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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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April 1, 2019 April 15, 2019	May 1, 2019 May 15, 2019	May 31, 2019 May 31, 2019	June 30, 2019 June 30, 2019
May 1, 2019 May 15, 2019	June 3, 2019 June 17, 2019	June 30, 2019 June 30, 2019	July 30, 2019 July 30, 2019
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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 2016. 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 10—Division of Finance and Administrative Services
Chapter 4—Abortions

EMERGENCY AMENDMENT

13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated Funds for Abortion Facilities. The department is amending subsection (1)(B).

PURPOSE: This amendment supplements the requirements of *HB 11*, passed by the 100th General Assembly, effective for State Fiscal Year 2020 concerning funding or appropriated funds from the General Assembly.

EMERGENCY STATEMENT: House Bill 11, 100th General Assembly, First Regular Session (“*HB 11*”), contains the Department of Social Services’ (department) authority to spend funds for state fiscal year 2020 and changes the authority required for this rule. State fiscal year 2020 begins and *HB 11* takes effect July 1, 2019. Section 11.930 of *HB 11* now prohibits the department from expending any funds to abortion facilities or affiliates or associates thereof. The authority for the rule must be updated to protect its validity. The department finds that this emergency rule updating the authority for the rule and protecting its validity is necessary to preserve a compelling governmental interest of prohibiting the expenditure of appropriated funds for programs that perform abortions or that counsel women to have an

abortion, or for abortion facilities as mandated by *HB 11*. As expressed in the laws of the state of Missouri, the state has a compelling governmental interest to ensure that government funds are not expended in support of programs counseling women to have abortions, or to pay for abortions, unless an exception otherwise exists under federal law. The promulgation and implementation of this emergency rule is necessary to comply with the provisions of Art IV, Section 28 of the *Missouri Constitution*. An early effective date is required because this emergency amendment provides for the implementation of procedures to prohibit state fiscal year 2020 expenditure of appropriated funds for abortion facilities. The department also finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 20, 2019, becomes effective July 1, 2019, and expires December 26, 2019.

(1) Definitions.

(B) “Abortion facility” [shall be defined pursuant to section 188.015(2), RSMo] means any clinic, physician’s office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician’s office, or place or facility in which abortions are performed or induced other than a hospital.

AUTHORITY: section[s] 11.715 and 11.800, *HB 2011*, First Regular Session, Ninety-ninth General Assembly, 2018/11.930, *HB 11*, First Regular Session, One hundredth General Assembly, 2019, and sections 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed July 5, 2018, effective July 15, 2018, expired Feb. 28, 2019. Original rule filed July 5, 2018, effective Feb. 28, 2019. Emergency amendment filed June 20, 2019, effective July 1, 2019, expires Dec. 26, 2019. A proposed amendment covering this same material will be published in an upcoming issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 15—Abortions

EMERGENCY AMENDMENT

19 CSR 10-15.060 Prohibition on Expenditure of Funds. The department is updating the rule purpose, amending sections (1), (2), and (4), and removing the form which follows the rule in the *Code of State Regulations*.

PURPOSE: The department is updating House Bill 2010 references and specific language in the rule purpose and sections (1), (2), and (4) to align with *HB10*, which is the Fiscal Year 2020 budget bill.

PURPOSE: This rule defines terms used in [House Bill 2010, 99th General Assembly, Second Regular Session] *House Bill 10*, 100th General Assembly, First Regular Session, for purposes of expenditures by the Department of Health and Senior Services.

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.

EMERGENCY STATEMENT: House Bill 10, 100th General Assembly, First Regular Session (HB10), contains the authority of the Department of Health and Senior Services (department) to spend funds for state fiscal year 2020. State fiscal year 2020 begins and HB10 takes effect July 1, 2019. Section 10.1100 of HB10 prohibits the department from expending any funds to “any clinic, physician’s office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician’s office, or place or facility in which abortions are performed or induced other than a hospital.” Section 10.1005 of HB10 prohibits the department from expending funds on any “program” that performs abortions or “counsels women to have an abortion other than the exceptions required by federal law.” HB10 does not define these terms and phrases, and they must be defined in order for the department to timely and effectively implement HB10. Additionally, the terms and phrases must be updated to give notice to entities that receive funds from the department for providing services. Some entities that received funds in state fiscal year 2018 may remain ineligible to receive funds in state fiscal year 2020. The definitions must be updated as soon as possible after July 1, 2019, to ensure that those parties do not provide services for which they are not eligible to receive payment from the department. The definitions must also be in effect to ensure that the department does not expend funds in violation of HB10 and Article IV, Section 28 of the Missouri Constitution. The regular rulemaking process takes several months, and state fiscal year 2020 would be more than half over by the time regular rules would take effect. In the interim, for several months, the department’s ability to expend funds for a variety of health services could be impaired. Impairment of the ability to expend funds for health services could compromise the department’s ability to protect the public health and welfare. Further, if the department does not update the terms and phrases by emergency rule, the department may be subject to legal challenges and attorney fees for having inaccurate rule references. Moreover, such a rule may be unenforceable. Thus, if the department does not formally promulgate an emergency rule, it may not be able to timely and effectively implement HB10. Finally, as expressed in the laws of the State of Missouri, the State has a compelling governmental interest in protecting the sanctity of human life. Ensuring that no state funds are expended in support of abortion, as expressed in HB10, furthers that compelling governmental interest. The department finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 21, 2019, becomes effective July 1, 2019, and expires February 27, 2020.

(1) Definitions.

(A) Affiliate of [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced (as used in section 10.1100 of HB [2010] 10 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares, or has in common, any resource with [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced including, but not limited to, operating funds, bank accounts, facilities, employees, service contracts, equipment, mailing lists, trademarks, copyrights, service

marks, brands, trade names, financial reporting, marketing, advertising, websites, information and education materials, or any other assets.

(B) Associate of [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced (as used in section 10.1100 of HB [2010] 10 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares an organizational structure with [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced including, but not limited to, parent, subsidiary, or sister organizations; or an organization or location with common or interlocking management, ownership, or governance with [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced; or an organization or location with the public appearance of association with [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced, such as a shared name, or part of a name; an alliance or federation with an organization or location that is commonly identified as an advocate for abortion; or that holds itself out, has held itself out, or refers to itself publicly in a way that demonstrates a connection to an organization or location that is commonly identified as [an abortion facility] any clinic, physician’s office, or any other place or facility in which abortions are performed or induced.

(C) Counsels women to have an abortion (as used in section 10.1005 of HB [2010] 10)—in the absence of an exception required by federal law, includes, but is not limited to, encouraging a patient to have an abortion, referring a patient for an abortion, or providing a patient with information encouraging her to have an abortion.

(D) Program (as used in section 10.1005 of HB [2010] 10)—a project, service, or activity administered by the department.

(E) Referring a patient for an abortion (as used in section 170.015, RSMo, for purposes of section [10.720] 10.725 of HB [2010] 10)—does not include providing comprehensive, factual information regarding options, so long as the information is provided for all of the options and in a neutral manner. Also does not include providing contact information, so long as the contact information is provided for all of the options and in a neutral manner. Other actions, such as assisting with making an appointment or assisting with transportation, constitute referring a patient for an abortion.

(2) The department shall not expend any funds to any clinic, physician’s office, or any other place or facility in which abortions are performed or induced other than a hospital, including an abortion facility as defined in section 188.015, RSMo, or any affiliate or associate [thereof] of any such clinic, physician’s office, or place or facility in which abortions are performed or induced other than a hospital, as determined by the department in accordance with this regulation.

(4) [Prior to receiving payment from the department for providing services pursuant to section 10.720 of HB 2010,] After July 1, 2019, no claims for payment shall be submitted by a provider until the provider [shall complete and] submits the form [included herein] provided by the department declaring that the provider will not submit claims for payment that violate HB [2010] 10. A copy of the form can be requested by contacting the department.

