

# SENATE BILL NO. 1047

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5198S.02I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof two new sections relating to public health, with existing penalty provisions and an emergency clause.

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

Section A. Section 192.300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 192.295 and 192.300, to read as follows:

**192.295. Notwithstanding any other provision of law to the contrary, the general assembly hereby occupies and preempts the entire field of legislation concerning the protection of the people of this state from infectious, contagious, communicable, or dangerous diseases to the complete exclusion of any order, ordinance, or regulation by any political subdivision of this state not enacted or implemented under specific authority granted by the general assembly.**

192.300. 1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and, **upon specific authorization under state law consistent with the provisions of section 192.295**, prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

10           (1) Be in conflict with any rules or regulations  
11 authorized and made by the department of health and senior  
12 services in accordance with this chapter or by the  
13 department of social services under chapter 198; or

14           (2) Impose standards or requirements on an  
15 agricultural operation and its appurtenances, as such term  
16 is defined in section 537.295, that are inconsistent with,  
17 in addition to, different from, or more stringent than any  
18 provision of this chapter or chapters 260, 640, 643, and  
19 644, or any rule or regulation promulgated under such  
20 chapters.

21           2. The county commissions and the county health center  
22 boards of the several counties may establish reasonable fees  
23 to pay for any costs incurred in carrying out such orders,  
24 ordinances, rules or regulations, however, the establishment  
25 of such fees shall not deny personal health services to  
26 those individuals who are unable to pay such fees or impede  
27 the prevention or control of communicable disease. Fees  
28 generated shall be deposited in the county treasury. All  
29 fees generated under the provisions of this section shall be  
30 used to support the public health activities for which they  
31 were generated.

32           3. After the promulgation and adoption of such orders,  
33 ordinances, rules or regulations by such county commission  
34 or county health board, such commission or county health  
35 board shall make and enter an order or record declaring such  
36 orders, ordinances, rules or regulations to be printed and  
37 available for distribution to the public in the office of  
38 the county clerk, and shall require a copy of such order to  
39 be published in some newspaper in the county in three  
40 successive weeks, not later than thirty days after the entry  
41 of such order, ordinance, rule or regulation.

42           4. Any person, firm, corporation or association which  
43 violates any of the orders or ordinances adopted,  
44 promulgated and published by such county commission is  
45 guilty of a misdemeanor and shall be prosecuted, tried and  
46 fined as otherwise provided by law. The county commission  
47 or county health board of any such county has full power and  
48 authority to initiate the prosecution of any action under  
49 this section.

50           5. Any orders, ordinances, rules, or regulations made  
51 and promulgated under the authority in this section shall  
52 comply with the provisions of section 67.265.

          Section B. Because of the necessity for clarity and  
2 certainty in public health authority, section A of this act  
3 is deemed necessary for the immediate preservation of the  
4 public health, welfare, peace, and safety, and is hereby  
5 declared to be an emergency act within the meaning of the  
6 constitution, and section A of this act shall be in full  
7 force and effect upon its passage and approval.

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