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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at www.sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is www.sos.mo.gov/adrules/csr/csr

The *Register* address is www.sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 5—Committee Registration and Reporting**

EMERGENCY RULE

1 CSR 50-5.010 Definitions

PURPOSE: This rule sets out the definitions of terms used in Chapter 1 CSR 50-5 of Missouri Ethics Commission to clarify registration and reporting requirements for certain types of committees.

EMERGENCY STATEMENT: The commission requests an emergency rule to take effect August 8, 2018 in order to preserve the compelling governmental interest of regulating campaign finance laws related to the November 6, 2018 general election. The rule sets out the definitions of terms used in Chapter 1 CSR 50-5 of Missouri Ethics Commission to clarify registration and reporting requirements for certain types of committees.

Mo. Const. Art. VIII, Section 23.3 provides for contribution limits to certain candidates and aggregate contributions to political parties for any one (1) election. Mo. Const. Art. VIII, Section 23.7(1) defines an election as “any primary, general or special election...” Section 130.041.2 (1), RSMo provides election cycles for candidates for purposes of determining aggregate contributions for a primary ending at 11:59 p.m. on the day of the primary election. Finally, Mo. Const. Art. VIII, Sections 23.7(6)(c) and 23.7(20) require that continuing and political action committees be formed no later than sixty (60) days prior to the election for which the committee receives con-

tributions or makes expenditures. The deadline for forming a continuing/political action committee is September 7, 2018. Because the rule will require federal political action committees to register and report with the State of Missouri if certain monetary thresholds are met, an effective date which begins with the election cycle for the November 6, 2018 general election will serve the compelling governmental interest of regulation of federal contributors and Missouri committees who wish to participate in the general election, and give federal political action committees appropriate time to meet the September 7, 2018 formation deadline.

The commission filed an order of rulemaking with JCAR on April 30, 2018 with the same content as this emergency rule. The earliest date that rule will take effect is August 30, 2018, after the beginning of the general election cycle, and one (1) week before the committee formation deadline to participate in the November general election.

This emergency rule follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, follows procedures which comply with protections extended by the *Missouri* and *United States Constitutions*, and is limited to the circumstances creating the required emergency action by seeking an effective date to coincide with the beginning of an election cycle, and with sufficient time for federal political action committees which wish to participate in the November general election but will be required to register and report with the commission to timely form and register with the commission.

This emergency rule was filed April 30, 2018, becomes effective August 8, 2018, and expires on February 4, 2019.

(1) As used in this chapter, the following terms mean:

(A) Committee domiciled outside of this state - a campaign finance committee registered according to the campaign finance disclosure laws of a state, other than the State of Missouri, or as a federal political action committee, as defined in this rule, which is registered and reporting with the Federal Election Commission;

(B) Federal political action committee - a political committee under 52 U.S.C. 30101(4) that is not an authorized committee of a federal candidate under 52 U.S.C. 30101(6) or a federal committee of a national, state, or local political party under 52 U.S.C. 30101(4)(C), (14), or (15);

(C) Commission - The Missouri Ethics Commission;

(D) Continuing committee/Political action committee - a committee defined as a continuing committee under Mo. Const. Art. VIII, section 23.7(6)(c) and section 130.011(10), RSMo, and Mo. Const. Art. VIII, section 23.7(20), or a political action committee under Mo. Const. Art. VIII, section 23.7(20);

(E) Domicile - the address of a committee listed on a statement of organization as defined in section 130.026.6, RSMo; and

(F) Out-of-state committee - a campaign finance committee registered according to the campaign finance disclosure laws of a state, other than the State of Missouri, or a federal political action committee as defined in this rule, which is registered and reporting with the Federal Election Commission.

AUTHORITY: sections 105.955.14(7) and 105.961.3, RSMo 2016. Original rule filed Feb. 7, 2018. Emergency rule filed April 30, 2018, effective Aug. 8, 2018, expires Feb. 4, 2019.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 5—Committee Registration and Reporting**

EMERGENCY RULE

1 CSR 50-5.020 Registration Requirements for Committees Domiciled Outside the State of Missouri and Out-of-State Committees

PURPOSE: This rule clarifies and makes consistent the rules requiring committees domiciled outside the state of Missouri and out-of-state committees, including certain federal committees, to register and file campaign finance disclosure reports with the Missouri Ethics Commission. The rule also clarifies federal committees which qualify as federal political action committees for purposes of contributions to Missouri committees under the Missouri Constitution.

EMERGENCY STATEMENT: The commission requests an emergency rule to take effect August 8, 2018 in order to preserve the compelling governmental interest of regulating campaign finance laws related to the November 6, 2018 general election.

Mo. Const. Art. VIII, Section 23.3 provides for contribution limits to certain candidates and aggregate contributions to political parties for any one (1) election. Mo. Const. Art. VIII, Section 23.7(II) defines an election as "any primary, general or special election..." Section 130.041.2 (1), RSMo provides election cycles for candidates for purposes of determining aggregate contributions for a primary ending at 11:59 p.m. on the day of the primary election. Finally, Mo. Const. Art. VIII, Sections 23.7(6)(c) and 23.7(20) require that continuing and political action committees be formed no later than sixty (60) days prior to the election for which the committee receives contributions or makes expenditures. The deadline for forming a continuing/political action committee is September 7, 2018. Because the rule will require federal political action committees to register and report with the State of Missouri if certain monetary thresholds are met, an effective date which begins with the election cycle for the November 6, 2018 general election will serve the compelling governmental interest of regulation of federal contributors and Missouri committees who wish to participate in the general election, and give federal political action committees appropriate time to meet the September 7, 2018 formation deadline.

The commission filed an order of rulemaking with JCAR on April 30, 2018 with the same content as this emergency rule. The earliest date that rule will take effect is August 30, 2018, after the beginning of the general election cycle, and one (1) week before the committee formation deadline to participate in the November general election.

This emergency rule follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, follows procedures which comply with protections extended by the Missouri and United States Constitutions, and is limited to the circumstances creating the required emergency action by seeking an effective date to coincide with the beginning of an election cycle, and with sufficient time for federal political action committees which wish to participate in the November general election but will be required to register and report with the commission to timely form and register with the commission.

This emergency rule was filed April 30, 2018, becomes effective August 8, 2018, and expires on February 4, 2019.

(1) Committees domiciled outside the state of Missouri and out-of-state committees which meet the conditions of section 130.021.10, RSMo, shall be required to register as a Missouri continuing committee/political action committee with the commission.

(2) Committees falling within the requirements of section (1) shall be required to—

(A) Appoint a treasurer who is a resident of the State of Missouri;

(B) Have a single official fund depository within the State of Missouri as defined in section 130.021.4(1), RSMo and shall maintain at least one (1) official depository account in the committee's name;

(C) Include the words "federal committee" in the committee name in order to identify themselves as a federal political action committee under Mo. Const. Art. VIII, section 23.3(12); and

(D) File a statement of organization identified as a continuing/political action committee no later than sixty (60) days prior to the election for which the committee receives contributions or make expenditures,

and prior to making a contribution or expenditure in the state of Missouri.

(3) A committee domiciled outside the state of Missouri or an out-of-state committee which does not meet the conditions of section 130.021.10, RSMo shall be required to comply with out-of-state reporting requirements under sections 130.049 and 130.050, RSMo.

(4) Federal political action committees domiciled within the state of Missouri shall be required to follow the requirements of section (2) if they meet the definition of a continuing committee/political action committee under Mo. Const. Art. VIII, Section 23.7(6)(c) and Mo. Const. Art. VIII, Section 23.7(20); and section 130.011(10), RSMo.

(5) A federal political action committee meeting the requirements of this rule shall be considered a "federal political action committee" for purposes of contributing to Missouri continuing committees/political action committees pursuant to Mo. Const. Art VIII, Section 23.

(6) Any committee required to file statements of organization under this rule shall be required to follow all reporting and recordkeeping requirements under Chapter 130, RSMo.

AUTHORITY: Mo. Const. Art VIII, Section 23.7(6)(c) and Mo. Const. Art. VIII, Section 23.7(20); and sections 105.955.14(7), 105.961.3, 130.011(10), 130.021.4, and 130.021.5, RSMo 2016. Original rule filed Feb. 7, 2018. Emergency rule filed April 30, 2018, effective Aug. 8, 2018, expires Feb. 4, 2019.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.

EXECUTIVE ORDER 18-03

WHEREAS, the State of Missouri must be prepared to protect its people from terrorism, assist in the efforts to secure our borders, and to enforce our immigration laws; and

WHEREAS, the State of Missouri also must be prepared to prevent, respond to, and recover from natural and man-made disasters; and

WHEREAS, Executive Orders 05-20 and 06-09 established the Homeland Security Advisory Council to ensure that state and local homeland security plans on terrorism and disaster preparedness are executed and coordinated efficiently; and

WHEREAS, the Homeland Security Advisory Council also coordinates and expends federal homeland security grant funds for vital security programs and initiatives at the State and local levels of government; and

WHEREAS, the structure of the Homeland Security Advisory Council should be updated to reflect modern organization and operations and to align with recommendations and requirements set by the United States Department of Homeland Security; and

WHEREAS, the most effective homeland security plans and operations require cooperation among federal, state, and local governments, as well as the private sector and organizations.

NOW, THEREFORE, I, ERIC. R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby direct and order the following:

1. The Homeland Security Advisory Council (the "Council") is hereby reauthorized as a continuing advisory body. The Council shall continue as set out in Executive Order 06-09 except as set forth herein.
2. The Director of the Department of Public Safety is a voting member and shall serve as the Chair of the Council. The Director of the Office of Homeland Security is a voting member and shall serve as the Vice-Chair of the Council.
3. The following representatives from State agencies shall be seated as voting members of the Council:
 - a. The Director of the Department of Public Safety (or his or her designee);
 - b. The Director of the Department of Agriculture (or his or her designee);
 - c. The Director of the Department of Corrections (or his or her designee);
 - d. The Director of the Department of Economic Development (or his or her designee);

- e. The Commissioner of Education (or his or her designee);
 - f. The Commissioner of Higher Education (or his or her designee);
 - g. The Director of the Department of Health and Senior Services (or his or her designee);
 - h. The Director of the Department of Mental Health (or his or her designee);
 - i. The Director of the Department of Social Services (or his or her designee);
 - j. The Director of the Department of Natural Resources (or his or her designee);
 - k. The Chief Information Officer of the State of Missouri (or his or her designee);
 - l. The Director of the Department of Transportation (or his or her designee); and
 - m. The Chairman of the Public Service Commission (or his or her designee).
4. Other voting members of the Council shall include:
- a. The Director of the State Emergency Management Agency (or his or her designee);
 - b. The Adjutant General of the Missouri National Guard (or his or her designee);
 - c. The Colonel of the Missouri State Highway Patrol (or his or her designee);
 - d. The State Fire Marshal (or his or her designee); and
 - e. The Director of the Missouri Interoperability Center (or his or her designee).
5. At the Chair's discretion, the Director, Chair, Chief Executive Officer, or President (or their designee) of the following vital stakeholders to Missouri's homeland security efforts may be voting members:
- a. The Missouri Red Cross;
 - b. The Regional Homeland Security Oversight Committee Chairs;
 - c. All Metropolitan Statistical Areas in Missouri included in Department of Homeland Security risk validation processes;
 - d. All Intelligence Fusion Centers operating in Missouri;
 - e. The Missouri Emergency Medical Services Association;
 - f. The Missouri Association of Fire Chiefs;
 - g. The Missouri Police Chiefs' Association;
 - h. The Missouri Sheriffs' Association;
 - i. The Missouri Emergency Management Association;
 - j. The 911 Service Board;
 - k. The Fraternal Order of Police;
 - l. The Missouri Voluntary Organizations Active in Disaster;
 - m. The Missouri State Council of Fire Fighters; and
 - n. Other members or agencies appointed by the Governor.
6. The Council shall continue to create, develop, and provide oversight to specific homeland security working groups and to dissolve such working groups when their missions are accomplished. The Council also shall continue to work with and provide direction to regional homeland security oversight committees and establish strategies and priorities for Missouri homeland security grant funding programs and initiatives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 25th day of April, 2018.



A handwritten signature in black ink, appearing to read "Eric R. Greitens", written over a horizontal line.

Eric R. Greitens
Governor

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

John R. Ashcroft
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

(1) The standards used by State Milk Board shall be those shown in Title 21, the *Code of Federal Regulations*, Subchapter B Food for Human Consumption, Part 117 Current and Good Manufacturing Practice, Hazard Analysis, and Risk Based Preventive Controls for Human Food, January 2018, are herein incorporated by reference and made part of this rule as published in the United States Superintendent of Documents, 732 N. Capitol Street NW, Washington, DC 20402-001. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

AUTHORITY: section 196.939, RSMo 2016. Original rule filed April 30, 2018.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade "A" Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.010 Definitions. This rule updated and defined terms used in the regulations of the State Milk Board. This rule corresponds with the *Grade "A" Pasteurized Milk Ordinance* (PMO)—2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade "A" Pasteurized Milk Regulations

PROPOSED RULE

2 CSR 80-2.003 Adoption of Code of Federal Regulations Title 21 Food and Drugs, Chapter I Food and Drug Administration, Department of Health and Senior Services, Subchapter B Food for Human Consumption, Part 117 Current and Good Manufacturing Practice, Hazard Analysis, and Risk Based Preventive Controls for Human Food

PURPOSE: This rule provides for the adoption of the most recent publication of Title 21, Part 117 "The Code of Federal Regulations" for Missouri State Milk Board to be in compliance with federal regulations as determined by the United States Department of Agriculture and Food and Drug Administration.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED AMENDMENT

2 CSR 80-2.020 Sale of Adulterated, Misbranded Milk, or Milk Products. The State Milk Board is amending the purpose and section (2).

PURPOSE: The purpose of this amendment is to update the current revision of the *Pasteurized Milk Ordinance* and wording.

PURPOSE: This rule provides for the control of adulterated, misbranded Grade “A” milk, or milk products, or any combination of these. This rule corresponds with Section 2 of the *federal Grade “A” Pasteurized Milk Ordinance (PMO)* [—2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration], as adopted in 2 CSR 80-2.001.

(2) Any adulterated or misbranded milk or milk product may be impounded under proper authority by the regulatory agency and disposed of in accordance with applicable laws or regulations, **including the Grade “A” Pasteurized Milk Ordinance, as adopted in 2 CSR 80-2.001.** [The Grade “A” Pasteurized Milk Ordinance (PMO), 2015 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).]

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED AMENDMENT

2 CSR 80-2.030 Permits. The State Milk Board is amending the purpose and deleting sections (2), (3), (4), and (5).

PURPOSE: The purpose of this amendment is to update to the current revision of the *Grade “A” Pasteurized Milk Ordinance*.

PURPOSE: This rule provides for the issuance of permits to persons involved in the production, transporting, and processing of Grade “A” milk and milk products. This rule corresponds with Section 3 of the *federal Grade “A” Pasteurized Milk Ordinance (PMO)*, [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration] as adopted in 2 CSR 80-2.001.

[(2) Only a person who complies with the requirements of these rules shall be entitled to receive and retain a permit. Permits shall not be transferable with respect to persons, locations, or both.

(3) The regulatory agency shall suspend the permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of these rules or whenever the permit holder has interfered with the regulatory agency in the performance of its duties. Provided that the regulatory agency, in all cases except where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health, or in any case of a willful refusal to permit authorized inspection, shall serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder reasonable opportunity to correct the violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the regulatory agency before making any order of suspension effective. Any permit suspension shall remain in effect until the violation has been corrected to the satisfaction of the regulatory agency. Prior to reinstatement when permit suspension has been due to a somatic cell violation, in addition to complying with the requirements contained elsewhere in these rules, the analysis of an individual producer sample meeting the somatic cell standards outlined in 2 CSR 80-2.070 (Section 7 of the PMO) shall be made. The sample shall be analyzed in an official or officially designated laboratory.

(4) Upon written notification to the regulatory agency by any person whose permit has been suspended, or upon application within forty-eight (48) hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the regulatory agency, within seventy-two (72) hours, shall proceed to a hearing to ascertain facts of the violation or interference and upon evidence presented at the hearing shall affirm, modify, or rescind the suspension or intention to suspend.

(5) Upon repeated violation(s), the regulatory agency may revoke the permit following reasonable notice to the permit holder and an opportunity for a hearing. This rule is not intended to preclude the institution of court action as provided in 2 CSR 80-2.050 (Section 5 of the PMO) and 2 CSR 80-2.060 (Section 6 of the PMO). The Grade “A” Pasteurized Milk Ordinance (PMO), 2015 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).]

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.040 Labeling. This rule provided regulations for the proper labeling of Grade “A” milk or milk products. This rule corresponded with Section 4 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.050 Inspection Frequency and Procedure. This rule was for the purpose of providing requirements concerning inspection frequency and procedures. This rule corresponded with Section 5 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary dupli-

cation of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.060 The Examination of Milk and Milk Products. This rule specified sampling frequency and required chemical and bacteriological tests to be conducted both on raw and pasteurized Grade “A” dairy products. This rule corresponded with Section 6 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED AMENDMENT

2 CSR 80-2.070 Standards for Milk and Milk Products. The State Milk Board is amending the purpose and sections (1), (2), (5), (6),

and (7).

*PURPOSE: The purpose of this amendment is to update to the current revision of the **Grade "A" Pasteurized Milk Ordinance** and wording.*

*PURPOSE: This rule provides standards which Grade "A" raw or pasteurized milk or milk products must meet with regard to cooling temperatures, bacterial limits, somatic cell counts, antibiotics, coliform limits, phosphatase determinations, and sanitation requirements for dairy farms, milk haulers, transfer stations, receiving stations, and milk plants. This rule corresponds with Section 7 of the federal **Grade "A" Pasteurized Milk Ordinance (PMO)**, [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration] as adopted in **2 CSR 80-2.001**.*

(1) All Grade "A" raw milk for pasteurization and all Grade "A" pasteurized milk and milk products shall be produced, processed, **manufactured**, and pasteurized to conform [with] to the following chemical, **physical**, bacteriological, and temperature standards and the sanitation requirements of this rule. The *Grade "A" Pasteurized Milk Ordinance (PMO)*, [2015 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835] as adopted in **2 CSR 80-2.001**. [This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO)*.]

(2) No process or manipulation other than pasteurization, processing, and **packaging** methods integral to pasteurization, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms. Provided that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than one hundred twenty-five degrees Fahrenheit (125 °F) (fifty-two degrees Celsius (52 °C)) for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat-treated.

Table 1—Chemical, Bacteriological, and Temperature Standards

Grade “A” raw milk and milk products for pasteurization	Temperature	Cooled to 45 °F (7 °C) or less within two (2) hours after milking, provided that the blend temperature first and subsequent milkings does not exceed 50 °F (10 °C).
	Bacterial limits	Individual producer milk not to exceed 100,000 per milliliter (mL) prior to commingling with other producer milk. Not to exceed 300,000 per mL as commingled milk prior to pasteurization.
	<i>[Antibiotics] Drugs</i>	Tests and methodology as required by the <i>[2015] Grade “A” Pasteurized Milk Ordinance, as adopted in 2 CSR 80-2.001.</i> Commingled milk: Tests and methodology as required by the <i>[2015] Grade “A” Pasteurized Milk Ordinance, as adopted in 2 CSR 80-2.001.</i>
	Somatic cell count	Individual cow producer milk: Not to exceed 750,000 per mL. Individual goat producer milk: Not to exceed 1,500,000 per mL.
Grade “A” pasteurized milk and milk products	Temperature	Cooled to 45 °F (7 °C) or less and maintained thereat.
	Bacterial limits*	Not to exceed 20,000 per mL.
	Coliform	Not to exceed 10 per mL[:]. Provided that, in case of bulk milk transport tank shipments, shall not exceed 100 per mL.
	Phosphatase	Less than <i>[one (1) microgram per mL by the Schrarer Rapid Method or Methods approved in the 2015 Grade “A” Pasteurized Milk Ordinance.] 350 milliunits/L for fluid products and other milk products by approved electronic phosphatase procedures</i>
	<i>[Antibiotics] Drugs</i>	<i>[Test and methodology required by the 2015 Grade “A” Pasteurized Milk Ordinance.] No positive results on drug residue detection methods as referenced in Section 6. – Laboratory Techniques of the Grade “A” Pasteurized Milk Ordinance, as adopted in 2 CSR 80-2.001 which have been found to be acceptable for use with Pasteurized Milk and/or Milk Products.</i>

*Not applicable to cultured products.

(5) Grade "A" Pasteurized Milk Regulation Items.

(A) Sanitation Requirements for Grade "A" Raw Milk for Pasteurization.

1. Abnormal milk—based upon bacteriological, chemical, or physical examination, *[cows] lactating animals* which show evidence of the secretion of abnormal milk in one (1) or more quarters shall be milked last or with separate equipment and the milk shall be discarded. *[Cows] Lactating animals* treated with, or *[cows] lactating animals* which have consumed chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the regulatory agency may be deleterious to human health, shall be milked last or with separate equipment and the milk disposed of as the regulatory agency may direct.

2. Milking barn, stable, or parlor—construction. On all dairy farms a milking barn, stable, or parlor shall be provided in which the milking herd shall be housed during milking time operations. The areas used for milking purposes shall—

A. Have floors constructed of concrete or equally impervious material;

B. Have walls and ceilings which are smooth, painted, or finished in an approved manner, in good repair, ceiling dust-tight;

C. Have separate stalls or pens for horses, calves, and bulls;

D. Be provided with natural light, artificial light, or both, well distributed for day and/or night milking, or both;

E. Provide sufficient air space and air circulation to prevent condensation and excessive odors;

F. Not be overcrowded; and

G. Have dust-tight covered boxes or bins or separate storage facilities for ground, chopped, or concentrated feed.

3. Milking barn, stable, or parlor—cleanliness. The interior shall be kept clean. Floors, walls, ceilings, windows, pipelines, and equipment shall be free of filth, litter, or both, and shall be clean. Swine and fowl shall be kept out of the milking barn.

4. Cowyard. The cowyard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes. Provided that in loafing or *[cattle] lactating animal* housing areas, *[cow] lactating animal* droppings and soiled bedding shall be removed or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the *[cow's] lactating animal's* udder and flanks. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonably firm footing. Swine shall be kept out of the cowyard.

5. Milkhouse or room—construction and facilities. Milkhouse or room construction and facilities shall comply with the following:

A. A milkhouse or room of sufficient size shall be provided, in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted, except as provided for in paragraph (5)(A)12. of this rule;

B. The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system;

C. The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner;

D. The milkhouse shall have adequate natural light, artificial light, or both, and be well ventilated;

E. The milkhouse shall be used for no other purpose than milkhouse operations; there shall be no direct opening into any barn, stable, or into a room used for domestic purposes. Provided that a direct opening between the milkhouse and milking barn, stable, or parlor is permitted when a tight-fitting, self-closing, solid door(s) hinged to be single or double acting is provided;

F. Water under pressure shall be piped into the milkhouse;

G. The milkhouse shall be equipped with a two- (2-) compartment wash vat and adequate hot water heating facilities;

H. When a transportation tank is used for the cooling of milk,

storage of milk, or both, on the dairy farm, the tank shall be provided with a suitable shelter for the receipt of milk. The shelter shall be adjacent to, but not a part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control, and general maintenance; and

I. Effective July 1, 1985, all bulk milk cooling tanks, holding tanks, or both, in use shall be equipped with interval timing devices.