AUTHORITY: section 192.006, RSMo 2016, and House Bill 10, [99th] 100th General Assembly, [Second] First Regular Session. Emergency rule filed July 5, 2018, effective July 15, 2018, expired Feb. 28, 2019. Original rule filed July 5, 2018, effective Feb. 28, 2019. Emergency amendment filed June 21, 2019, effective July 1, 2019, expires Feb 27, 2020. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases**

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting [Communicable, Environmental, and Occupational] Infectious, Contagious, Communicable, or Dangerous Diseases. The department is amending the rule title, rule purpose, and sections (2) and (3).

PURPOSE: This amendment moves Legionellosis from the list of diseases or finding that must be reported within three (3) days to the list of diseases or findings that must be reported within one (1) day. This amendment also changes the rule title and rule purpose to match the language of section 192.020, RSMo, which is the source of statutory authority for this rule.

PURPOSE: This rule designates the diseases[, disabilities, conditions, and findings that] which are infectious, contagious, communicable, or dangerous and must be reported to the local health authority or the Department of Health and Senior Services. It also establishes when they must be reported.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary to ensure that Legionellosis is reported to the local health authority or DHSS within one (1) day of detection. The Center for Disease Control and Prevention (CDC) has reported an increase of Legionellosis cases by five hundred percent (500%) from 2000 to 2017. Although some healthy people exposed to Legionellosis may not get sick, there are individuals who are at a greater risk of contracting the illness, such as those who are more than fifty (50) years old, former or current smokers, and individuals with chronic lung diseases, cancer or other underlying illnesses. The mortality rate of Legionnaires’ disease, which is caused by exposure to Legionellosis, ranges from ten to twenty-five percent (10-25%) as stated by the CDC. Due to the staggering increase in number of cases and the inherent danger of Legionellosis, it is imperative for the local health authority or DHSS to be notified within one (1) day of detection in order to take appropriate measures.

DHSS needs this emergency amendment to ensure that the presence of Legionellosis is reported to the local health authority or department within one (1) day of detection. This emergency amendment designates the diseases which are infectious, contagious, communicable, or dangerous and must be reported to the local health authority or the Department of Health and Senior Services. It also establishes when they must be reported.

DHSS finds that there is an immediate danger to the public health, safety, or welfare, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 28, 2019, becomes effective July 8, 2019, and expires February 27, 2020.

(2) Reportable within one (1) day, diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within one (1) calendar day of first knowledge or suspicion by telephone, facsimile, or other rapid communication. Reportable within one (1) day, diseases or findings are—

(A) Diseases, findings, or agents that occur naturally, or from accidental exposure, or as a result of an undetected bioterrorism event:

- Animal (mammal) bite, wound, humans
- Brucellosis
- Chikungunya
- Cholera
- Dengue virus infection
- Diphtheria
- Glanders (*Burkholderia mallei*)
- Haemophilus influenzae*, invasive disease
- Hantavirus pulmonary syndrome
- Hemolytic uremic syndrome (HUS), postdiarrheal
- Hepatitis A
- Influenza-associated mortality
- Influenza-associated public and/or private school closures
- Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person

Legionellosis

- Measles (rubeola)
- Melioidosis (*Burkholderia pseudomallei*)
- Meningococcal disease, invasive
- Novel Influenza A virus infections, human
- Outbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern, including any illness in a food handler that is potentially transmissible through food

- Pertussis
- Poliovirus infection, nonparalytic
- Q fever (acute and chronic)
- Rabies (animal)
- Rubella, including congenital syndrome
- Shiga toxin-producing *Escherichia coli* (STEC)
- Shiga toxin positive, unknown organism
- Shigellosis
- Staphylococcal enterotoxin B
- Syphilis, including congenital syphilis
- T-2 mycotoxin
- Tetanus
- Tuberculosis disease
- Tularemia (all cases other than suspected intentional release)
- Typhoid fever (*Salmonella typhi*)
- Vancomycin-intermediate *Staphylococcus aureus* (VISA), and Vancomycin-resistant *Staphylococcus aureus* (VRSA)
- Venezuelan equine encephalitis virus neuroinvasive disease
- Venezuelan equine encephalitis virus nonneuroinvasive disease
- Viral hemorrhagic fevers other than suspected intentional (e.g., Viral hemorrhagic fever diseases: Ebola, Marburg, Lassa, Lujo, new world Arenavirus (Guanarito, Machupo, Junin, and Sabia viruses), or Crimean-Congo)
- Yellow fever
- Zika;

(B) Diseases, findings or adverse reactions that occur as a result of inoculation to prevent smallpox, including, but not limited to, the following:

- Accidental administration
- Contact transmission (i.e., vaccinia virus infection in a contact of a smallpox vaccinee)
- Eczema vaccinatum
- Erythema multiforme (roseola vaccinia, toxic urticaria)
- Fetal vaccinia (congenital vaccinia)
- Generalized vaccinia
- Inadvertent autoinoculation (accidental implantation)
- Myocarditis, pericarditis, or myopericarditis
- Ocular vaccinia (can include keratitis, conjunctivitis, or blepharitis)
- Post-vaccinial encephalitis or encephalomyelitis
- Progressive vaccinia (vaccinia necrosum, vaccinia gangrenosa, disseminated vaccinia)

Pyogenic infection of the vaccination site
Stevens-Johnson Syndrome.

(3) Reportable within three (3) days diseases or findings shall be reported to the local health authority or the Department of Health and Senior Services within three (3) calendar days of first knowledge or suspicion. These diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)/Human immunodeficiency virus (HIV) infection, Stage 3

Babesiosis

California serogroup virus neuroinvasive disease

California serogroup virus non-neuroinvasive disease

Campylobacteriosis

Carbon monoxide exposure

CD4+ T cell count and percent

Chancroid

Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to subsection (1)(B)

Chlamydia trachomatis, infections

Coccidioidomycosis

Creutzfeldt-Jakob disease

Cryptosporidiosis

Cyclosporiasis

Eastern equine encephalitis virus neuroinvasive disease

Eastern equine encephalitis virus non-neuroinvasive disease

Ehrlichiosis/Anaplasmosis (*Ehrlichia chaffeensis* infection, *Ehrlichia ewingii* infection, *Anaplasma phagocytophilum* infection, and Ehrlichiosis/Anaplasmosis, human, undetermined)

Giardiasis

Gonorrhea

Hansen's disease (Leprosy)

Heavy metal poisoning including, but not limited to, arsenic, cadmium, and mercury

Hepatitis B, acute

Hepatitis B, chronic

Hepatitis B surface antigen (prenatal HBsAg) in pregnant women

Hepatitis B Virus Infection, perinatal (HBsAg positivity in any infant aged equal to or less than twenty-four (≤ 24) months who was born to an HBsAg-positive mother)

Hepatitis C, acute

Hepatitis C, chronic

Human immunodeficiency virus (HIV) infection, exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)

Human immunodeficiency virus (HIV) infection, including any test or series of tests used for the diagnosis or periodic monitoring of HIV infection. For series of tests which indicate HIV infection, all test results in the series (both positive and negative) must be reported.

