

SECOND REGULAR SESSION

HOUSE BILL NO. 2856

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WINDHAM.

5567H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to mandatory employee meal periods, with penalty provisions.

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

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.180, to read as follows:

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

(1) "Department", the department of labor and industrial relations;

(2) "Meal period" or "meal break", an approved period of time in a nonwork status that interrupts a basic workday or a period of overtime work for the purpose of permitting employees to eat or engage in permitted personal activities, which may be paid or unpaid. A "meal period" shall provide bona fide breaks in the workday. If an employee is not excused from job duties, or if he or she is recalled to job duties, the employee is entitled to pay for compensable work, including work that is de minimis in nature.

2. Except as provided under subsection 3 of this section, every employer in this state shall allow its employees a meal period not less than thirty consecutive minutes for each eight-hour shift. In no event shall an employee be at the place of employment for a period longer than five and one-half hours without a meal break.

3. Nothing in this section requires the employer to pay the employee during the meal break.

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.

16 **4. This section does not apply to employment that is covered by a valid**
17 **collective-bargaining agreement or other written agreement between an employer and**
18 **employee. The department may grant exemptions to employers in cases where:**

19 **(1) Requiring compliance would adversely affect public safety;**

20 **(2) The duties of a position may only be performed by one employee;**

21 **(3) The employer employs fewer than five employees on a shift at a single place**
22 **of business provided the exemption shall apply only to the employees on such shift; or**

23 **(4) The continuous nature of an employer's operations requires that employees**
24 **be available to respond to urgent or unusual conditions at all times and such employees**
25 **are compensated for meal periods.**

26 **5. Any employer who violates the provisions of this section shall be subject to a**
27 **fine of not less than three hundred dollars, increased by an additional three hundred**
28 **dollars for each subsequent violation, but not to exceed one thousand two hundred**
29 **dollars for each violation.**

30 **6. The department may promulgate all necessary rules and regulations for the**
31 **administration of this section. Any rule or portion of a rule, as that term is defined in**
32 **section 536.010, that is created under the authority delegated in this section shall**
33 **become effective only if it complies with and is subject to all of the provisions of chapter**
34 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
35 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
36 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
37 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
38 **adopted after August 28, 2024, shall be invalid and void.**

✓