



# Governor's Council on Disability

## LEGISLATIVE UPDATE

Issue 1, January 11, 2019

Welcome to Issue 1 of the Legislative Update.

- The weekly Legislative Update provides information on disability related bills. For more details on a specific bill, please click on the bill number.
- If there has been action on a bill in the current week, the status is listed in red.
- To learn more about the legislative process consider attending the [Legislative Education Project](#) training or watching our online modules and videos.
- Please contact our office (Laura.Mueth@oa.mo.gov) if you need a different format.
- The Legislative Updates are available [online](#) at: <http://disability.mo.gov/gcd>, click on Legislative Updates
- Access to individual bill information is available on the Missouri Senate's website at <http://www.senate.mo.gov/BTSSearch/Default.aspx>
- A glossary of legislative terms can be found at Missouri House of Representatives
- Most of the summaries are prepared by the Research Staff of the Missouri House of Representatives and Missouri Senate and are used by permission.

Note: When "incapacitated," "handicapped," etc. appear in a bill description, it reflects the terminology of the legislation, not the Governor's Council on Disability.

### Abbreviations

HB .....	House of Representatives
Bill .....	
HA .....	House Amendment
HS.....	House Substitute
HR .....	House Resolution
HJR .....	House Joint Resolution
HCS.....	House Committee Substitute
SB.....	Senate Bill
SCS .....	Senate Committee Substitute
SA.....	Senate Amendment
SS .....	Senate Substitute
SR.....	Senate Resolution
SJR.....	Senate Joint Resolution
CCR.....	Conference Committee Report
CCS.....	Conference Committee Substitute

### Bills are listed in the following categories:

- [Assistive Technology](#)
- [Crime](#)
- [Education](#)
- [Employment](#)
- [Funding/Tax Relief](#)
- [Health Care and Personal Assistance](#)
- [Legal Rights and Responsibilities](#)
- [Mental Health](#)
- [Olmstead](#)
- [Safety/Prevention](#)
- [Services for people with Disabilities](#)
- [Other](#)
- [Appropriations](#)

## ASSISTIVE TECHNOLOGY

[HB 205](#) [Kelley](#)

This bill requires insurance companies to cover hearing aids

This bill requires insurance companies to cover two hearing aids (one for each ear) every thirty-six months. Audiological exams, selection, fitting, adjustment, and repairs will be covered if deemed medically necessary. Hearing aids provided to anyone under age 18 with this bill are in addition to initial ones provided under 36.1220

**Status:** 1/10/19 Second Read (H)

[HB 222](#) [Kelley](#)

Establishes a statewide hearing aid distribution program

This bill instructs the Missouri Commission for the Deaf and Hard of Hearing to establish a hearing aid distribution program for Missourians in need of hearing aid and whose income is at or below the federal poverty level. Audiologists and hearing instrument specialists will assess needs and distribution. The Commission is allowed to accept grants, donations, gifts, and bequests to establish and support the program and to enter into contracts with other organizations to provide the program. The Statewide Hearing Aid Distribution Fund is created in the bill to collect any money.

**Status:** 1/10/19 Second Read (H)

[SB 101](#) [Riddle](#)

Establishes a statewide hearing aid distribution program

This act requires the Missouri Commission for the Deaf and Hard of Hearing to establish, subject to appropriations, a statewide hearing aid distribution program to provide financial assistance to certain low-income individuals who are deaf or hard of hearing to obtain hearing aids. All assessment for need and distribution of hearing aids shall be performed by licensed audiologists or hearing instrument specialists. This act creates a dedicated "Statewide Hearing Aid Distribution Fund", which shall not include any funds from the Assistive Technology Trust Fund or the Deaf Relay Service and Equipment Distribution Program Fund. The Commission may accept gifts, donations, grants, and bequests for the program.

**Status:** 1/9/18 Introduced and First Read (S)

## CRIME

[HB 166](#) [McCreery](#)

Changes the laws regarding unlawful actions by persons knowingly infected with communicable diseases

This act changes the laws regarding knowingly infecting HIV to any serious or infectious communicable disease. A serious or infectious communicable disease is defined as a non-airborne disease spread from person to person that is determined to have significant long-term implications on physical health or life activities. The language is changed to exposing someone to the disease through an activity where there is a substantial transmission risk

with the purpose of transmitting the disease. If the individual takes precautions to prevent transmission it is not considered to act purposefully. The offenses are changed to misdemeanors.

**Status:** 1/10/19 Second Read (H)

**HB 167**      **Rehder**

Changes the laws regarding unlawful actions by persons knowingly infected with communicable diseases

This bill changes the laws regarding knowingly infecting HIV to any serious or infectious communicable disease. A serious or infectious communicable disease is defined as a non-airborne disease spread from person to person that is fatal or causes long-term disabling consequences without lifelong treatment or management. It allows individuals to be a donor if a physician deems it medically appropriate. The language is changed to “knowingly expose” and “act in a reckless manner.” If a defendant takes precautions to prevent transmission it is not considered to act knowingly. The felony classes for the specific offenses mentioned in the bill are changed.

**Status:** 1/10/19 Second Read (H)

**HB 224**      **Ellebracht**

Provides that a person may be charged with promoting a suicide attempt or voluntary manslaughter if such person is convicted of abusing certain persons and such conduct significantly contributed to the suicide or suicide attempt

This bill states that a person may be charged with promoting a suicide attempt if that person abuses an elderly person, a person with a disability, or a vulnerable person and the abuse contributed significantly to the suicide attempt. A person may be charged with voluntary manslaughter if that person abused an elderly person, a person with a disability, or another vulnerable person and the abuse contributed significantly to the suicide. Promoting a suicide attempt is a class E felony.

**Status:** 1/10/19 Second Read (H)

**HB 302**      **Hicks**

Modifies weapon offenses by decriminalizing possession of a firearm silencer by persons who obtain a medical certificate for significant hearing loss

This bill allows individuals with significant hearing loss to use a firearm silencer without committing an offense as long as the individual has a letter from a physician stating the silencer is needed to preserve remaining hearing.

**Status:** 1/10/19 Second Read (H)

**HB 341**      **Hicks**

Allows certain marijuana-related offenses and violations to be expunged if the offenses or violations occurred in Missouri prior to the issuance of a patient identification card

This bill instructs the MO Department of Health and Senior Services to apply for expungement of misdemeanor offenses related to marijuana for anyone who is issued a patient identification card for medical marijuana.

Certain criteria outlined in the bill needs to be met for the expungement application to be completed. The bill details the expungement process and maintaining of records.

**Status:** 1/10/19 Second Read (H)

HB 353      Hannegan

Provides that a person cannot be sentenced to death if he or she raises the issue that he or she suffered from a serious mental illness at the time of the commission of the offense

This bill provides that someone who states he/she suffered from a serious mental illness at the time of the offense and that is found to be true cannot be sentenced to the death penalty. What it means to have a serious mental illness for this purpose is detailed. The process of what will occur once the serious mental health issue is raised is outlined.

**Status:** 1/10/19 Second Read (H)

SB 107      Hoskins

Modifies law regarding service dogs

Under this act, any person knowingly misrepresenting a dog as a service dog, as described in the act, for the purposes of receiving accommodations regarding service dogs under the Americans with Disabilities Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. Additionally, any person knowingly misrepresenting any animal as an assistance animal, as described in the act, for the purposes of receiving accommodations regarding assistance animals under the Fair Housing Act or Rehabilitation Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. The Missouri Commission on Human Rights shall use its existing complaint hotline to receive reports of individuals impersonating a person with a disability, misrepresenting a dog as a service dog, or misrepresenting an animal as an assistance animal. The Governor's Council on Disability shall prepare and make available online a placard for posting in a front window or door of a business stating that service dogs are welcome and misrepresenting a service dog is a violation of Missouri law. The Council shall also prepare and make available a brochure detailing guidelines regarding service dogs and assistance animals.

**Status:** 1/9/18 Introduced and First Read (S)

## EDUCATION

HB 54      Bangert

Requires school districts to provide instruction in cursive writing

This bill requires that each elementary school provide cursive writing instruction so that each student creates readable documents by the conclusion of fifth grade. Each student will pass a proficiency test to demonstrate he/she is able to read and write in cursive.

**Status:** 1/10/19 Second Read (H)

HB 342      Washington

Modifies provisions relating to prefilled epinephrine auto syringes in schools

This bill instructs school districts to adopt and implement a policy concerning maintaining an adequate supply of prefilled epinephrine auto syringes beginning with the 2019-2020 school year. School personnel are responsible for maintaining the supply. The state board of education will develop a model policy which may be used by districts.