Human immunodeficiency virus (HIV) infection, including any negative, undetectable, or indeterminate test or series of tests used for the diagnosis or periodic monitoring of HIV infection conducted within one hundred eighty (180) days prior to the test result used for diagnosis of HIV infection

Human immunodeficiency virus (HIV) infection, pregnancy in newly identified or pre-existing HIV positive women

Human immunodeficiency virus (HIV) infection, test results (including both positive and negative results) for children less than two (2) years of age whose mothers are infected with HIV

Human immunodeficiency virus (HIV) infection, viral load measurement (including undetectable results)

Hyperthermia

Hypothermia

Lead (blood) level less than forty-five micrograms per deciliter (<45 $\mu\text{g}/\text{dl}$) in any person

[*Legionellosis*]

Leptospirosis

Listeriosis

Lyme disease

Malaria

Methemoglobinemia, environmentally induced

Mumps

Non-tuberculosis mycobacteria (NTM)

Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung, and toxic organic dust syndrome

Pesticide poisoning

Powassan virus neuroinvasive disease

Powassan virus non-neuroinvasive disease

Psittacosis

Rabies Post-Exposure Prophylaxis (Initiated)

Respiratory diseases triggered by environmental contaminants including environmentally or occupationally induced asthma and bronchitis

Rickettsiosis, Spotted Fever

Saint Louis encephalitis/virus neuroinvasive disease

Saint Louis encephalitis virus non-neuroinvasive disease

Salmonellosis

Streptococcus pneumoniae, Invasive disease (IPD-Invasive Pneumococcal Disease)

Streptococcal toxic shock syndrome (STSS)

Toxic shock syndrome, non-streptococcal

Trichinellosis

Tuberculosis infection

Varicella (Chickenpox)

Varicella deaths

Vibriosis (non-cholera *Vibrio* species infections)

West Nile virus neuroinvasive disease

West Nile virus non-neuroinvasive disease

Western equine encephalitis virus neuroinvasive disease

Western equine encephalitis virus non-neuroinvasive disease
Yersiniosis.

AUTHORITY: sections 192.006, 192.020, 210.040, and 210.050, RSMo 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 28, 2019, effective July 8, 2019, expires Feb. 27, 2020. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.040 [*Measure for the Control of Communicable, Environmental and Occupational Diseases*] *Measures to Determine the Prevalence and Prevent the Spread of Diseases which are Infectious, Contagious, Communicable, or Dangerous in their Nature.* The department is amending the title and sections (1) and (2) and adding new sections (6) and (7).

PURPOSE: This amendment changes the title and disease categories to be in accordance with the disease categories listed in section 192.020, RSMo and 19 CSR 20-20.020. This amendment also sets forth additional methods to determine the prevalence and to prevent the spread of diseases which are infectious, contagious, communicable, or dangerous in their nature within Missouri, including notification of the public and potentially exposed individuals and the issuance of orders.

EMERGENCY STATEMENT: The department has updated this rule in order to better determine the prevalence and to prevent the spread

of diseases which are infectious, contagious, communicable, or dangerous in their nature within Missouri, including through notification of the public and potentially exposed individuals and the issuance of orders. The department has also changed the title and disease categories to be in accordance with the disease categories listed in section 192.020, RSMo and listed and updated in 19 CSR 20-20.020. This emergency amendment is necessary to protect a compelling governmental interest and to protect the public health, safety, and/or welfare by setting forth additional methods to determine the prevalence and to prevent the spread of diseases which are infectious, contagious, communicable, and dangerous in their nature within Missouri and by changing the title and disease categories to be in accordance with the disease categories listed in section 192.020, RSMo and listed and updated in 19 CSR 20-20.020. The department must act in a purposeful and comprehensive manner to determine the prevalence and to prevent the spread of diseases in order to protect the public health, safety, and/or welfare of Missouri citizens. Communicable diseases that are infectious in their nature are emerging at a rate that has not been seen before. Since 1970, about forty (40) infectious diseases have been discovered, including Severe Acute Respiratory Syndrome (SARS), Middle East Respiratory Syndrome (MERS), Ebola, chikungunya, avian flu, swine flu, and most recently Zika. These infectious diseases continue to emerge, re-emerge, and spread rapidly which result in global epidemics. Many factors are causing an increase in the emergence and re-emergence of infectious diseases. These factors include people traveling more frequently and to greater distances, people living in more densely populated areas, people coming into closer contact with wild animals, antimicrobial resistance, and deliberate introduction of these diseases as a result of bioterrorism. Other communicable diseases such as measles and legionella have also increased. The Centers for Disease Control and Prevention reports that from January 1, to May 24, 2019, 940 individual cases of measles have been confirmed in 26 states including Missouri. This is the greatest number of cases reported in the United States since 1994 and since measles was declared eliminated in 2000. This increase in measles is due to travelers with measles bringing the disease into the United States, the fact that measles is still common in many parts of the world and because many people who get measles are unvaccinated. Finally, the communicable disease legionellosis, including Legionnaire's disease and Pontiac Fever, has been on the rise since 2000. The rate of reported cases has grown by nearly 5.5 times from 2000 to 2017 with health departments reporting 7500 cases of legionellosis in 2017. Legionellosis is particularly concerning as the mortality rate of this disease is estimated to be between five percent (5%) to thirty percent (30%). As a result, the department finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 28, 2019, becomes effective July 8, 2019, and expires February 27, 2020.

(1) [In controlling the diseases and findings listed in 19 CSR 20-20.020, the director shall comply with the methods of control section of one (1) of the two (2) books listed in 19 CSR 20-20.030(2)(B) or the recommendations of the Immunization Practices Advisory Committee (ACIP) published by the Centers for Disease Control in the *Morbidity and Mortality Weekly Report* listed in 19 CSR 20-20.030(2)(B).] The director shall use the legal means necessary to control, investigate, or both, any disease or condition listed in 19 CSR 20-20.020 which is a threat to the public health.

(2) It shall be the duty of the local health authority, the director of the Department of Health, or the director's designated representative on receiving a report of a [communicable, environmental or occupational disease] disease which is infectious, contagious, communicable, or dangerous in its nature as included in 19 CSR 20-20.020 to—

(A) Inspect any premises that they have reasonable grounds to believe are in a condition conducive to the spread of [any communicable] the disease;

(C) Collect for laboratory analysis any samples or specimens that may be necessary to confirm the diagnosis or presence of the disease or biological, chemical, or physical agents and to determine the source of the infection, epidemic, or exposure. Health program representatives and other personnel employed by the Department of Health, after training and certification to perform venipuncture, and after specific authorization from a physician, are authorized to perform venipuncture utilizing procedures within the scope of the training they have been given. The content and scope of this training shall be established by the Department of Health. Training shall be provided by a physician or his/her designee and the certificate shall be signed by the physician. Nothing in this rule shall limit the authority of local public health departments to establish their own training policies, with or without certification, or to limit their voluntary participation in the certification program developed by the Department of Health, nor shall it apply to venipuncture for other purposes;

(G) Establish appropriate control measures which may include isolation, quarantine, disinfection, immunization, closure of establishment, **notification to potentially exposed individuals to make them aware of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, notification to the public of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, the creation and enforcement of adequate orders to prevent the spread of the disease and other measures considered [appropriate by medical experts for the protection of public health] by the department and/or local health authority as appropriate disease control measures based upon the disease, the patient's circumstances, the type of facility available, and any other available information related to the patient and the disease or infection;**

(H) Establish, as the local health authority, whenever a case of unrecognized illness is reported or otherwise brought to the attention of the local health authority or the Department of Health and investigation presents symptoms of a communicable disease, but sufficient time has not elapsed to render a positive diagnosis, after consultation with the director or his/her designated representative, the control measures applicable in actual cases of the suspected communicable disease, until a positive diagnosis can be established. If a disease proves to be noncommunicable, the temporary control measures shall be terminated at once;

(J) Investigate, as the local health authority, the disease within the local jurisdiction with assistance from the director of the Department of Health or his/her designated representative when any outbreak or unusual occurrence of a reportable disease is identified through reports required by 19 CSR 20-20.020. If, in the judgment of the director, the disease outbreak or unusual occurrence constitutes a medical emergency, the director may assume direct responsibility for the investigation.

(3) It shall be the duty of the local health authority, upon identification of a case of a reportable disease or upon receipt of a report of that disease, to take actions and measures as may be necessary according to any policies which have been or may be established by the director of the Department of Health, within the provisions of section (2) and subsections (2)(A)–(J) of this rule.

