

FIRST REGULAR SESSION

# SENATE BILL NO. 20

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0662S.02I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to county public health orders, with existing penalty provisions.

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

Section A. Section 192.300, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 192.300,  
3 to read as follows:

192.300. 1. The county commissions and the county  
2 health center boards of the several counties may make and  
3 promulgate orders, ordinances, rules or regulations,  
4 respectively as will tend to enhance the public health and  
5 prevent the entrance of infectious, contagious, communicable  
6 or dangerous diseases into such county, but any orders,  
7 ordinances, rules or regulations shall not:

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

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

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

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

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

47           **5. Before the promulgation and adoption of such**  
48 **orders, ordinances, rules, or regulations, the county health**  
49 **board shall submit such orders, ordinances, rules, or**

50 regulations to the governing body of the county or political  
51 subdivision. The governing body shall, within thirty days,  
52 have the authority to reject or modify such orders,  
53 ordinances, rules or regulations.

54 6. Before the promulgation of any orders, ordinances,  
55 rules, or regulations under this section, a county  
56 commission or county health center board shall issue a  
57 public notice of the proposed orders, ordinances, rules, or  
58 regulations allowing comment for thirty days. A county  
59 commission or county health center board may hold a  
60 noncontested hearing on any such proposed orders,  
61 ordinances, rules, or regulations. The provisions of this  
62 subsection shall not apply during a declared state of  
63 emergency.

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