**Status:** 1/10/19 Second Read (H)

[HB 485](#)     [Dogan](#)

Requires the state board of education to modify accreditation standards for special school districts

This bill requires the state board of education to modify accreditation standards for special school districts to reflect the educational needs of students in that district and to measure student performance appropriately.

**Status:** 1/10/19 Second Read (H)

[SB 73](#)     [O'Laughlin](#)

Requires each local school district and charter school to have on file a policy for reading intervention plans for any pupils of the district and charter schools in grades kindergarten through four

This act modifies current law regarding reading intervention programs. Each local school district and charter school shall have on file a policy for reading intervention plans for any pupils of the district in grades kindergarten through four, rather than through grade three. Authority to develop guidelines to assist school districts and charter schools in formulating policies for reading intervention plans is transferred from the State Board of Education to local school districts. Under this act, each school district and charter school shall administer a reading assessment or set of assessments to each student within the first thirty days of school for grades one through four, and by January thirty-first for kindergarten. This act removes the requirement that school districts and charter schools design a reading intervention plan for the student's fourth-grade year if the student's third-grade reading assessment determines the student is reading below second-grade level. The provision is replaced with a requirement that school districts and charter schools offer a reading intervention program to each K-4 student who exhibits a reading deficiency or has a formal diagnosis of dyslexia. The reading intervention program shall be provided in addition to the core reading instruction provided to all students, and shall meet criteria set forth in the act. Any K-4 student who exhibits a deficiency in reading at any time, based upon local or statewide screening assessments, shall receive an individual reading intervention plan no later than thirty days after the identification of the deficiency. Such plan shall be created by the teacher and other pertinent school personnel, and shall describe the evidence-based reading improvement services the student shall receive. Under this act, beginning with the 2020-2021 school year, students who are not reading at grade level by the end of the second grade shall receive intensive reading improvement to remedy the student's specific reading deficiency. Each school district and charter school shall conduct a review of student reading intervention plans for all students who are not reading at grade level by the end of the second grade, and shall address additional support services needed to remedy the areas of deficiency. School districts and charter schools shall provide improvement and support services set forth in the act. School districts and charter schools are required, under this act, to establish an intensive acceleration class for any student not reading proficient or above on the third-grade state assessment, and shall meet certain criteria set forth in the act. This act allows school districts and charter schools to provide summer reading camps to all third-grade students scoring below proficient. Such camps shall be staffed with highly effective teachers of reading. Summer reading camps shall

include at least sixty hours of instructional time in reading. This act extends the mandatory process of additional reading instruction from grade six to graduation from high school. Each school district and charter school is required to offer summer school reading instruction to any student with a reading intervention plan. Districts may fulfill the requirement through cooperative arrangements with neighboring districts or virtual schools. The parent or legal guardian of any student who exhibits a deficiency in reading shall be notified in writing no later than fifteen school days after identification of the deficiency. The written notification shall meet certain requirements as set forth in the act. This act requires the board of each school district and charter school to post, by September first of each year, by building, the number and percentage of all students in grades 3-8 scoring at each proficiency level on the English language arts statewide assessment; by building, the number and percentage of all students in grades 3-8 in each demographic category scoring proficiency level on the English language arts statewide assessment; by district, the number and percentage of all students in grades 3-8 scoring at each proficiency level on the English language arts statewide assessment; and by district, the number and percentage of all students in grades 3-8 in each demographic category scoring at each proficiency level on the English language arts statewide assessment. The Department of Elementary and Secondary Education is also required to report the information in a state-level summary to the State Board of Education, the public, the governor, and the Joint Committee on Education by October first of each year. This act also repeals provisions of law relating to mandatory retention for reading deficiencies.

**Status:** 1/9/18 Introduced and First Read (S)

## EMPLOYMENT

[HB 48](#) [Bangert](#)

Establishes a presumption that an emergency worker diagnosed with post-traumatic stress disorder incurred the disorder in the course of employment as an emergency worker

This bill assumes if an emergency worker is diagnosed with post-traumatic stress disorder (PTSD) while in service as an emergency worker or within three years of terminating service the PTSD is considered an occupational disease and will be compensated as such unless it is determined that the PTSD is not service-connected.

**Status:** 1/10/19 Second Read (H)

[HB 61](#) [Unsicker](#)

Repeals a provision relating to waivers by blind employees

This bill repeals a section of statute making it legal for employees who are blind to waive their rights to personal injury compensation if the employee's blindness directly caused or contributed to causing the injury.

**Status:** Status: 1/10/19 Second Read (H)

[HB 89](#) [Green](#)

Creates a tort cause of action for injuries that result from harassment in the workplace

This bill allows victims of workplace harassment who suffer a significant medically diagnosed illness or injury as a result of the harassment to recover actual damages and reasonable attorney and expert witness fees through a civil cause of action. The bill outlines the criteria that must be met.

**Status:** 1/10/19 Second Read (H)

HB 241      Neely

Requires certain training and testing accommodations for Commercial Driver's License applicants who are deaf or hard of hearing

This bill requires any department or entity providing CDL training to persons preparing to apply for CDL licenses under the provisions of Sections 302.700 to 302.780, RSMo, to provide reasonable accommodations for persons who are deaf or hard of hearing. Specific requirements shall be set by rules promulgated by the Director of the Department of Revenue.

**Status:** 1/10/19 Second Read (H)

HB 517      Unsicker

Requires state agencies to support competitive integrated employment for persons with disabilities

This act requires all state agencies providing employment services or services and supports to individuals with disabilities to implement an employment first policy by considering competitive, integrated employment as the first priority and preferred outcome. All agencies are to provide specific information stated in the act to all individuals with disabilities of working age. All agencies are to ensure all individuals receive the opportunity to explore education and training options. It also requires partnerships to be established with certain types of private agencies as well as ensuring staff training. It requires certain information to be discussed with youth and parents/guardians annually. The bill does not take away supported or sheltered employment when those are the most appropriate options. It also does not remove benefits for those who are unable to be employed. The act does not require a hiring preference. Agencies must work together to ensure policies and procedures promote competitive, integrated employment as the preferred outcome.

**Status:** 1/10/19 Second Read (H)

SB 156      Wallingford

Creates new provisions relating to workers' compensation proceedings

This act modifies the applicability of the priority schedule for payment of liabilities of the Second Injury Fund (SIF). Specifically, the act allows for the payment from the SIF of the following SIF liabilities prior to any liability set forth in the priority schedule:

- All death benefits incurred relating to claims for deaths occurring prior to January 1, 2014, consistent with a temporary or final award; and
- Ongoing medical expenses, but not past medical expenses, relating to claims for injuries occurring prior to January 1, 2014, consistent with a temporary or final award which includes future medical benefits.

This act additionally permits the Division of Workers' Compensation to call the security of a group self-insured employer or public sector individual employer if they are deemed insolvent, are determined to be insolvent, file for bankruptcy, or fail to pay any obligations owed under the workers' compensation laws. Furthermore, the

Division is permitted to retain a third-party administrator for the purpose of paying any compensation benefits owed to an injured employee.

**Status:** 1/9/18 Introduced and First Read (S)

SB 162     Schupp

Creates new provisions of law relating to leave from employment

#### GENERALLY

Under this act, all employees who are not independent contractors are eligible to receive up to six weeks each year of wage replacement benefits for any of the following reasons:

- To bond with a minor child within the first year of birth or placement in connection with foster care or adoption;
- To care for a family member with a serious health condition;
- To tend to one's own serious health condition; or
- To assume any familial responsibility because a spouse, child, or parent of an employee is on, or has been notified of, an impending call to active duty in the armed forces.

The Department of Labor and Industrial Relations is responsible for administering the program.

An employee is eligible for benefits equal to 100% of his or her average weekly pay for each full week taken for family or medical leave. However, an employee's average weekly wage may not be higher than the average state weekly wage. An employee may take partial weeks of leave but will only receive benefits equal to the fraction of the number of days of leave taken divided by the number of the days that the employee would have otherwise worked. An employee may additionally only take leave in full day increments.