(I) Construction requirements. Interval timers shall be set and adjusted so that the milk will be agitated not less than five (5) minutes with a frequency of at least once every hour.

(II) Installation requirements. The installation and operation of interval timing devices shall be the responsibility of the milk producer.

6. Milkhouse or room—cleanliness. The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, nonproduct contact surfaces of milk containers, utensils, and equipment, and other milkroom equipment shall be clean. Only articles directly related to milkroom activities shall be permitted in the milkroom. The milkroom shall be free of trash, animals, and fowl.

7. Toilet. Every dairy farm shall be provided with one (1) or more toilets, conveniently located and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

8. Water supply. Water for milkhouse and milking operations shall be from a supply properly located, protected, and operated and shall be easily accessible, adequate, and of a safe, sanitary quality.

9. Utensils and equipment—construction. All multi-use containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials and shall be so constructed as to be easily cleaned. All containers, utensils, and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type. Multi-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported, stored, and handled in a sanitary manner and shall comply with the applicable requirements of paragraph (7)(B)11. of this rule. Articles intended for single-service shall not be reused.

A. Farm holding/cooling tanks, welded sanitary piping, and transportation tank shall comply with the applicable requirements of paragraphs (7)(B)10. and 11. of this rule.

10. Utensils and equipment—cleaning. The product-contact surfaces of all multi-use containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.

11. Utensils and equipment—sanitization. The product-contact surfaces of all multi-use containers, equipment, and utensils used in the handling, storage, and transportation of milk shall be sanitized before each usage.

12. Utensils and equipment—storage. All containers, utensils, and equipment used in the handling, storage, or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage and shall be protected from contamination prior to use. Provided that milk pipelines and pipeline milking equipment, such as milker claws, inflations, weigh jars, meters, milk hoses, milk receivers, and milk pumps which are designed for mechanical cleaning, may be stored in the milking barn or parlor provided this equipment is designed, installed, and operated to protect the product- and solution-contact surfaces from contamination at all times.

13. Utensils and equipment—handling. After sanitization, all containers, utensils, and equipment shall be handled in a manner to prevent contamination of any product-contact surface.

14. Milking—flanks, udders, and teats. Milking shall be done in the milking barn, stable, or parlor. The flanks, udders, bellies, and tails of all milking *[cows] animals* shall be free from visible dirt. All brushing shall be completed prior to milking. The udders and teats of all milking *[cows] animals* shall be cleaned and treated with

a sanitizing solution just prior to the time of milking and shall be relatively dry before milking. Wet hand milking is prohibited.

15. Milking—surcingles, milk stools, and antikickers. Surcingles, milk stools, and antikickers shall be kept clean and stored above the floor.

16. Protection from contamination. Milking and milkhouse operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk, equipment, containers, and utensils. No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.

17. Personnel—handwashing facilities. Adequate handwashing facilities shall be provided, including a lavatory fixture with running water, soap or detergent, and individual sanitary towels, in the milkhouse and in or convenient to the milking barn, stable, parlor, or flush toilet.

18. Personnel—cleanliness. Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, performing any milkhouse function, and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

19. Cooling. Raw milk for pasteurization shall be cooled to forty-five degrees Fahrenheit (45 °F) (7 °C) or less within two (2) hours after milking, provided that the blend temperature after the first milking and subsequent milkings does not exceed fifty degrees Fahrenheit (50 °F) (10 °C).

20. Vehicles. Vehicles used to transport milk from the dairy farm to the milk plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. These vehicles shall be kept clean, inside and out; and no substance capable of contaminating milk shall be transported with milk.

21. Insect and rodent control. Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents and by chemicals used to control vermin. Milkrooms shall be free of insects and rodents. Surroundings shall be kept neat, clean, and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

(6) To secure and hold a valid permit, license, or both, a hauler shall meet the following requirements governing Grade “A” milk haulers, the collection of Grade “A” milk from farm bulk milk cooling tanks, storage tanks, or both, and the collection and care of Grade “A” milk samples:

(B) Permits and Licenses.

1. All milk haulers must possess a license from the state Department of Agriculture and a permit from the regulatory agency. The permit, license, or both, are subject to suspension or revocation whenever any of the laws or rules are violated on the second consecutive inspection. Flagrant violations on the part of the hauler, such as fraudulent practices, intentional adulteration, or any actions adversely affecting the integrity of producer milk samples, shall result in immediate permit suspension *[in accordance with 2 CSR 80-2.030 (Section 3 of the PMO)]*, court action, or both.

2. A temporary permit may be given in the field by the regulatory agency to an applicant who satisfactorily passes an *[written]* examination and who possesses a temporary license issued through the *[dairy program of the Missouri Department of Agriculture]* regulatory authority. The temporary permit may be revoked for cause at any time. Regular status of a temporary permit, license, or both, is acquired only after an applicant satisfactorily passes a hauler training course provided by a company or organization if the training course has been approved by the *[dairy program of the Missouri Department of Agriculture]* State Milk Board and the regulatory agency.

3. An approved hauler training course should include the following:

A. Basic milk microbiology;

B. Milk quality tests and what they mean;

C. Evaluation and detection of flavors and odors;

D. Sampling and bacteriological, chemical, and physical analysis;

E. Sampling, why and how to handle samples;

F. Cleaning and sanitizing of dairy equipment;

G. Milk and its composition;

H. The how and why of tank calibration; **and**

II. State and local laws and rules governing bulk milk; and]

[J.]I. Procedures for the collection of milk from farm cooling or storage tanks, or both;

(7) Sanitation Requirements for Grade “A” Pasteurized Milk and Milk Products.

(A) A receiving station shall comply with paragraphs (7)(B)1.–15., 17., 20., and 22., except that the partitioning requirement of paragraph (7)(B)5. shall not apply.

(B) A transfer station shall comply with paragraphs (7)(B)1., 4., 6.–12., 14., 15., 17., 20., and 22.; and as climatic and operating conditions require, the applicable provisions of paragraphs (7)(B)2. and 3., provided that in every case, overhead protection shall be provided. Facilities for the cleaning and sanitizing of bulk milk pick-up tanker and milk transport tanks shall comply with paragraphs (7)(B)1., 4., 6.–15./12., 14., 15., 20., and 22.; and as climatic and operating conditions require, the applicable provisions of paragraphs (7)(B)2. and 3., provided that in every case, overhead protection shall be provided.

1. Floors—construction. The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, and utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, and kept in good repair. Provided that cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one (1) or more exits. Provided further that storage rooms for storing dry ingredients, packaging materials, or both, need not be provided with drains and the floors may be constructed of tightly joined wood.

2. Walls and ceilings—construction. Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, shall be in good repair with a smooth, washable, light-colored surface.

3. Doors and windows. Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

4. Lighting and ventilation. All rooms in which milk or milk products are handled, processed, or stored, in which milk containers, equipment, and utensils are washed, or both, handled and washed, shall be well lighted and well ventilated.

5. Separate rooms. There shall be separate rooms for the pasteurizing, processing, cooling, and packaging of milk and milk products; the cleaning of milk cans, bottles, and cases; the cleaning and sanitizing facilities for milk tank trucks in plants receiving milk in those tanks; and receiving cans of milk and milk products in plants receiving those cans. Rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed or stored, shall not open directly into any stable or any room for domestic purposes. All rooms shall be of sufficient size for their intended purposes.

6. Toilet—sewage disposal facilities. Every milk plant shall be provided with toilet facilities conforming with the regulations of the state of Missouri. Toilet rooms shall not open directly into any room in which milk, milk products, or both, are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair, and shall be well ventilated and well

lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner.

7. Water supply. Water for milk plant purposes shall be from a supply properly located, protected, and operated and shall be easily accessible, adequate, and of a safe, sanitary quality.

8. Handwashing facilities. Convenient handwashing facilities shall be provided, including hot and cold or warm running water, soap, and individual sanitary towels or other approved hand drying devices. Handwashing facilities shall be kept in a clean condition and in good repair.

9. Milk plant cleanliness. All rooms in which milk and milk products are handled, processed, or stored, and in which containers, utensils, or equipment are washed or stored, shall be kept clean, neat, and free of evidence of insects and rodents. Only equipment directly related to processing operations or to handling of containers, utensils, and equipment shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk milk storage rooms.

10. Sanitary piping. All sanitary piping, fittings, and connections which are exposed to milk or milk products, or from which liquids may drip, drain, or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, nontoxic, easily cleanable material. All piping shall be in good repair. Pasteurized milk and milk products shall be conducted from one (1) piece of equipment to another only through sanitary piping. Provided that cottage cheese, cheese dressings, or cheese ingredients may be transported by other methods which protect the product from contamination.

11. Construction and repair of containers and equipment. All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material, shall be constructed for ease of cleaning, and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles with which milk or milk products come in contact shall be nontoxic and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

12. Cleaning and sanitizing of containers and equipment. The product-contact surfaces of all multi-use containers, utensils, and equipment used in the transportation, processing, handling, and storage of milk or milk products shall be effectively cleaned and shall be sanitized before each use.

13. Storage of cleaned containers and equipment. After cleaning, all multi-use milk or milk product containers, utensils, and equipment shall be transported and stored to assure complete drainage and shall be protected from contamination before use.

14. Storage of single-service containers, utensils, and materials. Single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk and milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons, shall be kept in a clean, dry place until used, and shall be handled in a sanitary manner.

15. Protection from contamination. Milk plant operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers, and utensils. All milk or milk products or ingredients which have spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than fluid milk and milk products in the pasteurization plant shall be performed to preclude the contamination of milk and milk products. The storage, handling, and use of poisonous or toxic materials shall be performed to preclude the contamination of milk and milk products, the ingredients of milk and milk products, or the product-contact surfaces of all equipment, containers, or utensils.

[16. *Pasteurization. Pasteurization shall be performed as in 2 CSR 80-2.010(1)(T).*]

[17.]16. Cooling of milk. All raw milk and milk products shall be maintained at forty-five degrees Fahrenheit (45 °F) (7 °C) or less until processed. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately prior to filling or pack-

aging in approved equipment to a temperature of forty-five degrees Fahrenheit (45 °F) (7 °C) or less. All pasteurized milk and milk products shall be stored at a temperature of forty-five degrees Fahrenheit (45 °F) (7 °C) or less. On delivery vehicles, the temperature of milk and milk products shall not exceed fifty degrees Fahrenheit (50 °F) (10 °C). Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer.

[18.]17. Bottling and packaging. Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment. Provided that cottage cheese may be transported in sealed containers in a protected, sanitary manner from one (1) plant to another for creaming, packaging, or both.

[19.]18. Capping. Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping, closing equipment, or both. The cap or closure shall be designed and applied in a manner that the pouring lip is protected to at least its largest diameter and with respect to fluid product containers, removal cannot be made without detection.

[20.]19. Personnel—cleanliness. Hands shall be thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his/her hands. All persons shall wear clean outer garments while engaged in the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils. All persons while engaged in the processing of milk or milk products shall wear adequate hair coverings and shall not use tobacco.

[21.]20. Vehicles. All vehicles used for transportation of pasteurized milk and milk products shall be constructed and operated so that the milk and milk products are maintained at forty-five degrees Fahrenheit (45 °F) (7 °C) or less, and are protected from sun, freezing, and contamination.

[22.]21. Surroundings. Milk plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects, and rodents or which otherwise constitutes a nuisance.

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED RESCISSION

2 CSR 80-2.080 Animal Health. This rule provided requirements regarding animal health for Grade “A” dairy farms. This rule corresponds with Section 8 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug

Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.091 Milk and Milk Products Which May Be Sold. This rule specified milk and milk products which may be sold. This rule corresponded with Section 9 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.101 Transferring; Delivery Containers; Cooling. This rule provided standards relating to transferring; delivery containers; and cooling of milk, milk products, or both. This rule corresponded with Section 10 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.110 Milk and Milk Products from Points Beyond the Limits of Routine Inspection. This rule provided for requirements for milk and milk products from points beyond the limits of routine inspection. This rule corresponded with Section 11 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication

of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED RESCISSION

2 CSR 80-2.121 Future Dairy Farms and Milk Plants. This rule provided requirements for construction or reconstruction of future dairy farms and milk plants. This rule corresponded with Section 12 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED RESCISSION

2 CSR 80-2.130 Personnel Health. This rule established requirements relating to personnel health. This rule corresponded with Section 13 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED RESCISSION

2 CSR 80-2.141 Procedure When Infection is Suspected. This rule provided the procedure to follow when infection is suspected. This rule corresponded with Section 14 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED RESCISSION

2 CSR 80-2.151 Enforcement. This rule provided for regulatory enforcement methods. This rule corresponded with Section 15 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April

30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.161 Penalty. This rule provided for the penalty for violation of any of the provisions of these rules. This rule corresponded with Section 16 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED RESCISSION

2 CSR 80-2.170 Separability Clause. This rule provided a separability clause. This rule corresponded with Section 18 of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

PURPOSE: This proposed rescission eliminates unnecessary dupli-

cation of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED AMENDMENT

2 CSR 80-2.[180]001 Adoption of the Grade “A” Pasteurized Milk Ordinance (PMO), [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. The State Milk Board is amending the rule number, title, purpose, and section (1).

PURPOSE: The purpose of this amendment is to update to the current revision of the *Grade “A” Pasteurized Milk Ordinance*.

PURPOSE: This rule provides for the adoption of the *Grade “A” Pasteurized Milk Ordinance* (PMO), [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration which is the recommended ordinance for adoption by state and local governments for the sanitary control of *Grade “A”* milk and milk products.

(1) The *Grade “A” Pasteurized Milk Ordinance* (PMO), [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration establishes minimum standards which must be complied with for satisfactorily producing and for processing *Grade “A”* raw milk for pasteurization and *Grade “A”* pasteurized milk and milk products in Missouri. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation. The *Grade “A” Pasteurized Milk Ordinance* (PMO), [2015] 2017 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance* (PMO).

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended and moved: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED AMENDMENT

2 CSR 80-2.[181]002 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments. The State Milk Board is amending the rule number, rule title, purpose, and section (1).

PURPOSE: The purpose of this amendment is to update to the current revision of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments.

PURPOSE: This rule provides for the adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and the National Conference on Interstate Milk Shipments which is the recommended procedures for adoption by state and local governments for sound and uniform milk sanitation programs.

(1) *The Procedures Governing the Cooperative State-Public Health Service, Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, [2015] 2017 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments are the procedures for establishing milk sanitation standards, rating procedures, sampling procedures, laboratory procedures, laboratory evaluation, and sample collector procedures. The document further contains the Constitution of the National Conference on Interstate Milk Shipments (NCIMS), the Bylaws of the NCIMS, the Memorandum of Understanding (MOU) between the United States Food and Drug Administration and NCIMS, and related documents. This Procedures [is the governing document of] document governs the NCIMS and contains the information necessary to maintain a national program that is both uniform and acceptable to the states, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the dairy industry. The Procedures Governing the Cooperative State-Public Health Service, Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, [2015] 2017 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.*

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule

filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Amended and moved: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

PROPOSED AMENDMENT

2 CSR 80-2.190 State Milk Board Grade “A” Milk Policies. The State Milk Board is amending sections (2), (3), (11), (13), (14), and (17).

PURPOSE: The purpose of this amendment is to update wording.

(2) Authentic Freeze Point Procedure.

(A) In order to obtain uniformity in establishing an authentic freezing point, the following procedure should be implemented:

1. The producer must request the assistance for the establishment of an authentic freeze point to the State Milk Board in writing;

2. The State Milk Board will notify the servicing sanitarian and fieldman of the request. In the absence of a fieldman, two (2) sanitarians from the State Milk Board or its agent should implement the procedure;

3. On the date of the test, the producer must make sure to—

A. Thoroughly wash, rinse, and sanitize all milk contact surfaces after the morning milking and milk pickup;

B. Maintain all milk contact surfaces in a manner to allow complete drainage, including the pump and all low points in the milking equipment to eliminate any entrapped water;

C. Not allow milk contact surfaces to be sanitized or allow any water to come in contact with any milk contact surfaces after the State Milk Board or its agents have arrived for testing;

D. Not dip inflations between [cows] dairy animals or perform any procedure that could allow any water to enter the milk supply; and

E. Prepare for and perform evening milking as normal;

4. At the conclusion of the milking procedure, the producer should not flush the pipeline with water while the pipeline is attached to the bulk tank. This is a prohibited procedure at any time. As soon as the milk has entered the bulk tank and has remained quiescent for at least five (5) minutes, the State Milk Board or its agent should measure the milk, take a sample of the milk, and place it on ice immediately;

5. The producer must follow the procedures outlined in paragraph (2)(A)3. above in order to allow all cleaned and sanitized surfaces to drain overnight;

6. Thirty (30) minutes prior to normal milking time the next morning, the State Milk Board or its agents should measure the milk in the bulk milk tank after a quiescent period of at least five (5) minutes. Next, the State Milk Board or its agents should agitate the milk thoroughly and collect a second sample;

7. The producer should follow the same procedure utilized in the previous milking to ensure that no water is allowed to come in contact with, or obtain entrance into, the milk supply;

8. At the end of the second milking, the State Milk Board or its agent must thoroughly agitate the milk and collect a sample;

9. The State Milk Board or its agent should transport the three (3) milk samples on ice directly to an approved milk testing laboratory. The laboratory should be notified in advance and arrangements should be made to conduct the freeze point test. The sample collected at the end of the first milking and the sample collected prior to the beginning of the second milking should provide a freezing point of a variance not greater than -0.002 degrees centigrade. There may be a slight variance in the two (2) samples as carbon dioxide in milk passes off as a gas between the night and morning milkings. If the variance is greater than -0.002 degrees centigrade, the milk itself was altered between milkings by something other than the release of carbon dioxide. To prevent such an occurrence, the producer should lock the milk house door between these tested milkings; and

10. If the authentic freeze point procedure outlined in this regulation is used, the producer will document the procedure and provide documentation to the State Milk Board. The samples collected immediately after the two (2) milkings will be the official non-water freezing record for the producer. For enforcement purposes, the producer will be allowed a freezing point of -0.005 degrees centigrade less than the results of the lowest number of the two (2) officially tested samples that were collected after the evening and morning milkings. Once established, the authentic freezing point will remain in effect for a producer until the producer's feeding program or herd is substantially changed.

(3) [Antibiotic] Drug Residue Test.

(A) Whenever a(n antibiotic) drug residue test is found to be positive, the State Milk Board shall immediately suspend the producer's permit.

(11) Farm Bulk Milk Collections.

(A) Farm bulk milk collections shall be made at least once every forty-eight (48) hours or every other day. Extended pickups may be granted by individual request to the executive secretary of the State Milk Board [with information showing use of milk outside the Grade "A" market. This regulation is barring an act of God or other emergencies beyond the control of the hauler or producer.] **provided the safety and quality of milk is maintained and the delayed collection does not extend beyond the limit allowed by law. In the event of a natural disaster or emergency limiting milk pickups beyond the control of the hauler or producer this regulation may be waived across specified geographic regions as needed.**

(13) Distributors.

(A) This regulation affects inspection and permitting of distributors.

1. A distributor number is "D" plus the required number of digits in each contractee's permit number series.

2. "Distributor" is defined as an individual or company that handles finished dairy products beyond the responsibility of the dairy plant and prior to delivery to retailers and/or consumers and any milk processing plant-owned branch operation in which a permanent or mobile-milk cooler is operated.

3. Distribution permits shall be issued by the contractee responsible for the area in which the distributor is located.

4. Permanent branch or independent distributing points, such as milk coolers, [shall] will be inspected at least once each [six (6)] **twelve (12)** months according to the following current Grade "A" Pasteurized Milk Ordinance items:

- A. Item 2p. Walls and Ceilings – Construction;
- B. Item 6p. Toilet-Sewage Disposal Facilities;
- C. Item 7p. Water Supply;

- D. Item 8p. Handwashing Facilities;
- E. Item 15p. Protection from Contamination;
- F. Item 17p. Cooling of Milk and Milk Products;
- G. Item 20p. Personnel–Cleanliness;
- H. Item 21p. Vehicles; and
- I. Item 22p. Surroundings.

5. Mobile distributors [shall] **will** be inspected once every [six (6)] **twelve (12)** months and checked for the following current Grade "A" Pasteurized Milk Ordinance items:

- A. Item 15p. Protection from Contamination;
- B. Item 17p. Cooling of Milk and Milk Products;
- C. Item 20p. Personnel–Cleanliness;
- D. Item 21p. Vehicles; and
- E. Item 22p. Surroundings.

(14) Sanitizers.

(B) The State Milk Board recognizes and accepts the use of certain quaternary ammonium compounds (QAC) as chemical sanitizers for milk contact surfaces provided the QAC meets the preceding requirements of policy 14, part 1-a, b, c, d, and 21 CFR 178.1010 with the exception: QACs are not acceptable sanitizers for sampling equipment. Since chlorhexidine is not listed in 21 CFR 178.1010, it is unacceptable as a sanitizer for dairy equipment, udders, and teats of dairy [cows] animals.

(16) Transfer from One Milk Marketing Agency to Another.

(A) When a producer requests a transfer from one milk marketing agency to another, there is a mandatory three- (3-)/-/ day waiting period after receipt of the transfer requested by the contracted inspection agency excluding weekends and holidays. The three- (3-)/-/ day period may be waived when agreeable to both marketing agencies.

(17) Barn Plans.

(B) Each approved barn plan must identify all equipment and show dimensions and location including pipe lengths and physical break locations. All location of equipment and dimensions must be clearly shown in accordance with the informational guide. Other facilities to be shown are: vestibule, feed room, toilet rooms, equipment storage, stanchions, operator pit, steps, location [cows] dairy animals enter and exit, type of barn, [cow] dairy animal holding area, and housing area when part of contingent construction.

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed June 21, 2011, effective Dec. 30, 2011. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 3—Production and Distribution of Grade "A" Retail Raw Milk and Milk Products

PROPOSED AMENDMENT

2 CSR 80-3.010 Definitions. The State Milk Board is amending section (1).

PURPOSE: The purpose of this amendment is to update definitions.

(1) The following regulations [shall] apply in the interpretation and the enforcement for Grade “A” retail raw fluid milk:

(A) Milk is defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy cows, which contains not less than eight and one-quarter percent (8.25%) milk solids-not-fat and not less than three and one-quarter percent (3.25%) milkfat. Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. **Sheep milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy sheep. Camel milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy camels.** The word milk [shall be] is interpreted to include goat milk, sheep milk, and camel milk;

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products**

PROPOSED AMENDMENT

2 CSR 80-3.060 The Examination of Milk and Milk Products. The State Milk Board is amending section (1)

PURPOSE: The purpose of this amendment is to update wording.