(C) Control measures implemented by the local health authority shall be at least as stringent as those established by the director of the Department of Health and shall be subject to review and alteration by

the director. If the local health authority fails to carry out appropriate control measures, the director or his/her designated representative shall take steps necessary to protect the public health.

(5) Every practitioner of the healing arts and every person in charge of any medical care facility shall permit the director of the Department of Health or the director's designated representative to examine and review any medical records which are in the practitioner's or person's possession or to which the practitioner or person has access, upon request of the director or the director's designated representative in the course of investigation of reportable diseases in 19 CSR 20-20.020.

(6) In order to determine the prevalence of infectious diseases, contagious diseases, communicable diseases, or diseases dangerous in their nature within Missouri, the department may inspect, investigate, make findings, and make and enforce adequate orders to prevent the spread of such diseases included in 19 CSR 20-20.020.

(7) In order to prevent the spread of infectious diseases, contagious diseases, communicable diseases, or diseases that are dangerous in their nature within Missouri, it shall be the duty of the local health authority, the director of the department or the director's designated representative to do the following:

(A) Notify or ensure adequate notice is given to potentially exposed individuals when such official determines that a case or outbreak of any such disease subjects such individuals to serious illness or death, if acquired; and

(B) Notify or ensure adequate notice is given to the public when such official determines that a case or outbreak of any such disease subjects the public to serious illness or death, if acquired, and the identity of potentially exposed individuals is not known at such time or cannot be known.

Such notice shall provide necessary information for the recipient to avoid or appropriately respond to the exposure.

AUTHORITY: sections 192.006 and 192.020, RSMo [2000] 2016. This rule was previously filed as 13 CSR 50-101.050. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 28, 2019, effective July 8, 2019, expires Feb. 27, 2020. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 30—Ambulatory Surgical Centers and Abortion Facilities

EMERGENCY AMENDMENT

19 CSR 30-30.060 Standards for the Operation of Abortion Facilities. The department is amending section (2).

PURPOSE: This regulation establishes standards for the operation of abortion facilities to ensure safe, quality care in accordance with legal requirements.

EMERGENCY STATEMENT: This emergency amendment allows—under limited circumstances with detailed medical documentation—the physician who is to perform or induce an abortion to delay performing the pelvic examination until the day of the abortion. Without this emergency amendment, this rule and section 188.027, RSMo on informed consent require for every abortion that the physician who is

to perform or induce the abortion must conduct the pelvic examination at least seventy-two (72) hours before the abortion. Pelvic examinations are necessary before abortions and can provide information that is necessary for informed consent—including information that informs the proposed abortion method and uterine size and position, which can impact the risks to the woman in light of her medical condition. However, circumstances may exist where the physician who is to perform or induce the abortion determines based on a thorough review of the patient and sound medical judgment that—based on a particular patient's unique condition—a pelvic examination is not medically indicated. Therefore, this rule should be amended so that pelvic examinations are not required at least seventy-two (72) hours before an abortion for every patient regardless of that particular patient's unique circumstances, so long as the requirements in this rule are met and a pelvic examination is still performed before every abortion. This rule is necessary to preserve a compelling governmental interest that requires an early effective date because the regular rulemaking process takes several months, and during that time this rule (if not amended) would, in conjunction with section 188.027, RSMo, require a pelvic examination at least seventy-two (72) hours before an abortion even in those cases where a physician who is to perform or induce the abortion had determined based on a thorough review and sound medical judgment that—based on a particular patient's unique condition—a pelvic examination was not medically indicated. As a result, the department finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 21, 2019, becomes effective July 1, 2019, and expires February 27, 2020.

(2) Direct patient care services.

(D) A written medical history shall be obtained for each patient. **At least seventy-two (72) hours before the abortion, [A/a] health assessment [including] and a pelvic examination shall be performed by the physician who is to perform or induce the abortion, unless in the clinical judgment of that physician such pelvic examination is not medically indicated at such time for that individual patient, in which case such pelvic examination shall be completed on the day of the abortion by the physician performing or inducing the abortion. The basis for the determination to delay the pelvic examination shall be documented in detail in the patient's medical record.** Pregnancy shall be confirmed by clinical evidence and laboratory tests. This information shall be used in determining the duration of gestation, identifying preexisting medical or other complications, and detecting any factors which could influence the choice of the procedure, anesthesia, or preoperative and postoperative management. If the physician determines gestation is beyond the first trimester, an ultrasound examination shall be performed and results shall be recorded in the patient's medical record.

AUTHORITY: section 197.225, RSMo Supp. 2017. Original rule filed July 15, 1987, effective Oct. 25, 1987. Amended: Filed June 14, 1988, effective Oct. 13, 1988. Amended: Filed Oct. 24, 2017, effective April 30, 2018. Emergency amendment filed June 21, 2019, effective July 1, 2019, expires Feb. 27, 2020. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

EXECUTIVE ORDER

19-11

WHEREAS, agriculture is a vital industry to the State of Missouri, providing a safe, abundant, and affordable supply of food, fiber, and fuel for the state, nation, and world; and

WHEREAS, the agricultural industry contributes \$88 billion to the economy of the State of Missouri and employs more than 15% of the state's workforce; and

WHEREAS, Missouri's nearly 100,000 farms produce more than \$11.5 billion worth of agricultural goods annually, with \$2.25 billion exported to foreign markets; and

WHEREAS, 28.3 million acres of Missouri land is utilized to produce agricultural and forest products; and

WHEREAS, farming forges strong rural communities, fosters a thriving business climate, and promotes a high-quality way of life; and

WHEREAS, agriculture provides the foundation for a variety of related businesses, from pharmaceuticals to equipment; and

WHEREAS, low market prices and adverse weather conditions have taken their toll on our farming industry; and

WHEREAS, there is an opportunity for greater in-state processing and manufacturing of Missouri agricultural and forest products; and

WHEREAS, the Missouri Agricultural Foundation, with support from the University of Missouri College of Agriculture, Food, and Natural Resources, the Department of Agriculture, and Missouri agriculture organizations have jointly studied the economic feasibility of food processing and manufacturing in Missouri; and

WHEREAS, the 2019 economic feasibility study estimated that advancement of a new food processing and manufacturing initiative could create nearly 70,000 new jobs, contribute \$3 billion to annual and state tax revenues, and add \$25 billion to Missouri's economic output within ten years:

NOW THEREFORE, I, MIKE KEHOE, LIEUTENANT GOVERNOR OF THE STATE OF MISSOURI, upon express delegation of Michael L. Parson, Governor of the State of Missouri, and by virtue of the authority vested in him by the Constitution and laws of the State of Missouri, do hereby establish the Missouri Food, Beverage, and Forest Products Manufacturing Task Force as follows:

1. The Task Force shall consist of seven voting members and 15 non-voting advisory members who shall be appointed by and serve at the pleasure of the Governor. The voting members are as follows:
 - a. The Lieutenant Governor, who shall serve as Chair;
 - b. The Vice Chancellor and Dean of the University of Missouri College of Agriculture, Food, and Natural Resources;
 - c. The Director of the Missouri Department of Agriculture;
 - d. Chair of the Senate Agriculture, Food Production and Outdoor Resources Committee;
 - e. Chair of the House of Representatives Agriculture Policy Committee;
 - f. One representative of Missouri Farm Bureau; and
 - g. One representative of Missouri Farmers Care.