#### APPLYING FOR BENEFITS

An employee has 41 days following the first day on which he or she begins to take family or medical leave to file a claim for benefits with the Department. Furthermore, an employee may not receive benefits until they have contributed to the Missouri Earned Family and Medical Leave Fund for at least 52 weeks. An employee may not receive benefits on any day for which they are eligible to receive unemployment or workers' compensation benefits. Leave taken under this act must be taken concurrently with leave taken under the federal Family Medical Leave Act. Each employee applying for benefits shall show, on a certificate provided by the Department, that he or she is entitled to family or medical leave. An employee seeking to take leave under this act shall provide at least 30 days notice to their employer if the reason for leave is foreseeable. If it is not foreseeable, notice shall be given as soon as practicable.



#### APPEALING DETERMINATION OF ELIGIBILITY

Employees are entitled to appeal a determination of eligibility by the Department to the Administrative Hearing Commission. A notice of appeal shall be sent to the Commission within 30 days of the receipt of the determination by the employee. A decision by the Commission may be appealed to a court of competent jurisdiction. An employee is not entitled to appeal a determination of the amount of benefits received but may request a redetermination by the Department within one year of the initial determination. The Department may initiate its own redetermination under certain circumstances within two years following an employee's filing of a claim.

#### UNLAWFUL DISCRIMINATORY ACTIONS

It is unlawful for an employer to discriminate against an employee because he or she filed a claim for, indicated an intent to file a claim for, or have received Missouri earned family and medical leave benefits. Courts hearing such complaints may grant injunctive, equitable, or compensatory relief to employees. Complaints may be filed by either the employee or the Department. In the event that the Department files a complaint, the employee is thereafter barred from bringing his or her own action. In any event, a discrimination claim shall be brought within three years.

#### OUTREACH AND REPORTS

The Department is required to develop and implement an outreach program to make employees aware of their rights, duties, and responsibilities under this act. The State Auditor is required to complete an audit of the program no later than 3 years following the passage of the act.

#### MISSOURI EARNED FAMILY AND MEDICAL LEAVE FUND

The Missouri Earned Family and Medical Leave Fund is created. An employee is required to contribute .025% of his or her average weekly pay to the fund, provided that the total wages used to compute the contribution rate shall not exceed the contribution and benefit base used to calculate Social Security taxes. If, at the discretion of the Director of the Department of Labor and Industrial Relations, there is not a sufficient amount of funds in the fund to satisfy all claims, the director is permitted to reduce the benefit amount each employee will receive. Contributions to the program may begin January 1, 2021, but no employee may receive benefits until January 1, 2022. All employee contributions are pre-tax and not considered part of the adjusted gross income.

#### REFERENDUM CLAUSE

The act contains a referendum clause to be presented to the voters at the 2020 general election.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 212](#)     [Sifton](#)

Modifies provisions relating to occupational diseases under workers' compensation laws

Under this act, the death, disability, or impairment of health of any person who is a firefighter, police officer, emergency medical technician, or other first responder of any political subdivision shall be considered an occupational disease if the following conditions are met:

- The person must have completed five or more years of employment as a firefighter, police officer, emergency medical technician, or other first responder;
- The death, disability, or impairment of health must have been caused by a disease of the lungs or respiratory tract, hypertension, cardiovascular-renal disease, or post-traumatic stress disorder;
- The death, disability, or impairment of health must be the result of employment as a firefighter, police officer, emergency medical technician, or other first responder; and
- The person must have taken a physical examination upon becoming employed that failed to reveal any evidence of any condition or impairment of health.

Clear and convincing medical evidence that the cause of the condition or impairment of health of the person is unrelated to their employment is required in order to deny a workers' compensation claim under this act.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 233](#)     [Sater](#)

Modifies provisions relating to sheltered workshops

Under current law, the Department of Elementary and Secondary Education pays monthly to each sheltered workshop a sum equal to the amount calculated under statute, but at least the amount necessary to ensure that at least \$21 is paid for each 6 hour or longer day worked by a handicapped employee. This act adds language that such 6 hour or longer days worked shall be for each workweek of up to and including 38 hours worked. For each handicapped worker employed by a sheltered workshop for less than a 38 hour week or a 6 hour day, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

**Status:** 1/9/18 Introduced and First Read (S)

## FUNDING/TAX RELIEF

[HB 33](#)     [Stacy](#)

Creates a new funding mechanism for Bryce's Law

This bill creates a mechanism for Bryce's Law which allowing individuals to receive a tax credit for making a contribution to a scholarship granting organization. It also instructs the state treasurer's office to create a fund for the collected money.

**Status:** 1/10/19 Second Read (H)

[HB 34](#)     [Stacy](#)

Establishes the Missouri Empowerment Scholarship Accounts Program

This bill creates the "Missouri Empowerment Scholarship Accounts Program" and specifies that any taxpayer may claim a tax credit, not to exceed 50% of the taxpayer's state tax liability, for any qualifying contribution to an educational assistance organization for all tax years beginning on or after January 1, 2020. The cumulative amount of tax credits issued in any one calendar year shall not exceed \$50 million. Each educational assistance organization shall meet certain requirements and provide specified information during an annual audit. The State Treasurer shall provide a standardized format for a receipt to be issued by the educational assistance organization to indicate the value of a contribution received as well as a standardized format for educational assistance organizations to report the information. The State Treasurer or State Auditor may conduct an investigation if he or she possesses evidence of fraud committed by the educational assistance organization. The educational assistance organization may be barred from participating in the program if it is found to have intentionally and substantially failed to comply with certain requirements. In addition, the State Treasurer shall issue a report on the Missouri Empowerment Scholarship Accounts program five years after its effective date. The bill also creates the "Missouri Empowerment Scholarship Accounts Fund" which shall consist of no more than 2% of qualified contributions to be used for the administration of the program. A qualified student may receive a grant to be deposited in the student's Missouri Empowerment Scholarship Account if he or she is an elementary or secondary student, a resident of Missouri, and has attended a public school as specified in the bill, is entering Kindergarten or first grade, or is attending school for the first time. Missouri empowerment scholarship accounts are renewable on an annual basis. Moneys deposited into the account shall be used for specified services and fees. If a qualified student withdraws from the program, is disqualified from the program, or graduates, the student's account shall be closed and remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students. Any person who is found to have knowingly used money granted under the provisions of this bill other than the purposes provided for shall be guilty of a class A misdemeanor.

**Status:** [1/10/19 Second Read](#) (H)

[HB 176](#)      [Washington](#)

Modifies provisions regarding property tax relief for senior citizens

This bill changes the percentage of service-connected disability required of a veteran for he/she or his/her spouse to not have to list veterans payments or benefits for the senior citizen property tax credit. The percentage changes from 100% to 50% or more. It also removes the provision stating the credit cannot be claimed if a credit was claimed under 137.106 in the year following the year the property tax credit is being claimed.

**Status:** [1/10/19 Second Read](#) (H)

[HB 227](#)      [Swan](#)

Specifies that all new and existing tax credits shall be approved by the General Assembly as part of the budget process

This bill requires all new and existing tax credits with the exception of the senior citizen property tax credit to be reviewed and approved by a constitutional majority of both houses of the general assembly.

**Status:** 1/10/19 Second Read (H)

[HB 256](#) [Wood](#)

Modifies provisions relating to certain donation options when applying for a motor vehicle registration and when applying for a driver's license

This bill changes the specified \$1 donation for blindness education and organ donation matters when applying for motor vehicle registration or a driver's license to an amount to be determined by the Department of Social Services or the Department of Health and Senior Services, as specified in the bill.

**Status:** 1/9/18 Introduced and First Read (H)

[HB 476](#) [Bailey](#)

Creates a new funding mechanism for Bryce's Law

This bill creates the Bryce's Law Scholarship Fund in which money will be deposited for use by the Department of Elementary and Secondary Education to award grants and administer the Bryce's Law program. It specifies how much will be deposited in the fund each year and that the Department will actively seek grants and donations to deposit in the fund. The Department is instructed to develop a program to award the grants.

**Status:** 1/10/19 Second Read (H)

[HB 478](#) [Christofanelli](#)

Establishes the Missouri Empowerment Scholarship Accounts Program

This bill establishes the MO Empowerment Scholarship Accounts Program. Beginning January 1, 2020 it allows a taxpayer to make a contribution to a qualifying educational assistance organization and claim a tax credit. The act outlines the requirements that must be met for an organization to qualify as an educational assistance organization under the act. Students are eligible to receive funds from the established accounts if they meet the criteria. Parents and guardians are allowed to only use the funds for certain educational expenses. These can include therapies and paraprofessional assistance.