(1) During each six- (6-) month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined by the state authority. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the most current edition of *Standard Methods for the Examination of Dairy Products* of the American Public Health Association as recommended by the *Grade “A” Pasteurized Milk Ordinance* (PMO), [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration] as adopted in **2 CSR 80-2.001**.

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed June 20, 1973, effective June 30, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products**

PROPOSED AMENDMENT

2 CSR 80-3.120 Enforcement Interpretation. The State Milk Board is amending section (1).

PURPOSE: The purpose of this amendment is to update to the current revision of the *Grade “A” Pasteurized Milk Ordinance*.

(1) These regulations shall be enforced by the state authority primarily in accordance with the interpretations contained in *Grade “A” Pasteurized Milk Ordinance* (PMO), [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration] as adopted in **2 CSR 80-2.001**.

AUTHORITY: section 196.939, RSMo [2000] 2016. Original rule filed June 20, 1973, effective June 30, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products**

PROPOSED RESCISSION

2 CSR 80-3.130 Adoption of the Grade “A” Pasteurized Milk Ordinance (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration by Reference. The *Grade “A” Milk Ordinance* (PMO), 2015 Revision of the United States

Department of Health and Human Services, Public Health Service, Food and Drug Administration is a recommended ordinance for adoption by state and local governments for the sanitary control of Grade “A” milk and milk products.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Rescinded: Filed April 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 4—Grade “A” Raw Milk for Pasteurization and
Grade “A” Milk or Milk Products from Points Beyond
the Limits of Routine Inspection

PROPOSED AMENDMENT

2 CSR 80-4.010 Rules for Import Milk. The State Milk Board is amending section (1) and deleting sections (2) and (3).

PURPOSE: The purpose of this amendment is to update the revision of the Grade “A” Pasteurized Milk Ordinance and wording.

(1) The following regulations [shall] apply to section 196.949, RSMo Supp. 2013, and the Grade “A” Pasteurized Milk Ordinance (PMO), [2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration shall apply] as adopted in 2 CSR 80-2.001; except that in addition to these requirements, the following shall also apply:

[(A) Sanitation and enforcement ratings of the milk source must be accomplished at an interval not greater than twenty-four (24) months;]

[(B)](A) Labeling and advertising of products must be in compliance with 196.075, RSMo[, and labeling requirements of 2 CSR 80-2]; and

[(C)](B) Fees established annually by the State Milk Board to cover the cost of sample collection and analysis along with administration of the program shall be paid on a monthly basis to the State Milk Board by the owner or manager of the milk source by the twentieth of each month for the preceding calendar month[;].

[(D) All imported Grade “A” milk supplies shall be accepted in Missouri only after the source has been permitted by the State Milk Board and it’s authorized representative; and

(E) All Grade “A” milk sources accepted for import in the state of Missouri shall be from sources listed in the current

issue of the Interstate Milk Shippers Report.]

[(2) All permits issued for imported Grade “A” milk and milk products shall become null and void and such permit shall be voluntarily surrendered at any time the milk supply fails to comply with these regulations.

[(3) The Grade “A” Pasteurized Milk Ordinance (PMO), 2015 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).]

AUTHORITY: sections 196.939 and 196.949, [RSMo Supp. 2013, and section 196.939,] RSMo [2000] 2016. Original rule filed May 3, 1976, effective Sept. 11, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received with in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The State Milk Board is amending the purpose and section (1).

PURPOSE: The purpose of this amendment is to update wording.

PURPOSE: This rule complies with section 196.945, RSMo, to set inspection fees for Fiscal Year [2018] 2019 for milk produced on farms inspected by the State Milk Board and milk imported from points beyond the limits of routine inspection.

(1) The inspection fee for Fiscal Year [2018] 2019 (July 1, [2017] 2018–June 30, [2018] 2019) shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four and a half cents (4.5¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Amy Luecke, PO Box 630, Jefferson City, MO 65102 or by email to amy.luecke@mda.mo.gov. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 6—Requirements for the Missouri Dairy Law
PROPOSED AMENDMENT

2 CSR 80-6.011 Specifications for the Construction and Operation of Facilities and Installation of Equipment for the Production and Processing of Manufacturing Milk and Milk Products. The State Milk Board amends section (2).

PURPOSE: The purpose of this amendment is to update to current procedures.

(2) This is Missouri's addendum to the adopted United States Department of Agriculture, Agriculture Marketing Service, Dairy Program's recommended requirements entitled "Milk for Manufacturing Purposes and Its Production and Processing," July 21, 2011, hereby incorporated by reference as published by the United States Department of Agriculture, Agriculture Marketing Service, Dairy Program, 1400 Independence Ave. SW, Washington, DC 20250-0225. This rule does not incorporate any subsequent amendments or additions to the "Milk for Manufacturing Purposes and Its Production and Processing."

TRANSFER PRODUCERS—To be eligible to transfer from one (1) buyer to another, a producer cannot be under a stop sale order or under an animal health quarantine. *[When a producer discontinues milk delivery at one (1) plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until s/he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding ninety (90) days and a statement of the farm certification status and date of certification if any. The previous buyer shall forward information to the new buyer and the State Milk Board within twenty-four- (24-) working hours after receipt of a written request unless the records have been destroyed by means over which s/he has no control. Provided that the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer then shall make a written request to the old buyer for the producer's record. If the new buyer requests and fails to receive the quality record from the previous buyer within the allotted time, s/he shall report that fact to the State Milk Board office for appropriate action.]*

AUTHORITY: section 196.540, RSMo [2000] 2016. This rule previously filed as 2 CSR 30-21.011. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 6—Requirements for the Missouri Dairy Law
PROPOSED AMENDMENT

2 CSR 80-6.021 Protection and Transportation of Raw Milk and Cream. The State Milk Board amends sections (1), (2), and (4).

PURPOSE: The purpose of this amendment is to update wording.

(1) Equipment and facilities for the protection and transportation of raw milk and cream *[shall conform to or be better than those prescribed] are referenced in 7 CFR 58.131, [January 1, 1980] July 29, 2002.*

(2) Operators of vehicles used to transport bulk milk or cream from farm to plant, receiving station, or transfer station shall be licensed by the State Milk Board. A temporary bulk milk hauler's license shall be granted when the applicant has made application, paid the fee, and satisfactorily passed a written examination. A permanent license renewable each year is acquired only after the bulk milk hauler *[attends] satisfactorily completes* an approved training course. The license is subject to suspension or revocation whenever any of the laws or rules are violated.

(4) The maximum allowable time that bulk raw milk for manufacturing purposes can be held on the farm using an approved bulk tank is not more than four (4) days (ninety-six (96) hours) from first milk into the tank until pick-up for delivery to a receiving station or plant except as specifically allowed by the State Milk Board *[or State Milk Board establishment procedures]*.

AUTHORITY: section 196.540, RSMo [2000] 2016. This rule previously filed as 2 CSR 30-21.021. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 6—Requirements for the Missouri Dairy Law

PROPOSED AMENDMENT

2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Manufacturing Farm, and Personnel Licensure. The State Milk Board is amending section (1).

PURPOSE: The purpose of this amendment is to update wording.

(1) It is unlawful for any person to operate a dairy manufacturing plant, receiving station, to buy milk or cream from Missouri producers, or to perform the duties of fieldman, grader, or bulk milk truck operator without a license.

(F) Each dairy products manufacturing plant located outside Missouri, which is any other person buying unprocessed milk or cream directly from producers in Missouri for processing or manufacturing outside Missouri, shall apply[, *under oath,*] and obtain a brokerage license, for the license year, which shall include the right to buy milk or cream. A brokerage license shall be issued upon satisfactory application to the State Milk Board accompanied by an annual brokerage fee based upon the annual butterfat or milk purchases made in Missouri during the previous twelve (12) months ending on June 30 as follows:

1. For any plant purchasing milk or milk product from Missouri, one hundred dollars (\$100), and for each 1,400,000 pounds of milk purchased, five dollars (\$5); and

2. For new plants where volume of the twelve (12) months previous *[of]* to June 30 has not been established, the license fee shall be one hundred dollars (\$100).

AUTHORITY: section 196.540, RSMo [2000] 2016. This rule previously filed as 2 CSR 30-21.041. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109 or online at agriculture.mo.gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 340—Division of Energy
Chapter 6—Missouri Propane Education and Research Program

PROPOSED AMENDMENT

4 CSR 340-6.010 Definitions and General Provisions—Membership. The division is amending sections (2), (5), and (6).

PURPOSE: The purpose of the amendment is to implement the changes to section 414.560, RSMo, from the adoption of Missouri House Bill 1251.

(2) Missouri Propane Education and Research Council.

(A) The director will conduct a referendum *[within sixty (60) days of the effective date of this rule]* as soon as possible among producers and Missouri retail marketers of propane to authorize the creation of the Missouri Propane Education and Research Council and the levying of an assessment on odorized propane.

1. All persons voting in the referendum shall certify to the director the number of gallons represented by their vote.

2. The referendum will be adopted only after approval by two-thirds (2/3) of the total gallonage of odorized propane voted in the retail marketer class and two-thirds (2/3) of all propane voted in the producer class.

3. Gallonage will be based on the amount of propane sold or produced in the previous calendar year or other representative year as determined by the director.

4. The director shall issue an order establishing the council and call for nominations to the council from qualified industry organizations.

(B) *[On the director's own initiative, u]*Upon petition of the council or of producers and marketers representing thirty-five percent (35%) of the gallons in each class, the director shall hold a referendum to determine whether the industry favors termination or suspension of the order.

(D) The director may require reports or other documents to support the referendum process *[and the nomination process for members of the council]*.

1. The director shall protect the confidentiality of all documentation provided by industry members.

2. Information regarding propane produced or marketed by persons voting shall be a closed record.

(5) Membership.

(A) The director shall select *[all]* the initial members of the council from a list of nominees submitted by qualified industry organizations. **Subsequent appointments shall be made by the council following a public nomination process. The director shall be notified of such appointments in a timely manner and may reject council appointments by written notice to the council.**

(H) At *[the beginning of each]* least thirty (30) days prior to the fiscal period, the council shall prepare and submit *[to the director]* for public comment a budget plan including estimated costs of all programs, projects and contracts and a recommended rate of assessment sufficient to cover those costs. *[The director shall approve or recommend changes to the budget after an opportunity for public comment.]* **The council shall approve or modify the budget following the public comment period, and shall submit the budget to the director. The director may reject the budget plan or modifications by written notice to the council.**

(J) The council will maintain minutes, books, and records that reflect all of the acts and transactions of the council and regularly report the information to the director *[along with any other information the director may require]*.

1. The records of the council shall be audited by a certified public accountant at least once each fiscal year and at other times designated by the council.

2. Copies of the audit shall be provided to the director, all members of the council, all qualified industry organizations, and to other members of the industry upon request.

[3. The director shall receive notice of meetings and reports on the activities of the council, and reports on compliance, violations and complaints.]

(K) From assessments collected, the council shall annually reimburse the director for costs incurred in holding the referendum, *[making appointments to the council]* and other expenses directly related to the council.

(6) Assessments.

(A) The council shall set the initial assessment at no more than

one-tenth (1/10) of one cent (1¢) per gallon of odorized propane.

1. Following the first year, assessments shall be sufficient to cover the costs of plans and programs developed by the council and approved [by the director] following public comment.

2. During any given year, the assessment shall not be greater than one-half cent (1/2¢) per gallon of odorized propane.

3. The assessment will not be raised by more than one-tenth (1/10) of one cent (1¢) per gallon of odorized propane annually.

(B) The owner of propane prior to odorization in this state or at the time of import into the state of odorized propane shall be responsible for the payment of the assessment on the volume of propane at the time of import or odorization, whichever is later.

1. Assessments shall be remitted to the council on a monthly basis by the twenty-fifth of the month following the collection.

2. Propane shall not be subject to assessment until odorized.

3. The council may establish an alternative means to collect the assessment if another means is found to be more efficient and effective. The council may establish a late payment charge and rate of interest not to exceed the legal rate for judgments to be imposed on any person who fails to remit to the council any amount due under sections 414.500–414.590, RSMo.

(C) Pending [disbursement] disbursement to a program, plan, or project, the council may invest funds collected through assessments and any other funds received through the following:

1. Obligations of the United States or its agencies;

2. General obligations of any state or its political subdivisions;

3. Any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

4. Obligations fully guaranteed as to principal and interest by the United States.

[(D) *The National Propane Education and Research Council, in conjunction with the United States Secretary of Energy may establish a program coordinating the operation of its council with the Missouri Propane and Education Council.*

1. *This may include an assessment rebate, if adopted, of an amount up to twenty-five percent (25%) of the National Propane Education and Research Council assessment collected on Missouri odorized propane as described in section nine of the federal Propane Education and Research Act of 1992.*

2. *All funds recovered through this rebate shall be the property of the Missouri council and their use shall be determined by the council for purposes outlined by this rule consistent with sections 414.500–414.590, RSMo.]*

AUTHORITY: sections 414.500, 414.510, 414.520, 414.530, 414.540, 414.550, 414.560, 414.570, 414.580, and 414.590, [RSMo 2000 and 414.560,] RSMo [Supp. 2006] 2016. This rule originally filed as 10 CSR 140-6.010. Original rule filed Feb. 2, 1994, effective July 30, 1994. Amended: Filed March 23, 2007, effective Oct. 30, 2007. Moved to 4 CSR 340-6.010, effective Aug. 28, 2013. Amended: Filed April 25, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Brenda Wilbers, Department of Economic Development, Division of Energy, PO Box 1766, Jefferson City, MO 65102-1766 or 301 W. High St., Room 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 1—Organization

PROPOSED AMENDMENT

8 CSR 60-1.010 General Organization. The commission proposes to delete sections (1) and (3) and renumber the remaining sections of the rule.

PURPOSE: This amendment serves to reduce unnecessary language which merely repeats language contained in statute, and rennumbers the remaining sections of the rule.

[(1) *The Commission on Human Rights was created by section 213.020, RSMo. It states the function of the commission shall be to encourage fair treatment for, and to foster mutual understanding and respect for, and to discourage discrimination against any racial, ethnic, religious, or other group protected by this chapter, members of these groups, and persons with disabilities.]*

[(2)](1) *The purpose of the commission is to eliminate and prevent discrimination in housing because of race, color, religion, national origin, ancestry, sex, disability, or familial status. The commission also is empowered to eliminate and prevent discrimination in employment because of race, color, religion, sex, national origin, ancestry, disability, or age. The commission also is empowered to eliminate and prevent discrimination in public accommodations because of race, color, religion, national origin, ancestry, sex, or disability. Because of the overriding public concern in eliminating discriminatory practices, the commission shall have jurisdiction over all persons, public or private, except those specifically exempted by law.*

[(3) *The commission consists of eleven (11) members, with at least one (1) from each congressional district of this state, serving without compensation, appointed by the governor. One (1) member shall be appointed chairperson of the commission by the governor. The commission members shall select one (1) commissioner to act as vice-chairperson.]*

[(4)](2) *The commission has the powers, duties and functions to enforce Chapter 213, RSMo. The commission has created the position of executive director to organize a staff to aid the commission in the enforcement of its statutory power. The staff shall aid the commission in investigation and conciliation and in preparation of cases for hearing so that the commission's work will be performed in a manner consistent with its prescribed purpose of eliminating discriminatory practices in this state.*

[(5)](3) *The general public may obtain information about the commission or make submissions to the commission at any of the commission offices.*

[(6)](4) *The commission holds periodic meetings, which are open to the public, in the various congressional districts representative of the commission membership. Notice of these meetings appears in the public press, by mail to persons requesting this notice, and as provided by section 610.020, RSMo.*

AUTHORITY: sections 213.020 [and 213.030, RSMo 2000] and [section] 536.023, RSMo [Supp. 2008] 2016. This rule was previously filed as 4 CSR 180-1.010. Original rule filed April 1, 1977, effective July 11, 1977. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009, effective Sept. 30, 2009. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations**

PROPOSED AMENDMENT

8 CSR 60-2.025 Complaint, Investigation, and Conciliation Processes. The commission proposes to amend sections (8) and (15).

PURPOSE: The amendment to section (8) is a rewording which more accurately reflects that the statement is a description, not a conclusion. The amendment to section (15) serves to eliminate language which is merely quoted from statute as well as renumbering the remaining subsections.

(8) Service of Complaint upon Respondent. A copy of the complaint shall be served by the commission upon the respondent by mail or personal service, not more than thirty (30) calendar days after a verified complaint has been received by the commission. [This requirement shall apply only to those complaints received after the effective date of these rules (July 11, 1988).] This requirement shall not apply to any complaint which [shall have] has been dismissed prior to the time the service is required. This requirement shall not apply to any complaint filed originally with the EEOC or other federal agencies which have worksharing or deferral agreements with the commission or a local commission which has been certified as substantially equivalent by the commission which shall be deemed properly served if service is effected according to the requirements of the agency with which the complaint is originally filed. This requirement shall not apply to any complaint which is under jurisdictional determination prior to docketing or in which a housing or public accommodations test is being conducted; however, the complaint shall be served within thirty (30) days of the conclusion of the jurisdictional determination or of the test. In complaints alleging a violation of sections 213.040, 213.045, 213.050 or 213.070, RSMo to the extent that the alleged violation of 213.070, RSMo relates to or involves a violation of one (1) or more of such other sections or relates to or involves the encouraging, aiding, or abetting of a violation of such other sections, when the complainant and respondent are served copies of the complaint, the complainant shall be advised of the time limits and choice of forums provided under the law and respondent shall be notified of his/her procedural rights and obligations under the law.

(15) Disclosure of Information in the Case Files.

(B) If a complaint has been filed pursuant to Chapter 213, RSMo alleging commission of an unlawful discriminatory practice[—] documents will remain confidential as provided in section 213.077, RSMo. Additionally—

[1. During investigation, the public shall not have access to records relating to the complaint, nor shall any informa-

tion relating to the complaint be released to the public;

2. During investigation, the complainant and respondent only shall have access to records they provided until the point at which disclosure is allowed at hearing, or if a request for civil action is made under section 213.111, RSMo for a right to sue or other legal proceedings pursuant to federal, state or local discrimination laws that require disclosure;

3. After closure of a complaint after investigation or prior to notice of hearing, the public may only have access to the complaint and closure documents or information contained in them, by agreement of the complainant and respondent;

4. Excluding a finding of probable cause, after an investigation closure, the complainant and respondent may have access to the investigative file except for sensitive or confidential records and records relating to witnesses who have been granted anonymity. With respect to records that the commission has obtained from other government agencies, the commission will observe any statutory confidentiality provisions imposed on the originating agency.]

1. Sensitive or confidential records include medical or personnel records of persons not party to the complaint;

[5. After failure of conciliation attempts, the complainant and respondent may have access to copies of the investigative file, except for sensitive or confidential records or records relating to witnesses who have requested anonymity;]

[6.]2. After a notice of hearing has been issued, the official records of the hearing shall be open; and

[7.]3. To achieve the purposes of Chapter 213, RSMo, this rule shall not apply to disclosure of information to representatives of interested federal, state, or local civil or human rights agencies.

AUTHORITY: sections 213.030, [RSMo (Supp. 1995) and 213.075,] 213.077, and 213.085 [and 213.111], RSMo [(1994)] 2016, and sections 213.075 and 213.111, RSMo Supp. 2017. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed July 1, 1996, effective Dec. 30, 1996. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations**

PROPOSED AMENDMENT

8 CSR 60-2.045 Parties at Hearing. The commission proposes to delete section (2) and renumber the remaining sections of the rule.

PURPOSE: This amendment serves to reduce unnecessary language

which merely repeats language contained in statute and renumbers the remaining sections of the rule.

[(2) The commission shall be a party to the action.]

[(3)](2) The complainant may be present at the hearing, with or without counsel. Within the limitations allowed by the presiding officer before the hearing date, the complainant may file motion to intervene in person or by counsel. The motion to intervene shall be granted, and the complainant after this shall be designated as the complainant-intervenor and shall be a party to the action with the right to submit oral testimony and other evidence and examine and cross-examine witnesses. The complainant, whether intervening or not, shall be treated as a party for discovery purposes.

[(4)](3) The respondent shall be a party to the proceedings and may be present at the hearing, with or without counsel. The respondent shall be allowed in person or by counsel, to examine and cross-examine witnesses, and may submit oral testimony and other evidence. If the respondent is a corporation, it shall be represented by an attorney.

[(5)](4) At the discretion of the presiding officer, any person other than complainant may be allowed to intervene, in person or by counsel, for the purposes and to the extent as the presiding officer shall determine.

AUTHORITY: section[s] 213.030, RSMo 2016, and section 213.075, RSMo [(Cum.) Supp. [1992]] 2017. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations**

PROPOSED RESCISSION

8 CSR 60-2.085 Disclosure of Information in Case Files at Hearing Stage. This rule identified what information may have been disclosed and what information may not have been disclosed.

PURPOSE: This rescission serves to reduce unnecessary language which merely repeats language contained in statute.

AUTHORITY: sections 213.030 and 213.075, RSMo (Cum. Supp. 1992). Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Rescinded: Filed April 27, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations**

PROPOSED AMENDMENT

8 CSR 60-2.090 Prehearing Conferences. The commission proposes to amend sections (2) and (3).

PURPOSE: This amendment serves to more accurately reflect the discretionary decision of the presiding officer.

(2) These prehearing conferences *[shall]* may be held by telephone conference call unless the presiding officer shall decide an in-person conference is required.

(3) The purpose of the prehearing conference *[shall]* may be to—
(A) Determine the date, location, and length of the hearing;

AUTHORITY: section[s] 213.030, RSMo 2016, and section 213.075, RSMo [(Cum.) Supp. [1992]] 2017. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretations of Employment Anti-Discrimination Laws**

PROPOSED AMENDMENT

8 CSR 60-3.010 Preservation of Records and Posting of Posters and Interpretations. The commission proposes to amend section (7), delete section (8), and renumber the remaining section.

PURPOSE: The amendment to section (7) updates language to comport with new statutory language. Section (8) is rescinded as the

statutory definition of "Employer" has changed, and a repetition of that definition in the regulation is unnecessary. The final amendment renumbers the remaining section of the rule.

(7) Sections [213.010(8),] **213.065.1** and **213.065.2**, RSMo [is] are interpreted to mean that any structure built after the effective date of these rules which is a place of public accommodation as covered by this statute must provide access for handicapped persons unless it can be shown this accommodation would cause undue hardship.

[(8) *Employer.* A person is an employer subject to the provisions of Chapter 213, RSMo if at the time of the alleged discrimination that person employs six (6) or more persons within the state, whether these persons are temporary, part-time or permanent employees.]

[(9)](8) A corporation or association must be one hundred percent (100%) owned and operated by a religious or sectarian group and being a member of that religion or sect must be a requirement for employment for that corporation or association to be exempt as an employer under section 213.010(5), RSMo [(1986)].

AUTHORITY: section 213.030[(6)], RSMo [1986] 2016. This rule was previously filed as 4 CSR 180-3.010. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Amended: Filed July 1, 1980, effective Nov. 13, 1980. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretations of
Employment Anti-Discrimination Laws**

PROPOSED RESCISSION

8 CSR 60-3.030 Employment Testing. This rule set forth the guidelines and interpretations governing, but not limited to the major aspects of employment testing.