2. The non-voting advisory members shall be recommended by the voting members of the Task Force and shall consist of individuals who are collectively experienced in agriculture including, but not limited to, livestock production, crop production, poultry production, forest products production, agribusiness, food processing, food packaging, transportation, education, government affairs, financial services, and economic development.
3. The economic feasibility study outlined three recommendations for Missouri:
 - a. Deliver comprehensive, in-depth business development, product development, and supply-chain services to start-up and small- and medium-sized food processing and manufacturing companies.
 - b. Develop Missouri as a leading center in the research, development, testing, and production of foods linked to healthful benefits.
 - c. Enhance commodity utilization by adding value to Missouri’s major commodities, including livestock, soybeans, corn, dairy, and eggs.
4. The Task Force shall focus on developing the following for each of the three recommendations above:
 - a. Surveying past and present status, including resource allocation;
 - b. Creating a five-year timeline and strategy for implementation;
 - c. Developing an operating plan to leverage existing activities and programs in food and beverage processing and manufacturing, including a proposal for Missouri investment; and
 - d. Establishing a marketing plan for the promotion of existing and new Missouri-based products.
5. The Task Force shall report to the Governor on its activities regularly, and shall present preliminary findings to the Governor by October 1, 2019, with ongoing reports through November 1, 2024. The Task Force shall meet upon calling of the Governor or the Chair.
6. The University of Missouri College of Agriculture, Food, and Natural Resources, Department of Agriculture, and Missouri Farm Bureau shall cooperatively provide administrative and staff support services required by the Task Force.
7. Members of the Task Force shall not receive any compensation for their duties as members of the Task Force, but may be reimbursed for necessary expenses associated with performing their duties, subject to the availability of funds.

This order shall terminate on November 1, 2024, unless extended in whole or in part.

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 28th day of June, 2019.



Mike Kehoe

Lieutenant Governor

ATTEST:

John R. Ashcroft

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 symbology 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry, and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry, and Exotic Animals Within Missouri. The director is amending section (6).

PURPOSE: This amendment will exempt captive cervids from Brucellosis and Tuberculosis testing requirements that are moving to a Big Game Hunting Preserve.

(6) Captive Cervids.

(B) Brucellosis Requirements.

1. All sexually intact animals six (6) months of age and older, not under quarantine and not affected with brucellosis, must have a

negative brucellosis test within one (1) year prior to movement (negative test date must be listed on the Certificate of Veterinary Inspection or on the Breeder's Movement Certificate) except—

A. Captive cervids originating from certified brucellosis-free herds may move on the current herd number and test date;

B. Captive cervids moving directly to a slaughter facility;
[and]

C. Captive cervids moving directly to a big game hunting preserve; and

[C.]D. Movement to a licensed livestock market or premises of licensed dealer provided the cervids are tested within five (5) days and are quarantined and isolated pending test results. All records must be kept for five (5) years and available for inspection by a representative of the MDA upon request.

(C) Tuberculosis Requirements.

1. Captive cervids, six (6) months of age and older, not known to be affected or exposed to tuberculosis and not in a status herd, must have one (1) tuberculosis test, within one (1) year prior to movement, using the single cervical method or program-approved test (negative test date must be listed on the Certificate of Veterinary Inspection or listed on a Breeder's Movement Certificate), except—

A. Captive cervids originating from accredited tuberculosis-free herds may move on the current herd number and test date;

B. Captive cervids moving directly to a slaughter facility;
[and]

C. Captive cervids moving directly to a big game hunting preserve; and

[C.]D. Movement to a licensed livestock market or premises of licensed dealer provided the cervids are tested within five (5) days and are quarantined and isolated pending test results. All records must be kept for five (5) years and available for inspection by a representative of the MDA upon request.

AUTHORITY: section 267.645, RSMo [2000] 2016. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 19, 2019.

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 website: <http://agriculture.mo.gov/proposed-rules/>, mail: Missouri Department of Agriculture, attn: Animal Health Division, PO Box 630, Jefferson City, MO 65102, or by email: Animal.Health@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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.136 Giving Away Wildlife. The commission proposes to amend this rule.

PURPOSE: This amendment adds elk to the provisions by which the taker may give wildlife to another person.

Wildlife legally taken and possessed may be given to another only by the taker after completion of the day's fishing or hunt. Any wildlife given to another shall continue to be included in the daily limit of the taker for the day when taken. Wildlife, except deer, **elk**, and turkeys taken in Missouri, shall be labeled with the full name, address and permit number of the taker, species and the date when taken. Deer, **elk**, and turkeys taken in Missouri shall be labeled with the full name and address of the taker, the date taken, and the Telecheck confirmation number of the deer, **elk**, or turkey. Wildlife received as a gift shall be included in the possession limit of the recipient.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 17, 1966, effective Dec. 31, 1966. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.137 Wildlife Identification. The commission proposes to amend this rule.

PURPOSE: This amendment adds identification requirements for elk that have been taken or are being possessed.

The taker and/or possessor of any wildlife shall keep the wildlife separate or distinctly identifiable from wildlife taken or possessed by another. When not personally attended, the wildlife shall be plainly labeled with the full name and address or Conservation Number of the taker and/or possessor, except as provided in 3 CSR 10-6.405, 3 CSR 10-7.431, [and] 3 CSR 10-7.455, and **3 CSR 10-7.700**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, com-

ments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.140 Possession, Storage and Processing. The commission proposes to amend sections (2) and (3) of this rule.

PURPOSE: This amendment establishes conditions under which elk may be possessed and stored.

(2) All stored wildlife, except deer, **elk**, and turkeys taken in Missouri, shall be labeled with the owner's full name and address, or Conservation Number, and permit number, as required, species, and date of placing in storage. If taken in another state or country, it also shall bear the export certificate, if required. Stored deer, **elk**, and turkeys taken in Missouri shall be labeled with the taker's full name and address, or Conservation Number, the date taken, and the Telecheck confirmation number of the deer, **elk**, or turkey.

(3) The manager of any commercial processing or cold storage plant shall possess, process, or store deer and **elk** only under the provisions of 3 CSR 10-10.744. Deer and **elk** left for processing at any commercial processing plant shall be claimed by the owner by May 1 following the season when taken. All commercially-processed deer and **elk** not claimed and picked up or stored by May 1 following the season when taken shall be considered abandoned and must be reported immediately to an agent of the department for disposal.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.145 Preparing and Serving Wildlife. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment adds elk to the list of species where a Telecheck confirmation number is used in addition to other labels when food is taken to a place that customarily serves food.

(1) Any person possessing wildlife legally may serve it in his/her home or camp, or deliver it in person to any place customarily engaged in serving food and, within seven (7) days of delivery, may have it prepared and served to him/her. The wildlife shall be labeled with the full name, address and, where required, permit number or for deer, elk, and turkeys Telecheck confirmation number of the taker and this information, together with the species and number of wildlife and the date of delivery, shall be recorded by the recipient.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1969, effective Dec. 31, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required: Exceptions. The commission proposes to amend subsections (1)(A), (1)(C), and (1)(E), add new subsection (1)(H), re-letter subsequent subsections, and amend new subsections (1)(J), (1)(K) and (1)(R).

