



Senate Perfects Punitive Damages Bill

The Approval of SB 591 Followed an Overnight Filibuster on Asbestos Claims

On Wednesday morning, the Senate perfected a bill that modifies the process and standards for punitive damages in a lawsuit. This came after about 20 hours of debate on legislation regarding asbestos claims, which was ultimately blocked by Democrats.

Tuesday afternoon the Senate took up [SB 575](#), sponsored by Senator Bill Eigel (R-Weldon Spring). This bill would require individuals filing lawsuits due to asbestos-related health issues to also file all available claims with trusts set up to compensate asbestos victims. Senator Eigel said the bill was designed to speed up the process for asbestos victims to be compensated. Democrats, who filibustered the bill overnight, argued it would run out the clock on victims and reduce their ultimate compensation.

While SB 575 was debated, negotiations were underway for a broader tort reform bill. [SB 591](#), sponsored by Senator Bill White (R-Joplin), was originally filed to address punitive damages, which are damages beyond compensatory damages that are meant to punish the defendant for egregious behavior.

SB 591 would raise the threshold for awarding punitive damages by requiring evidence that the defendant intentionally harmed someone or acted with deliberate disregard for others' safety. For medical malpractice claims, the bill states that evidence of negligence does not constitute grounds for punitive damages. SB 591 also bars punitive damages from being included in the initial filing of a lawsuit. Plaintiffs must show a reasonable basis for including punitive damages before adding them to the suit.

As perfected, SB 591 modifies the Missouri Merchandising Practices Act, the state's consumer protection law. The bill stipulates that a person seeking damages under this section must demonstrate that they acted as a reasonable consumer.

After an all-night filibuster, the asbestos bill was laid over. The punitive damages bill was quickly taken up and perfected after the lengthy behind-the-scenes negotiations. SB 591 requires one more vote to move to the House.

Dates of Interest

January

- **8** - First Day of Session
- **15** - State of the State Address
- **20** - No Session, Martin Luther King Jr. Day

March

- **20** - Legislative Spring Break Begins
- **30** - Legislature Reconvenes

April

- **13** - No Session, Easter Break

May

- **8** - Budget Bills Must be Passed
- **15** - Last Day of Session

House Approves Medical Marijuana Changes

The House gave initial approval to legislation impacting medical marijuana patients and facilities. In 2018, voters approved Amendment 2, which permits the use of medical marijuana for certain conditions. The Department of Health and Senior Services (DHSS) was charged with overseeing the program as well as the application process for facilities.

HB 1896, sponsored by Representative Lane Roberts (R-Joplin), directs DHSS to require all officers, managers, and employees in medical marijuana facilities to submit fingerprints to the State Highway Patrol for state and federal background checks. The bill was amended in committee to make it a felony for a state agency or employee to release information about medical marijuana cardholders to the federal government.

After a lengthy debate on the House floor, language was added to the bill requiring physicians to meet with patients in-person before certifying that they have a qualifying condition for medical marijuana use. The physician would also have to affirm they examined the patient's medical records, current medications, and allergies. The amendment was offered by a physician, Representative Jon Patterson (R-Lees Summit). Representative Patterson said the strength of physician certifications would be diminished if they could be performed online or over the phone.

Another amendment, which was defeated, would have required any person possessing medical marijuana to also have their patient identification card as well as the receipt from a licensed dispensary. The amendment was defeated 46 to 97. HB 1896 requires a final vote to move to the Senate.

News in Brief

- All three major credit rating agencies affirmed Missouri's AAA credit rating. According to the Governor's [announcement](#), 12 states currently have a AAA rating.
- In the House, the Appropriations Subcommittees have completed their review of the budget bills and voted on recommended changes. On Tuesday, the full Budget Committee will meet to hear each Subcommittee's recommendations.
- On Monday, the House Health and Mental Health Policy Committee heard legislation to provide children who are found to be eligible for Mo HealthNet with 12 months of continuous eligibility. [HB 2379](#) is sponsored by Representative Steve Helms (R-Springfield).
- [HB 1693](#), sponsored by Representative Holly Rehder (R-Scott City), would create a statewide prescription drug monitoring program (PDMP). This bill passed the House by a vote of 98 to 56. The Senate Judiciary Committee heard the bill on Monday and voted it out the same day by a 4-2 vote.
- The House Special Committee on Aging will hear [HB 2288](#), sponsored by Representative Louis Riggs (R-Hannibal), on March 4. This bill would establish the "21st Century Missouri Patient Education Task Force." The mission of the Task Force would be to evaluate and identify strategies to improve upon the state's patient education system.
- [SB 789](#), sponsored by Senator Jill Schupp (D-Creve Coeur), requires 501(c)4 non-profits to disclose campaign and elected-related expenditures as well as the names of donors contributing over \$1,000. This bill is scheduled to be heard in the Senate Rules Committee on March 3.