PURPOSE: This rescission eliminates this regulation, which no longer comports with statute.

AUTHORITY: section 213.030(6), RSMo 1986. This rule was previously filed as 4 CSR 180-3.030. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Rescinded: Filed April 27, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretations of
Employment Anti-Discrimination Laws**

PROPOSED AMENDMENT

8 CSR 60-3.060 Handicap Discrimination in Employment. The commission proposes to delete subsections (2)(B), (2)(C), and (2)(D).

PURPOSE: This amendment eliminates all language which is contrary to the Americans With Disabilities Act.

(2) Preemployment Inquiries.

[(B) An employer, labor organization or employment agency may conduct pre-employment medical examinations relating to minimum physical standards for employment provided that—

1. All applicants for which the medical examination is required are subjected to the examination regardless of physical or mental impairment;

2. The minimum physical standards for employment are related to the person's ability to perform the essential functions of employment for which the person has applied; and

3. These medical examination results are given the same consideration in employment decisions for all applicants regardless of physical or mental impairment.

(C) Medical exams and other assessments shall take into account the degree to which the person has compensated for his/her limitations and the rehabilitation services s/he has received.

(D) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be accorded confidentiality as medical records, except that—

1. Supervisors and managers may be informed regarding restriction on the work or duties of handicapped persons and regarding necessary accommodations;

2. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

3. The commission shall be provided relevant information upon request when investigating compliance with Chapter 213, RSMo (1986).]

AUTHORITY: section 213.030(6), RSMo [1986] 2016. This rule was previously filed as 4 CSR 180-3.060. Original rule filed July 1, 1980, effective Nov. 13, 1980. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—[Alcohol and Drug Abuse] Substance Use
Disorder Treatment Programs**

PROPOSED AMENDMENT

9 CSR 30-3.134 [Compulsive] Gambling Disorder Treatment.
The department is amending the chapter and title, the purpose statement, and sections (1)–(7).

PURPOSE: The department is amending the chapter and section titles, amending the purpose statement, and updating sections (1)–(7).

PURPOSE: This rule describes the specific service delivery requirements for [compulsive] gambling disorder treatment.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Editor's Note: The following material is incorporated into this rule by reference:

1) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders [4th] 5th Edition. (Washington, D.C., American Psychiatric Association, [1994] 2013).

[In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.]

(1) Service Functions. The key functions of [compulsive] gambling disorder treatment and rehabilitation services shall include:

(A) [Using generally accepted] Utilizing evidence-based treatment principles to promote positive changes in gambling behavior and lifestyle;

(B) Exploring the [compulsive] gambling behavior and its impact on [individual and family functioning] self, marriages, partnerships, and families;

(C) Helping the person to better understand his/her needs and how to constructively meet them;

(D) Teaching effective methods to deal with urges to gamble to include use of medication assisted treatment as indicated; [and]

(E) Enhancing motivation and creative problem-solving for [both] the individual and his/her family and other natural supports[.];

(F) Addressing financial problems incurred as a result of the gambling behavior with appropriate referrals, as needed; and

(G) Determining suicide risk and the presence of co-occurring behavioral health factors to determine the need for ancillary treatment services.

(2) Treatment Goals and Performance Outcomes. Indicators of a positive treatment outcome include the [amelioration] reduction or

cessation of gambling behavior, as well as improvements and/or involvement in family and other natural support relationships, leisure and social activities, educational/vocational functioning, legal status, psychological functioning, and financial situation.

(3) Eligibility Criteria. Eligibility for gambling disorder treatment [services] shall be based on criteria for [pathological] persistent and recurrent problematic gambling behavior as defined in the [current] 5th edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, 800 Maine Avenue, S.W., Suite 900, Washington, DC 20024, www.psychiatry.org and does not include any later amendments or additions. There must be documentation in the individual record of the specific behaviors and circumstances demonstrating how the person meets [each] treatment criteria. [For persons who receive services funded by the department or through a service network authorized by the department, those instruments stipulated or provided by the department shall be used in the admission process and eligibility determination.] The department may require the use of designated instruments for the admission and eligibility determination processes for individuals receiving services funded by the department. The referenced guide does not include any later amendments or additions.

(4) Available Services. [Compulsive g] Gambling disorder treatment services shall be offered on an individual, family, and group basis in an outpatient setting. Available services [shall] include individual counseling, group education and counseling, family therapy, and [codependency] collateral relationship counseling [for family members].

(A) Each [client] individual shall be oriented to and encouraged to participate in [self-help] mutual support groups [and peer support], if available.

(B) Family members and other natural supports of persons with a gambling [problem] disorder shall be encouraged to participate in [a recovery process] treatment. Such participation does not include counseling sessions for family members and other natural supports on an ongoing basis to resolve other personal problems or other [mental] behavioral health disorders.

(C) The treatment provider shall arrange other services and make referrals to address other problems [that] the [client] individual or the family may have[,] such as, financial problems, substance [abuse] use, or other [mental] behavioral health disorders.

(5) [Service Authorization and Utilization] Clinical Review and Data Reporting. Services [shall be] are subject to [authorization and] clinical [utilization] review by the department in accordance with [9 CSR 30-3.100 Service Delivery Process and Documentation] 9 CSR 10-7.030. Providers shall comply with data reporting requirements established by the department for individuals whose services are funded by the department.

(6) [Definition of Compulsive] Certified Gambling Disorder Counselor. A [compulsive] certified gambling disorder counselor [is a person who] demonstrates substantial knowledge and skill in the treatment [and rehabilitation of compulsive gambling] of individuals with persistent and recurrent problematic gambling behavior by having completed a designated training program sponsored or approved by the [division] Missouri Credentialing Board, and being either—

(A) A counselor, clinical social worker, psychologist, or physician licensed in Missouri by the Division of Professional Registration; or

(B) [A substance abuse counselor I or II certified by the Missouri Substance Abuse Counselor Certification Board.] Possess a qualifying certified level credential as designated by the Missouri Credentialing Board.

(7) Credentialing of [Compulsive] Gambling Disorder Counselors.

The [department shall issue a compulsive gambling counselor credential to designate those persons] **Missouri Credentialing Board designates the credential of a gambling disorder counselor to individuals** who meet the qualifications specified in this rule. This credential [shall be] is a requirement for providing [compulsive] gambling **disorder** counseling services eligible for funding by the department.

(A) A person may request an application for [this] **the Gambling Disorder Counselor** credential from the [Department of Mental Health PO Box 687, Jefferson City, MO 65102] **Missouri Credentialing Board, 428 E. Capitol Avenue, 2nd Floor, Jefferson City, MO 65101, (573) 616-2300, www.missouricb.com.**

[1. The department may require an application fee.

2. The applicant must fully complete the application process and must verify that s/he meets all qualifications specified in this rule.]

(B) The credential [shall be] is issued for a period of time coinciding with the period of licensure or certification otherwise required of the applicant, up to a maximum period of two (2) years.

(C) The credential may be renewed upon further application and verification that the counselor continues to meet all qualifications. For renewal, the applicant must have received during the past two (2) years at least fourteen (14) hours of training sponsored or approved by the [department] **Missouri Credentialing Board** that is directly related to the treatment of [compulsive] gambling **disorders**.

(D) Credentialed counselors shall adhere to the code of ethics for their profession in providing services for [compulsive] **individuals with gambling disorders**.

1. Any complaint or grievance received by the department regarding a [compulsive] **counselor providing services to individuals for a gambling [counselor] disorder** shall be forwarded to the applicable licensure or certification body.

2. Any sanction arising from a code of ethics violation shall be deemed as applying equally to the [compulsive] gambling [counselor] **disorder** credential.

AUTHORITY: sections 313.842, 630.050, and 630.655, RSMo [2000] 2016. This rule originally filed as 9 CSR 30-3.611. Original rule filed Oct. 13, 1995, effective April 30, 1996. Amended: Filed Jan. 10, 1997, effective Aug. 30, 1997. Moved to 9 CSR 30-3.134 and amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed April 20, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Gail Vasterling, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the Missouri Register. If to be hand delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 2—Definitions**

PROPOSED AMENDMENT

10 CSR 20-2.010 Definitions. The Clean Water Commission is

amending current information throughout the text, adding new sections, and renumbering as a result.

PURPOSE: This amendment is to bring the definitions up to date to match updated statutes, federal regulations, and terminology. Also this amendment removes duplication in the existing rule and unnecessary restrictive words.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1) Abandoned well. A well whose use has been permanently discontinued. Any well shall be deemed abandoned which is in a state of disrepair that continued use for the purpose of obtaining water is impracticable. This shall include test holes that have been converted for water-supply purposes and then abandoned or not used for these purposes.]

(1) "Abandoned well," as defined in section 256.603, RSMo.

[(2) Agrichemical. Any pesticide or fertilizer but does not include anhydrous ammonia fertilizer material.]

[(3)](2) "Agrichemical facility[.]," [A]any site, with the exception of chemical production facilities, where bulk [agrichemicals] pesticides or fertilizers, excluding anhydrous ammonia fertilizer, are stored in non-mobile containers or dedicated containers and are being mixed, applied, repackaged, or transferred between containers for more than thirty (30) consecutive days per year.

[(4) Alternative technology. Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants or recover energy. Specifically alternative technology includes land application of effluent and sludge; aquifer recharge; aquaculture; direct reuse (nonpotable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; co-disposal of sludge and solid waste; and individual and on-site systems.]

[(5)](3) "Application[.]," [T]the application form supplied by the department, the filing fee, if [required] applicable, and other supporting documents if requested.

[(6)](4) "Appurtenances[.]," [V]valves, pumps, fittings, pipes, hoses, plumbing, or metering devices connected to sewers, basins, tanks, storage vessels, treatment units, and discharge or delivery structures, or used for transferring products or wastes.

(5) "Aquaculture facility," as defined by section 644.016(1), RSMo.

[(7)](6) "Aquifer[.]," [A]a subsurface water-bearing bed or stratum which stores or transmits water in recoverable quantities that is presently being utilized or could be utilized as a water source for private or public use. It does not include water in the vadose zone. For purpose of the effluent regulation, sandy or gravelly alluvial soils in or on the floodplains of intermittent streams are not an aquifer.

(7) “Blending,” the practice of diverting wet-weather flows around any treatment unit and recombining those flows within the treatment facility, while providing primary and secondary or biological treatment up to the available capacity, consistent with all applicable effluent limits and conditions. See bypass, section (11) of this rule.

(8) “Bulk fertilizer[.],” [A]any liquid or dry fertilizer which is transported or stored in undivided quantities of greater than five hundred (500) [United States] gallons measure or five thousand (5,000) pounds [[5000 lbs.]] net dry weight respectively.

(9) “Bulk pesticide[.],” [A]any registered pesticide which is transported or stored in an individual container in undivided quantities greater than fifty-six (56) [United States] gallons liquid measure or one hundred (100) pounds [[100 lbs.]] dry weight respectively.

(10) “Bulk repackaging[.],” [T]he transfer of a registered pesticide from one (1) container to another in an unaltered state in preparation for sale to or distribution for use by another person.

(11) “Bypass[.],” [The diversion of wastewater from any portion of a wastewater treatment facility, or sewer system to waters of the state.] as defined by 40 CFR part 122 subpart C, October 22, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(12) “Clean Water Act,” the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) (P.L. 92-500) as amended in 1977, (P.L. 95-217), 1978 (P.L. 95-576), 1980 (P.L. 96-483), and in 1981 (P.L. 97-117), 33 U.S.C. 1251 *et seq.*, as published by the Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20515, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

[(12)](13) “Commission[.]. *The Missouri Clean Water Commission as established under section 644.021, RSMo.*,” as defined by section 644.016(2), RSMo.

[(13)](14) “Common promotional plan[.],” [A]a plan, undertaken by one (1) or more persons, to offer individual lots or residential housing units within a residential housing development for sale or lease; where land [is] or residential housing units are offered for sale or lease by a person or group of persons acting in concert, and the land is contiguous or is known, designated, or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots or residential housing units covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. State and county roads are not considered property boundaries.

[(14)](15) “Composite sample[.],” [A]a combination of individual samples collected over a designated period of time.

(16) “Conference, conciliation, and persuasion,” as defined by section 644.016(3), RSMo.

[(15)](17) “Construction[.],” [A]any activities including, but not limited to, the erection, installation, or significant modification of any dwelling, structure, building, sewer system, water contaminant source, or point source. Construction commences with any preparatory activity including, but not limited to, trenching, excavation for any building in a subdivision, or for a wastewater treatment facility, demolition of existing wastewater treatment facility structures, or

change in the wastewater treatment facility operation necessary to allow modification, but [shall] not to include interior remodeling of single-family residences or commercial buildings which will not result in a substantial change in wastewater volume, nature, or strength of the discharge therefrom.

[(16)] Conventional technology. *Wastewater treatment processes and techniques involving the treatment of wastewater at a centralized treatment plant by means of biological and/or physical/chemical unit processes followed by direct point source discharge to surface waters.*

(18) “Continuing authority,” is a person, as defined in 644.016(15), RSMo, that is either an area-wide management authority or owns and/or operates a point source, treatment facility, or a sewer collection system.

[(17)](19) “Daily maximum[.],” [A]an effluent limitation that specifies the total mass or average concentration of pollutants that may be discharged in a calendar day.

[(18)] Dedicated agrichemical container. *A container effectively designed and constructed to hold a specific agrichemical and to be reused, repackaged or refilled. The containers shall be clearly and permanently marked identifying the agrichemical to which it is dedicated and include a clearly visible tamper indicator which reveals that the integrity of the container has been either maintained or disrupted.*

(19) Department. *The Department of Natural Resources.*

(20) “Department,” as defined by section 644.016(4), RSMo.

[(20)](21) “Developer[.],” [A]any person or group of persons who[,] directly or indirectly, sells or leases or offers to sell or lease, [or advertises for sale or lease,] any lots [in a subdivision], residential housing units, or recreational camping sites, but [shall] not to include any licensed broker or licensed salesman who is not a shareholder, director, officer, or employee of a developer and who has no legal or equitable interest in the land.

[(21)] Director. *The director of the Department of Natural Resources.*

(22) Discharge. *The causing or permitting of one (1) or more water contaminants to enter waters of the state.*

(22) “Director,” as defined by section 644.016(5), RSMo.

(23) “Discharge,” as defined by section 644.016(6), RSMo.

[(23)](24) “Domestic wastewater[.],” [W]wastewater (i.e., human sewage) originating primarily from the sanitary conveniences of residences, commercial buildings, factories, and institutions, including any [waste]water which may have infiltrated the sewers. Domestic wastewater excludes stormwater, animal waste, process waste, and other similar waste.

[(24)](25) “Effluent[.],” [A]any wastewater or other substance flowing out of or released from a point source, water contaminant source, or wastewater treatment facility.

(26) “Effluent Control Regulations,” as defined by section 644.016(7), RSMo.

[(25)](27) “Effluent limitation segment[.],” [A]any segment of water where the water quality meets and will continue to meet water quality standards or where the water quality will meet water quality

standards after the application of effluent limitation guidelines.

[(26)] Eligible construction costs. Costs related to the erection, building, equipment acquisition, alteration, improvement or extension of a wastewater treatment facility, interceptors, pump stations or force mains; or the inspection or supervision of any of the foregoing items.]

[(27)](28) “Emergency and discharge response plan[.],” [A]a plan as described under Superfund Amendments [&] and Reauthorization Act (SARA) of 1986 [(SARA)] Title III Emergency [Response Plan.] Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 116 et seq, as published by the Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20515, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions. This plan details a plan of action for the efficient deployment and coordination of services, agencies, and personnel to provide the earliest possible remedial response to an emergency situation.

[(28)] Engineer. An individual registered as a professional engineer in the state of Missouri.]

(29) “Engineer,” as defined by section 327.011(13), RSMo.

[(29)](30) “Environmental Protection Agency (EPA)[.],” [T]the [federal] United States Environmental Protection Agency.

[(30)] Federal Clean Water Act. The Federal Water Pollution Control Act (P.L. 92-500) as amended in 1977, (P.L. 95-217) and in 1981 (P.L. 97-117).]

(31) “Fertilizer[.],” [A]as defined by section 266.291, RSMo.

(32) “Filing fee[.],” [A]a credit card, check, money order, or bank draft payable to the state of Missouri as filing fee for a construction permit, an operating permit, or a variance.

(33) “General permit,” as defined by section 644.016(8), RSMo.

(34) “General permit template,” as defined by section 644.016(9), RSMo.

[(33)](35) “Grab sample[.],” [A]any individual sample collected without compositing or adding other samples.

(36) “Human sewage,” as defined in section 644.016(10), RSMo.

[(34)] Innovative technology. Developed wastewater treatment processes and techniques which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of significant reduction in life cycle cost of the project when compared to an appropriate conventional technology.

[(35)] Interceptor. A sewer with the primary purpose of transporting wastewater rather than collecting it.]

(37) “Innovative technology,” new and generally unproven technology in the type or method of its application that bench testing or theory suggests has environmental, efficiency, and cost benefits beyond standard technologies.

(38) “Lagoon,” an earthen basin or lined basin used for biological treatment of wastewater, usually designed for biochemical oxygen demand (BOD) removal and settling of solids. Lagoons

can be designed as flow-through, controlled discharge, no-discharge systems, or for storage.

[(36)](39) “Losing streams[.],” [A]a stream which distributes thirty percent (30%) or more of its flow during low flow conditions through natural processes, such as through permeable geologic materials into a bedrock aquifer within two (2) miles’ flow distance downstream of an existing or proposed discharge. Flow measurements to determine percentage of water loss [must be] are corrected to approximate the seven- (7-)[-] day, one-in-ten-year low flow (7Q10) stream flow. If a streambed or drainage way has an intermittent flow or a flow insufficient to measure in accordance with this rule, it may be determined to be a losing stream on the basis of channel development, valley configuration, vegetation development, dye tracing studies, bedrock characteristics, geographical data, and other geological factors. Losing streams are [listed in Table J of 10 CSR 20-7.031] identified in the digital geospatial dataset ‘LOSING_STREAM’ developed by the Missouri Department of Natural Resources, Missouri Geological Survey; additional streams may be determined to be losing by the [Division of Geology and Land Survey] department.

[(37)](40) “Lot[.],” [A]any portion, piece, division, unit, or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.

(41) “Minor Violation,” as defined by section 644.016(12), RSMo.

[(38)](42) “Missouri Clean Water Law[.],” as defined by [S]sections 644.006[–] through 644.141, RSMo.

[(39)](43) “Mobile container[.],” a [C]container designed and used for transporting agrichemicals that meet the Missouri Department of Transportation standards for the product being transported.

[(40)](44) “Monthly average[.],” [T]the total mass or concentration of all daily discharges sampled during a calendar month divided by the number of daily discharges sampled or measured during that month.

[(41)](45) “Municipality[.],” [A]an incorporated city, town, or village (including an intermunicipal agency of two (2) or more of the foregoing entities).

[(42)](46) “National Pollutant Discharge Elimination System (NPDES)[. The National Pollutant Discharge Elimination System],” as defined in the [Federal] Clean Water Act. See Clean Water Act, section (12) of this rule.

(A) NPDES permit. Any permit issued by either the EPA or the state of Missouri under authorization by EPA which fulfills the NPDES requirements as set forth in the [Federal] Clean Water Act.

(B) NPDES application. Any application on a form supplied by the department, submitted for an NPDES permit.

[(43)](47) “New discharger[.],” [A]any building, structure, facility, or installation—

(A) Which on October 18, 1972, has never discharged pollutants;

(B) Which has never received a finally effective NPDES permit;

(C) From which there is or may be a new or additional discharge of pollutants; and

(D) Which does not fall within the definition of new source.

[(44)] New source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commences—

(A) After promulgation of standards of performance under Section 306 of the Federal Clean Water Act which are

applicable to the source; or

(B) After proposal of standards of performance under Section 306 which are applicable to the source, but only if the standards are promulgated within one hundred twenty (120) days of their proposal.]

(48) “New source,” as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW, Washington, DC 20004, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

[(45)](49) “No-[D]discharge[.],” a treatment facility [D]designed, constructed, and operated to hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated storm[]water flows except for [the wettest one-in-ten (1:10)-year precipitation] discharges that are caused by catastrophic and chronic storm events; any basin is sealed in accordance with 10 CSR 20-8, Minimum Design Standards; and no subsurface releases exist in violation of 10 CSR 20-7.015, Effluent Regulations, or section 577.155, RSMo.

[(46) Nonbulk quantity repackaging. The authorized transfer in nonbulk quantities of a specific bulk pesticide to a suitable container capable of holding the pesticide. Nonbulk quantity repackaging may only be carried out at a bulk pesticide storage facility under a specific written authorization and agreement between the facility and the registrant of the pesticide.]

[(47)](50) “Non-mobile container[.],” [A]a stationary container designed to be incapable of movement once installed; not defined as mobile.

[(48)](51) “Operating location[.],” [A]all contiguous lands owned, operated, or controlled by one (1) [person or by two (2)] or more persons jointly or as tenants [in common].

[(49)](52) “Operation and maintenance[.],” [A]activities [required] to assure the dependable and economical function of a wastewater [treatment facility] and stormwater systems.

(A) Maintenance. Preservation of functional integrity and efficiency of equipment and structures. **The proper keeping of all aspects of a collection system and wastewater treatment facility and appurtenances thereto, that pertain to safety, in a state of repair and working order as necessary to comply with the Missouri Clean Water Law and any permit issued thereunder and to protect public health and safety.** This includes preventive maintenance, corrective maintenance, and replacement of equipment as needed.

(B) Operation. Control of the unit processes and equipment which make up the wastewater treatment facility. This includes financial and personnel management, records, laboratory control, process control, safety, and emergency operation planning.

[(50)](53) “Operational area[.],” [A]an area(s) at an agrichemical facility where agrichemicals are transferred, loaded, unloaded, mixed, repackaged, refilled, or where agrichemicals are cleaned, washed, or rinsed from containers or equipment that is used in application, handling, storage, or transportation.

[(51)](54) “Operational containment area[.],” [A]any structure or system effectively designed and constructed to intercept and contain discharges, including container or equipment wash water, rinsates and precipitation, and to prevent escape, runoff, or leaking from the operational area.

[(52) Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association,

joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(53) Pesticide. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(54) Point source. Any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are, or may be, discharged.

(55) Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewer sludge munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, filter backwash or industrial, municipal, or agricultural waste discharged into water.

(56) Pollution. Contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters, or discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state will or is reasonably certain to create a nuisance or render the waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life, or which violates, or is reasonably certain to violate, any effluent regulations or limitations or any other standards or limitations adopted by the commission.]

(55) “Permit by rule,” as defined by section 644.016(13), RSMo.

(56) “Permit holders or applicants for a permit,” as defined by section 644.016(14), RSMo.

(57) “Person,” as defined by section 644.016(15), RSMo.

(58) “Pesticide,” as defined by section 281.020(18), RSMo.

(59) “Point source,” as defined by section 644.016(16), RSMo.