PURPOSE: This amendment limits the exceptions to the permit requirements for hunting elk and specifies that the Apprentice Hunter Authorization may not be used as a substitute for the display of a hunter education certificate card when obtaining elk hunting permits.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses, or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping, or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A resident landowner as defined in this Code, may hunt, trap, or fish as prescribed in Chapters 6, 7, and 8 without permit (except landowner deer, elk, and turkey hunting permits, Migratory Bird Hunting Permit, and Conservation Order Permit as prescribed), but only on land s/he owns upon which s/he resides, and may transport and possess wildlife so taken;

(C) Any resident of Missouri sixty-five (65) years of age or older may take wildlife as provided in Chapter 7 without permit (except all special hunting permits, elk hunting permits, Migratory Bird Hunting Permit, and Conservation Order Permit as prescribed); provided, while hunting, s/he carries a valid Missouri driver license, notarized affidavit, or similar official document proving his/her eligibility based on residency and age, and shall submit documentation for inspection by any agent of the department on request;

(E) Any person fifteen (15) years of age or younger may take wildlife (except deer, elk, and turkey) as provided in Chapter 7 without permit provided, s/he has in his/her possession a valid hunter education certificate card or s/he is in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or

older and has in his/her possession a valid hunter education certificate card or was born before January 1, 1967. Persons under eleven (11) years of age may not purchase firearms deer and turkey hunting permits except as provided in subsection (1)(F) of this rule (see 3 CSR 10-5.215(4));

(H) Any person at least eleven (11) but not older than fifteen (15) years of age with a hunter education certificate card and a valid elk hunting permit may hunt in the immediate presence of an adult who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card or was born before January 1, 1967. Any adult meeting these requirements may accompany youth elk hunters as prescribed in this subsection without a permit;

[(H)](I) Any resident of Missouri fifteen (15) years of age or younger may take wildlife as provided in Chapter 8 without permit, except for cable restraint device requirements in rule 3 CSR 10-8.510 subsection (4)(B);

[(J)](J) Any person born on or after January 1, 1967, and at least sixteen (16) years of age and who does not possess a valid hunter education certificate card may purchase an Apprentice Hunter Authorization for no more than two (2) permit years (March 1 through the last day of February). The Apprentice Hunter Authorization allows the holder to purchase any firearms hunting permit (except elk hunting permits) as provided in this chapter without display of a hunter education certificate card. Such person must hunt in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or older and who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967;

[(J)](K) Any resident of Missouri with a developmental disability as defined in section 630.005, RSMo, born on or after January 1, 1967, and at least sixteen (16) years of age and who has taken the Hunter Education Certification Course may purchase any firearms hunting permit as provided in this chapter without display of a valid hunter education certificate card, provided s/he carries a physician's statement provided by the department and signed by a licensed physician qualified to evaluate and treat the condition described and certifies the person has this disability. Such person must hunt in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or older and who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967, **except any adult meeting these requirements may accompany such person with a developmental disability who is hunting on a valid elk hunting permit during the prescribed elk hunting season without a permit.** Printed copies of the physician's statement form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org;

[(K)](L) Any hospital patient may fish without permit on the grounds of the hospital where under treatment;

[(L)](M) The director may issue special fishing permits for specified dates without cost to supervised groups involved in rehabilitation programs or groups of hospital patients or persons with disabilities under therapy;

[(M)](N) The director may issue special fishing permits authorizing persons assigned as trainees to a training or rehabilitation unit performing organized conservation or agricultural work under governmental supervision on federal, state, county, or municipal lands to take fish by gig and pole and line methods and to take frogs by fishing methods on the public lands where such conservation or agricultural work is being performed, under regulations applicable to the area. Any person while exercising such privileges shall carry identification, issued by the training agency, showing current assignment to the training or rehabilitation unit;

[(N)](O) For educational purposes, the director may waive fishing permit or tag requirements for specified periods at specified sites and may authorize fishing in restricted waters;

[(O)](P) Any resident of Missouri having a visual acuity not exceeding twenty/two hundred (20/200) in the better eye with maximum

correction, or having twenty degrees (20°) or less field of visual concentric contraction, and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing, s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist or from a licensed physician;

[(P)](Q) Any resident of Missouri with cerebral palsy or mental disorder or a mental illness as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing, s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled;

[(Q)](R) Any honorably discharged military veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, or any member of the U.S. military currently assigned as a patient to a Warrior Transition Brigade, Warrior Transition Unit, or a military medical center, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer, elk, and turkey hunting permits, Migratory Bird Hunting Permit, and Conservation Order Permit as prescribed); provided, while hunting or fishing, s/he carries a certified statement of eligibility from the U.S. Department of Veterans Affairs, or orders showing assignment to a Warrior Transition Unit or admissions verification to a military medical center;

[(R)](S) Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land;

[(S)](T) Any person may fish without permit, trout permit, and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June; and

[(T)](U) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The commission proposes to amend sections (4) and (5) of this rule.

PURPOSE: This amendment establishes age and hunter education certificate card requirements for obtaining elk hunting permits and adds elk to the list of excepted species where temporary permit authorization numbers are not allowed.

(4) Any person born on or after January 1, 1967, shall obtain and display an approved hunter education certificate card prior to purchase of any firearms hunting permit, except as exempted in 3 CSR 10-5.205. Any person purchasing a firearms hunting permit for another person who is required to be hunter education certified must display a valid hunter education certificate card bearing the name of the person for whom the permit is being purchased. A hunter education card need not be displayed if certification can be verified through direct access to computer data files. Hunter education certification shall be verified by permit vendors on all firearms hunting permits, except as exempted in 3 CSR 10-5.205. Hunter education certification shall be limited to persons eleven (11) years of age or older. **Elk hunting permits may be obtained only by residents of Missouri eleven (11) years of age or older that have obtained an approved hunter education certificate card or were born before January 1, 1967, except as exempted in 3 CSR 10-5.205(1)(K).** The Missouri Conservation *[Heritage]* Permit Card will be issued as a replacement for lost or damaged hunter education certificate cards (fee: two dollars (\$2)).

(5) Permits are nontransferable and are valid from date of purchase through the last day of February of the prescribed permit year; except the Migratory Bird Hunting Permit, the Resident Trapping Permit, and the Nonresident Furbearer Hunting and Trapping Permit shall be valid through June 30. Except as provided for permits purchased by telephone, no affidavit, receipt, or other document may be issued or used in lieu of the required permit. Temporary permit authorization number(s) allowing immediate use of permit privileges may be provided for permits (except deer, elk, and turkey permits) purchased through the department's authorized telephone sales service provider. The temporary permit authorization number(s) and picture identification must be carried at all times while hunting, fishing, or trapping until the actual permit(s) is received. Any permit issued or obtained by false statement or through fraud, or while privileges are revoked or denied by the commission, shall be invalid.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions. The commission proposes to amend subsection (6)(A) and the authority section of this rule.

PURPOSE: This amendment adds elk hunting permits as a permit that cannot be sold to a person holding an Apprentice Hunter Authorization and corrects an inaccurate reference in the authority section of the rule.

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files, except that—

(A) Any firearms hunting permit (except elk as provided in 3 CSR 10-5.205) may be sold to any person born on or after January 1, 1967, and at least sixteen (16) years of age, who purchases an Apprentice Hunter Authorization without display of a hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.300 Apprentice Hunter Authorization. The commission proposes to amend this rule.

PURPOSE: This amendment adds elk hunting permits as a permit that cannot be sold to a person holding an Apprentice Hunter Authorization.

To allow the purchase of firearms hunting permits (except elk as provided in 3 CSR 10-5.205) by persons born on or after January 1, 1967, and at least sixteen (16) years of age without display of a hunter education certificate card. This authorization may be purchased annually for no more than two (2) permit years (March 1 through the last day of February). Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 27, 2007, effective Feb. 29, 2008. For intervening

history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment adds elk as a species which cannot be taken on a Resident Lifetime Conservation Partner Permit.

(1) To chase, pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (blue, snow, and Ross's geese during the Conservation Order and migratory birds; except wild turkey), and mammals (except deer and elk), and to sell furbearers taken by hunting. Fee:

(A) For persons age fifteen (15) and under: five hundred fifty dollars (\$550)

(B) For persons age sixteen (16) through twenty-nine (29): eight hundred dollars (\$800)

(C) For persons age thirty (30) through thirty-nine (39): seven hundred dollars (\$700)

(D) For persons age forty (40) through fifty-nine (59): six hundred dollars (\$600)

(E) For persons age sixty (60) and older: seventy dollars (\$70)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment adds elk as a species which cannot be taken on a Resident Lifetime Small Game Hunting Permit.