**Status:** 1/10/19 Second Read (H)

[SB 11](#) [Cunningham](#)

Modifies provisions relating to Medicaid per diem reimbursement rates

Under this act, any intermediate care facility or skilled nursing facility participating in MO HealthNet that incurs total capital expenditures in excess of \$2,000 per bed shall be entitled to obtain a recalculation of its Medicaid per diem reimbursement rate based on its additional capital costs or all costs incurred during the facility fiscal year during which such capital expenditures were made.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 28](#) [Hegeman](#)

Places a cap on the Low-Income Housing Tax Credit

This act places an aggregate cap on the amount of state low-income housing tax credits that may be authorized in a calendar year. Such cap shall be fifty percent of the amount of federal low-income housing tax credits allocated to the state.

**Status:** 1/9/18 Introduced and First Read (S)

**SB 29**      **Hegeman**

Extends the sunset on certain healthcare provider reimbursement allowances and modifies the managed care organization reimbursement allowance

This act extends the sunsets from September 30, 2019, to September 30, 2021, for the Ground Ambulance, Nursing Facility, Medicaid Managed Care Organization, Hospital, Pharmacy, and Intermediate Care Facility for the Intellectually Disabled Reimbursement Allowances.

**Status:** 1/9/18 Introduced and First Read (S)

**SB 160**      **Koenig**

Establishes the Missouri Empowerment Scholarship Accounts Program

This act establishes the Missouri Empowerment Scholarship Accounts Program. For all fiscal years beginning on or after July 1, 2020, a taxpayer may make a qualifying contribution to an educational assistance organization and claim a tax credit, as described in the act. The tax credit is for 100% of the amount of the contribution and the amount of the tax credit claimed shall not exceed 50% of the taxpayer's state tax liability for the tax year for which the credit is claimed. Tax credits authorized under the program may not be transferred, sold, or assigned, and are not refundable. The annual cumulative amount of tax credits is limited at \$50 million, which shall be adjusted for inflation. The Department of Revenue shall establish a procedure to allocate the tax credits to the educational assistance organizations on a first come, first served basis. The Department may reallocate those tax credits to educational assistance organizations that have used all, or a certain percentage, of their tax credits. An educational assistance organization shall meet certain requirements, including notifying the Department of its intent to provide scholarship accounts; being a 501(c)(3) organization; providing a receipt to taxpayers for contributions; ensuring that funds are used as specified in the act; distributing scholarship payments four times per year in an amount not to exceed the state adequacy target; providing the Department, upon request, with criminal background checks on all employees and board members; and demonstrating financial accountability and viability, as described in the act. Each educational assistance organization shall publicly report to the Department, by June first annually, the name and address of the organization, the name and address of each student who opened a scholarship account, the total number and dollar amount of contributions during the previous calendar year, and the total number and dollar amount of scholarship accounts opened during the previous calendar year. The Department shall provide standardized forms for program participants. The Department or State Auditor may conduct an investigation of any educational assistance organization if it possesses evidence of fraud. In addition, the Department may bar an educational assistance organization from participating if the organization has failed to comply with program requirements. The Department shall issue a report on the state of the program five years after it goes into effect. The act also creates the Missouri Empowerment Scholarship Accounts Fund. No more than 2% of qualifying contributions may be deposited into the fund for marketing and administrative purposes. (Section 135.716)The provisions of the Missouri Sunset Act

shall not apply to the program. A student is eligible to receive funds in a Missouri Empowerment Scholarship Account if he or she is an elementary or secondary school student who is a resident of Missouri and resides in a county with a charter form of government or a municipality with a population greater than 30,000. The student's parent shall only use the money in the account for certain expenses related to the qualified student's education, as described in the act. The parent of a qualified student shall sign an agreement with an educational assistance organization to enroll the qualified student in a qualified school to receive an education for the student in certain subjects; not enroll the student, other than a student that is in the custody of the state, in a school operated by the qualified student's district of residence or in a charter school; release the district of residence from the obligation of educating the student while the student is enrolled in the program; use the Missouri Empowerment Scholarship Account money for only specified purposes; and not use the funds for consumable education supplies or tuition at a private school located outside of the state. The scholarship accounts are renewable on an annual basis upon request of the parent of a qualified student. A qualified student shall remain eligible for renewal until the student completes high school. If a qualified student withdraws from the program by enrolling in a school other than a qualified school, or is disqualified from the program for violations specified in the act, the scholarship account shall be closed and any remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students. When a student withdraws from the program, the responsibility for providing an education for that student transfers back to the student's district of residence. The funds remaining in the scholarship account at the end of a school year shall remain in the account for the following school year. Any funds remaining in the account after graduation shall be returned to the educational assistance organization for redistribution to other qualified students. If a qualified student moves out of a county with a charter form of government or a municipality with a population greater than 30,000 before the end of the school year in which they were participating in the program, the student will remain eligible for participation in the program until they graduate from high school. Beginning in the 2021-2022 school year, the Department shall conduct or contract for an annual audit of accounts to ensure compliance. A parent may be disqualified from program participation if the Director of the Department of Revenue determines that the parent is found to have committed an intentional program violation. The Department may refer cases of substantial misuse of moneys to the Attorney General. A person commits a Class A misdemeanor if they are found to have knowingly used moneys for any purposes other than those set forth in the act.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 208](#)     [Wallingford](#)

Modifies provisions relating to the Senior Citizens Property Tax Credit

This act modifies the Senior Citizens Property Tax Relief tax credit program by removing renters from eligibility, making the program applicable only to homeowners.

**Status:** 1/9/18 Introduced and First Read (S)

## HEALTH CARE/PERSONAL ASSISTANCE

[HB 138](#)     [Kidd](#)

Establishes "Simon's Law," which changes the laws regarding life-sustaining or nonbeneficial treatment policies of health care facilities

This bill establishes Simon's Law that adds one new section to the law relating to life-sustaining treatment policies of health care facilities. The bill prohibits a health care facility, nursing home, physician, nurse, or medical staff from instituting a do-not resuscitate order, or similar physician's order for any child who is not emancipated or under juvenile or family court jurisdiction without oral or written permission of at least one parent or legal guardian. The bill includes provisions for exceptions when parents or legal guardians are not successfully contacted after diligent efforts, for children under court jurisdiction, and those with relative caretakers. Permission previously given under the provisions of the bill may be revoked in writing by the legal guardian or either parent of the patient. The provisions do not require any treatment to be continued if it is medically inappropriate or would not result in further benefit or recovery of the patient.

**Status:** 1/10/19 Second Read (H)

[HB 226](#)     [Swan](#)

Removes the sunset on advanced practice registered nursing telehealth programs

This bill removes the sunset provision on the existing statute.

**Status:** 1/10/19 Second Read (H)

[HB 183](#)     [Trent](#)

Modifies provisions relating to public assistance benefits

This bill requires MO HealthNet participants ages 19 to 64 to be involved in work and community engagement requirements in order to continue receiving MO HealthNet unless the participant is exempt. There are several exemptions. A few involve having a disability. There are additional good causes listed which could result in additional exemptions for this requirement. Two of these relate to disabilities.

**Status:** 1/9/18 Introduced and First Read (H)

[HB 233](#)     [Helms](#)

Establishes a pilot program to allow MO HealthNet participants to receive services through direct primary care arrangements

This bill requires the Department of Social Services to develop and oversee a pilot program in Greene and Christian counties that would allow MO HealthNet participants to receive health care services through direct primary care arrangements. A direct primary care arrangement allows physicians to charge a monthly fee that covers all or most primary care services. The pilot program will run from January 1, 2020 to December 31, 2025. The department must send a report to the General Assembly annually on the pilot program. Each enrollee in the program shall be enrolled in a direct primary care provider plan. The direct primary care plan shall include the following restrictions: (1) The monthly enrollment fee shall not exceed a weighted average of \$70 per month; (2) The managed care provider shall designate participating direct primary care providers as the manager for enrollees, with some limitations; and (3) The managed care provider shall not be liable for increased costs resulting from implementation of the pilot program. The department must pursue all necessary waivers from

the federal government to implement the provisions of this pilot program and if it is unable to obtain the waivers, the department must implement the program to the degree possible without the waivers.

**Status:** 1/10/19 Second Read (H)

**HB 238**     **Schroer**

This bill prevents the state government from sharing medical marijuana user or registry info with the federal government

This bill prevents state agencies from sharing the statewide medical marijuana card list with the federal government. Violations are a Class E felony.