(60) “Pollutant,” as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW, Washington, DC 20004, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(61) “Pollution,” as defined by section 644.016(17), RSMo.

(62) “Pretreatment regulations,” as defined by section 644.016(18), RSMo.

[(57)](63) “Primary containment[.],” [T]the storage of an agrichemical in either its original container or other suitable container, including dedicated containers, effectively designed and constructed to contain the product that may be stored there.

[(58) Project completion. Satisfactory final inspection conducted by the department.]

[(59)](64) “Publicly~~/-~~ owned treatment works (POTW)~~/.~~,” ~~/W/~~wastewater treatment facility **and collection system which conveys wastewater to the POTW** owned by the state, a municipality, a political subdivision or a sewer district defined by Chapters 644, 249 and 250, RSMo.

[(60)](65) “Regional administrator~~/.~~,” ~~/R/~~regional administrator of the Environmental Protection Agency’s regional office for the region in which the state of Missouri is located.

[(61)](66) “Release~~/.~~,” ~~/T/~~to discharge directly or indirectly to waters of the state, or to place, cause, or permit to be placed, any water contaminant in any location where it is reasonably certain to enter waters of the state. For agrichemical facilities, this includes any spill, leak, deposit, dumping, or emptying of an agrichemical, process wastewater, or collected precipitation from a secondary containment area or operational containment area. Release does not include the lawful transfer, loading, unloading, repackaging, refilling, distribution, use, or application of an agrichemical, agrichemical process wastewater, or related collected precipitation.

[(62)](67) “Residence~~/.~~ *A building or other type of,*” **any structure, dwelling, unit, or shelter which is intended or used for human habitation as a permanent, vacation, or recreational home or building. They may be detached or part of one (1) or more attached units.**

(A) “Multiple-family,” residential housing units that share the same structure, dwelling, unit, shelter, or common wall with or without a common social area that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they may include, but are not limited to, duplexes, condominiums, townhouses, apartments, hotels, motels, hospitals, dormitories, boarding schools, group homes, barracks, etc.

(B) “Single-family,” an individual structure, dwelling, unit, or shelter constructed for the purpose of human habitation, with one (1) or more rooms occupied or intended for occupancy by one (1) family for cooking, sanitary, and sleeping purposes that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they do not include multiple-family residences.

(68) “Residential housing development,” as defined by section 644.016(19), RSMo.

[(63)](69) “Rinsate~~/.~~,” ~~/A/~~any water containing *[agrchemicals]* **contaminates that *[has]* been washed off or rinsed from containers, application equipment, handling or storage areas, or transportation equipment, including, but not limited to: industrial chemicals, agrichemicals, or concrete.**

[(64)](70) “Secondary containment~~/.~~,” ~~/A/~~any structure effectively designed and constructed to **surround and contain *[discharges and to prevent leaks, escapes, and runoff, or leaching of agrichemicals from the agrichemical storage facility and operational area]* one (1) or more primary storage containers to collect any solid, liquid, or gaseous chemical leaks or spills in the event of loss of integrity or primary container failure.**

[(65)](71) “Separate storm sewer~~/.~~,” ~~/C/~~conveyance or systems of conveyances primarily used for conducting and conveying storm water runoff and located in an urbanized area or designated by the department as a separate storm sewer due to its size, its location, the quantity and nature of pollutants reaching the waters of the state, and other relevant factors.

[(66)](72) “Service area population~~/.~~,” ~~/T/~~the population to be served by *[the]* a wastewater treatment facility.

[(67) *Service connection. A pipe which conveys wastewater from the point of origin on a tract of land to a sewer system which is operated and maintained by one of the continuing authorities listed in 10 CSR 20-6.010(3)(B).]*

(73) “Service connection,” the connection point of the service line and the sanitary sewer system which is operated and maintained by one (1) of the continuing authorities listed in 10 CSR 20-6.010(3)(B).

[(68)](74) “Seven- (7-)~~/-~~ day *[Q₁₀]* **Q10** stream flow~~/.~~,” ~~/T/~~the lowest average flow that occurs for seven (7) consecutive days **that has a probable recurrence interval of once every ten (10) years.**

[(69)](75) “Sewer extension~~/.~~,” ~~/S/~~sewer systems which are added to existing sewers and wastewater treatment facilities.

[(70) *Sewer system. Pipelines or conduits, pumping stations and force mains, and all other structures, devices, appurtenances and facilities excluding service connections used for collecting or conducting wastes to an ultimate point for treatment or discharge.*

(71) *Single family residence. Any structure or dwelling which is intended for or is used by a single household.]*

(76) “Sewer system,” as defined by section 644.016(20), RSMo.

[(72)](77) “Single family residence wastewater treatment facility~~/.~~,” ~~/A/~~any method or system for the treatment of domestic wastewater from *[only one (1)]* a single-family residence.

(78) “Site-specific permit,” as defined by section 644.016(22), RSMo.

[(73)](79) “Small rural community~~/.~~,” ~~/A/~~a community of less than ten thousand (10,000) population and not located in whole or in part, in an area of St. Louis County or City encircled by Interstate Route 270, or in an area of Jackson, Clay, or Platte Counties encircled by State Route 150 and 291 and Interstate Routes 29 and 635.

(80) “Soil Scientist,” as defined by section 701.040.1.(2)(e), RSMo.

[(74)](81) “Stream~~/.~~,” ~~/A/~~a defined watercourse which carries water either continuously or intermittently and which is not entirely confined or located completely upon land owned, leased, or otherwise controlled by one (1) person.

[(75) *Subdivision. Any land which is divided or proposed to be divided into fifteen (15) or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.]*

[(76)](82) “Test hole~~/.~~,” ~~/A/~~a hole which has been drilled, bored, augered, or otherwise excavated in the exploration for mineral commodities or for obtaining geologic data. Test holes that penetrate only the residuum or unconsolidated materials and which do not enter a geologic unit, are deemed to be an aquifer, exempt from this definition.

(83) “Treatment facilities,” as defined by section 644.016(23), RSMo.

[(77)](84) “User charge~~/.~~,” ~~/A/~~a charge levied on users of a wastewater treatment facility for the user’s *[proportionate]* share of the costs of operation, maintenance, and replacement of the *[treatment works]* **collection system and wastewater treatment facility.**

[(78)](85) “Waste load allocation[.],” [T]the amount of pollutants each discharger is allowed by the department to release into a given stream after the department has determined the total amount of pollutants that may be discharged into that stream without endangering its water quality.

[(79)](86) “Wastewater[.],” [W]water or other liquids which carry or contain pollutants or water contaminants from any source.

[(80)] *Wastewater treatment facility. Any facility, method or process which removes, reduces or renders less obnoxious pollutants or water contaminants released from any source.*

(81) *Water contaminant. Any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations under the Missouri Clean Water Law or the Federal Clean Water Act or is included in the definition of pollutant in the federal act.*

(82) *Waters of the state. All rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased, or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common. These waters also include waters of the United States lying within or adjacent to the state.]*

(87) “Water contaminant,” as defined by section 644.016(24), RSMo.

(88) “Water contaminant source,” as defined by section 644.016(25), RSMo.

(89) “Waters of the state,” as defined by section 644.016(27), RSMo.

[(83)](90) “Water quality limited segment[.],” [A]a segment where water quality does not meet and/or is not expected to meet applicable water quality standards even after the application of effluent limitations.

[(84)](91) “Weekly average[.],” [T]the total mass or concentration of all daily discharges sampled during any calendar week divided by the number of daily discharges sampled or measured during that week.

[(85)] *Whole body contact area. Waters of the state which are used for recreational activities in which complete body submergence may occur. Some of these areas are designated in 10 CSR 20-7.031.]*

AUTHORITY: section 644.026, RSMo [(1994)] 2016. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Leasue Meyers, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through e-mail to leasue.meyers@dnr.mo.gov. Public comments must be received by July 25, 2018. The public hearing is scheduled for 10 AM, on July 16, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED RESCISSION

10 CSR 23-5.070 Closed-Loop Heat Pump Systems That Use Refrigerants as the Heat Transfer Fluid. This rule set standards for heat pump systems that used refrigerants in the closed-loop as the heat transfer fluid.

PURPOSE: This rule is being rescinded because this type of heat pump system is no longer allowed.

AUTHORITY: sections 256.606 and 256.626, RSMo 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed May 17, 2013, effective Dec. 30, 2013. Rescinded: Filed April 25, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Department of Natural Resources’ Geological Survey Program attention to Amber Steele at PO Box 250, III Fairgrounds Rd., Rolla, MO 65402 or via email to amber.steele@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.015 Code of Ethics. The commission is amending section (1), deleting sections (10) and (13), and renumbering sections (11) and (12).

PURPOSE: This amendment removes unnecessary language.

(1) Standard of Compliance for Commission and its Employees. Each member of the commission and all of its employees are directed to read and comply with this Code of Ethics and with Executive Order 92-04 dated January 31, 1992[, a copy of which is attached hereto, and is incorporated by reference]. For the purposes of this Code of Ethics, the term employee shall include all

direct employees of the commission as well as all persons who are employed by entities which have contracted with the commission to perform investigations or have entered into a Memorandum of Understanding with the commission where specific mention is made of this Code of Ethics. The commission shall be responsible for the enforcement of applicable statutes, the provisions of the Executive Order, and this rule by the suspension or discharge of the employee or other disciplinary action as the commission deems appropriate. The definitions at 11 CSR 45-5.056(1)(H) and (K) shall be applicable to this Code of Ethics.

[(10) Violations of Sunshine Law Prohibited. The Missouri Gaming Commission and its employees are directed to set the highest standards for open meetings and compliance with Chapter 610, RSMo. No commissioner or commission employee shall conduct any official business unless there is proper compliance with Chapter 610, RSMo.]

[(11)](10) Confidential Information. No member or employee of the commission shall use or disclose confidential information gained in the course of or by reason of the member's or employee's official position or activities to further the member's or employee's own financial or political interests or the financial or political interests of anyone else.

[(12)](11) Confidential Information. A former member of the commission having information that s/he knows is confidential governmental information[,] or knew was confidential government information at the time the member or employee acquired the information[,] about a person or matter subject to the jurisdiction of the commission while the member or employee was associated with the commission, may not disclose such information without the consent of the commission granted prior to such disclosure and after complete disclosure to the commission of the information sought to be disclosed, all persons to whom the information is to be disclosed, and the reasons for such disclosure. Confidential information means information that has been obtained under governmental authority and which, at the time this rule is applied, the government or the Missouri Gaming Commission is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

[(13) No member or employee of the commission or person who has been a member or employee of the commission within the previous two (2) years may be a representative or agent of the holder of or applicant for a Class A or supplier's license.

EXECUTIVE ORDER
92-04

WHEREAS, public confidence in the integrity of the government of the State of Missouri is of utmost importance; and

WHEREAS, the executive branch of state government must discharge its duties in an independent and impartial manner; and

WHEREAS, executive branch employees must treat the public and fellow employees with respect, courtesy, and dignity, and provide equal access to services for all members of the public; and

WHEREAS, executive branch employees' conduct not only must be within the letter of the law but must seek to fulfill the spirit and intent of the law; and

WHEREAS, executive branch employees must provide a full day's work for a full day's pay, giving to the performance of their duties their earnest effort and best thought; and

WHEREAS, executive branch employees must demonstrate the highest standards of personal integrity and hon-

esty and must not realize undue personal gain from the performance of any official duties; and

WHEREAS, executive branch employees are responsible for enhancing the mission of their agencies; and

WHEREAS, a clear statement of the code of conduct which guides the executive branch is both an assurance to the citizens of Missouri and an aid to our steadfast efforts;

NOW, THEREFORE, I, JOHN ASHCROFT, GOVERNOR OF THE STATE OF MISSOURI, UNDER THE AUTHORITY VESTED IN ME UNDER THE CONSTITUTION AND THE LAWS OF THIS STATE, INCLUDING THE PROVISIONS OF SECTION 105.969 RSMO CUM. SUPP. 1992, DO HEREBY SET FORTH A CODE OF CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES OF MISSOURI STATE GOVERNMENT (EXCEPTING THE EMPLOYEES OF THOSE ELECTED OFFICIALS WHO ARE TO ESTABLISH AN INTERNAL CODE OF CONDUCT FOR THEIR OFFICES):

CODE OF CONDUCT

1. Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.

A. Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.

B. Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.

C. Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.

D. Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.

E. Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.

F. Employees of the State are expected to comply with the statutes of Missouri at all times.

2. Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state and local law.

A. Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.

B. Employees shall adhere to all laws providing equal opportunity to all citizens.

C. Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.

3. Financial compensation of state employment consists of only authorized salaries and fringe benefits.

A. Employees shall not use their public positions in a manner designed to create personal gain.

B. Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.

C. Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.

4. Executive branch employees owe the public the diligent

application of their knowledge, skills and abilities for which they are compensated.

A. Employees shall not perform outside employment or other activities not appropriate during hours compensated for state employment and will use leave and other benefits provided by the State only for the purposes intended.

B. Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.

5. Equipment, material and supplies purchased with public funds are intended for the performance of public purposes only.

A. Employees shall use and maintain state equipment, materials and supplies in an efficient manner which will conserve future usefulness.

B. Employees shall use state equipment, materials and supplies solely for purposes related to the performance of state business.

6. The work of state government will be conducted with respect, concern and courtesy toward clients, co-workers and the general public.

A. Employees shall approach their duties with a positive attitude and constructively support open communication, dedication and compassion.

B. Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.

C. Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age or disability.

D. Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate or member of the public.

7. This code shall provide guidance to the officials and employees of the executive branch of Missouri state government in matters of employment related conduct.

A. When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.

B. This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.

C. This code is intended as a supplement to the provisions in law which govern employee conduct, and in no instance does it decrease the requirements in law.

D. Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.

E. This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.

F. No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.

G. In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent circumstances.

IN WITNESS WHEREOF, I have hereunto set my hand and

caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 31st day of January, 1992.

(Signature) _____
GOVERNOR

ATTEST

(Signature) _____
SECRETARY OF STATE

AUTHORITY: section 313.004.4, RSMo [2000] 2016. Original rule filed March 29, 1994, effective Sept. 30, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending sections (11) and (19).

PURPOSE: This amendment adds a definition for "key business entity" and changes "gambling equipment" to "gaming equipment."

(11) Definitions beginning with K—

(A) **Key business entity**—A holder of any direct or indirect legal or beneficial publicly traded or privately held interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more or privately held interest is one percent (1%) or more in an applicant or licensee or in a key business entity of an applicant or licensee; and

[(A)](B) **Key person**—Includes the following individuals or business entities:

1. An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee or of a business entity key person of an applicant or licensee;

2. A holder of any direct or indirect legal or beneficial publicly traded interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

3. A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect, or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

4. A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a business entity key person of an applicant or licensee if the interest was required to be issued under

agreement with or authority of a government entity;

5. An owner of an excursion gambling boat; and

6. Any individual or business entity so designated by the commission or director.

(19) Definitions beginning with S—

(H) Supplier—A person who sells or leases *[gambling]* gaming equipment and *[gambling]* supplies to any licensee; and

AUTHORITY: [section 313.805, RSMo Supp. 2013, and] sections 313.004, 313.800, [313.812, 313.817,] and [313.830] 313.805, RSMo [Supp. 2014] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director, and Other Definitions. The commission is amending sections (3), (6), and (7).

PURPOSE: This amendment changes terms regarding key persons and key business entities, requirements for appointees to Level I positions, and the term for gaming equipment.

(3) *[A key person/key business entity license shall include:] Exemptions.*

[(A) An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee, or of a key business entity of an applicant or licensee;

(B) A holder of any direct or indirect legal or beneficial publicly traded or privately held interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more or privately held interest is one percent (1%) or more in an applicant or licensee or in a key business entity of an applicant or licensee—]

*[1.](A) A key person or key business entity who is the holder of five percent (5%) or more publicly traded interest or one percent (1%) or more privately held interest, but not more than ten percent (10%) publicly traded or privately held interest, who holds such interest only for passive (“Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income.” *Black’s**

Law Dictionary Seventh Edition) investment purposes (including economic purposes) may be exempted from licensure by the executive director[;].

[2.](B) The commission by majority vote may grant exemption from licensure for holdings of up to twenty percent (20%)[;].

[3.](C) Exemptions may be granted to institutional investors in advance to hold interest in multiple licensees[;].

[4.](D) Exemptions shall be for two (2) years unless renewed[;].

[5.](E) Requests for exemption from licensure must be submitted on a Request of Waiver for Licensure of Institutional Investor form, which is available for public inspection at the offices of the commission and online at the commission’s website (www.mgc.dps.mo.gov). Request forms shall be submitted in advance of acquiring such interest or within ten (10) days thereafter certifying under oath—

[A.].1. The interest is being acquired for passive investment purposes;

[B.].2. The holder does not nor will it have any involvement in the management activities of the entity;

[C.].3. The holder does not have any intention of controlling the entity regardless of additional stock that may be acquired;

[D.].4. The holder will within ten (10) days notify the commission of any purchase of stock in the entity which causes the total holding of the entity’s outstanding stock to exceed the threshold for which the waiver is granted;

[E.].5. In the event the holder subsequently develops an intention of controlling or participating in the management of said entity, said holder shall notify the commission of said change and refrain from participating in management or exercising such control until approved for licensure by the commission;

[F.].6. The home and business address, occupation, employer, and title if the applicant is an individual; and

[G.].7. The type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, and the names and both home and business address of the following personnel if the applicant is a business entity—

[(I)]A. Chief executive officer (CEO);

[(II)]B. Chief financial officer (CFO);

[(III)]C. Chief operating officer (COO);

[(IV)]D. Managing partner(s);

[(V)]E. General partner(s);

[(VI)]F. Members of the Board of Directors; and

[(VII)]G. The registered agent;

[6.].8. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis; and

[7.].9. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership[;].

[(C) A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a key business entity of an applicant or licensee if the interest was required to be issued under agreement with or authority of a government entity;

(D) An owner of an excursion gambling boat; and

(E) Any individual or business entity so designated by the commission or the executive director.]

(6) In the event that one of the positions, *[other than the surveillance manager/director,]* required by section (5) becomes vacant, an interim replacement licensee shall be immediately appointed to serve. **Except for the surveillance manager/director position,** *[T]he interim appointee may be one of the current Level I licensees required by section (5). The permanent position shall be staffed within one hundred eighty (180) days, unless otherwise approved by the commission.*

(7) Occupational License Level II includes any of the following positions that are not required to hold an Occupational License Level I:

(C) Any position with a licensed gaming supplier company that would require the holder to have access to the excursion gambling boat to perform his or her function or duties if such function or duties involve installation, servicing, maintenance, repair or accessing secured or locked components of any [gambling] gaming equipment or supplies, or involve verification or payment of patron awards; and

AUTHORITY: sections 313.004, [RSMo Supp. 2014,] 313.805, and [section] 313.807, RSMo [Supp. 2013] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.210 Temporary Supplier's License. The commission is amending sections (5) and (7).

PURPOSE: This amendment corrects references to the type of licensee referenced in sections (5) and (7), and corrects a misstated term.

(5) The following procedure may be used to revoke a temporary license issued under the provisions of this rule:

(A) The executive director may, upon written notice to the temporary licensee, revoke a temporary supplier's license if the executive director determines that the background investigation reveals information that would lead the commission staff to recommend that the applicant be found not suitable for licensure. The executive director shall also notify all Class [A] B licensees of the revocation of the applicant's temporary supplier's license;

(7) A temporary supplier's license entitles the holder to sell or lease [gambling] gaming equipment[, gambling suppliers, or both,] and supplies to any Class [A] B licensee, subject to the conditions and restrictions imposed by this rule.

AUTHORITY: sections 313.004, 313.805, [and 313.800–313.850] 313.807, and 313.812, RSMo [2000 and Supp. 2007] 2016. Original rule filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended:

Filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses for Class A, Class B, and Suppliers. The commission is amending section (7).

PURPOSE: This amendment eliminates language that is duplicated in another rule.

(7) [The] Any key person/[key business entity] employed by a supplier[s] will be required to be licensed by the Missouri Gaming Commission. [The supplier key person/key business entity application shall require a one (1)-time nonrefundable fee of one thousand dollars (\$1,000) plus the annual licensing fee of one hundred dollars (\$100). The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation. The licensing and renewal fees for Level I and Level II occupational licenses shall be the same as set forth for Class A and Class B occupational licensees. Additionally, the executive director may waive or modify licensing fees.]

AUTHORITY: sections 313.004[, RSMo 2000,] and [section] 313.805, RSMo [Supp. 2013] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.380 Occupational and Key Person/Key Business Entity License Application and Annual Fees. The commission is amending the purpose statement and section (2).

PURPOSE: This amendment corrects terminology for supplier license.

PURPOSE: This rule establishes license fees for occupational and key person/key business entity licensees of Class A, [and] Class B, and supplier licensees.

(2) The annual licensing fee shall be—

- | | |
|-------------------------------------|--------|
| (A) Key person/key business entity— | |
| 1. Class A and B | \$ 250 |
| 2. Supplier/s/ | \$ 100 |

AUTHORITY: sections 313.004 [and 313.800–313.850], 313.805, and 313.807, RSMo [2000 and Supp. 2013] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.065 Patrons Unlawfully on Excursion Gambling Boat—Not Eligible for Gambling Game Winnings. The commission is amending section (2).

PURPOSE: This amendment removes a reference to a rule that has been rescinded.

(2) Patrons that are excluded from excursion gambling boats pursuant to [11 CSR 45-10.115,] 11 CSR 45-15 et seq., 11 CSR 45-17 et seq., and patrons who are under twenty-one (21) years of age are not

eligible to claim gambling game payouts.

AUTHORITY: sections 313.004, [RSMo 2000, and sections] 313.805, 313.817, and 313.822, RSMo [Supp. 2011] 2016. Original rule filed Dec. 27, 2000, effective July 30, 2001. Amended: Filed Sept. 29, 2011, effective May 30, 2012. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.181 Promotional Activities. The commission is amending sections (2), (3), and (6).

PURPOSE: This amendment removes the requirement for a legal affidavit for promotions and provides an exception to the rule for activities exclusively related to food, concerts, hotels, and other non-gaming establishments.

(2) Class B licensees may provide promotional activities such as promotional giveaways, promotional coupons, promotional games, player reward programs, or similar activities for patrons without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(B) The promotional activity shall comply with all applicable laws and regulations and shall not constitute illegal gambling under federal or state law. *An affidavit of such compliance shall be signed by the legal counsel of the licensee and be maintained on file for two (2) years from the last day of the event;*

(E) The licensee's employees shall not be permitted to participate as a player in any gambling game as defined in section 313.800, RSMo, including games for which there is no cost to participate; [and]

(F) The Class B licensee shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the rules set forth in this section[.]; and

(G) **These standards do not apply to promotional activities exclusively related to food, concerts, hotels, and other non-gaming establishments.**

(3) Documentation of any change or cancellation of a promotional activity shall be maintained on file for two (2) years [with the legal counsel's affidavit].

(6) Class B licensees may use mass media to provide promotional coupon offers to prospective patrons; however, such offers may only be redeemed for a preprinted coupon that contains all of the information required for a promotional coupon in section (5) of this rule. [This does not apply to coupons issued via mass media for food.]