(1) To chase, pursue, take, possess, and transport birds (blue, snow, and Ross's geese during the Conservation Order and migratory birds; except wild turkey), mammals (except deer **and elk**), and frogs, and to sell furbearers taken by hunting. Fee:

(A) For persons age fifteen (15) and under: Two hundred seventy-five dollars (\$275)

(B) For persons age sixteen (16) through twenty-nine (29): Four hundred dollars (\$400)

(C) For persons age thirty (30) through thirty-nine (39): Three hundred fifty dollars (\$350)

(D) For persons age forty (40) through fifty-nine (59): Three hundred dollars (\$300)

(E) For persons age sixty (60) and older: Thirty-five dollars (\$35)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment adds elk as a species which cannot be taken on a Resident Small Game Hunting and Fishing Permit.

To chase, pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except wild turkey), and mammals (except deer **and elk**), and to sell furbearers taken by hunting. Fee: nineteen dollars (\$19).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.331 Resident National Guard and Reserve Service Small Game Hunting and Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment adds elk as a species which cannot be taken on a Resident National Guard and Reserve Service Small Game Hunting and Fishing Permit.

For residents of Missouri who are currently, or have in the previous twelve (12) months, been mobilized and serving on full-time active military duty in either the National Guard (in Federal Status) or Reserve forces of the United States to chase, pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except wild turkey), and mammals (except deer **and elk**), and to sell furbearers taken by hunting. Fee: five dollars (\$5).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 30, 2006, effective June 30, 2006. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.345 Resident Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment adds elk as a species which cannot be taken on a Resident Small Game Hunting Permit.

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer **and elk**), and frogs, and to sell furbearers taken by hunting. Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.255. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.700 Resident Antlered Elk Hunting Permit

PURPOSE: This rule establishes a permit for residents to take an antlered elk in open counties during the elk hunting season.

To pursue, take, possess, and transport one (1) antlered elk during the elk hunting season. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand eight hundred seventy-five dollars (\$2,875) in the aggregate to modify the Department of Conservation's licensing platform system.

PRIVATE COST: This proposed rule will cost private entities a range from zero dollars (\$0) to fifteen hundred dollars (\$1,500) annually in the aggregate, with the initial year estimated between zero dollars (\$0) and two hundred fifty dollars (\$250) in the initial-year aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.700 Resident Antlered Elk Hunting Permit
Type of Rulemaking:	Proposed Rule

- II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,875 – one-time cost

- III. **WORKSHEET**

[\$8,625 (overall total cost of vendor payments to modify the department's licensing platform system)] X [1/ 3] = \$2,875 (cost contribution of this rule to the overall total)

- IV. **ASSUMPTIONS**

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule. This rule's fiscal cost contributes to one third (1/3) of the overall total cost to modify the licensing platform for initiation of an elk hunting season; the additional two thirds (2/3) is attributed to the Resident Landowner Antlered Elk Hunting Permit and the application process.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.700 Resident Antlered Elk Hunting Permit.
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Individuals utilizing the new permit.	Annual aggregate is estimated at between \$0 and \$1,500 with the initial season estimated between \$0 and \$250; however, as the program grows permit quota will be variable from year to year.

III. WORKSHEET

For the 2020 season, we estimate 5 resident antlered elk permits will be issued at a cost of \$50 per permit to individuals = \$250. The Department does not anticipate increasing the number of permits available for the foreseeable future; however, the number of permits issued will be determined annually based on the size of Missouri's elk herd, population growth rate, bull:cow ratio, and calf recruitment. Theoretically, however, in the future an estimated 30 resident antlered elk permits could be issued at a cost of \$50 per permit to individuals = \$1,500; however, the number of permits issued will be determined annually based on the size of Missouri's elk herd, population growth rate, bull:cow ratio, and calf recruitment.

IV. ASSUMPTIONS

Assuming the size and composition of Missouri's elk herd remains stable, the Department anticipates limiting permit availability to 5 per year; however, that number may go up or down based on herd size, population growth rate, bull:cow ratio, and calf recruitment. Theoretically, however, in the future an estimated 30 resident antlered elk permits could be issued; however, the number of permits issued will be determined annually based on the size of Missouri's elk herd, population growth rate, bull:cow ratio, and calf recruitment.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.705 Resident Landowner Antlered Elk Hunting Permit

PURPOSE: This rule establishes a permit for resident landowners to take an antlered elk on their property within the resident landowner permit zone during the elk hunting season.

To pursue, take, possess, and transport one (1) antlered elk during the elk hunting season. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand eight hundred seventy-five dollars (\$2,875) in the aggregate to modify the Department of Conservation's licensing platform system.

PRIVATE COST: This proposed rule will cost private entities a range from zero dollars (\$0) to five hundred dollars (\$500) annually in the aggregate, with the initial year estimated between zero dollars (\$0) and fifty dollars (\$50) in the initial-year aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.705 Resident Landowner Antlered Elk Hunting Permit
Type of Rulemaking:	Proposed Rule

- II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,875 – one-time cost

- III. **WORKSHEET**

[\$8,625 (overall total cost of vendor payments to modify the department’s licensing platform system)] X [1/ 3] = \$2,875 (cost contribution of this rule to the overall total)

- IV. **ASSUMPTIONS**

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule. This rule’s fiscal cost contributes to one third (1/3) of the overall total cost to modify the licensing platform for initiation of an elk hunting season; the additional two thirds (2/3) is attributed to the Resident Antlered Elk Hunting Permit and the application process.

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.705 Resident Landowner Antlered Elk Hunting Permit
Type of Rulemaking:	Proposed Rule

- II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Individuals utilizing the new permit.	Annual aggregate is estimated at between \$0 and \$500 with the initial season estimated between \$0 and \$50; however, as the program grows permit quota will be variable from year to year.

- III. **WORKSHEET**

For the 2020 season, we estimate 1 resident landowner antlered elk permit could be issued at a cost of \$50 per permit to individuals = \$50. The Department does not anticipate increasing the number of permits available for the foreseeable future; however, the number of permits issued will be determined annually based on the size of Missouri’s elk herd, population growth rate, bull:cow ratio, and calf recruitment. Theoretically, however, in the future an estimated 10 resident landowner antlered elk permits could be issued at a cost of \$50 per permit to individuals = \$500; however, the number of permits issued will be determined annually based on the size of Missouri’s elk herd, population growth rate, bull:cow ratio, and calf recruitment.

- IV. **ASSUMPTIONS**

Assuming the size and composition of Missouri’s elk herd remains stable, the Department anticipates limiting permit availability to 1 per year; however, that number may go up or down based on herd size, population growth rate, bull:cow ratio, and calf recruitment. Theoretically, however, in the future an estimated 10 resident landowner antlered elk permits could be issued; however, the number of permits issued will be determined annually based on the size of Missouri’s elk herd, population growth rate, bull:cow ratio, and calf recruitment.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The commission proposes to amend section (4) and the authority section of this rule.

PURPOSE: This amendment adds the firearms portion of the elk hunting season in open counties to the times when furbearers may not be chased, pursued, or taken during daylight hours with the aid of dogs and corrects an inaccurate reference in the authority section.

(4) No furbearers may be chased, pursued, or taken during daylight hours with the aid of dogs from November 1 through the prescribed November portion of the firearms deer hunting season, during the Antlerless portion of the firearms deer hunting season in counties open to deer hunting, **during the firearms portion of the elk season in open counties**, or with firearms from a boat at night.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED RULE

3 CSR 10-7.700 Elk Hunting Seasons: General Provisions

PURPOSE: This rule establishes the general provisions for hunting elk.

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) The current *Fall Deer & Turkey Hunting Regulations and Information* booklet is hereby incorporated in this Code by reference. This booklet is published annually in August by, and a printed copy

can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(2) Elk may be pursued, taken, killed, possessed, or transported only as permitted in this Code.

