1804, HCS#2 HB 1992, HCS HB 2013, HCS HB 2118, HCS HB 2142, HB 2145, HB 2172, HB 2174, HB 2293, HCS HB 2363, HB 2371, HCS HB 2381, HB 2391, HCS HB 2434, HCS HB 2453, HCS HB 2543, HB 2566, HB 2568, HB 2576, and HB 2603 were placed back on the House Bills for Perfection Calendar.

PERFECTION OF HOUSE JOINT RESOLUTIONS - INFORMAL

HJR 107, relating to the conservation commission, was placed back on the House Joint Resolutions for Perfection Calendar.

HJR 125, relating to taxation, was placed back on the House Joint Resolutions for Perfection Calendar.

COMMITTEE REPORTS

Committee on Crime Prevention, Chairman Roberts reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 1712**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (9): Aldridge, Copeland, Davis, Hovis, Kelley (127), Roberts, Sauls, Seitz and West

Noes (0)

Absent (1): Sharp (36)

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **HB 2894**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (8): Aldridge, Copeland, Davis, Hovis, Kelley (127), Roberts, Sauls and West

Noes (1): Seitz

Absent (1): Sharp (36)

Committee on Elementary and Secondary Education, Chairman Basye reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1933**, 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:

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Ayes (13): Baker, Basye, Black (7), Davidson, DeGroot, Dogan, Fishel, Grier, Haffner, Hicks, Patterson, Pollitt (52) and Toalson Reisch

Noes (4): Bangert, Brown (70), Nurrenbern and Terry

Absent (4): Christofanelli, Mackey, Sharp (36) and Stacy

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2292**, 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): Baker, Basye, Black (7), Christofanelli, Davidson, DeGroot, Fishel, Grier, Haffner, Hicks, Patterson, Pollitt (52) and Toalson Reisch

Noes (6): Bangert, Brown (70), Dogan, Nurrenbern, Sharp (36) and Terry

Absent (2): Mackey and Stacy

Committee on Emerging Issues, Chairman Patterson reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 1564**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Aune, Cupps, Fitzwater, Fogle, Haffner, Hicks, McCreery, Patterson, Richey, Sauls and Smith (45)

Noes (0)

Absent (3): Davidson, Gregory (51) and Taylor (139)

Committee on Higher Education, Chairman Shields reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 2731**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (10): Adams, Black (137), Houx, Phifer, Pike, Riggs, Shields, Stevens (46), Veit and Windham

Noes (0)

Absent (1): Grier

Special Committee on Public Policy, Chairman Cupps reporting:

Mr. Speaker: Your Special Committee on Public Policy, to which was referred **HB 1608**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (5): Bailey, Baker, Chipman, Cupps and Kelly (141)

Noes (1): Sharp (36)

Absent (1): Ellebracht

Committee on Transportation, Chairman Porter reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2083**, 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): Bangert, Buchheit-Courtway, Burger, Busick, Butz, Hurlbert, Phifer, Porter, Pouche, Railsback and Taylor (48)

Noes (0)

Absent (3): Bromley, Mosley and Smith (67)

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 2149** entitled:

An act to repeal sections 197.400, 197.445, 327.312, 327.313, 327.314, 327.331, 334.036, 334.530, 334.655, 345.015, and 345.050, RSMo, and to enact in lieu thereof sixteen new sections relating to professional licensing, with an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, and Senate Amendment No. 5.

Senate Amendment No. 1

AMEND Senate Substitute for House Bill No. 2149, Pages 10-13, Section 334.036, Line, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1

to

Senate Amendment No. 3

AMEND Senate Amendment No. 3 to Senate Substitute for House Bill No. 2149, Page 2, Section, Line 26, by inserting after "procedure" the following:

"for medically necessary purposes".

Senate Amendment No. 3

AMEND Senate Substitute for House Bill No. 2149, Page 17, Section 334.655, Line 70, by inserting after all of said line the following:

"340.201. 1. The general assembly hereby occupies and preempts the entire field of legislation concerning the practice of veterinary medicine regulated under this chapter. A political subdivision of this state is preempted from enacting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, regulates, controls, directs, or interferes with the practice of veterinary medicine.

