

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 1904 & 1575**  
**101ST GENERAL ASSEMBLY**

3433H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To amend chapter 191, RSMo, by adding thereto one new section relating to COVID-19 vaccination equivalency cards, with penalty provisions and an emergency clause.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be  
2 known as section 191.232, to read as follows:

**191.232. 1. For purposes of this section, the following terms mean:**

2 **(1) "COVID-19 antibody test", a test that:**

3 **(a) Detects whether an individual's immune system has made antibodies in**  
4 **response to the severe acute respiratory syndrome coronavirus 2;**

5 **(b) Is fully approved or granted an emergency use authorization by the United**  
6 **States Food and Drug Administration (FDA); and**

7 **(c) Has an expected performance of at least ninety percent for both sensitivity**  
8 **and specificity performance measures, as determined by the review the FDA performed**  
9 **when it approved or granted an emergency use authorization for the test;**

10 **(2) "COVID-19 vaccination equivalency card", a document or digital record**  
11 **indicating an individual received a positive test result on a COVID-19 antibody test;**

12 **(3) "COVID-19 vaccination requirement":**

13 **(a) In the employment context, a policy issued by an employer that requires**  
14 **employees or prospective employees to undergo or prove receipt of a vaccination against**  
15 **COVID-19 as a condition or term of employment or continued employment;**

16 **(b) In relation to places of public accommodation, a policy issued by a place of**  
17 **public accommodation that requires a customer, patron, client, or other individual who**

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.

18 **is an invitee onto the premises of a place of public accommodation to prove receipt of a**  
19 **vaccination against COVID-19 in order to enter the place of public accommodation;**

20 **(4) "Employee", any person performing work or service of any kind or**  
21 **character for an employer;**

22 **(5) "Employer", any:**

23 **(a) Individual, sole proprietorship, partnership, limited liability company,**  
24 **corporation, or any other entity that is legally doing business in this state; or**

25 **(b) Department, agency, or instrumentality of the state or any political**  
26 **subdivision of the state;**

27 **(6) "Facility", the same meaning given to the term in section 376.1350;**

28 **(7) "Place of public accommodation", a business or venue offering or holding**  
29 **out to the general public goods, services, privileges, facilities, advantages, or**  
30 **accommodations for the peace, comfort, health, welfare, and safety of the general**  
31 **public or such public places providing food, shelter, recreation, or amusement;**

32 **(8) "Political subdivision", any municipality, school district, special district,**  
33 **local governmental body, county, city, town, or village.**

34 **2. Any facility that administers a COVID-19 antibody test shall provide any**  
35 **patient who receives a positive test result on the COVID-19 antibody test with a**  
36 **COVID-19 vaccination equivalency card.**

37 **3. (1) Any employer that has a COVID-19 vaccination requirement shall**  
38 **consider an employee or prospective employee who provides a COVID-19 vaccination**  
39 **equivalency card to have satisfied the COVID-19 vaccination requirement.**

40 **(2) Any employer that terminates an employee who provides a COVID-19**  
41 **vaccination equivalency card to the employer on the basis of the employee's failure to**  
42 **undergo or prove receipt of vaccination against COVID-19 shall be subject to a fine of**  
43 **ten thousand dollars for each occurrence and shall be liable for lost wages and other**  
44 **damages.**

45 **4. (1) Any place of public accommodation that has a COVID-19 vaccination**  
46 **requirement shall consider a COVID-19 vaccination equivalency card sufficient to allow**  
47 **the holder of the COVID-19 vaccination equivalency card entrance into the place of**  
48 **public accommodation.**

49 **(2) Any place of public accommodation that violates subdivision (1) of this**  
50 **subsection shall be subject to a fine of ten thousand dollars for each occurrence.**

Section B. Because immediate action is necessary to ensure that individuals whose  
2 immune systems made antibodies to protect against COVID-19 as a result of an infection are  
3 able to enjoy the same privileges and rights as individuals who are vaccinated against  
4 COVID-19, the enactment of section 191.232 of section A of this act is deemed necessary for

5 the immediate preservation of the public health, welfare, peace, and safety, and is hereby  
6 declared to be an emergency act within the meaning of the constitution, and the enactment of  
7 section 191.232 of section A of this act shall be in full force and effect upon its passage and  
8 approval.

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