AUTHORITY: sections 313.004, RSMo 2000,] and [section] 313.805, RSMo [Supp. 2011] 2016. Original rule filed July 9, 2004, effective Jan. 30, 2005. Amended: Filed June 30, 2005, effective Jan. 30, 2006. Amended: Filed March 29, 2012, effective Nov. 30, 2012. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use. The commission is amending section (7).

PURPOSE: This amendment allows all decks to be inspected at an alternate table.

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the entire inspection observed by a floor supervisor or above. Card inspection at the gaming table shall require each deck to either be sorted into sequence and into suit or processed through an automated shuffler or similar device capable of reading the card faces to ensure that all cards are in the deck. For decks that may be used more than once, the inspection shall also require the dealer to check the back of each card to ensure that it is not flawed, scratched, or marked in any way. Card inspection for games [which use at least a six (6)-deck shoe and allow players to handle the cards] may be conducted at an alternate table in the same pit. In this instance, the floor supervisor or above shall notify surveillance and surveillance shall record on the surveillance shift log both the table number where the card inspection is conducted and the table number at which the cards are to be placed into play.

AUTHORITY: sections 313.004, 313.805, and 313.830, [and 313.845,] RSMo 2016. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.260 Dice Specifications. The commission is renumbering subsection (2)(F) to section (3).

PURPOSE: This amendment corrects the lettering and numbering structure of the rule.

(2) Each die used in gaming at pai gow poker shall comply with the requirements of section (1) except as follows:

(D) Edges and corners may be beveled so long as beveling is similar on each edge and each corner; **and**

(E) Tolerances required by subsection (1)(H) of this regulation as applied to pai gow poker dice shall require accuracy of only .004 of an inch (.004"); *and*].

[(F)](3) Dice designs shall be submitted by the Class B licensee to the commission and must be approved by the commission prior to use.

AUTHORITY: sections 313.004 [and 313.845], [RSMo 2000, and sections] 313.805, and 313.830, RSMo [Supp. 2014] 2016. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and
Environment Standards and Inspections**

PROPOSED AMENDMENT

11 CSR 45-6.010 Safety and Environment. The commission is amending sections (1) and (2), and adding section (3).

PURPOSE: This amendment modifies requirements for safety and environment.

[PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.]

(1) The licensee shall maintain the excursion gambling boat in a physically safe and environmentally sound manner so as to protect the health and welfare of all employees and passengers as well as the environment and water quality. *[The minimum standards for safety and environment shall be those provided by the United States Coast Guard, United States Army Corp of Engineers, United States Environmental Protection Agency and Chapter 306, RSMo.]*

(2) The licensee shall provide **annually** to the commission *[annually with]* a safety *[and environmental]* plan for the operation of the excursion gambling boat. The **safety** plan shall *[include the following:]*

[(A) Compliance] **comply** with all applicable federal, *[and]* state, **and local** laws, *[including, but not limited to, the United States Coast Guard safety rules and Chapter 306, RSMo;]* **and shall include the following:**

[(B)](A) Training of *[all crew members]* **designated employees** to *[insure]* **ensure** the life safety of the public *[and the protection of the environment and water quality;]*, to include:

1. A description of the training;
2. The frequency of the training; and
3. Documentation of all training;

[(C)](B) Self-inspection procedures to *[insure]* **ensure** compliance with *[public]* life safety *[and the environmental]* standards;

[(D)](C) Procedures to *[insure]* **ensure** disabled persons access to the boat; and

(D) An Emergency Operations/Response Plan (EOP) that ensures the safety and, when applicable, evacuation of excursion gambling boat employees and guests, to include the disabled, in the event of an emergency within or immediately around the excursion gambling boat. The EOP shall include, but not be limited to, response plans to the following:

1. Medical emergency;
2. Fire;
3. Explosion;
4. Elevator failure;
5. Chemical/biological threat;
6. Person overboard;
7. Tornado and/or severe weather;
8. Flooding;
9. Earthquake;
10. Power failure;
11. Civil disturbance;
12. Bomb threat;
13. Armed intruders/robbery/hostage situations; and
14. Terrorism.

(3) The licensee shall provide annually to the commission an envi-

ronmental plan for the operation of the excursion gambling boat. The environmental plan shall comply with all applicable federal, state, and local laws, and shall include the following:

(A) Training of designated employees to ensure the protection of the environment and water quality;

(B) Self-inspection procedures to ensure compliance with environmental and water quality standards; and

[(E)](C) Procedures to *[insure]* **ensure** safe methods for sewage treatment and discharge and disposal of solid waste.

AUTHORITY: sections 313.004, 313.805, and 313.824, RSMo [1994] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and
Environment Standards and Inspections

PROPOSED AMENDMENT

11 CSR 45-6.020 Safety Standards. The commission is amending and renumbering sections (1), (2), (3), and (4).

PURPOSE: This amendment changes the definition for certificate of inspection, provides for compliance with local, state, and federal building and fire codes, and deletes references to the United States Coast Guard standards and inspections.

(1) For the purposes of this *[11 CSR 45-6.020]* chapter, the following definitions shall apply:

(A) Certificate of inspection—*[a vessel subject to United States Coast Guard passenger-carrying capacity regulation]* a finding of compliance with requirements of all applicable laws and regulations that is issued to a licensee operating an excursion gambling boat by a third-party examiner;

(D) Third party examiner—an individual or entity specifically approved by the commission to conduct safety inspections as required by Missouri laws and rules.

(2) **Third Party Examiner.**

(A) At a minimum the third party examiner must provide evidence of experience with similar inspection services on similar vessels, financial responsibility in a minimum amount of one (1) million dollars each in general liability insurance, Worker's Compensation, and longshoreman's insurance (if required by law), and meet at least the following criteria:

1. Inspectors for superstructure and life safety systems must have at least five (5) years of experience in work directly relating to the design and/or fabrication and/or inspection of similar vessels, and knowledge of the fire safety standards of the Missouri laws and rules, as well as the building and fire codes adopted within the jurisdiction where the structure will be placed into service[, or a recognized building and fire code approved by the commission,] and be one of the following:

A. An architect licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; *or*

B. A professional engineer licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; *or*

C. An architect or qualified engineer with a regulatory and review agency[, such as the American Bureau of Shipping (or affiliate)]; **and**

2. Marine surveyors for hull inspections must have at least ten (10) years of experience in marine surveying work associated with the inspection of similar vessels and be one of the following criteria:

A. An architect licensed in the state of Missouri; *or*

B. A professional engineer licensed in the state of Missouri;

or

C. A marine surveyor with a regulatory and review agency[, such as the American Bureau of Shipping (or affiliate)].

[(2)](3) Fire Safety and Building Code Standards.

(A) Any [establishment to be constructed for dockside gaming that will be permanently moored or] excursion gambling boat that is continuously [moored] docked pursuant to section 313.805(16), RSMo will be required to meet—

[1)]1. [t/The fire safety standards of the Missouri laws and rules,]; **and**

[2)]2. [t/The building and fire codes adopted within the jurisdiction where the structure will be placed into service[, or if there is no locally adopted code then a nationally recognized building and fire code approved by the commission].

[(3)](4) Certification of Passenger-Carrying Capacity.

(A) A stability test shall be conducted by the licensee in accordance with 46 CFR, subchapter S, part 170[, subpart F]. This test shall be witnessed by a third party examiner [approved by the commission]. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a third party examiner [approved by the commission].

[(B) The intact stability characteristics for each vessel must comply with the following criteria:

1. 46 CFR, subchapter S, part 170, subpart E; sections 170.160, 170.170 and 170.173;

2. In lieu of compliance with 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels; **and**

3. 46 CFR, subchapter S, part 171, subpart C, section 171.050.]

[(C)](B) All permanently moored or continuously moored vessels shall be required to comply with—

1. [o/One (1) compartment standard of flooding, as outlined in 46 CFR section 171.070, regardless of the passenger capacity of the vessel.]; **and**

[(D) All permanently moored or continuously moored vessels shall be required to comply with]

2. Damage Stability Standards of 46 CFR[, subchapter S, part 171, subpart C,] section 171.080. Additionally, all vessels must comply with requirements for Stability After Damage

(Damaging Righting Energy Criteria) as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels.

[(E)](C) All stability calculations required by [subsection (2)](D)] this rule shall be furnished by the licensee to a third party examiner [approved by the commission], for review and approval by that examiner. All vessels must have a letter from [the approved] a third party examiner stating compliance with these criteria.

[(4)](5) Certification of Certain Barges, Floating Platforms, and Vessels Other Than Excursion Gambling Boats.

(A) All barges, floating platforms, and vessels that will be used in conjunction with a riverboat gaming operation shall be **inspected and** certified as suitable for their intended use prior to being placed into service, and annually thereafter. The certification shall be performed by a third party examiner [approved by the commission]. **The minimum standards for floating platform and/or hull integrity shall be found in Title 46 CFR, Chapter I.**

(B) Any structure constructed on any barge, floating platform, or vessel that will be normally occupied by persons, and used in conjunction with a riverboat gaming operation shall [conform to] meet the building and fire codes adopted within the jurisdiction where the structure will be placed into service.[, except those vessels originally designed, and constructed as a vessel subject to inspection by the United States Coast Guard authority, and inspection, and issued a certificate of inspection by the United States Coast Guard and the vessel has not been changed since the issuance of the certificate. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.]

[(C) Any structure constructed on a barge, floating platform, or vessel that will be normally occupied by persons and used in conjunction with a riverboat gaming operation shall be inspected for compliance with the building, and fire codes of the local jurisdiction where the structure will be placed into service by an authority approved by the commission prior to being placed into service and, annually thereafter. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.]

[(D)](C) The certification conformance and inspections required [in subsections (4)](A)–(C) of] by this rule shall be submitted in writing to the commission prior to the barge, floating platform, vessel, or structure being placed into service, and annually thereafter.

[(E)](D) All costs and expenses associated with the certification conformance and inspections required in [subsections (4)](A)–(C) of] this rule shall be paid by the Class [A] B applicant or licensee requesting to place such barge floating platform, vessel, or structure into service.

AUTHORITY: sections 313.004, 313.805, and 313.824, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and
Environment Standards and Inspections**

PROPOSED AMENDMENT

11 CSR 45-6.025 Safety Inspections. The commission is amending sections (1)–(3).

PURPOSE: This amendment changes safety policies for excursion gambling boats.

(1) Each excursion gambling boat shall comply with all applicable federal, state, and local laws related to safety and *[with one (1) of the following:]*—

[(A) Undergo an inspection prior to licensure and annually thereafter by the United States Coast Guard resulting in the issuance of a "Certificate of Inspection"; or]

[(B)](A) Undergo an inspection prior to licensure and annually thereafter by a third party examiner [approved by the commission] resulting in a finding of safety and suitability for its intended purpose; [provided that such excursion gambling boat must also meet the following:]

[1. If within the jurisdiction of the United States Coast Guard, obtain approval from the United States Coast Guard or its designee for its permanent mooring or continuous mooring system and maintain such approval in good standing;] and

[2. If previously the holder of a "Certificate of Inspection" issued by the United States Coast Guard or regulatory and review agency, obtain]

(B) Obtain approval by a third party examiner prior to licensure and annually thereafter of a plan for fire fighting and the protection and evacuation of personnel and maintain staff sufficiently trained as required to execute the plan.

(2) Each excursion gambling boat **as that term is defined in section 313.800.1(4), RSMo**, for which the commission has granted continuous docking status, shall comply with **all applicable** standards for safety, design, construction, inspection, survey, and moorings of permanently moored or continuously moored excursion gambling boats. *[submitted by a third party examiner and approved by the commission; except that this requirement shall not apply to vessels designed and constructed as a motor vessel under the rules and regulations of the United States Coast Guard and which have or have had a "Certificate of Inspection" issued by the United States Coast Guard or regulatory and review agency.]*

(A) Any construction or modification of any portion of the excursion gambling boat shall require a third party examiner to conduct a review of the plans and to perform code inspections.

(B) Any plan review or code inspections required for construction or modification of structures off the excursion gambling

boats, including areas through which gaming patrons may egress, shall be conducted by the local jurisdiction's building inspector, fire inspector, and any other applicable local officials.

(3) Hull inspections by third party examiners *[approved by the commission]* shall comply with the standards set forth in 11 CSR 45-6.020 and shall meet the following requirements:

(A) An annual survey shall be conducted of permanently moored vessels by a third party examiner as defined in 11 CSR 45-6.020 to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

1. General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;

2. Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;

3. Inspection and report on the condition of the hull and watertight bulkheads;

4. Inspection and report on the condition of watertight doors and watertight bulkhead penetration;

5. Inspection and report on the condition of ventilator, hatch covers, and manhole covers. *This annual survey does not apply to United States Coast Guard certified vessels that are subject to United States Coast Guard regulatory inspections;*

6. *[Permanently moored vessels]* **Excursion gambling boats** shall undergo dry-dock and internal structural examinations at intervals in accordance with 46 CFR section 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time[,] by the United States Coast Guard, *for vessels that operate in fresh water;*

7. Inspection of permanently moored vessels having steel, *[or]* aluminum, **or concrete** hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed nondestructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. "Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist or an individual otherwise qualified to issue such certificate;

8. All hull structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a third party examiner *[approved by the commission as provided in 11 CSR 45-6.020]*. Expertise of the *[approved]* third party examiner shall include knowledge of non-destructive testing methods and procedures for the materials being tested and the nature of testing being accomplished;

9. The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III non-destructive certified technician. Inspections and measurements must be performed by an ASNT Level II (or higher) non-destructive certified technician;

10. The inspection results must be maintained in a format *[approved by the commission]* that will allow for examination by the commission's representatives, including comparison of results from the previous inspections;

11. Repairs using underwater welding shall be subject to periodic re-evaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding" **adopted by the jurisdiction where the structure is located; and**

12. The commission may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with these rules; *and*, **or damage to the hull is extensive and compromises the structural integrity of the hull.**

[13. All work shall be governed by and construed according to Missouri law effective on the execution date.]

(B) Written documentation of compliance with the requirements of subsection (3)(A) [of this section] shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

(C) Written documentation of all findings, recommendations, or suggestions made by a third party examiner shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

[1.](D) In the event the licensee retains a subsequent third party examiner [approved by the commission], within fifteen (15) days the licensee shall:—

[(a)]1. Notify the commission; and

[(b)]2. Furnish the most recent findings, recommendations, or suggestions of the previous third party examiner [the] to the subsequent third party examiner.

AUTHORITY: sections 313.004, [and] 313.805, and 313.824, RSMo [2000] 2016. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Dec. 7, 2001, effective July 30, 2002. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and
Environment Standards and Inspections**

PROPOSED AMENDMENT

11 CSR 45-6.030 Firearms on the Riverboat. The commission is amending section (1).

PURPOSE: This amendment updates the class designation of Class A to Class B and corrects the statutory references.

(1) The only individuals who may carry a firearm on an excursion gambling boat without the approval of the owner or general manager of the excursion gambling boat are commission agents, law enforcement officials as described in section 571.030.2, RSMo, security personnel authorized by the excursion gambling boat, and security personnel under contract with Class [A] B licensees to transport money. Any other person must obtain approval from the owner or general manager of the excursion gambling boat prior to carrying any firearm on an excursion gambling boat. Any owner or general manager giving permission for a person to carry a firearm onto an excursion gambling boat shall notify the commission agent on duty in writing on a form approved by the commission immediately upon granting permission. Such notice to the commission agent shall identify

the person to whom the permission was granted, verify that the person to whom permission was granted is in possession of a current, valid concealed carry endorsement issued pursuant to sections [571.094] 571.101 to 571.121, RSMo, and contain the signature of the owner or general manager. Each Class [A] B licensee shall provide to the commission a current list of all persons authorized to execute on its behalf the notice required by this section.

AUTHORITY: sections 313.004, [and] 313.805, 313.824, and 571.107, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.160 [Emergency Medical Services (EMS) First Responder] Designated Security Officer Trained in Basic Life Support and First Aid Required. The commission is amending the title, the purpose, and sections (1), (2), and (3), and adding a new section (4).

PURPOSE: This amendment reduces the requirement from certified training to basic life support training for emergency medical response staff.

PURPOSE: This rule requires that a [certified emergency medical services (EMS) first responder] designated security officer trained in basic life support be available on [board an excursion gambling boat] the casino property when [gaming is being conducted] passengers are present.

(1) [An emergency medical services (EMS) first responder] A designated security officer trained in basic life support and first aid is required to be on [board an excursion gambling boat] casino property at all times when gaming is being conducted or when [passengers] patrons are present and shall not be assigned duties that would prevent the security officer from responding immediately.

(2) The Class B licensee is responsible for the full cost of [hiring EMS first responders, who shall be considered gaming employees for the purpose of licensure] training the designated

security officer in basic life support and first aid.

(3) Each Class B licensee shall ensure all designated *[EMS first responders shall] security officers—*

(A) *[Be] Are*, at a minimum, trained according to *[national] accepted standards [by a state-certified training agency pursuant to Chapter 190, RSMo, 19 CSR 30-40.331, and the National EMS Scope of Practice Model for emergency medical responder] in basic life support and first aid by an agency recognized for providing such training; and*

(B) *[Maintain a current nationally-recognized registration as an emergency medical responder or current emergency medical technician license pursuant to Chapter 190, RSMo; and] Receive training in basic life support and first aid biennially.*

[(C) Have their emergency medical activities monitored by a medical director per 19 CSR 30-40.303.]

(4) Each Class B licensee shall maintain documentation of the training received by the designated security officers for a period of five (5) years.

AUTHORITY: sections 313.004, [RSMo 2000, and section] 313.805, and 313.824, RSMo [Supp. 2011] 2016. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Original rule filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 25, 2011, effective March 30, 2012. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.050 Standard Financial and Statistical Reports. The commission is amending section (2).

PURPOSE: This amendment removes the requirement for the Missouri Gaming Commission (commission) to periodically send licensees a set of standard reporting forms and instructions for filing periodic reports.

(2) *[The commission shall periodically prescribe and send licensees a set of standard reporting forms and instructions to be used in filing monthly, quarterly and annual reports.] All reports required under this rule shall be prepared in accordance with generally accepted accounting principles.*

AUTHORITY: sections 313.004, 313.805, and 313.825, RSMo

[2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.060 Audits. The commission is amending section (3).

PURPOSE: This amendment changes the requirement for four (4) hard copies to one (1) hard copy or an electronic copy for audit reports.

(3) *[Four (4) copies] One (1) hard copy or an electronic copy of the reports required by section (1) shall be received by the commission or postmarked, no later than the required filing date.*

AUTHORITY: sections 313.004, [and] 313.805, and 313.825, [RSMo 2000, and section 313.805,] RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.090 Mandatory Count Procedure. The commission is amending section (1) and deleting section (2).

PURPOSE: This amendment provides for an emergency removal of funds and eliminates some of the requirements for count personnel.

(1) Each licensee shall report to the commission[,] the time(s) when drop devices will be removed and the contents counted. All drop devices must be removed and counted at the time(s) previously designated to the commission. Removal and counting of contents at other than the designated time(s) is prohibited unless the licensee provides advance written notice to the commission of a change in time(s) or the commission requires a change of authorized times. **An emergency removal of the funds may be allowed in accordance with the procedures outlined in 11 CSR 45-9.107.**

[(2) Within ten (10) days after the end of each calendar quarter, each licensee shall submit a list to the commission of employees authorized to participate in the count and those employees who are authorized to be in the count room during the count (count personnel list) during and as of the end of the calendar quarter. The count personnel list shall indicate those persons, if any, who hold an interest in the licensee and shall indicate what relationship by blood or marriage, if any, exists between any person on this list or any interest holder or employee of the gaming establishment. The count personnel list shall also indicate the occupational license number of each count employee and the job position held by each count employee.]

AUTHORITY: sections 313.004, [and] 313.805, and 313.825, [RSMo 2000, and section 313.805,] RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed March 28, 2013, effective Nov. 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.130 Tips and Gifts. The commission is amending sections (2) and (5).

PURPOSE: This amendment adds housekeeping and environmental services (EVS) persons to employees who may receive tips and removes procedures for counting pooled tips.

(2) Level II occupational licensees may accept tips for casino-related services performed by the licensee, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, poker dealer, cage cashier, slot attendant, food and beverage personnel, valet, ticketing personnel, **housekeeping, environmental services (EVS)**, or other positions as approved by the director.

(5) No dealers, poker dealers, cage cashiers, or slot attendants shall accept currency from any player or patron except as a tip and only if the Class B licensee allows such a practice and has provided procedures for accepting such tips in its internal controls which have been approved by the commission. All tips given to dealers, poker dealers, cage cashiers, and slot attendants shall be—

(B) Accounted for by a recorded count [conducted by a randomly selected dealer, poker dealer, cage cashier, or slot attendant for each respective count, and a randomly selected nongaming employee of the accounting department]; and

AUTHORITY: sections 313.004, [RSMo 2000, and sections] 313.805, and 313.817, RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.150 Cash Reserve Requirements. The commission is amending section (1) and adding a section (2).

PURPOSE: This amendment removes the reference to Appendix A.

(1) The licensee shall maintain in cash or cash equivalents an amount sufficient to protect patrons against defaults in gaming debts owed by the licensee. Cash equivalents are investments with an original maturity of three (3) months or less which would be permissible investments under Missouri law for state [moneys] monies held by the state treasurer. The commission shall distribute to licensees and

make available to all interested persons a formula approved by the commission by which licensees determine the minimum bankroll requirements of this rule [*see Appendix A*]. If, at any time, the licensee's available cash or cash equivalents should be less than the amount required by this rule, the licensee must immediately notify the commission of this deficiency. Failure to maintain the minimum bankroll required by this rule, or a higher bankroll as required by the commission pursuant to this rule, or failure to notify the commission of any deficiencies, is an unsuitable method of operation.

*[Appendix A
Commission Formula Minimum Bankroll
Requirements]*

(2) The Class B licensee shall maintain the following minimum bankroll requirements to [*insure*] **ensure** payment of patrons' win/./:

(A) First month of operation one hundred percent (100%) of licensee's projected payout to patrons (electronic gaming device and table game drop minus licensee win) for a weekly period, defined as seven (7) gaming days, based on the average daily payout multiplied by seven (7)/./; **and**

(B) Second and subsequent months of operation one hundred percent (100%) of licensee's actual payout to patrons (electronic gaming device and table game drop minus licensee win) for a weekly period, based on the average daily payout multiplied by seven (7) from the previous month's operation.

AUTHORITY: sections 313.004, [RSMo 2000, and sections] 313.800, [and] 313.805, and 313.815, RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.101 Minimum Internal Control Standards (MICS)—Chapter A. The commission is amending section (1).

PURPOSE: This amendment changes the internal controls for Chapter A of the Minimum Internal Control Standards by removing the thirty three percent (33%) limitation for dual-rate employees and removing the requirement for the Class B licensees to obtain commission approval to allow certain job positions to dual position.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter A—General and Administrative, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter A does not incorporate any subsequent amendments or additions as adopted by the commission on [*December 2, 2015*] **April 25, 2018**.

