

SENATE BILL NO. 78

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

1244S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to professional licensing.

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

Section A. Chapter 324, RSMo, is amended by adding thereto
2 one new section, to be known as section 324.033, to read as
3 follows:

324.033. 1. This section shall be known and may be
2 cited as the "First Amendment Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Adverse action", any action taken to discharge,
5 demote, or suspend an individual as an employee or to
6 threaten, harass, or otherwise discriminate against an
7 individual;

8 (2) "License", a license, certificate, registration,
9 permit, or accreditation that enables a person to legally
10 practice an occupation, profession, or activity in this
11 state;

12 (3) "Licensee", a licensee, registrant, permittee, or
13 any other person holding a license;

14 (4) "Oversight body", any board, department, agency,
15 or office that issues licenses.

16 3. If a complaint received under section 324.002 is
17 based on the licensee's exercise of rights protected under
18 the free exercise clause or the free speech clause of the
19 Constitution of Missouri or the Constitution of the United

20 States, the board or commission shall immediately cease any
21 investigation of the licensee and dismiss the complaint.

22 4. Notwithstanding the provisions of section 324.042
23 or any other provision of law governing unprofessional
24 conduct or discipline of a licensee or applicant of a
25 license to the contrary, it shall not be unprofessional
26 conduct for a licensee or applicant of a license to engage
27 in the exercise of rights protected under the free exercise
28 clause or the free speech clause of the Constitution of
29 Missouri or the Constitution of the United States. An
30 oversight body shall not impose discipline for engaging in
31 the exercise of such rights.

32 5. (1) It shall be considered unprofessional conduct
33 for a licensee or applicant of a license to aid or abet a
34 person or organization in taking an adverse action against
35 another licensee or applicant of a license because of speech
36 or conduct that:

37 (a) Is not made in the licensee's or license
38 applicant's professional capacity; and

39 (b) Had the adverse action been taken by a state
40 actor, would have been protected under the free exercise
41 clause or the free speech clause of the Constitution of
42 Missouri or the Constitution of the United States.

43 (2) The unprofessional conduct described in this
44 subsection shall be grounds for an oversight body to take
45 any action that it is authorized to take for other conduct
46 for which discipline may be imposed according to its
47 complaint procedure.

✓