

## **SENATE CONCURRENT RESOLUTION NO. 13**

Relating to public health authority.

Whereas, Article I, Section 1 of the Missouri Constitution states "That all political power vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."; and

Whereas, Article I, Section 31 of the Missouri Constitution states "That no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation."; and

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare that no local health department, including the St. Louis County Department of Public Health, has any authority to fine or imprison or threaten to fine or imprison individuals or businesses that do not comply to any local health department orders, rules, guidelines, or regulations, including revoking or threatening to revoke business licenses or liquor licenses as a fine or punishment for non-compliance with orders, rules, guidelines or regulations; and

Be It Further Resolved that any state or local health department, including the St. Louis County Department of Public Health, shall send their concerns regarding such matters to the legislative body of Missouri, the General Assembly, to consider the proper legislation that may need to be addressed regarding the local health departments' concerns; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Health and Senior Services; and

Be It Further Resolved that notice shall be distributed by the Director of the Department to local health departments via an email educating them on their lack of authority in these areas, along with a copy of this resolution; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.