2. Nothing in this section shall preclude or preempt a political subdivision of this state from exercising its lawful authority to regulate zoning or land use, to enforce a building or fire code regulation, to impose a tax or license fee for the privilege of carrying on the profession of veterinary medicine consistent with the laws regulating such taxes or license fees, to require vaccinations and licensing of animals kept within the boundaries of the political subdivision, to prohibit animal abuse, or otherwise to regulate for the general health, safety, sanitation, and welfare as long as the order, ordinance, rule, regulation, policy, or other measure does not interfere with, restrict, or limit the ability of a lawfully licensed person from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of veterinary medicine."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for House Bill No. 2149, Page 13, Section 334.036, Line 115, by inserting after all of said line the following:

"334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

- (c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;
- (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;
- (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;
- (f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;
- (g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;
- (h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;
- (i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;
- (j) Being listed on any state or federal sexual offender registry;
- (k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
- (m) Failure of any applicant or licensee to cooperate with the board during any investigation;
- (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (o) Failure to timely pay license renewal fees specified in this chapter;
- (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
- (q) Failing to inform the board of the physician's current residence and business address;
- (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;
- (s) Any other conduct that is unethical or unprofessional involving a minor;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing

the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board."; and

Further amend said bill, Page 17, Section 334.655, Line 70, by inserting after all of said line the following:

"338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. 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.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written, electronic, or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on

the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

7. The board shall not deny, revoke, or suspend, or otherwise take any disciplinary action against, a certificate of registration or authority, permit, or license required by this chapter for any person due to the lawful dispensing, distributing, or selling of ivermectin tablets or hydroxychloroquine sulfate tablets for human use in accordance with prescriber directions. No person licensed under this chapter who dispenses, distributes, or sells ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall ask the patient or prescriber, or otherwise require of the patient or prescriber, the reason or purpose for which the medications shall be used, except in circumstances in which it is necessary for purposes of the patient's health insurance or to clarify dosage for the health and safety of the patient."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

REFERRAL OF HOUSE BILLS - APPROPRIATIONS

The following House Bill was referred to the Committee indicated:

HB 3021 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

SS HB 2149, as amended - Fiscal Review

HB 2571 - Fiscal Review

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCR 28 - Veterans

SCR 34 - Veterans

ADJOURNMENT

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Wednesday, April 13, 2022.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Monday, April 25, 2022, 1:30 PM, House Hearing Room 1.
Tour of the Lincoln University Agriculture Facilities.

BUDGET

Wednesday, April 13, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 3.
Public hearing will be held: HB 3021

DOWNSIZING STATE GOVERNMENT

Wednesday, April 13, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 5.
Public hearing will be held: HB 2705, SB 710, SJR 46
Executive session will be held: HB 2626
Added SJR 46.

AMENDED

ECONOMIC DEVELOPMENT

Thursday, April 14, 2022, 9:00 AM, House Hearing Room 5.
Public hearing will be held: SS#3 SCS SB 758, SS SCS SB 672

ELECTIONS AND ELECTED OFFICIALS

Wednesday, April 13, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 6.
Executive session will be held: HB 1678

EMERGING ISSUES

Tuesday, April 19, 2022, 3:00 PM or upon adjournment (whichever is later), House Hearing Room 7.
Public hearing will be held: SS SB 690

EMERGING ISSUES

Wednesday, April 20, 2022, 3:00 PM or upon adjournment (whichever is later), House Hearing Room 6.
Executive session will be held: SS SB 690

FISCAL REVIEW

Wednesday, April 13, 2022, 9:45 AM, House Hearing Room 4.
Executive session will be held: SS#2 SJR 38, HJR 132
Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Thursday, April 14, 2022, 10:30 AM or upon adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: SB 718

JUDICIARY

Wednesday, April 13, 2022, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: SCS SB 886, HB 2624, HB 1688, HB 2490

Executive session will be held: HB 1546, HB 1549, HB 2703, HB 2774, HB 2443, SS SCS SB 834

Added SS SCS SB 834 to executive session.

AMENDED

LOCAL GOVERNMENT

Thursday, April 14, 2022, 9:00 AM, House Hearing Room 7.

Executive session will be held: HB 1581

PENSIONS

Wednesday, April 13, 2022, 8:30 AM, House Hearing Room 5.

Public hearing will be held: SB 655

SPECIAL COMMITTEE ON BROADBAND AND INFRASTRUCTURE

Wednesday, April 13, 2022, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 2765

CANCELLED

SPECIAL COMMITTEE ON GOVERNMENT OVERSIGHT

Wednesday, April 13, 2022, 12:30 PM or upon morning recess (whichever is later), House Hearing Room 7.

Public hearing will be held: SCS SB 908, SS SJR 33

SPECIAL COMMITTEE ON PUBLIC POLICY

Thursday, April 14, 2022, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SS SCS SB 724, HB 2916, SS#2 SB 823

Added HB 2916 and SS#2 SB 823.

