

SENATE BILL NO. 1100

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

5385S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 191.743, 196.866, and 196.868, RSMo, relating to the repeal of certain duties of the department of health and senior services.

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

Section A. Sections 191.743, 196.866, and 196.868, RSMo,
2 are repealed, to read as follows:

2 [191.743. 1. Any physician or health care
3 provider who provides services to pregnant women
4 shall identify all such women who are high risk
5 pregnancies by use of protocols developed by the
6 department of health and senior services
7 pursuant to section 191.741. The physician or
8 health care provider shall upon identification
9 inform such woman of the availability of
10 services and the option of referral to the
11 department of health and senior services.]

12 2. Upon consent by the woman identified as
13 having a high risk pregnancy, the physician or
14 health care provider shall make a report, within
15 seventy-two hours, to the department of health
16 and senior services on forms approved by the
17 department of health and senior services.]

18 3. Any physician or health care provider
19 complying with the provisions of this section,
20 in good faith, shall have immunity from any
21 civil liability that might otherwise result by
22 reason of such actions.]

23 4. Referral and associated documentation
24 provided for in this section shall be
25 confidential and shall not be used in any
26 criminal prosecution.]

27 5. The consent required by subsection 2 of
28 this section shall be deemed a waiver of the
29 physician-patient privilege solely for the
30 purpose of making the report pursuant to
subsection 2 of this section.]

2 [196.866. 1. Every person, firm,
3 association or corporation, before engaging in
the business of manufacturing or freezing ice

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 cream, mellorine, frozen dessert products or any
5 other product defined in sections 196.851 to
6 196.895, shall first obtain a license from the
7 director of the department of health and senior
8 services of the state of Missouri. A license
9 shall be obtained for each plant or place of
10 business where ice cream, ice cream mix, ice
11 milk, sherbet, frozen malt, ice milk mix,
12 mellorine, edible fat frozen dessert or ices are
13 manufactured or frozen. Hotels, motels,
14 restaurants, boardinghouses, or other concerns
15 or agents which shall manufacture or freeze ice
16 cream, or related frozen food products defined
17 in sections 196.851 to 196.895 for the use of
18 their patrons, guests, or servants, shall be
19 required to take out the license herein provided
20 for; provided, that nothing in this section
21 shall apply to private homes, hospitals,
22 churches, or fraternal organizations
23 manufacturing such products for their own use or
24 to retailers dealing in ice cream or frozen
25 dessert products received in the final frozen
26 form from a licensed manufacturer.

27 2. Applications for such licenses, both
28 frozen dessert and mellorine, shall be
29 accompanied by a statutory fee as follows: For
30 each plant producing annually not in excess of
31 five thousand gallons, ten dollars; in excess of
32 five thousand gallons and not in excess of
33 fifteen thousand gallons, fifteen dollars; in
34 excess of fifteen thousand gallons and not in
35 excess of twenty-five thousand gallons, twenty-
36 five dollars; in excess of twenty-five thousand
37 gallons and not in excess of fifty thousand
38 gallons, fifty dollars; in excess of fifty
39 thousand gallons and not in excess of one
40 hundred thousand gallons, seventy-five dollars;
41 in excess of one hundred thousand gallons and
42 not in excess of two hundred thousand gallons,
43 one hundred dollars; in excess of two hundred
44 thousand gallons and not in excess of four
45 hundred thousand gallons, one hundred twenty-
46 five dollars; over four hundred thousand
47 gallons, one hundred fifty dollars, and shall be
48 made to the director of the department of health
49 and senior services, upon such forms and shall
50 show such information as may be demanded by the
51 department of health and senior services, and
52 the said director of the department of health
53 and senior services, upon receipt of application
54 for such license, shall cause to be investigated
55 the equipment and the sanitary conditions of the
56 plant or place of business for which the license
57 is applied. If the condition of the plant or
58 place of business is found to be satisfactory, a
59 license shall be issued by the director of the

60 department of health and senior services to such
61 applicant.

62 3. Each license so issued shall expire one
63 year following the date of issuance. All
64 licenses for plants or places of business, when
65 the manufacture of ice cream, ice cream mix, ice
66 milk, sherbets, or ices is continued after the
67 expiration of such licenses, shall be renewed
68 annually.

69 4. The director of the department of
70 health and senior services may withhold and
71 refuse to issue a license for any plant or place
72 of business that has not been conducted or is
73 not prepared to be conducted in accordance with
74 the requirements of sections 196.851 to 196.895
75 or any rules issued hereunder. The director of
76 the department of health and senior services
77 shall have the power to revoke any license
78 issued under sections 196.851 to 196.895
79 whenever it is determined by him that any of the
80 provisions of sections 196.851 to 196.895 have
81 been violated. Any person, firm, association or
82 corporation, whose license has been so revoked,
83 shall discontinue operation of the business for
84 which the license was issued until such time as
85 the provisions of sections 196.851 to 196.895
86 have been complied with and a new license
87 granted by the director of the department of
88 health and senior services. Before revoking any
89 such license, the director of the department of
90 health and senior services shall give written
91 notice to the licensee affected, stating that he
92 contemplates revocation of the same and giving
93 his reasons therefor. Said notice shall appoint
94 a time and place for hearing and shall be mailed
95 by registered mail to the licensee at least ten
96 days before the date set for the hearing or
97 personal service rendered. The licensee may
98 present to the director of the department of
99 health and senior services such evidence as may
100 have a bearing on the case, and, after hearing
101 of the testimony, the director of the department
102 of health and senior services shall decide the
103 question in such manner as to him appears just
104 and right.

105 5. Any licensee who feels aggrieved at the
106 decision of the director of the department of
107 health and senior services may appeal from said
108 decision within sixty days by writ of certiorari
109 to the circuit court of the county in which such
110 person resides or in case of a firm, association
111 or corporation, the county in which is located
112 its principal place of business.

113 6. All fees collected under this section
114 shall be deposited in the state treasury,
115 subject to appropriation by the general
116 assembly.]

2 [196.868. Any person who operates a plant
3 manufacturing or freezing ice cream, mellorine,
4 frozen dessert products or any other product
5 defined in sections 196.851 to 196.895, located
6 outside of this state and sells, offers for sale
7 or distributes the products in this state shall
8 obtain a broker's license from the director and
9 pay a broker's license fee, equivalent to the
10 license fee provided in section 196.866, on all
11 sales in this state, and shall be subject to the
other provisions of sections 196.851 to 196.895.]