AUTHORITY: sections 313.004[, RSMo 2000, section] and 313.805, RSMo [Supp. 2013, and section 313.800, RSMo Supp. 2014] 2016. Original rule filed Aug. 27, 2015, effective March 30, 2016. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.120 Minimum Internal Control Standards (MICS)—Chapter T. The commission is amending section (1).

PURPOSE: This amendment changes the internal controls for Chapter T of the Minimum Internal Control Standards by allowing non-supervisory casino housekeeping/environmental services employees to accept tips.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter T—Tips, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on [*October 24, 2012*] **April 25, 2018**.

AUTHORITY: sections 313.004[, RSMo 2000, and sections 313.800] and 313.805, RSMo [Supp. 2012] 2016. Original rule filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed Oct. 25, 2012, effective June 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.065 Licenses Required. The commission is amending this rule by adding a new section (4).

PURPOSE: This amendment combines language from another regulation that the commission is rescinding to remove duplicative language found in both regulations.

(4) As part of the supplier license application process, a supplier shall either post a bond or provide an irrevocable letter of credit in an amount to be determined by the commission.

AUTHORITY: sections 313.004 and 313.065, RSMo [Supp. 1996] 2016. Emergency rule filed March 1, 1995, effective March 11, 1995, expired July 8, 1995. Original rule filed March 1, 1995, effective Aug. 30, 1995. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED RESCISSION

11 CSR 45-30.480 Package Deals and Tying Arrangements Prohibited. This rule interpreted the bingo law as it applied to purchases of supplies and equipment when connected or tied to lease of a particular premises.

PURPOSE: This rule is being rescinded because it is duplicative of another regulation.

AUTHORITY: section 313.065, RSMo 2000. Emergency rule filed

June 21, 1994, effective July 1, 1994, Expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Rescinded: Filed April 26, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED RESCISSION

11 CSR 45-30.523 Supplier License. This rule defined the supplier license and set the requirements for the supplier license, including bonding procedures.

PURPOSE: This rule is being rescinded because it is duplicative of another regulation.

AUTHORITY: sections 313.005 and 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed June 25, 2015, effective Feb. 29, 2016. Rescinded: Filed April 26, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.555 Agreements Restricting Freedom to Buy and Sell-Prohibited. The commission is amending sections (1) and (2), renumbering as necessary, and adding a new section (3).

PURPOSE: This amendment combines language from another regulation that the commission is rescinding to remove duplicative language found in both regulations.

(1) No [person] licensee, supplier, or hall provider shall enter into any agreement, express/ly/ed or implied, with any other person or entity which requires any person or entity to purchase exclusively from, or sell exclusively to, any other person or entity, or which prohibits any person or entity from purchasing from or selling to any other person or entity, any devices, materials, products, equipment, or services which are reused or offered in any way in connection with bingo.

(2) No person or entity shall enter into any agreement, expressed or implied, wherein any person or entity is prohibited from, or required to, make a purchase or sale/s/ only within a particular geographic area or as a condition precedent or prerequisite to obtaining by sale or lease any equipment, supplies, or a particular premises for the conduct of bingo. [Provided that n/Nothing in this section shall restrict a licensee from exercising proprietary rights gained through patents, copyrights, trademarks, or other similar rights bestowed by state or federal governments or by courts.

(3) No supplier shall enter into an agreement or understanding whereby a lessor or potential lessor of premises will rent solely to licensees who use the supplies or equipment of that supplier or whereby the lessor will discourage its lessees from obtaining its supplies or equipment from other suppliers.

[(2)](4) No manufacturer or supplier shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area, or areas, and such a restriction shall not be a condition of any other licensee.

AUTHORITY: sections 313.004 and 313.065, RSMo [Supp. 1997] 2016. Emergency rule filed Aug. 30, 1996, effective Sept. 13, 1996, expired March 9, 1997. Original rule filed Aug. 30, 1996, effective March 30, 1997. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 2—Performance Measures**

PROPOSED RESCISSION

13 CSR 30-2.030 Standard Procedures for Handling Cash Receipts in Circuit Clerks' Offices Under Contract With the

Missouri Division of Child Support Enforcement for the Provision of IV-D Services. This rule established minimum required procedures to provide for the separation of cash handling and accounting functions associated with the collection and distribution of IV-D child support payments.

PURPOSE: This rule is being rescinded because the minimum required procedures can be provided in a memo to the county circuit clerk offices or in the contract/cooperative agreement between each office and the Family Support Division.

AUTHORITY: section 454.400, RSMo Supp. 1993. Emergency rule filed Oct. 16, 1989, effective Oct. 26, 1989, expired Feb. 22, 1990. Original rule filed Oct. 16, 1989, effective Feb. 11, 1990. Rescinded: Filed April 18, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division—Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527 or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 2—Performance Measures**

PROPOSED RESCISSION

13 CSR 30-2.040 Standard Procedures for Handling Cash Receipts in Prosecuting Attorneys' Offices Under Contract With the Missouri Division of Child Support Enforcement for the Provision of IV-D Services. This rule established minimum required procedures to provide for the separation of cash handling and accounting functions associated with the collection and distribution of IV-D child support payments.

PURPOSE: This rule is being rescinded because the minimum required procedures can be provided in a memo to the county prosecuting attorney offices or in the contract/cooperative agreement between each office and the Family Support Division.

AUTHORITY: section 454.400, RSMo Supp. 1993. Emergency rule filed Oct. 16, 1989, effective Oct. 26, 1989, expired Feb. 22, 1990. Original rule filed Oct. 16, 1989, effective Feb. 11, 1990. Rescinded: Filed April 18, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division—Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED AMENDMENT

13 CSR 40-7.015 Application Procedure for Family MO HealthNet Programs and the Children’s Health Insurance Program (CHIP). The department is amending sections (4) and (6) of this regulation.

PURPOSE: This amendment adds paragraph 4. to subsection (4)(E) of the rule, allowing applications for family MO HealthNet programs for minors or incapacitated persons to be submitted by someone acting responsibly for the applicant. The amendment also adds paragraph 5. to subsection (4)(E) of the rule, allowing applications for family MO HealthNet programs for minors to be submitted by the minor on his/her own behalf under certain conditions. This amendment conforms the rule to federal requirements at section 435.907(a) of Title 42, *Code of Federal Regulations*, which governs the persons from whom the state must accept applications. The amendment also updates the authority for the overall rule. The amendment also adds language to section (6) of the rule to recognize the federal exceptions to the requirement that every person who must be included on a MO HealthNet application shall provide his/her Social Security number to the department. The exceptions being added to the regulation are exceptions currently allowed under federal law at 42 CFR 435.910(h), which governs the department’s use of SSN’s as a condition of eligibility for Medicaid.

(4) The following individuals may apply for Family MO HealthNet or the Children’s Health Insurance Program (CHIP) on behalf of a participant:

- (A) The participant, as defined under 13 CSR 40-7.010;
- (B) An adult who is in the participant’s household. For purposes of this subsection, “household” shall have the same definition as in 42 CFR section 435.603(f)(1);
- (C) A member of the participant’s family, as defined in [the Internal Revenue Code] 26 U.S.C section 36B(d)(1);
- (D) An authorized representative of the participant;
- (E) An individual with a valid power of attorney to act on behalf of the participant;
- [(E)](F) If the participant is [a minor or] an incapacitated person as defined under 475.010, RSMo—
 - 1. A parent, spouse, and other close adult relative;
 - 2. An authorized representative; or
 - 3. A guardian or conservator; or
 - 4. A public administrator; or
 - 5. Other person appointed by a court of competent jurisdiction.

[(F) An individual with a valid power of attorney to act on behalf of the participant.]

(G) If the participant is a minor under age eighteen (18), an application may be submitted by the following:

- 1. The minor on behalf of him/herself, if any of the following conditions apply:
 - A. The minor is pregnant;
 - B. The minor has been lawfully married;
 - C. The minor is a parent;
 - D. The minor is a victim of domestic violence, as defined by section 455.010, RSMo, or meets all the criteria in section 431.056, RSMo;
 - E. Is a victim of trafficking offenses under section 566.203, 566.206, 566.209, 566.210, or 566.211, RSMo; or
 - F. The minor is emancipated.

2. For other minors not in the custody, care, or control of a parent or guardian, someone acting responsibly for the applicant. This shall include a person age eighteen (18) or over who has the capacity to enter into a contract, has primary custody, care, or control of the minor and who—

A. Is related to the applicant by blood, marriage, or adoption; or

B. Is a person who—

(I) The division reasonably determines has sufficient knowledge of the applicant’s circumstances to accurately complete the application; and

(II) Has an obligation to act in the best interests of the applicant as per 13 CSR 40-2.015.

(6) Subject to the exceptions recognized in 42 CFR 435.910(h), Social Security numbers are requested of every person for whom coverage is [required to be on the application] being requested, pursuant to subsections (5)(A), (5)(B), or (5)(C).

AUTHORITY: sections [207.020, RSMo 2000, and section] 207.022, 208.991, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed July 31, 2013, effective Feb. 28, 2014. Amended: Filed April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED RESCISSION

13 CSR 70-3.040 Duty of Medicaid Participating Hospitals and Other Vendors to Assist in Recovering Third-Party Payments. This rule placed a certain duty on Medicaid participating hospitals and other vendors to assist the Division of Family Services in making Medicaid third-party liability recoveries.

PURPOSE: This rule is being rescinded because the MO HealthNet Division (MHD) no longer uses this regulation to assist in recovering Medicaid third-party liability payments.

AUTHORITY: section 208.153, RSMo Supp. 1991. This rule was previously filed as 13 CSR 40-81.090. Original rule filed May 20, 1977, effective Sept. 11, 1977. Rescinded: Filed April 18, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology. The division is amending subsections (1)(B) and (1)(C).

PURPOSE: This amendment describes how all outpatient surgical procedures, outpatient drugs, the technical component of outpatient radiology procedures, and the telehealth originating site fee will be reimbursed. Additionally, this amendment describes how adjustments will be made when calculating the outpatient percentage rates for hospitals along with an exception process for the outpatient surgical procedures. This proposed amendment also removes outdated language and date references.

(1) Prospective Outpatient Hospital Services Reimbursement Percentage for Hospitals Located Within Missouri.

(B) Outpatient cost-to-charge ratios will be as determined in the desk review of the base year cost reports. **If adjustments are not made during the desk review, adjustments will be made to remove the cost and charges for services that are not reimbursed at a percentage of billed charges when calculating the cost-to-charge ratios used to determine the outpatient percentage rate.**

1. Costs and charges for laboratory and radiology services reimbursed on a fee schedule *[including laboratory and radiology]* shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates *[beginning in SFY 2014]*.

2. Costs and charges for outpatient surgical procedures that are not reimbursed at a percentage of billed charges shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates. Adjustments shall be made by the division starting with the calculation of the outpatient percentage rate for the SFY after the surgical procedures are no longer reimbursed at a percentage of billed charges.

A. Exception. A hospital may request a revised calculation of the outpatient percentage rate prior to the adjustment made by the division in paragraph (1)(B)2. of this regulation. The hospital must provide the charges and cost-to-charge ratios by cost center for both Medicaid and Total (i.e., all payor types). The hospital must provide a breakdown of the amounts no longer reimbursed at a percentage of billed charges using a template developed by the division and available upon request. The template must be submitted to the division by April 1 of the current SFY for which the revised calculation of the outpatient percentage rate is requested. The hospital may be notified in writing of the revised outpatient percentage rate within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required. If an adjustment is not otherwise limited or prohibited, the effective date of the change in the hospital's outpatient percentage rate shall be the first day of the month following the date of the division's final determination.

3. Costs and charges for the telehealth originating site fee reimbursed on a fee schedule shall be excluded when calculating

the outpatient cost-to-charge ratios used to determine outpatient percentage rates starting with the calculation of the outpatient percentage rate for the SFY after the telehealth originating site fee is moved to a fee schedule.

4. Costs and charges for outpatient drugs reimbursed in accordance with 13 CSR 70-20.070 shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates beginning November 30, 2018.

(C) Outpatient Hospital Services Reimbursement Limited by Rule.

1. *[Effective for dates of service September 1, 1985, and annually updated, c]*Certain clinical diagnostic laboratory procedures will be reimbursed from a Medicaid fee schedule which shall not exceed a national fee limitation.

2. *[Effective for service dates beginning October 1, 2011, and annually updated, the technical component of outpatient radiology procedures will be reimbursed from a Medicaid fee schedule. Medicaid fee schedule amounts will be based on one hundred twenty-five percent (125%) of the Medicare Physician fee schedule rate using Missouri Locality 01. The list of affected procedure codes and the Medicaid fee schedule rate for the technical component of outpatient radiology procedures will be published on the MO HealthNet website at www.dss.mo.gov/mhd beginning October 1, 2011.]* The technical component of outpatient radiology procedures will be reimbursed from a Medicaid fee schedule. The list of procedure codes and the Medicaid fee schedule rate for the technical component of outpatient radiology procedures will be published on the MO HealthNet website at www.dss.mo.gov/mhd.

A. Effective for dates of service beginning October 1, 2011 through November 29, 2018, the Medicaid fee schedule amounts will be based on one hundred twenty-five percent (125%) of the Medicare Physician fee schedule rate using Missouri Locality 01.

B. Effective for dates of service beginning November 30, 2018, the technical component of the outpatient radiology procedures will be reimbursed from a Medicaid fee schedule. Medicaid fee schedule amounts will be based on a percent of the Medicare Physician fee schedule rate using Missouri Locality 01.

[3. Effective for service dates October 1, 2011, through June 30, 2012, hospitals which meet the federal definition of Critical Access Hospital (CAH) found in section 1820(c)(2)(B) of the Social Security Act will receive a five percent (5%) increase to their prospective outpatient payment percentage rate determined in accordance with subsection (1)(A).

4. Effective for service dates July 1, 2012, through June 30, 2013, hospitals which meet the federal definition of Critical Access Hospital (CAH) found in section 1820(c)(2)(B) of the Social Security Act will receive a five percent (5%) increase to their prospective outpatient payment percentage rate determined in accordance with subsection (1)(A).

5. Effective for service dates July 1, 2012, through June 30, 2013, hospitals which meet the state definition of Critical Access Hospital (CAH) defined in 13 CSR 70-15.010 will receive a three percent (3%) increase to their prospective outpatient payment percentage rate determined in accordance with subsection (1)(A).]

3. Effective for dates of service beginning November 30, 2018, all outpatient surgical procedures will be paid at the outpatient Medicaid fee schedule amount. MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website dss.mo.gov/mhd, November 30, 2018. This rule does not incorporate any subsequent amendments or additions.

4. Effective for dates of service beginning November 30, 2018, telehealth originating site fee will be paid at the lesser of

the billed amount or the outpatient fee schedule amount.

5. Effective for service dates beginning November 30, 2018, outpatient drugs will be reimbursed in accordance with 13 CSR 70-20.070.

6. Services of hospital-based physicians and certified registered nurse anesthetists shall be billed on a CMS-1500 professional claim form and reimbursed from a Medicaid fee schedule or the billed charge, if less. The CMS-1500 professional claim form is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/mhd, [November 1, 2010] **November 30, 2018**. This rule does not incorporate any subsequent amendments or additions.

7. Outpatient hospital services provided for those recipients having available Medicare benefits shall be reimbursed by Medicaid to the extent of the deductible and coinsurance as imposed under Title XVIII.

8. [Effective for payment dates beginning October 1, 2010, r/Reimbursement of Medicare/Medicaid crossover claims (crossover claims) for Medicare Part B and Medicare Advantage/Part C outpatient hospital services [with dates of service on or after January 1, 2010], except for public hospitals operated by the Department of Mental Health (DMH), shall be determined as follows:

A. Crossover claims for Medicare Part B outpatient hospital services in which Medicare was the primary payer and the MO HealthNet Division (MHD) is the payer of last resort for cost-sharing (i.e., coinsurance, copay, and/or deductibles) must meet the following criteria to be eligible for MHD reimbursement:

(I) The crossover claim must be related to Medicare Part B outpatient hospital services that were provided to MO HealthNet participants also having Medicare Part B coverage; and

(II) The crossover claim must contain approved outpatient hospital services which MHD is billed for cost-sharing; and

(III) The Other Payer paid amount field on the claim must contain the actual amount paid by Medicare. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MHD for payment regardless of how the claim is submitted. Providers submitting crossover claims for Medicare Part B outpatient hospital services to MHD must be able to provide documentation that supports the information on the claim upon request. The documentation must match the information on the Medicare Part B plan's remittance advice. Any amounts paid by MHD that are determined to be based on inaccurate data will be subject to recoupment;

B. Crossover claims for Medicare Advantage/Part C (Medicare Advantage) outpatient hospital services in which a Medicare Advantage plan was the primary payer and MHD is the payer of last resort for cost-sharing (i.e., coinsurance, copay, and/or deductibles) must meet the following criteria to be eligible for MHD reimbursement:

(I) The crossover claim must be related to Medicare Advantage outpatient hospital services that were provided to MO HealthNet participants who also are either a Qualified Medicare Beneficiary (QMB Only) or Qualified Medicare Beneficiary Plus (QMB Plus); and

(II) The crossover claim must be submitted as a Medicare UB-04 Part C Professional Crossover claim through the MHD online billing system; and

(III) The crossover claim must contain approved outpatient hospital services which MHD is billed for cost-sharing; and

(IV) The Other Payer paid amount field on the claim must contain the actual amount paid by the Medicare Advantage plan. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MHD for payment. Providers submitting crossover claims for Medicare Advantage outpatient hospital services to MHD must be able to provide documentation that

supports the information on the claim upon request. The documentation must match the information on the Medicare Advantage plan's remittance advice. Any amounts paid by MHD that are determined to be based on inaccurate data will be subject to recoupment;

C. MHD reimbursement for approved outpatient hospital services. MHD will reimburse seventy-five percent (75%) of the allowable cost-sharing amount; and

D. MHD will continue to reimburse one hundred percent (100%) of the allowable cost-sharing amounts for outpatient services provided by public hospitals operated by DMH as set forth above in paragraph (1)(C)4.

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo [Supp. 2013] 2016. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed June 14, 2002, effective Jan. 30, 2003. For intervening history, please consult the Code of State Regulations. Amended: Filed May 1, 2018.

PUBLIC COST: This proposed amendment will save state agencies or political subdivisions approximately \$53.7 million to unknown.

PRIVATE COST: This proposed amendment will cost private entities approximately \$53.7 million to unknown.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 15 – Hospital Program

Rule Number and Title:	13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Hospitals enrolled in MO HealthNet	Estimated saving for SFY 2019 - \$44.7 million total, \$15.6 million state share. The estimated savings annually starting in SFY 2020 - \$53.7 million to Unknown; \$18.7 million to Unknown state share.

III. WORKSHEET

Savings for SFY 2019:

Estimated Savings - Change in reimbursement - Bariatric Surgical Procedures	\$10,071,824
Estimated Savings - Change in reimbursement - Radiology	\$7,900,000
Estimated Savings - Change in reimbursement - Drugs	\$35,700,000
Estimated Savings - Change in reimbursement - Originating Site Fee	\$23,546
Estimated Annual Total Savings	\$53,695,370
Divide by 12 to determine monthly amount	12
Monthly Amount	\$4,474,614.17
Multiply by 10 months for SFY 2019	10
SFY 2019 Estimated Savings	\$44,746,141.67
Times SFY 2019 State Share Percentage	34.797%
Estimated State Share Savings	\$15,570,314.92

Savings for SFY 2020 forward

Estimated Annual Total Savings – From above	\$53,695,370
Additional Surgical Procedures to be added	Unknown
Estimated Annual Savings	\$53.7 million to Unknown
Times SFY 2019 State Share Percentage	34.797%
Estimate State Share Savings	\$18.7 million to Unknown

IV. ASSUMPTIONS

This fiscal note reflects the annual estimated savings based on an analysis of the change in reimbursement for hospitals' Bariatric Surgical Procedures, Outpatient Radiology, Outpatient Drugs and the Originating Site Fee. This fiscal impact includes the impact to both in-state and out-of-state hospitals. As additional outpatient surgical procedures are paid on a fee schedule versus being paid as a percentage of billed charges, additional savings are anticipated which is why the annual impact is noted as \$53.7 million to Unknown.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 13 - Department of Social Services
Division Title: 70 - MO HealthNet Division
Chapter Title: 15 - Hospital Program

Rule Number and Title:	13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
In-state hospitals – 142 Out-of-state hospitals – 42+	Hospitals enrolled in MO HealthNet	Estimated costs for SFY 2019 - \$44.7 million. The estimated cost annually starting in SFY 2020 - \$53.7 million to Unknown

III. WORKSHEET**Cost for SFY 2019:**

Estimated Cost - Change in reimbursement - Bariatric Surgical Procedures	\$10,071,824
Estimated Cost - Change in reimbursement - Radiology	\$7,900,000
Estimated Cost - Change in reimbursement - Drugs	\$35,700,000
Estimated Cost - Change in reimbursement - Originating Site Fee	\$23,546
Estimated Annual Total Cost	\$53,695,370
Divide by 12 to determine monthly amount	12
Monthly Amount	\$4,474,614.17
Multiply by 10 months for SFY 2019	10
SFY 2019 Estimated Cost	\$44,746,141.67

Cost for SFY 2020 forward

Estimated Annual Total Cost - From above	\$53,695,370
Additional Surgical Procedures to be added	Unknown
Estimated Annual Cost	\$53.7 million to Unknown

IV. ASSUMPTIONS

The annual estimated cost and the number of hospitals impacted were based on an analysis of the reimbursement for Bariatric Surgical Procedures, Outpatient Radiology, Outpatient Drugs and the Originating Site Fee. This fiscal impact includes the impact to in-state and out-of-state hospitals. As additional procedures are paid on a fee schedule versus being paid as a percentage of billed charges, additional costs to hospitals are anticipated which is why the annual impact is noted as \$53.7 million to Unknown.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.045 Thirty-One Day Supply Maximum Restriction on Pharmacy Services Reimbursed by the [Division of Medical Services] MO HealthNet Division. The department is amending the title, purpose statement, and sections (2), (3), and (4).

PURPOSE: This amendment updates the division's name and adds reference to the pharmacy provider manual.

PURPOSE: [The purpose of t]This [is to] rule establishes a thirty-one (31) day supply maximum restriction per dispensing on pharmacy services reimbursed by the [Division of Medical Services] MO HealthNet Division on behalf of patients eligible for any of the fee-for-service programs.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Drugs and/or categories of medications which are exempt from the thirty-one (31) day supply limitation and therefore may be dispensed in quantities exceeding a thirty-one (31) day supply [are as follows:

<i>Drug or Category</i>	<i>Maximum Limitation If Applicable</i>
<i>Antiretroviral Agents</i>	
<i>Contraceptives, Oral</i>	<i>One year</i>
<i>Drug products limited by packaging requirements</i>	<i>Packaging requirements</i>
<i>Vitamins, Children's</i>	<i>100 days</i>
<i>Vitamins, Prenatal</i>	<i>100 days]</i>

are made available in the MO HealthNet Pharmacy Manual, section 13.6.D(1), located through the Department of Social Services, MO HealthNet Division website at manuals.momed.com/manuals, which is incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website, April 18, 2018. This rule does not incorporate any subsequent amendments or additions. The division reserves the right to affect changes in the list of drugs and/or categories of medications which are exempt for the thirty-one (31) day supply limitation by amending this rule.