AMENDED

SPECIAL COMMITTEE ON PUBLIC POLICY

Wednesday, April 20, 2022, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 2794, HB 2691, HJR 72

UTILITIES

Wednesday, April 13, 2022, 8:00 AM, House Hearing Room 6.

Public hearing will be held: HB 2451, HB 1488

Executive session will be held: HB 1852, HB 2709

HOUSE CALENDAR

FIFTY-THIRD DAY, WEDNESDAY, APRIL 13, 2022

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 82 & 106 - Black (137)
HCS HJR 88 - McGirl
HJR 80 - Coleman (32)
HCS HJR 134 - Taylor (139)
HJR 137 - Eggleston
HJR 128 - O'Donnell
HJR 107 - Dinkins
HJR 125 - Christofanelli

HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL

HCS HJR 123 - Kidd
HJR 100 - Richey
HCS HJR 110 - Christofanelli

HOUSE BILLS FOR PERFECTION

HB 2209 - Hurlbert
HB 2487 - West
HCS HB 2605 - Gregory (51)
HB 2781 - Evans
HB 2798 - Reedy
HCS HB 2913 - Plocher
HCS HB 2564 - Riggs
HCS HB 2583 - Riggs
HB 2611 - Richey
HB 1547 - Veit
HCS HB 1550 - Veit
HB 1585 - Murphy
HCS HB 1595 - Hudson
HB 1601 - Chipman
HCS HB 1614 - Lovasco
HB 1629 - Morse
HB 1680 - Sharp (36)
HB 1736 - Roberts
HCS HB 1740 - Dogan
HB 1804 - Veit
HCS#2 HB 1992 - Coleman (97)
HCS HB 2013 - Kelly (141)

HCS HB 2118 - Taylor (139)
HCS HB 2142 - Mayhew
HB 2145 - Murphy
HB 2172 - Francis
HB 2174 - Mayhew
HB 2293 - Knight
HCS HB 2363 - McGirl
HB 2371 - Smith (155)
HCS HB 2381 - Roden
HB 2391 - Buchheit-Courtway
HCS HB 2434 - Grier
HCS HB 2453 - McDaniel
HCS HB 2543 - O'Donnell
HB 2566 - Porter
HB 2568 - Perkins
HB 2576 - Bromley
HB 2603 - Patterson

HOUSE BILLS FOR PERFECTION - INFORMAL

HS HCS HBs 2574, 1929 & 1456 - Mayhew
HCS HB 2616 - Coleman (32)
HCS HB 1749 - Basye
HCS HB 1903 - Christofanelli
HCS HB 2093 - Wiemann
HB 2356 - McDaniel
HB 2010 - Smith (155)
HCS HB 2306 - Christofanelli
HCS HB 1619, as amended, with HA 2, pending - Van Schoiack
HCS HB 1695 - Gregory (51)
HB 1715 - Riley
HCS HB 1876 - Haffner
HCS HB 1559 - Davidson
HB 1687 - Hardwick
HB 2308 - Atchison
HB 1627 - Morse
HB 1628 - Morse
HB 1652 - Bromley
HB 1672 - Taylor (48)
HB 1475 - Schroer
HB 1624 - Schroer
HB 1451 - Billington
HB 1594 - Walsh (50)
HB 1490 - Porter
HB 1579 - Mayhew

HB 1717 - Riley
HCS HB 1722 - Shields
HB 1863 - Thomas
HB 1881 - Black (7)
HCS HB 1908 - Shaul
HCS HB 1998 - Davidson
HB 2129 - Railsback
HCS HB 2136 - Kelley (127)
HCS HB 2206 - Trent
HB 2219 - O'Donnell
HB 2439 - Hovis
HCS HB 2447 - Hardwick
HCS HB 2452 - Cook
HB 2625 - Burger
HCS HB 2652 - Haffner
HS HB 2310 - McDaniel
HCS HBs 1593 & 1959 - Walsh (50)
HB 1616 - Van Schoiack
HCS HB 1833 - Basye
HB 2009 - Pollock (123)
HB 2474 - Hicks
HB 1692 - Boggs
HB 1762 - Sander
HB 1859 - Eggleston
HB 1864 - Thomas
HCS HB 1875 - Haffner
HB 1977 - Kelley (127)
HB 2095 - Kelly (141)
HB 2123 - Taylor (139)
HB 2169 - Trent
HCS HB 2246 - Copeland
HB 2372 - Chipman
HB 2515 - Perkins
HCS HB 1854 - Schroer
HCS HB 1747 - Basye
HB 2050 - Schroer
HB 1455 - Billington
HCS HB 1464 - Schnelting
HB 1478 - Dinkins
HCS HB 1489 - Porter
HCS HB 1696 - Reedy
HCS HB 1716 - Riley
HCS HBs 1904 & 1575 - Murphy
HB 1973 - Gregory (51)
HB 2085 - Cook
HB 2156 - Perkins