**Status:** 1/10/19 Second Read (H)

**HB 245**     **Neely**

Requires insurance companies to cover fertility preservation procedures for insureds who are at least 18 years old and are diagnosed with cancer but have not started cancer treatment

This bill requires insurance companies to cover embryo, oocyte, and sperm preservation procedures for anyone 18 years of age or older who has been diagnosed with cancer but not begun treatment. It specifies what will be covered and limitations.

**Status:** 1/10/19 Second Read (H)

**HB 252**     **Morris**

Modifies provisions relating to the MO Rx plan

Currently, only Medicaid dual eligible individuals meeting certain income limitations are eligible to participate in the Missouri RX Plan. This bill removes the Medicaid dual eligible requirement, while retaining the income limitations.

**Status:** 1/10/19 Second Read (H)

**HB 308**     **Walker**

Establishes the Mo HealthNet Buy-In for Workers with Disabilities Program

The Ticket to Work Health Assurance Program provides medical assistance through MO HealthNet for employed, disabled persons who meet certain qualifications, including asset limits and earned, net, and gross income calculations. Currently, disabled individuals whose income exceeds 100% of the federal poverty level pay a premium for participation in the program. If an eligible person's employer offers employer-sponsored health insurance and the Department of Social Services determines the employer-sponsored insurance is more cost effective, the department instead pays that person's costs for the employer-sponsored health insurance. This bill changes the Ticket to Work Health Assurance Program to the "MO HealthNet Buy-in for Workers with Disabilities Program." MO HealthNet Buy-In differs from the Ticket to Work Health Assurance Program by: (1) Removing asset limits from qualification calculations; (2) Modifying the income calculation from a net/gross calculation to a broader definition that would consider income for those disabled persons with incomes up to 300% of the federal poverty level, while retaining the requirement that persons with incomes over 100% of the federal poverty level pay a premium; (3) Requiring all earned income of a spouse to be disregarded from income



calculations; (4) Requiring MO HealthNet assistance to be provided as a secondary or supplemental policy if the department elects to pay the person's costs of employer-sponsored health insurance; (5) Requiring the department to provide an annual report to the General Assembly regarding the number of participants in the program, as well as outreach and education efforts; and (6) Removing the provision requiring the expiration of the program on August 28, 2019.

**Status:** 1/10/19 Second Read (H)

HB 377      Kelly

Modifies the laws in regards to personal care assistance services

This bill adds a responsibilities to personal care attendant consumers and vendors. It removes the telephony pilot program and the telephony minority report. It specifies orientation for consumers must include notification that falsifying visit records is fraud and will be reported. There will be a provider certification manager course. Vendors must perform bi-annual face-to-face home visits and maintain a business location that is compliant. Providing false information on one's condition, level of care needs, or functional capacity is added as a reason the Department of Health and Senior Services will close a case.

**Status:** 1/10/19 Second Read (H)

HB 399      Basye

Changes the laws regarding health care for persons with disabilities

This bill requires insurance companies in MO to cover treatment for symptoms and behaviors of developmental or physical disabilities. Treatment covered will include habilitative, rehabilitative, and therapeutic care along with psychological and applied behavior analysis services. Therapy coverage will be up to \$40,000 annually for individuals age eighteen and younger. This amount may be exceeded if it is deemed medically necessary and approved by the insurance company. Other services have no age or monetary limitations.

**Status:** 1/10/19 Second Read (H)

HB 405      Messenger

Establishes the Missouri Freedom to Choose Health Care Act

This bill establishes the "Missouri Freedom to Choose Health Care Act" and requires health carriers to annually submit a list of their Medicare rates or capitated rates for covered services to the Department of Insurance, Financial Institutions, and Professional Registration who shall post the information on the department's website. Health carriers are required to contract with any Missouri provider who is willing to meet the terms and conditions established for such health benefit plan, including the MO HealthNet and Medicare programs. Health care providers are required to provide every patient with information on every medical facility the provider has privileges at and shall provide the services at the medical facility of the patient's choosing. Any health carrier authorizing a claim for reimbursement for a health care service provided shall make full payment on such claim. A health carrier shall not authorize payment for health care services in this state and then refuse to pay for such services or refuse to pay the full amount that it authorized. The provisions of this bill do not apply to voluntary insurance products.

**Status:** 1/10/19 Second Read (H)

HB 410      Gregory

Allows physical therapists to treat patients without a prescription

This bill allows physical therapists to perform evaluations and initial treatments on patients without a prescription or referral from a health care provider. It also allows physical therapists to provide education, screening, or consultations and to develop fitness and wellness programs without a prescription or referral. Physical therapists will provide appropriate health care referrals to anyone whose medical condition is beyond the scope of physical therapy.

**Status:** 1/10/19 Second Read (H)

[HB 466](#)     [Wood](#)

Allows structured family care giving as a covered service under MO HealthNet, subject to the approval of federal waivers

This bill instructs the Department of Social Services to apply for a federal waiver from the federal government to allow MO HealthNet participants with Alzheimer's and other disorders to live at home in their community and receive assistance from caregivers they choose. It specifies what the waiver application will include.

**Status:** 1/10/19 Second Read (H)

[SB 45](#)     [Hoskins](#)

Enacts provisions relating to health care for persons with disabilities

This act specifies that third-party payers for health care services shall not limit or deny coverage for treatment of symptoms and behaviors for physically or developmentally disabled individuals if a licensed physician or psychologist determines the symptoms or behaviors caused by the disability require the individual to receive care or assistance from another person and directly affect participation in everyday activities. The act adds coverage for developmental and physical disabilities to the autism spectrum disorder health insurance coverage mandate. The act specifies that medical necessity of treatment shall be determined by the health benefit plan, and that providers may submit a treatment plan. Coverage for therapeutic care required to be provided under the act shall be subject to a maximum benefit of \$40,000 per calendar year for individuals through the age of 18. This limit may be exceeded upon prior approval by the health benefit plan if medically necessary.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 70](#)     [Hough](#)

Modifies provisions relating to personal care assistance services

This act requires a consumer of consumer-directed services to permit the vendor to comply with its quality assurance and supervision process, including bi-annual face-to-face home visits and monthly case management activities. During the home visits, the vendor shall document if the attendant was present and providing services as set forth in the plan of care. This act repeals language permitting the Department of Health and Senior Services to establish certain pilot projects for telephone tracking systems. This act also requires vendors to notify consumers during orientation that falsification of personal care attendant visit verification records shall be considered and reported to the Department as fraud. Under current law, a vendor shall submit, among other items, an annual audit report to the Department. This act repeals that language. The Department shall require

the vendor to maintain a business location in compliance with any and all city, county, state, and federal requirements. Additionally, this act requires the Department to create a consumer-directed services division provider certification manager course. No state or federal funds shall be authorized or expended if the owner, primary operator, certified manager, or any direct employee of the consumer-directed services vendor is also the personal care attendant. Currently, a consumer's services may be discontinued if the consumer has falsified records. This act adds language to include providing false information of his or her condition, functional capacity, or level of care needs.

**Status:** 1/9/18 Introduced and First Read (S)

SB 76      Sater

Requires certain MO HealthNet participants to comply with work and community engagement requirements

This act requires the Department of Social Services to apply for a waiver and any necessary state plan amendments to implement work and community engagement requirements for certain MO HealthNet participants by January 1, 2020. Participants ages 19 to 64 shall complete at least 80 hours a month of any combination of specified work, education, job search, child care, and volunteer services. The Department of Social Services shall provide reasonable accommodations for individuals with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and Section 1557 of the Patient Protection and Affordable Care Act, who are not otherwise exempt from the work and community engagement requirements under this act, to ensure that the participants are able to comply with the requirements, including exemptions, modifications of hours, and the provision of necessary support services. MO HealthNet participants who shall not be required to comply with the provisions of this act include: (1) those under 19 and over 64; (2) those who are medically frail as defined in the act, including those with certain disabilities; (3) those who are pregnant or caring for a child under one year of age; (4) those who are primary caregivers of a dependent child under the age of six or a dependent adult; and (5) those who are also participants of Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program and are exempt from work requirements under those programs. The Department may permit further exemptions in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause as defined in this act.

