



Senate Gives Initial Approval to COVID Liability Legislation

SB 51 Requires a Final Vote to Move to the House

After nearly fifteen hours of debate, the Senate gave initial approval to legislation designed to protect businesses, manufacturers, and healthcare providers from COVID-related lawsuits. SB 51, sponsored by Senator Tony Luetkemeyer (R-Parkville), was perfected around 5:00 am on Wednesday after negotiations and debate throughout the night.

The version perfected by the Senate provides that businesses cannot be held liable for COVID-19 exposure unless the plaintiff can prove by clear and convincing evidence that the entity acted recklessly and caused an actual exposure to COVID-19. Religious organizations cannot be held liable in COVID-19 exposure actions unless intentional misconduct is proved. This is scaled back from the original language offered by Senator Mike Moon (R-Lawrence), which would have provided blanket immunity for religious organizations against COVID exposure cases.

SB 51 also protects healthcare providers from COVID-related medical liability suits, unless the provider acted recklessly or with willful misconduct. There are also protections for manufacturers of COVID-related products if the manufacturer does not make these products in the ordinary course of business or if their manufacturing process had to be modified due to the pandemic.

COVID liability has been a priority for the business community and other stakeholders for months. In November, Governor Mike Parson included COVID liability in an extraordinary session call. However, less than three weeks later, Parson reversed course and asked the Legislature to hold off until the regular session started in January.

The bill now requires a third reading vote to move to the House. The sponsor plans to move for an emergency clause so the legislation would take effect once signed by the Governor, rather than the usual effective date of August 28. This will require a two-thirds vote in the Senate.

Dates of Interest

House Passes

January

- **6** - First Day of Session
- **18** - No Session, Martin Luther King Jr. Day
- **27** - State of the State Address

March

- **1** - Bill Filing Deadline
- **12** - Legislative Spring Break Begins
- **22** - Legislature Reconvenes

April

- **5** - No Session, Easter Break

May

- **7** - Budget Bills Must be Passed
- **14** - Last Day of Session

Second Amendment Preservation Act

The House of Representatives passed an expansive firearm rights bill, HB 85, sponsored by Representative Jered Taylor (R-Nixa). The legislation, known as the Second Amendment Preservation Act, passed by a vote of 103 to 43 and now moves to the Senate.

The bill declares that federal laws or regulations found to infringe on the right to bear arms are rejected by the state of Missouri and are not to be enforced.

HB 85 describes types of federal laws that would be considered an infringement, such as any act prohibiting law-abiding citizens from owning and transferring firearms or taxes that discourage firearm ownership.

Supporters of the bill argued the language is needed to prevent federal overreach and that it is the state's duty to protect citizens' liberties. On the floor, opponents contended the language would penalize Missouri law enforcement for cooperating with federal authorities to enforce firearm laws.

News in Brief

- The Senate Ways and Means Committee heard SB 24, sponsored by Senator Bill Eigel (R-Weldon Spring), to reduce the personal property assessment rate from 33.3% to 0.001% over five years. The bill has an estimated fiscal note of \$1.4 billion for local governments. Associated Industries of Missouri testified in support, and a variety of local government and education groups opposed the measure saying it would reduce an essential source of funding.
- The Senate Transportation Committee heard SB 262, sponsored by Senate President Pro Tem Dave Schatz (R-Sullivan), to gradually increase Missouri's 17-cent fuel tax to 27-cents-per-gallon over five years. Representative Becky Ruth (R-Festus) filed HB 1044, which would implement a similar increase. Her legislation allows taxpayers to file for a refund to offset the increased fuel tax they paid during the year. Senator Schatz said he intends to include the rebate provision in his legislation as well.
- Legislation to expand low-income families' access to food from farmers markets was considered this week in the House Rural Community Development Committee. HB 652, filed by Representative Martha Stevens (D-Columbia), directs the Department of Agriculture to apply for a federal program that would allow pregnant women and

children under age five who are at nutritional risk to access vouchers for farmers markets.

- On Monday, the House Health and Mental Health Policy Committee will hear legislation to expand the definition of telehealth. HB 495, sponsored by Representative Becky Ruth (R-Festus), adds adaptive questionnaires to the statutory definition of telehealth. Such questionnaires could be used to establish a physician-patient relationship under her bill.
- Next week, the House and Senate General Laws Committees will hear legislation to permit concealed carry firearms on public transportation and allow unloaded guns on public buses. HB 52 is sponsored by Representative Adam Schnelting (R-Charles), and SB 225 is sponsored by Senator Bob Onder (R-Lake St. Louis).



The Way We Work Says It All