HCS HB 2208 - Christofanelli
HCS HB 2499 - Eggleston
HB 2590 - Evans
HB 1480 - Dinkins
HB 1563 - Griffith
HCS HB 1641 - Coleman (32)
HB 1721 - Shields
HCS HB 1905 - Shaul
HCS HBs 1972 & 2483 - Copeland
HB 2056 - Evans
HCS HB 2140 - McGaugh
HB 2160 - Dinkins
HB 2164 - Buchheit-Courtway
HB 2165 - Buchheit-Courtway
HCS HB 2220 - Falkner
HB 2255 - Bailey
HB 2327 - Riggs
HB 2359 - Basye
HCS HB 2450 - Reedy
HB 1471 - Pike
HCS HB 1556 - Gregory (96)
HCS HB 1613 - Lovasco
HCS HB 1670 - Seitz
HCS HB 1709 - Buchheit-Courtway
HCS HB 1918 - Hovis
HCS HB 2011 - Smith (155)
HCS HB 2052 - Riggs
HCS HB 2138 - Kelley (127)
HCS HB 2177 - Owen
HB 2290 - Andrews
HCS HB 2369 - Hurlbert
HCS HB 2389 - Cook
HB 2544 - Patterson
HB 2589 - Evans
HB 2615 - Coleman (32)
HB 2674 - Tate
HCS HB 2810 - Seitz
HCS HB 1553 - Hudson
HCS HB 1704 - Roberts
HCS HB 1753 - Basye
HB 1960 - Murphy
HCS HB 2008 - Schwadron

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 57 - Chipman
HCR 71 - Riggs
HCR 58 - Copeland
HCR 72 - Francis

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 132, (Fiscal Review 4/7/22) - Kidd
HJR 133 - Davidson
HJR 114 - Coleman (32)

HOUSE BILLS FOR THIRD READING

HB 2307 - Coleman (32)
HCS HB 1757 - Railsback
HB 2593 - Lovasco
HB 1860 - Eggleston
HCS HB 1583 - Murphy
HB 2623 - Veit
HB 1705 - Roberts
HCS HB 2218 - O'Donnell
HCS HB 2600, (Fiscal Review 4/7/22) - Railsback
HB 2331, E.C. - Baker
HCS HB 2171 - Francis
HB 2571, (Fiscal Review 4/12/22) - Owen

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 2493 - Black (7)

SENATE JOINT RESOLUTIONS FOR THIRD READING

SS#2 SJR 38, (Fiscal Review 4/11/22) - Brown (16)

SENATE BILLS FOR THIRD READING

SS SB 678, E.C. - Brown (16)

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 2162, (Fiscal Review 4/5/22) - Deaton
SS SCS HCS HB 1720, as amended (Fiscal Review 4/7/22), E.C. - Pollitt (52)
SS HB 2149, as amended (Fiscal Review 4/12/22), E.C. - Shields

BILLS CARRYING REQUEST MESSAGES

SS#2 HCS HB 2117, as amended (request Senate recede/grant conference), E.C. - Shaul

HOUSE RESOLUTIONS

HCS HR 3279 - Grier

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Smith (163)
CCS SS SCS HCS HB 2 - Smith (163)
CCS SS SCS HCS HB 3 - Smith (163)
CCS SS SCS HCS HB 4 - Smith (163)
CCS SCS HCS HB 5 - Smith (163)
CCS SCS HCS HB 6 - Smith (163)
CCS SCS HCS HB 7 - Smith (163)
CCS SCS HCS HB 8 - Smith (163)
CCS SCS HCS HB 9 - Smith (163)
CCS SS SCS HCS HB 10 - Smith (163)
CCS SS SCS HCS HB 11 - Smith (163)
CCS SCS HCS HB 12 - Smith (163)
SCS HCS HB 13 - Smith (163)
HCS HB 17 - Smith (163)
SCS HCS HB 18 - Smith (163)
SS SCS HCS HB 19 - Smith (163)

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