

HOUSE BILL NO. 1753

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

3042H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 190 and 574, RSMo, by adding thereto three new sections relating to the protection of health care workers, with penalty provisions.

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

Section A. Chapters 190 and 574, RSMo, are amended by adding thereto three new sections, to be known as sections 190.1000, 190.1003, and 574.203, to read as follows:

190.1000. 1. If a law enforcement officer transports a person to a hospital emergency department or sends a person by ambulance to a hospital emergency department and such person is intoxicated or requires involuntary commitment, such law enforcement officer shall remain with the person until final disposition from the hospital.

2. Nothing in this section shall prohibit an agreement between hospitals and local law enforcement to use county resources for the employment of officers within the hospital.

190.1003. The attorney general shall conduct a study to:

(1) Determine the number of violent acts resulting in police reports that were perpetrated upon persons or entities that provide emergency or nonemergency transportation and services or employees or patients within health care facilities; and

(2) Correlate the number of violent acts under subdivision (1) of this section with the number of cases in which the prosecutor located within the county or municipality initiated charges.

574.203. 1. Except as otherwise protected by state or federal law, a person commits the offense of interference with a health care facility if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such facility by:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 **(1) Physically obstructing or impeding the free passage of a person seeking to enter**
6 **or depart from the facility or from the common areas of the real property upon which the**
7 **facility is located;**

8 **(2) Making noise that unreasonably disturbs the peace within the facility;**

9 **(3) Trespassing on the facility or the common areas of the real property upon which**
10 **the facility is located;**

11 **(4) Telephoning the facility repeatedly or knowingly permitting any telephone**
12 **under his or her control to be used for such purpose; or**

13 **(5) Threatening to inflict injury on the owners, agents, patients, employees, or**
14 **property of the facility or knowingly permitting any telephone under his or her control to**
15 **be used for such purpose.**

16 **2. Except as otherwise protected by state or federal law, a person commits the**
17 **offense of interference with an ambulance service if the person acts alone or in concert with**
18 **others to willfully or recklessly interfere with access to or from an ambulance or willfully**
19 **or recklessly disrupt any ambulance service by:**

20 **(1) Making noise that unreasonably disturbs the peace within or around the**
21 **ambulance; or**

22 **(2) Threatening to inflict injury on any person providing ambulance services or**
23 **damage the ambulance.**

24 **3. The offense of interference with a health care facility or the offense of**
25 **interference with an ambulance service is a class D misdemeanor for a first offense and a**
26 **class C misdemeanor for any second or subsequent offense.**

27 **4. (1) A person or health care facility aggrieved by the actions prohibited under**
28 **subsection 1 or 2 of this section may seek civil damages from those who committed the**
29 **prohibited acts and those acting in concert with them. A plaintiff in an action brought**
30 **under this subsection shall not recover more than his or her actual damages and additional**
31 **sums authorized by subsection 5 of this section. Once a plaintiff recovers his or her actual**
32 **damages and any additional sums authorized under subsection 5 of this section, additional**
33 **damages shall not be recovered. A person does not have to be criminally convicted of**
34 **violating subsection 1 of this section to be held civilly liable. A plaintiff is not required to**
35 **prove actual damages to recover the additional sums authorized under subsection 5 of this**
36 **section, costs, and attorneys' fees. The prevailing party is entitled to recover costs and**
37 **attorneys' fees.**

38 **(2) The court has authority to grant temporary, preliminary, and permanent**
39 **injunctive relief to enjoin violations of this section. In appropriate circumstances, a court**
40 **having personal jurisdiction over one or more defendants may issue injunctive relief that**

41 shall have binding effect on the original defendants and persons acting in concert with the
42 original defendants in any county in the state. Due to the nature of the harm involved,
43 injunctive relief may be issued without bond in the discretion of the court, notwithstanding
44 any other requirement imposed by statute.

45 5. In a civil action brought under this section, an individual plaintiff aggrieved by
46 the actions prohibited in subsection 1 or 2 of this section may be entitled to recover up to
47 five hundred dollars for each day that the actions occurred or up to five thousand dollars
48 for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited
49 under subsection 1 of this section is a health care facility.

50 6. As used in this section, "health care facility" means a facility that provides health
51 care services directly to patients including, but not limited to, a hospital, clinic, health care
52 provider's office, health maintenance organization, diagnostic or treatment center,
53 neuropsychiatric or mental health facility, hospice, or nursing home.

54 7. As used in this section, "ambulance service" means a person or entity that
55 provides emergency or nonemergency ambulance transportation and services, or both.

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