**Status:** 1/9/18 Introduced and First Read (S)

SB 77      Sater

Requires the Department of Social Services to apply for a global waiver for MO HealthNet

Under this act, the Department of Social Services shall apply for a global waiver for the MO HealthNet program designed to give the state greater flexibility to implement a patient-centered, sustainable, and cost-effective market-based health care system that emphasizes competitive and value-based purchasing. Such flexibility may include: (1) eligibility determinations that include work requirements for certain able-bodied adults; (2) initiatives to promote healthy outcomes and personal responsibility, including co-payments, premiums, and health savings accounts; and (3) accountability and transparency measures. The Joint Committee on Public Assistance shall review the federal waiver application process. Prior to the submission of the waiver application to the federal government, the Department shall submit the application to the Joint Committee. The Joint

Committee shall then hold a public hearing on the application and hear testimony from the Department, after which the Joint Committee shall, if necessary, propose modifications to or recommendations for the waiver application. If the waiver application is accepted by the federal government, the Department shall propose the necessary statutory changes to implement the waiver. Until such time as the proposed changes are enacted by the General Assembly, the existing laws relating to MO HealthNet shall remain in effect. The Joint Committee shall hold public meetings on proposed statutory changes to determine if such changes satisfy the goals of this act and would result in substantial new opportunities for the MO HealthNet program on a cost-neutral basis. The Joint Committee shall be authorized to meet at least twice a year to provide oversight on the global waiver; communicate as necessary with various Departments within the scope of the MO HealthNet program; recommend services for the MO HealthNet program; issue subpoenas, subpoenas duces tecum, and orders for production of documents, as necessary; and recommend to the General Assembly any amendments to the waiver or clarifying legislation that may be necessary. In the event that the global waiver is suspended or terminated or expires for any reason, the Department shall apply for an extension of the global waiver or any new waivers that, at a minimum, ensure the continuation of the waiver authorities in place prior to the acceptance of the global waiver. The Department shall ensure that any such actions are conducted in accordance with applicable federal statutes and regulations. The Department shall, to the fullest extent possible, ensure that the waiver authorities are reinstated prior to any suspension, termination, or expiration of the global waiver.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 78](#)     [Sater](#)

Modifies provisions relating to the Missouri Rx plan

Under current law, only Medicaid dual eligible individuals meeting certain income limitations are eligible to participate in the Missouri RX Plan. This act removes the Medicaid dual eligible requirement, while retaining the income limitations.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 127](#)     [Sater](#)

Requires the Department of Health and Senior Services to conduct a study regarding the importation of certain prescription drugs by the state

Under this act, the Department of Health and Senior Services shall study the processes by which the state may import certain prescription drugs from other countries for Missouri consumers. The act details the goals of the study, including how the state may be certified to operate a prescription drug importation program, what drugs may be imported, the cost savings associated with importation, how imported drugs may be distributed and to whom, and consultation with experts. The Department shall report the study's findings and recommendations to the General Assembly by December 31, 2020.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 128](#)     [Sater](#)

Modifies provisions relating to consumer-directed services in the MO HealthNet program

Under current law, vendors of consumer-directed services monitor the performance of the personal care assistance service plans. This act requires that such monitoring be unscheduled and occur in person at a time when the personal care attendant is scheduled to be at the consumer's home. The vendor shall document that the attendant was present and providing services as set forth in the plan of care. If the attendant is not present or not providing services, the vendor shall notify the Department of Health and Senior Services and may suspend services to the consumer. This act also requires vendors to notify consumers during orientation that falsification of personal care attendant time sheets shall be considered and reported to the Department as fraud. Such orientation shall take place in the presence of the personal care attendant, to the fullest extent possible.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 232](#)     [Sater](#)

Extends the expiration date of the Ticket to Work Health Assurance Program

This act changes the Ticket to Work Health Assurance Program's expiration date from August 28, 2019, to August 28, 2025.

**Status:** 1/9/18 Introduced and First Read (S)

## LEGAL RIGHTS/RESPONSIBILITIES

[HB 285](#)     [Franks Jr.](#)

Creates civil rights for homeless persons

This bill creates a bill of rights for those who are homeless. It establishes that someone cannot have access, rights, or privileges denied because he/she is homeless. The rights include using public spaces, equal treatment by municipal and state agencies, not facing discrimination in employment or emergency medical care, voting including registering and proving identity via documentation, personal property privacy, and personal information disclosure and confidentiality. The bill also discusses what type of awards can be granted if violations occur.

**Status:** 1/10/19 Second Read (H)

[HB 354](#)     [Plocher](#)

Changes the law regarding the financial protection of vulnerable populations

This bill adds investment advisers and investment adviser representatives to the definition of qualified individual. It allows agencies to provide information on qualified adults to qualified individuals when requested. It allows qualified individuals to refuse transactions not just disbursements from an account. Written notice must be sent to the qualified adult informing of the refusal. The act allows the commissioner of securities or the director of the Department of Health and Senior Services to extend the refusal. A review of the extension will be done every 30 days to determine if it is necessary. Records of suspected exploitation must be provided to law enforcement agencies when they are requested. The monetary amount of penalties for violations is increased.

**Status:** 1/10/19 Second Read (H)

[HB 368](#)     [McGaugh](#)

Modifies voting procedures for absentee voting and voter identification

This bill indicates that individuals applying for absentee ballots must indicate if he/she is incapacitated, is caring for someone who is incapacitated or if he/she is participating in the address confidentiality program. The bill specifies a notary seal is not required if the reason is incapacity of the voter or someone else. All individuals voting an absentee ballot must provide photo identification or sign an affidavit.

**Status:** 1/10/19 Second Read (H)

HJR 5      Merideth

Modifies voter eligibility and creates provisions for early voting and automatic voter registration

This bill establishes early voting for all state and federal general elections. It also instructs the Secretary of State's office to establish a process to conduct automatic voter registration. This will include obtaining a list from the Department of Revenue of individuals with driver's licenses and developing recommendations for local election authorities. These recommendations will be checked for eligibility by local election authorities. Local election authorities will send postcards to an individual giving he/she an opportunity to decline being registered and placed on the list. Any time a postcard is received the name is not included on the automatic voter registration list.

**Status:** 1/10/19 Second Read (H)

SB 142      Eigel

Modifies provisions of the Senior Savings Protection Act

Under current law, only qualified individuals, as defined by law, are permitted to:

- Notify authorities of the financial exploitation of senior citizens or persons with certain disabilities; or
- Refuse disbursement of funds from the account of a senior citizen or person with a certain disability.

This act modifies the definition of "qualified individual" to include broker dealers and investment advisers in addition to persons associated with a broker-dealer or investment adviser. Current law permits a qualified individual to notify certain persons connected with a senior citizen or person with a certain disability of suspected financial exploitation of such person. This act additionally permits an investment adviser representative to make such notifications. Additionally, the Department of Health and Senior Services and the Commissioner of Securities may provide information regarding the senior citizen or person with a certain disability to the qualified individual upon request. Current law allows a qualified individual to refuse a request for disbursement from the account of a senior citizen or person with a certain disability if the qualified individual reasonably believes that the disbursement will result in financial exploitation of the person. This act additionally permits refusal of any request for a transaction from the account of such a person. The act provides that in the event of a refusal of a disbursement or transaction from the account of a senior citizen or person with a certain disability, a qualified individual shall notify the Department of Health and Senior Services and the Commissioner of Securities within two business days. Current law requires notification within three business days. Additionally, the act requires the qualified individual to send a written notice to the qualified adult within two business days. The act allows the Commissioner of Securities and the Director of the Department of Health and Senior Services

to enter an order extending any refusal of a disbursement or transaction for the time necessary to protect the senior citizen or person with a certain disability. Subsequent to issuing such an order, the Department of Health and Senior Services and the Commissioner of Securities shall conduct a review every 30 days to determine if the extending order shall remain in effect. The act extends immunity from any civil liability under the Senior Savings Protection Act to an investment adviser representative if he or she acts in good faith and exercises reasonable care in complying with the provisions of the act. The act requires an investment adviser to provide access to and copies of records that are relevant to any suspected financial exploitation of a senior citizen or person with a certain disability to the Department of Health and Senior Services, the Commissioner of Securities, or law enforcement, upon request. The Commissioner of Securities is required to make available to investment advisers and investment adviser representatives training resources on the prevention and detection of financial exploitation of senior citizens and persons with certain disabilities.

**Status:** 1/9/18 Introduced and First Read (S)

[SB 191](#)    [Schupp](#)

Modifies provisions relating to unlawful discriminatory practices in housing

This act repeals certain provisions of the Missouri Human Rights Act that relate to discrimination in housing practices and creates in its stead the Missouri Fair Housing Act. These provisions are replicated in substantially the same form as they appear in current law.

