SENATE BILL NO. 849

99TH GENERAL ASSEMBLY

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new
2 section, to be known as section 34.600, to read as follows:

34.600. 1. This section shall be known as the
2 **"Anti-Discrimination Against Israel Act".**

3 **2. A public entity may not enter into a contract with a company**
4 **to acquire or dispose of services, supplies, information technology, or**
5 **construction unless the contract includes a written certification that**
6 **the company is not currently engaged in, and will not for the duration**
7 **of the contract, engage in, a boycott of Israel. This section shall not**
8 **apply to contracts with a total potential value of less than ten thousand**
9 **dollars.**

10 **3. As used in this section, the following terms and phrases shall**
11 **mean:**

12 **(1) "Boycott Israel" and "boycott of the State of Israel", engaging**
13 **in refusals to deal, terminating business activities, or other actions that**
14 **are intended to discriminate against, inflict economic harm, or**
15 **otherwise limit commercial relations specifically with the State of**
16 **Israel, or persons or entities doing business in the State of Israel. A**
17 **company's statement that it is participating in boycotts of the State of**
18 **Israel, or that it has taken the boycott action at the request, in**
19 **compliance with, or in furtherance of calls for a boycott of the State of**

20   Israel, shall be considered to be conclusive evidence that a company is
21   participating in a boycott of the State of Israel, provided however, that
22   a company that has made no such statement may still be considered to
23   be participating in a boycott of the State of Israel if other factors
24   warrant such a conclusion. At no time shall the "State of Israel" be
25   construed to be inconsistent with any provision of federal law,
26   including, but not limited to 50 U.S.C. Sections 4602, 4605 or 4607, as
27   amended;

28   **(2) "Company", any for-profit or not-for-profit organization,**
29   association, corporation, partnership, joint venture, limited
30   partnership, limited liability partnership, limited liability company, or
31   other entity or business association, including all wholly owned
32   subsidiaries, majority-owned subsidiaries, parent companies, or
33   affiliates of those entities or business associations;

34   **(3) "Public entity", the state of Missouri, or any political**
35   subdivision thereof, including all boards, commissions, agencies,
36   institutions, authorities, and bodies politic and corporate of the state,
37   created by or in accordance with state law or regulations.

38   4. Any contract which fails to comply with the provisions of this
39   section shall be void against public policy.

40   5. The commissioner of administration or the designee thereof
41   may promulgate regulations to implement the provisions of this act so
42   long as they are consistent with this section and do not create any
43   exceptions to it. Any rule or portion of a rule, as that term is defined
44   in section 536.010, that is created under the authority of this section
45   shall become effective only if it complies with and is subject to all of
46   the provisions of chapter 536 and, if applicable, section 536.028. This
47   section and chapter 536 are nonseverable and if any of the powers
48   vested with the general assembly pursuant to chapter 536, to review, to
49   delay the effective date, or to disapprove and annul a rule are
50   subsequently held unconstitutional, then the grant of rulemaking
51   authority and any rule proposed or adopted after August 28, 2018, shall
52   be invalid and void.

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