(3) All spend down recipients are exempt from the [Missouri Medicaid] MO HealthNet thirty-one (31) day supply maximum restriction on pharmacy services.

(4) Exemptions from the thirty-one (31) day supply limitation may be given with prior authorization by the [Division of Medical Services] MO HealthNet Division to prevent a higher level of care.

AUTHORITY: sections 208.152, 208.153, [and] 208.201, and 660.017, RSMo [2000] 2016. Emergency rule filed Nov. 21, 2000, effective Dec. 1, 2000, expired May 29, 2001. Original rule filed

June 29, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 5, 2000, effective June 30, 2001. Amended: Filed April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.050 Return of Drugs. The department is amending the purpose statement and sections (2), (3), and (4).

PURPOSE: This amendment updates language to be in line with the MO Board of Pharmacy guidelines.

PURPOSE: [The MO HealthNet Division] This rule establishes that when a pharmacy dispenses drugs in a controlled-dose delivery system, the pharmacy must give the MO HealthNet Division credit for any unused portion of the drug that is reusable in accordance with applicable federal or state law.

(2) [Drugs dispensed in controlled-dose delivery system packaging and other drug products which may be returned for reuse per federal and state laws or regulations shall be returned to the dispensing pharmacy in accordance with federal or state laws or regulations when the participant no longer uses the drug and that product, in the pharmacist's professional judgment may be reused.] The return and reuse of drugs must follow guidelines set by the State Board of Pharmacy in 20 CSR 2220-3.040, as amended.

[(3) The MO HealthNet Division shall not pay for an unused pharmacy item returned to the dispensing pharmacy by or on behalf of a MO HealthNet participant, due to a change in prescription, hospitalization, death of a participant, or other reason when the item can be accepted for reuse by the pharmacy in accordance with applicable federal or state laws or regulations.]

[(4)](3) When a pharmacy dispenses drugs in a controlled-dose delivery system the pharmacy must give the MO HealthNet Division credit for all reusable items (any unused portion) not taken by the MO HealthNet participant. [The MO HealthNet Division may provide additional compensation to the pharmacy to recognize administrative costs for processing reusable returned drugs, subject to appropriation.] In instances in which charges have been submitted prior to the return of an item the pharmacy shall file an adjustment to notify the MO HealthNet Division of the need to process a credit. The dispensing pharmacy that receives the returned drugs must provide a credit to the MO HealthNet Division for the amount reimbursed for drug costs from which the prescription was billed, prorated to the quantity of the drug returned. The

credited amount should not include dispensing fees.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 15, 2000, effective July 30, 2001. Amended: Filed Sept. 16, 2013, effective March 30, 2014. Amended: Filed April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.030 Special or Unique Service Needs. The department is amending the purpose and section (5).

PURPOSE: This amendment updates terminology in the purpose statement and corrects one word in section (5) from “appraised” to the appropriate word “apprised.”

PURPOSE: [The purpose of t]This rule [is to] establishes the guidelines and lines of authority for youth who are in need of services that are not generally provided by this agency. This would include such things as [mental] psychological disorders, [mental retardation] intellectual disabilities, specialized foster home care, special medical needs, etc.

(5) The service coordinator’s supervisor shall keep the regional administrator [appraised] **apprised** of status changes of youth and any problems they may encounter.

AUTHORITY: sections 219.036 and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.040 Classification Criteria for Placement into Division of Youth Services (DYS) Programs. The department is amending subsection (1)(B), section (2), and subsections (3)(A) and (4)(B).

PURPOSE: This amendment updates and clarifies terminology throughout the rule.

(1) A medical, psychological, and social history shall be developed for each youth by the service coordinator. Areas to be considered in developing this history are listed as follows:

(B) Psychological History. If a youth’s psychological history reveals the need for additional assessment, the following areas may be evaluated through formal or informal testing:

1. Intellectual functioning;
2. Educational achievement;
3. Screening for organic impairment;
4. Drug abuse screening; and
5. Behavioral observation and personal interview. [//This information shall be gathered through personal contact with parents, guardians, teachers, juvenile court staff, and relevant others. This will assist the service coordinators in [his/her] their efforts to properly match the youth with the service category to which [s/he] they may be assigned//]; and

(2) After developing an adequate individual history, the service coordinator should determine services most appropriate as itemized in the following **Division of Youth Services (DYS) continuum [available services listed in parentheses]**:

(A) Community Based. Services **provided with supervision** to maintain the youth in [his/her] their own home or community [//placement [directly into aftercare/community care, foster care, or special services]]; and

(B) Community-Based Residential. When community-based services do not meet the needs of the youth, community-based residential services are provided in **DYS group homes[, community treatment centers, and park camps; and services provided to maintain the youth in a foster family]** or non-DYS group home settings [foster home services, aftercare supervision] **such as, special contractual residential services[, contractual purchase of services]**; and

(C) Moderate/Secure Residential Treatment. When community-based or community-based residential services do not meet the needs of the youth or the community, services are provided to the youth in an appropriate **moderate/secure** residential treatment facility.

(3) To be eligible for community-based services as provided in subsections (2)(A) and (B) of this rule, the youth must meet the following guidelines:

(A) Have the ability to acceptably control [him/herself] **themselves** in an open community environment where supervisory controls are minimal;

(4) General guidelines for classification and initial assignment of youth to a moderate/secure residential treatment facility are listed as follows:

(B) Direct intervention through [institutional] **residential** treatment would increase the likelihood of successful community placement; and

AUTHORITY: sections 219.036 and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended:

Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.050 Transfers [from One DYS Residential Facility to Another DYS Facility] Between DYS Residential and/or Community Based Programs. The department is amending the title, purpose, and sections (1), (2), (3), and (4).

PURPOSE: This amendment updates the title to better capture the information provided in the rule. The amendment also updates language in the purpose and the amendments throughout. The amendment changes the timeframe for the regional administrator to make a decision on a request for administrative transfer from two (2) days to five (5) working days to allow additional time for review. The amendment changes the timeframe for the hearings officer to set a date for a vertical transfer hearing from seven (7) calendar days to fifteen (15) calendar days to allow more notification to be given to those wanting to attend. The amendment changes the timeframe for the hearing officer to notify the participants of the decisions on the vertical transfer hearing from two (2) working days to five (5) working days to allow additional time for review.

PURPOSE: [The purpose of t]This rule [is to] protects the rights and ensures the appropriate treatment of youth moved from one Division of Youth Services (DYS) [facility] program to another. The procedure is to be used if a youth has been inappropriately classified into a [facility] program or if the [facility] program is not meeting the youth's needs. [Residential care services are those services which provide twenty-four (24)-hour living accommodations and are operated by division employees. These facilities include group homes, park camps and institutions.]

(1) An administrative transfer may be effected when a change in placement, either interagency or intragency, may better serve the needs of the youth. An administrative transfer is a transfer from one (1) foster home to another, from one (1) community-based facility to another, or from one (1) [institution] medium or secure care facility to another.

(A) Such a transfer may be effected when one (1) or more of the following conditions are present:

1. An opening exists in a similar placement that is closer to the youth's home community;
2. A placement in a different area would provide access to a program(s) and that would be of special benefit to the youth; and
3. There is evidence the youth has potential to benefit from the program offered in his/her current placement but either internal or

external forces make it difficult for [him/her] them to obtain maximum value from the placement.

(B) The youth, [his/her] their parent(s) or guardian(s) or site supervisor or service coordinator may request an administrative transfer in writing to the regional administrator [and his/her] or their designee. The regional administrator or [his/her] their designee shall review the request and, if appropriate, [shall] authorize the transfer. In determining whether a transfer is appropriate, the following information as relevant in reaching a conclusion shall be considered:

1. Reasons offered both in support of and in opposition to the transfer;

2. Evaluation of the progress of the youth in the current placement; and

3. Availability of space in other programs and approval of the receiving facility manager. If this transfer is across regional lines, then the appropriate regional administrator or [his/her] their designee shall be involved.

(C) The regional administrator or [his/her] their designee shall notify, in writing, the youth, [his/her] their parent(s) or guardian(s), and site supervisor or service coordinator of the decision as to whether the transfer is approved or disapproved and the reason therefore. The decision shall be made within [two (2)] five (5) working days of the request and a copy of the transfer shall be included in the youth's case record.

(2) A vertical transfer is a transfer from a community-based program to any DYS residential program.

(A) A vertical transfer may be effected when—1) the youth poses a danger to the safety of other persons, [staff] employees, the site, or the community; or 2) the youth will benefit more from the program(s) offered at the recommended site than from the program(s) offered in the current placement.

(B) The following procedures must be followed [in order to effect] for a vertical transfer:

1. The youth, parent(s) or guardian(s), site supervisor, or service coordinator may request a transfer;

2. The request shall be in writing to the regional administrator or [his/her] their designee and shall state the reasons the transfer is being requested;

3. Upon receipt of the request, the regional administrator or [his/her] their designee shall appoint a hearing officer and one (1) or more parties who are neutral and objective to hold a hearing;

4. The hearing officer shall set a date for a hearing on the question of transfer. This hearing shall be held within [seven (7)] fifteen (15) calendar days from the date the request is received;

5. The youth, parent(s) or guardian(s) of the youth, and the site supervisor or service coordinator shall be given adequate and timely notice of the time and place of the hearing and of the reasons therefore, stated with specificity, that the transfer has been requested; and

6. The youth and the parent(s) or guardian(s) of the youth shall also be notified that the youth has the right to present evidence, to confront and cross-examine witnesses, and to remain silent at the hearing. Further, the youth shall have the right to request a staff member or a parent(s) or guardian(s) or attorney to represent him/her at this hearing.

(C) Only information introduced as evidence at the hearing shall be considered by the hearing officer(s). The following are considered relevant to the determination: the treatment needs of the youth; and whether other programs, either community-based or [institutional] residential, would provide a program(s) better suited to the needs of the youth.

(D) Within [two (2)] five (5) working days of the hearing, the hearing officer(s) shall notify, in writing, the youth, the parent(s) or guardian(s) of the youth, and the person who has physical custody of the youth of its decision and the reasons therefore.

(E) A vertical transfer shall not be authorized as punishment.

(3) An interagency transfer is a transfer from a program or facility operated by or under the control of the division to a program or facility operated by or under the control of another agency.

(B) The director or [his/her] **their** designee may authorize an interagency transfer if, after a careful examination of the youth's needs, [s/he] **they** determine[s] that the transfer should be effected. After a decision for transfer is made, the youth, [his/her] **their** parent(s) or guardian(s), and the service coordinator will be notified of the decision and the reasons for the transfer. One (1) copy of the notice will be retained in the youth's case record.

(4) Appeal of a Transfer Decision. When the decision is made to transfer the youth, the youth and the parent(s) or guardian(s) of the youth shall be notified of the right to petition the director for a hearing to review the decision in accordance with 219.051, RSMo [1994].

AUTHORITY: sections 219.021.4, [RSMo Supp. 1999 and] 219.036, and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed May 30, 1979, effective Sept. 14, 1979. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.080 Runaway and Absconding Youth. The department is amending the purpose, and subsections (1)(B), (1)(D), (1)(F), (2)(A), (2)(E), and (2)(F).

PURPOSE: This amendment updates the purpose to better capture the information provided in the rule, corrects and clarifies wording, and adds the requirement that a youth that has either absconded or runaway and is not apprehended must also have passed the discharge date of any determinate sentence, if applicable, prior to discharging that youth.

PURPOSE: [The purpose of t]This rule [is to] establishes formal procedures to be followed when a youth runs away from a residential facility [of the division] or [when s/he is on runaway status] has absconded from community care or aftercare, and is apprehended. It is recognized that local procedures followed in these circumstances vary from facility-to-facility. Each facility shall write procedures which can be logically and consistently followed. [This policy covers only those actions that should be taken by all the facilities.]

(1) These procedures are to be followed in the case of runaways.
(B) Upon apprehension or return to [re]placement the case will be

reassessed and necessary treatment intervention made and documented.

(D) A critical incident report shall be prepared by the site supervisor or service coordinator. Upon apprehension, the pickup order/warrant will be canceled and notification given to appropriate local law enforcement, local juvenile officer, parent(s)/guardian(s), and service coordinator.

(F) In the event the youth is not apprehended, has reached age seventeen (17), **has passed the discharge date of any determinate sentence, if applicable**, and has been on runaway status for six (6) consecutive months, the [service coordinator] **Division Director, Deputy Director, Regional Administrator, or Deputy Compact Administrator** shall [recommend] discharge the youth.

(2) These procedures are to be followed when a youth absconds from aftercare.

(A) Upon notification that a youth has absconded, the service coordinator shall assess the immediate situation, consulting with parent(s) or guardian(s) and the service coordinator's supervisor to determine the necessary intervention. Upon completion of the assessment, if appropriate, [a pickup order/warrant shall be issued] **the service coordinator shall request the apprehension and detention of the youth by law enforcement.**

(E) [In those cases where written documents were forwarded to the various officials, these documents shall be rescinded with the written document, that is, i]If a letter was [forwarded] sent to various officials and the parent(s)/guardian(s) [to] notifying them of the youth's abscondence, a letter will also be sent to notify that the youth has been apprehended.

(F) In the event a youth is not apprehended, has reached age seventeen (17), **has passed the discharge date of any determinate sentence, if applicable**, and has been on abscondence status for three (3) consecutive months, the [service coordinator] **Division Director, Deputy Director, Regional Administrator, or Deputy Compact Administrator** shall [recommend] discharge the youth.

AUTHORITY: sections 219.036 and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.100 Grievance Procedures for Committed Youth/s/ In Residential Facilities. The department is amending the title, purpose, and sections (1), (2), and (4).

PURPOSE: This amendment updates the title to better capture the

information provided in the rule, updates wording in the purpose to better clarify the purpose of the rule, and adds discrimination to the list of areas that will be considered for grievances.

PURPOSE: *[The purpose of t]This [policy and procedure is to] rule insures that [when] youth[s] in Division of Youth Services (DYS) residential facilities have [a complaint that the complaint will not be lost or ignored] a process to submit grievances, and establishes a formal procedure for DYS to respond to those grievances.*

(1) Any youth who has a grievance *[shall]* **may** submit *[his/her]* **their** grievance in written form to the group leader or first line supervisor. Following receipt of the written grievance, the group leader and first line supervisor shall discuss the matter within five (5) working days and then subsequently interview the youth. A written decision shall be issued to the youth within three (3) working days after the interview. Copies of this decision shall be distributed to the youth, parent(s)/guardian(s), service coordinator, site supervisor, and regional administrator. If the decision is not satisfactory to the youth, the youth may present the grievance to the site supervisor, or next supervisor in line within five (5) days of the original decision. The site supervisor may—a) review the grievance and, after meeting with staff, prepare a response within five (5) working days; or b) convene a grievance committee of three (3) staff members, one (1) of which is the designated chairperson, to hear the grievance. The youth will be advised of the date the grievance committee will consider *[his/her]* **their** complaint and the youth may request that any person represent *[him/her]* **them** at the hearing. The youth will have the right to cross-examine, call witnesses, or present any testimony in *[his/her]* **their** behalf.

(2) The findings of the grievance committee will be final. Records of action taken will be kept on file for future reference concerning policy or future complaints on the part of the youth. The youth will be given a copy of the findings and of other information *[s/he]* **they** desire[s/].

(4) It shall be the duty of the site supervisor of each program to oversee the implementation of the grievance procedure and interpret to youth and staff the following areas which will be considered for grievances: 1) physical abuse; 2) staff allowing physical abuse to a youth by another youth; 3) lack of medical or dental treatment; 4) no opportunity for three (3) meals per day; 5) verbal abuse by staff; 6) lack of opportunity for recreational activities; 7) lack of opportunity for education; *[and]* 8) infringements upon religious tenets; **and 9) discrimination based upon a youth's race, color, religion, sex, national origin, age, or disability.**

AUTHORITY: *sections 219.036 and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.130 Release of Youth[s] from DYS Facilities. The department is amending the title, purpose, and sections (1), (5), and (7).

PURPOSE: *This amendment corrects a word in the title and purpose, updates terminology, and clarifies that a direct discharge is directly from a facility without aftercare.*

PURPOSE: *[The purpose of t]This rule [is to] provides an administrative procedure for the release of youth[s] from Division of Youth Services (DYS) facilities.*

(1) Release to aftercare supervision shall be made under the following procedure:

(A) When it has been determined by the service coordinator and/or the facility that a youth is eligible for release to aftercare, the service coordinator assigned to the case shall provide an aftercare plan and submit all required Division of Youth Services (DYS) paperwork to the service coordinator supervisor. The service coordinator shall notify the parent(s)/guardian(s) and the community and the committing court; and

(B) Conditions of Aftercare Supervision. Transfer to aftercare supervision is a *[conditional release]* **trial home placement**. The rules of placement to which the child shall agree prior to this transfer shall be the principal conditions of this transfer and violation of these conditions may result in revocation of aftercare supervision. The rules established by the division are as follows:

1. I will obey all city, state, and federal laws;

2. I will report to the *[aftercare youth counselor]* **service coordinator** as directed and immediately report any changes in residence, school, employment, or other status;

3. I will not leave the state of Missouri, or alter any conditions of my placement agreement without the advance permission of the *[aftercare youth counselor]* **service coordinator**;

4. I will obey the rules and instructions of my parents, foster parents, or guardian. I will advise my *[aftercare youth counselor]* **service coordinator** immediately if any problems arise in this area;

5. I understand that I am under the supervision of the DYS until discharged; and

6. Other special rules or conditions may be invoked to meet specific adjustment problems of the youth in the community.

(5) Direct Discharge. Upon determining that the youth is no longer in need of supervision as recommended by the service coordinator and approved by the regional administrator, the youth shall be discharged **directly from the facility without aftercare.**

(7) Notification of Termination of DYS Supervision. Missouri statutes provide that the division is required to immediately notify, in writing, the youth, *[his/her]* **their** parent(s) or guardian(s), the victim's rights respondent and the committing court of the termination of its supervision over the youth.

AUTHORITY: *sections 219.036 and 660.017, RSMo [1994] 2016. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed: April 18, 2018.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’ Retirement System (LAGERS)
Chapter 2—Administrative Rules

PROPOSED RULE

16 CSR 20-2.115 Administration of Prior Non-LAGERS Retirement Plans

PURPOSE: This rule further defines the procedures to be used when a political subdivision and the Missouri Local Government Employees’ Retirement System (LAGERS) enter into an agreement for LAGERS to assume all duties and responsibilities for operating the political subdivision’s prior retirement plan pursuant to section 70.621, RSMo.

(1) As used in this rule, the terms below shall be defined as follows:

(A) “LAGERS Plan” means a political subdivision’s active retirement benefit program with LAGERS; and

(B) “Legacy Plan” means a plan similar in purpose to LAGERS for which the political subdivision and LAGERS have entered into an agreement whereby LAGERS assumes all duties and responsibilities of operating the plan pursuant to 70.621, RSMo.

(2) When calculating an employer’s contribution rate pursuant to 70.730, RSMo when the employer and LAGERS have entered into an agreement for LAGERS to administer the member’s Legacy Plan, the following procedures shall be applied:

(A) For purposes of computing the employer contribution rates under section 70.730, RSMo, separate employer contribution rates will be computed for the LAGERS Plan and the Legacy Plan. The contribution rate for the Legacy Plan will be expressed as a dollar amount;

(B) For the purposes of calculating the limitation on increases to an employer’s contribution provided by subsection 6 of 70.730, RSMo, the employer contribution rate will be calculated as a combined employer contribution rate expressed as a percentage of total (i.e., LAGERS Plan plus Legacy Plan) payroll, including when the Legacy Plan has active members and when the Legacy Plan does not have active members. Both the LAGERS Plan contribution rate and the combined employer contribution rate shall be subject to the limitation on increases to an employer’s contribution rate;

(C) For the first year in which the Legacy Plan is operated by LAGERS, the limitation on increases in an employer’s contribution provided by subsection 6 of 70.730, RSMo shall not apply to any contribution increase; and

(D) The Board of Trustees may, in its sole discretion, elect to establish a fixed payment schedule for a Legacy Plan. At such time as a fixed payment schedule is established, a combined employer contribution rate, as described above in subsection (2)(B), will no longer be calculated and the employer contribution rate will again be expressed as a percentage of total LAGERS Plan payroll. For the first year in which a fixed payment schedule is established and the combined employer contribution rate is no longer calculated, the limitation on increases in an employer’s contribution provided by subsection

6 of 70.730, RSMo shall not apply to any contribution increase.

(3) An active, deferred, or retired member of a Legacy Plan shall not be eligible to hold the position of a member trustee on the LAGERS Board of Trustees, to serve as a member delegate to the LAGERS annual meeting, or to participate in the election of the member delegate to attend the LAGERS annual meeting. However, an active, deferred, or retired member of a Legacy Plan may be eligible to hold the position of an employer trustee on the LAGERS Board of Trustees or the trustee appointed by the governor, provided that he or she meets the other criteria for eligibility for those positions.

AUTHORITY: sections 70.605.21 and 70.621.4, RSMo 2016. Original rule filed May 1, 2018.

PUBLIC COST: This proposed rule will not cost state agencies more than five hundred dollars (\$500) in the aggregate. This proposed rule may result in a savings or a cost in an undetermined amount to any political subdivision that voluntarily enters into an agreement with LAGERS for the administration of a legacy pension plan pursuant to section 70.621, RSMo.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person or entity may submit written comments in support of or in opposition to the proposed rule. Comments should be directed to the Missouri Local Government Employees’ Retirement System (LAGERS), Attn: Jason A. Paulsmeyer, Chief Counsel, PO Box 1665, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 16-RETIREMENT SYSTEMS**
- Division Title: 20- Missouri Local Government Employees' Retirement System (LAGERS)**
- Chapter Title: 2- Administrative Rules**

Rule Number and Name:	16 CSR 20-2.115 Administration of Prior Non-LAGERS Retirement Plan
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Any Political Subdivision entering into agreement with LAGERS for the administration of a legacy pension plan pursuant to section 70.621, RSMo.	Any cost or savings to each political subdivision will be unique to the subdivision and will be determined by actuarial calculation at the time of election to transfer administration of the legacy plan to LAGERS. Because each legacy plan is unique, and further because an employer's contribution depends on the legacy plan's funding status when an employer elects to transfer administration, the cost, if any, cannot be know at this time. This cost/savings is subject to a 45 day public information period prior to final adoption by a subdivision pursuant to section 105.675, RSMo.

III. WORKSHEET

IV. ASSUMPTIONS

It is assumed that the transfer of administration of a legacy pension plan to LAGERS is voluntary and must be made by a majority vote of the governing body of the political subdivision pursuant to 70.621, RSMo.

It is also assumed that any cost an employer incurs as a result of funding a legacy plan administered by LAGERS would not fiscally impact any other employer in the LAGERS system.