

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1686

101ST GENERAL ASSEMBLY

3452H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 191 and 292, RSMo, by adding thereto two new sections relating to refusal of medical procedures or treatment.

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

Section A. Chapters 191 and 292, RSMo, are amended by adding thereto two new sections, to be known as sections 191.230 and 292.648, to read as follows:

191.230. 1. No public body as defined in section 290.210, political subdivision, public school district, state department or agency, public official, peace officer, or any person appointed by the governor acting in an official and public capacity under such appointment shall:

(1) Require any person to receive a COVID-19 vaccination;

(2) Condition any personal right or public service based on whether an individual has received a COVID-19 vaccination; or

(3) Impose any fine, tax, or criminal or civil penalty based on whether an individual has received a COVID-19 vaccination.

2. Any order issued by a body or official described in subsection 1 of this section that violates the provisions of this section shall be unenforceable.

3. The provisions of this section shall not apply to public colleges and universities where a COVID-19 vaccination is required for employees or select student participants in order for the colleges or universities to receive federal funds but shall be construed to prohibit a general requirement that students receive a COVID-19 vaccination as a condition of enrollment.

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

17 **4. For purposes of this section, the terms “public body” and “political**
18 **subdivision” shall not include any facility that meets the definition of hospital in section**
19 **197.020, any long term care facility licensed under chapter 198, any entity that meets the**
20 **definition of facility in section 199.170, or any facility certified by the centers for**
21 **medicare and medicaid services.**

292.648. 1. For purposes of this section, the following terms mean:

2 **(1) "Employer", the same meaning given to the term in section 213.010;**

3 **(2) "Medical treatment", any drug, medicine, synthetic substance, or therapy,**
4 **whether therapeutic or preventive, that is fully approved or granted an emergency use**
5 **authorization by the United States Food and Drug Administration (FDA) or pending**
6 **approval by the FDA or that would require approval from the FDA to be sold or**
7 **prescribed to the general public.**

8 **2. An employee shall be exempt from an employer's requirement to receive**
9 **medical treatment as a condition of employment and shall not be subject to adverse**
10 **action by the employer, including loss of pay or termination of employment, for**
11 **declining to receive the medical treatment if:**

12 **(1) The employee holds a sincerely held religious belief that forbids the employee**
13 **from receiving the medical treatment and the reasonable accommodation of such belief**
14 **would not pose an undue hardship on the employer; or**

15 **(2) The employee has received a recommendation, based on the employee's**
16 **unique and individual medical situation, from a physician licensed to practice medicine**
17 **in the state of Missouri advising the employee not to receive the required medical**
18 **treatment on the basis that the medical treatment is likely to be harmful to the employee**
19 **or is not in the best medical interest of the employee for other specified reasons.**

20 **3. An employee whose rights are violated by this section and who would**
21 **otherwise be eligible for workers' compensation shall be eligible for workers'**
22 **compensation to address any injuries sustained as a result of the employer's**
23 **requirement for medical treatment.**

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