#### UNLAWFUL DISCRIMINATORY HOUSING PRACTICES

This act outlines various discriminatory housing practices that are unlawful. Specifically, with certain exceptions, the following are unlawful discriminatory housing practices if they are made because of a person's race, color, religion, national origin, ancestry, sex, disability, or familial status:

- Refusing to sell or rent after the making of a bona fide offer;
- Refusing to negotiate for the sale or rental of or denying or otherwise making unavailable a dwelling;
- Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection therewith;
- Making, printing, or publishing, or causing to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on protected criterion;
- Representing to a protected person that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
- Inducing or attempting to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a protected person or persons;
- Discriminating in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability; and

- Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with such dwelling, because of a disability.

#### RESTRICTIVE COVENANTS IN HOMEOWNER'S ASSOCIATIONS

The act stipulates that a homeowner's association shall not enforce a restrictive covenant that would be the equivalent of an unlawful discriminatory housing practice. Furthermore, the act requires the board of directors of any homeowner's association to amend any governing document that includes a restrictive covenant that would be an unlawful discriminatory housing practice.

#### DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

The act prohibits any entity whose business consists in whole or in part in the making of commercial real estate loans from denying, or discriminate in making, a loan or other financial assistance to a person because of race, color, religion, national origin, ancestry, sex, disability, or familial status.

#### DISCRIMINATION IN SELLING OR RENTING

No person shall be denied access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, because of race, color, religion, national origin, ancestry, sex, disability, or familial status.

#### UNLAWFUL DISCRIMINATORY HOUSING PRACTICES IN GENERAL

The act stipulates that the following are unlawful discriminatory housing practices:

- Aiding, abetting, inciting, compelling, or coercing the commission of acts prohibited under this act, or attempting to do so;
- Retaliating or discriminating in any manner against any other person because such person has opposed any practice prohibited by this act or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this act;
- For the state or any political subdivision of this state to discriminate in housing on the basis of race, color, religion, national origin, sex, ancestry, disability, or familial status; and
- Discriminating in any manner against any other person because of such person's association with any person protected under this act.

#### CONTRIBUTING FACTOR STANDARD

An act is an unlawful discriminatory housing practice under this act when the protected classification is a contributing factor in the decision to discriminate.

#### COMPLAINT PROCESS

Any person claiming to be aggrieved by an unlawful action under this act may file a claim within 180 days of the alleged unlawful act. Once a complaint has been filed with the Missouri Commission on Human Rights, the



process for disposing of the complaint follows a substantially similar process as in the Missouri Human Rights Act.

If, after the filing of a complaint, the person aggrieved requests in writing, the Commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days against the respondent named in the complaint. A court may grant relief as it deems appropriate, including actual and punitive damages and court costs and reasonable attorney fees to the prevailing party.

Even if a person has failed to file a complaint with the Commission, he or she may nevertheless bring a civil action in any circuit court in the county in which the alleged unlawful discriminatory housing practice occurred. Furthermore, any party to an action brought under this act may demand a trial by jury.

## VIOLATIONS AND PENALTIES

Any person who willfully violates an order of the Commission is guilty of a Class C misdemeanor.

## DUTIES OF MISSOURI COMMISSION ON HUMAN RIGHTS

The Missouri Commission on Human Rights is charged with jurisdiction and power to seek to eliminate and prevent discrimination in housing because of race, color, religion, national origin, ancestry, sex, disability, or familial status. To that end, it is required to receive, investigate, initiate, and pass upon complaints alleging discrimination in housing and to require the production for examination of any books, papers, records, or other materials relating to any matter under investigation. The Commission shall issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination in housing.

**Status:** 1/9/18 Introduced and First Read (S)

### SB 230      Crawford

Modifies provisions relating to venue in guardianship and conservatorship proceedings

This act modifies current law to require proper venue in cases of appointment of a guardian or conservator of a minor or incapacitated or disabled person to be the following: (1) the county where the minor or incapacitated or disabled person is domiciled, as long as placement by a court or agency in such county does not count as choice of domicile; or (2) if there is no domicile, then the county where the minor or incapacitated or disabled person has a significant connection, as specified in the act. If venue for guardianship and conservatorship is in different counties, then venue shall be in the county of the guardianship. Additionally, this act repeals provisions of current law regarding the commencement of proceedings in more than one county.

**Status:** 1/9/18 Introduced and First Read (S)

## MENTAL HEALTH

### HB 108      Sommer

Designates May as "Mental Health Awareness Month" in Missouri

This bill designates the month of May as "Mental Health Awareness Month" and encourages citizens to participate in appropriate awareness and educational activities that emphasize the importance of good mental health and the effects of mental illness on Missourians.

**Status:** 1/10/19 Second Read (H)

**HB 171**      **Washington**

Designates July as Minority Mental Health Awareness Month

This bill designates July as Minority Mental Health Awareness Month and encourages citizens to engage in awareness activities.

**Status:** 1/10/19 Second Read (H)

**HB 177**      **Washington**

Requires long-term care facilities to have on staff one person trained in suicide assessment, treatment, and management

This bill requires all long-term care facilities to have a staff member who is trained in suicide assessment, treatment, and management. All staff members will be informed of the individual's contact information and the process for staff should they have related concerns with any residents. Suicide awareness and prevention handouts will be provided to each resident. As long as facilities comply with these requirements they are not civilly liable if there is a suicide death.

**Status:** 1/10/19 Second Read (H)

**HB 251**      **Morris**

Establishes the Tricia Leann Tharp Act, which requires certain pharmacists to receive two hours of continuing education on suicide prevention

This bill establishes the Tricia Leann Tharp Act and states that the Board of Pharmacy shall recommend two hours of continuing education in suicide awareness and prevention for all licensed pharmacists. The two hours of suicide awareness and prevention education would count towards the total continuing education requirement for license renewal for every pharmacist. The board is authorized to develop guidelines to establish the curriculum.

**Status:** 1/10/19 Second Read (H)

**SB 164**      **Schupp**

Requires marital and family therapists to complete two hours of suicide management training as a condition of licensure

This act requires marital and family therapists to complete two hours of suicide assessment, referral, treatment, and management training as a condition of initial licensure and as a condition of license renewal.

**Status:** 1/9/18 Introduced and First Read (S)

**SB 204**      **Riddle**

Modifies provisions relating to psychologist licensees

Under current law, any person seeking to obtain a license as a psychologist shall make an application to the Committee of Psychologists and shall pay the required application fee. The Committee is not permitted to charge an application fee until such time the application has been approved, and if an application is denied, no application fee shall be charged. This act repeals such provision. Current law permits a psychologist licensed in

another jurisdiction to receive a license in Missouri, provided the psychologist passes a written exam on Missouri law and regulations governing the practice of psychology. Such person must also meet one of several listed criteria set forth under current law. This act removes one listed criteria allowing a psychologist who is currently licensed or certified as a psychologist in another jurisdiction that is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement to be eligible for a license in Missouri.

**Status:** 1/9/18 Introduced and First Read (S)

## OLMSTEAD

No pending bills

## SAFETY/PREVENTION

[HB 50](#) [Bangert](#)

Prohibits anyone from using a hand-held electronic wireless communication device while driving a non-commercial motor vehicle unless the device is equipped for hands-free operation and is being used in that manner

This bill prohibits all drivers from using a hand-held wireless communication device while operating a non-commercial motor vehicle unless hands-free operation is being used.

**Status:** 1/10/19 Second Read (H)

[HB 68](#) [Dinkins](#)

Prohibits the use of a hand-held wireless communications device within a school zone

This bill prohibits using a hand-held wireless communications device in a school zone to handle phone calls, text messages, or emails unless hands-free or voice recognition operation is being used.

**Status:** 1/10/19 Second Read (H)

[HB 74](#) [Tate](#)

Prohibits the use of hand-held electronic wireless communications devices while driving non-commercial and commercial motor vehicles; but allows the use of such devices when used hands-free by operators of non-commercial motor vehicles who are fully licensed and eighteen years of age or older

This bill allows fully licensed drivers of non-commercial vehicles who are at least eighteen years old to use electronic wireless communication devices if they are being used in hands-free mode. It prohibits use of the devices by all drivers if hands-free is not being used.

**Status:** 1/10/19 Second Read (H)

[HB 211](#) [Razer](#)

Prohibits the use of hand-held electronic wireless communications devices while driving non-commercial and commercial motor vehicles; but allows the use of such devices when used hands-free by operators of non-commercial motor vehicles who are fully licensed and eighteen years of age or older

This bill allows fully licensed drivers of non-commercial vehicles who are at least eighteen years old to use electronic wireless communication devices if they are being used in hands-free mode. It prohibits use of the devices by all drivers if hands-free is not being used.

