

SECOND REGULAR SESSION

SENATE BILL NO. 819

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 16, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4315S.01I

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to mandatory influenza vaccinations, with penalty provisions.

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

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.075, to read as follows:

192.075. 1. As used in this section, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Inspected facility", any private or public institution, facility or agency, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or persons that is inspected by the department of health and senior services.

2. All employees and volunteers of any inspected facility shall be required to receive an influenza vaccination each year, to be administered within three months prior to flu season, as defined by the Centers for Disease Control and Prevention. An employee or volunteer commencing work during the flu season shall receive an influenza vaccination within two weeks of commencing work. Nothing in this section shall be construed as requiring the department to provide or pay for such influenza vaccinations. All employees and volunteers shall provide proof of receiving an influenza vaccination each year to the inspected facility in which they are employed or volunteer.

3. An exemption for the influenza vaccination requirement under this section may be granted for medical contraindications, religious beliefs, or in the case of a vaccine shortage. Employees or volunteers requesting exemption due to medical contraindications must provide

22 proof of medical contraindications such as a letter from a physician or
23 medical records. Employees or volunteers requesting exemption due
24 to religious beliefs must provide a written and signed request stating
25 the reason for exemption. If any employee or volunteer is unable to
26 receive an influenza vaccination due to a shortage of influenza
27 vaccines, the employee or volunteer shall provide written
28 documentation of his or her failure to obtain a vaccination for this
29 reason.

30 4. All documentation relating to proof of an employee or
31 volunteer receiving an influenza vaccination or receiving an exemption
32 thereof shall be kept in the personnel file of the employee or volunteer.

33 5. Any inspected facility shall be deemed not in compliance with
34 the provisions of this section if, upon inspection by the department,
35 less than ninety-five percent of the inspected personnel files of the
36 facility contain proof of influenza vaccination or proper exemption
37 documentation. The department may conduct this inspection during
38 the course of any other inspection of the facility. Any inspected facility
39 not in compliance with the provisions of this section shall be
40 reinspected at an undisclosed time within three months of the initial
41 inspection. If at the time of reinspection the inspected facility is again
42 deemed not in compliance with the provisions of this section, the
43 inspected facility will be charged a fine to be calculated as fifty dollars
44 per full-time employee of the facility, to be applied to the costs of the
45 inspections and flu prevention education.

46 6. The provisions of this section shall automatically sunset six
47 years after the effective date of this section, unless reauthorized by an
48 act of the general assembly.

49 7. The department shall promulgate rules and regulations to
50 administer the provisions of this section which shall include, but not
51 be limited to, the frequency of the inspections. Any rule or portion of
52 a rule, as that term is defined in section 536.010, that is created under
53 the authority delegated in this section shall become effective only if it
54 complies with and is subject to all of the provisions of chapter 536 and,
55 if applicable, section 536.028. This section and chapter 536 are
56 nonseverable and if any of the powers vested with the general assembly
57 pursuant to chapter 536 to review, to delay the effective date, or to
58 disapprove and annul a rule are subsequently held unconstitutional,

59 then the grant of rulemaking authority and any rule proposed or
60 adopted after August 28, 2016, shall be invalid and void.

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Unofficial

Bill

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