

# HOUSE BILL NO. 1793

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOHNSON (23).

4461H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to mental health leave.

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

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.680, to read as follows:

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

- (1) "Employ", the act of employing or the state of being employed, engaged, or hired to perform work or services of any kind or character within the state of Missouri;
- (2) "Employee", any person performing work or service of any kind or character for hire within the state of Missouri;
- (3) "Employee benefit plan", an employee welfare benefit plan or an employee pension benefit plan or a plan that is both an employee welfare benefit plan and an employee pension benefit plan;
- (4) "Employer", any person that employs at least one employee, except that the term "employer" shall not include any public employer, as defined in section 285.525;
- (5) "Employment benefits", all benefits provided or made available to employees by an employer, including life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, and profit-sharing, regardless of whether such benefits are provided by a practice or written policy of an employer or through an employee benefit plan;
- (6) "Health care provider", the same meaning given to the term in section 376.1350;

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.

18           (7) "Mental health appointment", any visit lasting less than four hours with a  
19 health care provider to treat a mental disorder or mental illness, as those terms are  
20 defined in section 630.005;

21           (8) "Person", an individual, partnership, association, corporation, business  
22 trust, legal representative, or any organized group of persons;

23           (9) "Work", any job, task, labor, service, or other activity for which  
24 compensation is provided, expected, or due.

25           2. An employee may take unpaid leave from work to attend mental health  
26 appointments. An employee shall be entitled to unpaid leave for at least one mental  
27 health appointment each week.

28           3. The provisions of this section shall not create a right for an employee to take  
29 unpaid leave that exceeds the amount of unpaid leave time allowed under the federal  
30 Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

31           4. The employee shall provide the employer with at least forty-eight hours'  
32 advance notice of the employee's intention to take leave under this section, unless  
33 providing such notice is not practicable. When an unscheduled absence occurs, the  
34 employer shall not take any action against the employee if the employee, upon request of  
35 the employer and within a reasonable period after the absence, provides certification  
36 under subsection 5 of this section.

37           5. The employer may require the employee to provide certification to the  
38 employer that the leave is for a mental health appointment. The employee shall provide  
39 such certification to the employer within a reasonable period after the employer  
40 requests certification.

41           6. An employee may satisfy the certification requirement of subsection 5 of this  
42 section by providing to the employer a sworn statement of the employee and  
43 documentation from the health care provider who treated the employee at the mental  
44 health appointment.

45           7. All information provided to the employer under subsection 6 of this section,  
46 including a statement of the employee or any other documentation, record, or  
47 corroborating evidence, and the fact that the employee has requested or obtained leave  
48 under this section, shall be retained in the strictest confidence by the employer, except to  
49 the extent that disclosure is requested or consented to in writing by the employee or  
50 otherwise required by applicable federal or state law.

51           8. Every employer shall annually notify its employees of the requirements of this  
52 section.

53           9. Nothing in this section shall be construed to supersede any provision of a  
54 federal, state, or local law, collective bargaining agreement, or employment benefits

55 **program or plan that provides greater leave benefits with respect to mental health**  
56 **appointments than the rights established under this section.**

57 **10. The rights and remedies established for employees under this section shall**  
58 **not be diminished by any federal, state, or local law, collective bargaining agreement, or**  
59 **employment benefits program or plan.**

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