**Status:** 1/10/19 Second Read (H)

HB 223      Hansen

Prohibits text messaging while driving for all drivers

This bill prohibits all non-commercial drivers from text messaging while driving no matter their age.

**Status:** 1/10/19 Second Read (H)

SB 15      Wallingford

Enacts provisions relating to the operation of motor vehicles while using electronic devices

Currently, drivers under the age of 22 are prohibited from using electronic wireless communication devices to send text messages or electronic messages while driving. This act extends the prohibition to drivers of all ages. Operators of noncommercial motor vehicles may still use "hands-free" electronic wireless communication devices, as defined in the act. This act exempts emergency vehicles and other motor vehicles responding in a commercial capacity to another vehicle's request for roadside assistance from the prohibition against operators using electronic wireless communication devices. This act also allows for use of an electronic wireless communication device to contact emergency services or relay information between for-hire operators and their dispatchers. Individuals under the age of 18 or who have an intermediate license or instruction permit are prohibited from using the devices for any purpose other than to contact emergency services. A violation of the prohibition against using electronic communication devices while driving shall be an infraction punishable by a \$50 fine, or by a \$100 if in a school zone or in a work zone when workers are present. Violations committed while operating a commercial vehicle shall constitute a serious traffic violation for purposes of commercial motor vehicle license suspensions.

**Status:** 1/9/18 Introduced and First Read (S)

SB 120      Burlison

Specifies when persons operating or riding a motorcycle or motortricycle must wear protective headgear

Currently, every person operating or riding a motorcycle or motortricycle is required to wear protective headgear. This act provides that persons under the age of 18 who are operating or riding as a passenger on a motorcycle or motortricycle shall wear a helmet when the vehicle is in motion. Similarly, a person who is 18 or older, is operating a motorcycle or motortricycle, and who has been issued an instruction permit shall wear a helmet when the vehicle is in motion. This act also provides that qualified operators who are 18 or older may operate a motorcycle or motortricycle without a helmet if he or she has medical payment insurance coverage of at least \$1 million. Proof of such coverage shall be provided on request of law enforcement by showing a copy of the qualified operator's insurance card.

**Status:** 1/9/18 Introduced and First Read (S)

## SERVICES

### [HB 144](#)     [Ellington](#)

Establishes the Customer Utility Protection Act

This bill establishes the "Consumer Utility Protection Act" which establishes that a public utility shall not charge customers any fees or penalties beyond those allowed under the act for the reconnection of service after such service has been discontinued. A customer's payments may only increase as a result of discontinued service as provided under the act. The act authorizes a one-time fee for the reconnection of service not to exceed \$20, and an additional monthly fee over a 12-month period not to exceed \$5 each month. Furthermore, a public utility shall not require the payment of any more than 10% of any outstanding balance owed before restoring service to a disconnected customer.

**Status:** 1/10/19 Second Read (H)

### [HB 474](#)     [Eggleston](#)

Modifies provisions for temporary assistance to needy families and supplemental nutrition assistance programs.

This bill changes the law regarding the use of Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) benefits via electronic benefit transfer (EBT) transaction. The bill adds pornography to the list of items that are prohibited from being purchased with TANF or SNAP benefits using an EBT card. The bill requires that upon any third violation of the prohibition against using TANF or SNAP benefits via an EBT card in a prohibited establishment or to purchase prohibited items, a recipient will lose his or her benefits permanently. The bill prohibits a recipient of TANF or SNAP from using his or her EBT card at any automated teller machine (ATM) to receive cash back on a purchase or to otherwise access the benefits as cash. The bill repeals the provisions regarding pilot projects in certain counties to provide EBT cards to public assistance recipients.

**Status:** 1/10/19 Second Read (H)

### [HB 475](#)     [Kelly](#)

Modifies provisions for temporary assistance to needy families and supplemental nutrition assistance programs.

This bill changes the law regarding the use of Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) benefits via electronic benefit transfer (EBT) transaction. The bill adds pornography to the list of items that are prohibited from being purchased with TANF or SNAP benefits using an EBT card. The bill requires that upon any third violation of the prohibition against using TANF or SNAP benefits via an EBT card in a prohibited establishment or to purchase prohibited items, a recipient will lose his or her benefits permanently. The bill prohibits a recipient of TANF or SNAP from using his or her EBT card at any automated teller machine (ATM) to receive cash back on a purchase or to otherwise access the benefits as cash. The bill repeals the provisions regarding pilot projects in certain counties to provide EBT cards to public assistance recipients.

**Status:** 1/10/19 Second Read (H)

### [SJR 6](#)     [Eigel](#)

Prohibits implementation of any program providing a public benefit without an appropriation

This constitutional amendment, if approved by the voters, prohibits state departments and agencies from implementing any program which confers a state public benefit without an appropriation for such program. This

amendment defines "state public benefit" as any grant, contract, loan, or tax credit provided by an agency of state government; or any retirement, welfare, health, disability, housing, or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are provided.

**Status:** [1/9/18 Introduced and First Read](#) (S)

## OTHER

[HB 107](#) [Sommer](#)

Modifies provisions relating to service dogs

This bill revises the term "service dog" to include a "psychiatric service dog" or "mental health service dog" that is trained to do work or perform tasks for an owner with a psychiatric disability, medical condition, or developmental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders. This bill specifies that anyone who knowingly misrepresents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor. This bill also specifies that anyone who knowingly misrepresents an animal as an assistance animal for the purpose of receiving the accommodations afforded assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601 et seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor. The Commission on Human Rights must use its existing complaint hotline to receive reports of individuals impersonating a person with a disability or representing a dog as a service dog. The commission will refer an alleged violation to the appropriate law enforcement agency for investigation. The Governor's Council on Disability must prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The department must also create a brochure to help business owners with permissible questions and answers and guidelines defining acceptable behavior.

**Status:** [1/10/19 Second Read](#) (H)

[HB 123](#) [DeGroot](#)

Modifies provisions relating to permanent total disability benefits

This bill states that if someone who is receiving permanent total disability benefits from a work injury should die before the benefits are paid dependent children are listed as possibly receiving the additional benefits. The portion regarding payment to the estate is removed.

**Status:** [1/10/19 Second Read](#) (H)

[HB 261](#) [Taylor](#)

Modifies provisions relating to second injury fund liabilities and self-insurance regulations

This bill changes the liabilities that can be paid from the second injury fund. They include death benefits and ongoing medical expenses. It also concerns employers who are self-insured and become insolvent and payment to injured employees.

**Status:** 1/10/19 Second Read (H)

[HB 301](#)     [Schroer](#)

Changes provisions relating to advanced practice registered nurses

This requires advanced practice nurses (APRNs) be licensed by the Missouri Board of Nursing and sets out the requirements for that licensure. An applicant for APRN licensure must have a current registered professional nurse license, have completed an accredited APRN program, and be certified by a national certifying body. Any person who currently has a document of recognition to practice as an APRN that is current on August 28, 2019 will be deemed to be licensed as an APRN under the provisions in the bill. The bill states that a licensee's APRN license and his or her professional nursing license shall be treated as one license for the purpose of renewal and fees. The bill allows an APRN to renew his or her license.

**Status:** 1/10/19 Second Read (H)

[HB 316](#)     [Barnes](#)

Designates the month of September as Deaf Awareness Month and the last week of September as Deaf Awareness Week

This bill designates September as Deaf Awareness Month and designates the last week of September as Deaf Awareness Week in MO. Citizens are encouraged to engage in activities to increase awareness of deaf people, issues, and culture.

**Status:** 1/10/19 Second Read (H)

[HB 450](#)     [Eggleston](#)

Modifies provisions relating to the organ donor registry

This bill allows individuals to indicate they have made an anatomical gift by placing a sticker on the back of a driver's license or ID card. It instructs the Department of Health and Senior Services to include information on its website regarding organ donation and a donor registration link. Individuals who register on the website and do not already have an organ donation designation on the license or ID card will be issued a sticker by the Department to place on the license or ID card. The Department of Revenue will inform individuals of the sticker option when applying for a license or ID.

**Status:** 1/10/19 Second Read (H)

[HB 497](#)     [Wood](#)

Establishes May 14th as "Apraxia of Speech Awareness Day in Missouri"

This bill designates May 14th of each year as "Apraxia of Speech Awareness Day" to encourage citizens, parents and professionals to better understand apraxia of speech.

**Status:** 1/10/19 Second Read (H)

## **APPROPRIATIONS**

No pending bills