(3) Persons hunting or pursuing elk must possess a prescribed elk hunting permit. Missouri residents, as defined in 3 CSR 10-5.220, may apply for a Resident Antlered Elk Hunting Permit. Approved resident landowners, as defined in 3 CSR 10-7.710, may apply for a Resident Landowner Antlered Elk Hunting Permit.

(A) Quotas for elk hunting permits are established annually by the Conservation Commission.

(B) Permit Draw.

1. Application fee for Resident Antlered Elk Hunting Permit: ten dollars (\$10).

2. Only one (1) application is allowed per year, except that qualifying resident landowners (see 3 CSR 10-7.710) may apply for one (1) Resident Antlered Elk Hunting Permit and one (1) Resident Landowner Antlered Elk Hunting Permit annually. Resident landowners can only possess one (1) elk hunting permit annually.

3. Only one (1) person is allowed per application.

4. Persons drawn for a Resident Antlered Elk Hunting Permit will not be eligible to apply for that permit again for ten (10) years.

(4) Elk may be pursued or taken only from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(5) Elk Hunting Methods.

(A) Archery: longbows, recurve bows, compound bows, crossbows, and atlatl.

(B) Muzzleloader: muzzleloading or cap and-ball firearms, .40 caliber or larger, not capable of being loaded from the breech.

(C) Any legal method: archery and muzzleloader methods; atlatl; shotguns; handguns or rifles firing expanding-type centerfire ammunition; and air-powered guns, .40 caliber or larger, charged only from an external high compression power source (external hand pump, air tank, or air compressor).

(D) Prohibited, in use or possession:

1. Methods restricted by local ordinance;

2. Self-loading firearms with capacity of more than eleven (11) cartridges in magazine and chamber combined with the exception of concealable firearms, as defined in Chapter 571, RSMo. Firearms possessed under this exception may not be used to take wildlife while elk hunting;

3. Ammunition propelling more than one (1) projectile at a single discharge, such as buckshot;

4. Full hard metal case projectiles;

5. Fully automatic firearms; and

6. Electronic calls or electronically activated calls.

(6) Elk may not be hunted, pursued, taken, or killed—

(A) While in a stream or other body of water;

(B) From a boat with a motor attached;

(C) With the aid of a motor-driven land conveyance or aircraft;

(D) With the aid of dogs, in use or possession;

(E) With the aid of artificial light or night vision equipment;

(F) Within any area enclosed by a fence greater than seven feet (7') in height that could contain or restrict the free range of elk. Exceptions are provided in other rules or by written authorization of the director; and

(G) With the aid of bait (grain or other feed placed or scattered so as to constitute an attraction or enticement to elk). Scents and minerals, including salt, are not regarded as bait; however, mineral blocks with food additives are prohibited. An area is considered baited for ten (10) days following complete removal of bait. A person

shall be in violation of this provision if they take or attempt to take elk by the aid of bait, where the person knows or reasonably should know the area is or has been baited. It is illegal to place bait in a way that causes others to be in violation of the baiting rule.

(7) During the firearm portion of the elk hunting season, all persons hunting elk and their companions, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement.

(8) Hunters who kill or injure an elk must make a reasonable effort to retrieve and tag it, but this does not authorize trespass.

(9) Hunters who take an elk shall void their permit immediately by notching the month and date of harvest and shall keep the elk separate or distinctly identifiable from elk taken or possessed by another. When the elk is not personally attended and prior to reporting through the Telecheck Harvest Reporting System, the voided permit or proper label shall be attached to the elk. Elk may be possessed and transported only by the taker until reported through the Telecheck Harvest Reporting System. All elk taken shall be accurately reported by the taker or in the taker's immediate presence through the Telecheck Harvest Reporting System by 10:00 p.m. on the day taken. The Telecheck confirmation number shall be recorded immediately on the elk hunting permit. The elk shall remain intact, as a field-dressed carcass, or be quartered with evidence of sex retained until the elk is reported through the Telecheck Harvest Reporting System. All elk shall be reported through the Telecheck Harvest Reporting System prior to processing (except field dressing or quartering as specified in this section) or being removed from the state. After reporting through the Telecheck Harvest Reporting System, elk may be possessed, transported, and stored by anyone when labeled with the permit or any label that includes the full name and address of the taker, date taken, and Telecheck confirmation number.

(10) Elk (or parts thereof) reported in accordance with established procedures, when labeled with the full name and address of the taker, the date taken, and the Telecheck confirmation number of the elk, may be possessed, transported, and stored by anyone. Commercially processed elk meat may be donated to not-for-profit charitable organizations under guidelines established by the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand eight hundred seventy-five dollars (\$2,875) in the aggregate to modify the Department of Conservation's licensing platform system and an estimated initial hunting season annual cost of four thousand eight hundred dollars (\$4,800) to administer the program.

PRIVATE COST: This proposed rule will cost private entities two hundred forty-four thousand seven hundred fifty dollars (\$244,750) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-7.700 Elk Hunting Seasons: General Provisions.
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,875 – one-time cost \$4,800 – for initial hunting season staff time annually in the aggregate.

III. **WORKSHEET**

[\$8,625 (overall total cost of vendor payments to modify the department's licensing platform system)] X [1/ 3] = \$2,875 (cost contribution of this rule to the overall total)

[5 (staff members) X 4 (hours per day of the 16 day season) X \$15/hr] = \$4,800

IV. **ASSUMPTIONS**

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule. This rule's fiscal cost contributes to one third (1/3) of the overall total cost to modify the licensing platform for initiation of an elk hunting season; the additional two thirds (2/3) is attributed to the Resident Antlered Elk Hunting Permit and the Resident Landowner Antlered Elk Hunting Permit.

The Department of Conservation anticipates costs associated with administration of this new hunting program; however, those costs are unknown at this time. An estimate, based on staff time required to visually inspect each harvested animal is as follows:

5 staff members spending approximately 4 hours per day during the 16 day archery and firearms elk seasons at an average salary of \$15 per hour. The number of staff involved will increase over time as the number of permits issued increases.

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-7.700 Elk Hunting Seasons: General Provisions.
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Individuals applying for elk permit and utilizing the new permit.	Initial annual aggregate estimate of \$244,750, with an expectation the number of applicants and permit quota will be variable from year to year.

III. **WORKSHEET**

24,475 (estimated number of applicants for resident antlered elk hunting permit) X \$10 (cost of application for resident antlered elk hunting permit) = \$244,750

IV. **ASSUMPTIONS**

The states of Arkansas, Kentucky, Michigan, Pennsylvania, Tennessee, and Wisconsin had approximately 16,000, 7,000, 46,000, 50,000, 13,000, and 38,500 applicants, respectively, in the inaugural years of their elk hunting seasons. This equates to 5%, 2%, 8%, 7%, 4%, and 6% of the total deer hunters in the respective states of Arkansas, Kentucky, Michigan, Pennsylvania, Tennessee, and Wisconsin. The average percentage across these states would be 5%. In Missouri, there were 485,507 deer hunters in 2018. Therefore, we estimate 24,275 (5% x 485,507) applicants for the elk hunting permits during the inaugural year. The number of applicants, however, will be variable from year to year.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED RULE

3 CSR 10-7.705 Elk: Hunting Season

PURPOSE: This rule establishes seasons, limits, and provisions for hunting elk.

(1) The elk hunting season is comprised of two (2) portions within Carter, Shannon, and Reynolds counties.

(A) Archery portion: October 17 through 25, 2020; use archery methods only to take elk in open counties; firearms may not be possessed except any person may carry concealable firearms, as defined in Chapter 571 RSMo, on or about his/her person while hunting. Firearms possessed under this exception may not be used to take wildlife while archery hunting.

(B) Firearms portion: December 12 through 20, 2020; use any legal elk hunting method to take elk in open counties.

(2) Other wildlife may be hunted during the firearms portion of the elk hunting season except as further restricted in this section:

(A) During the firearms portion of the elk hunting season in open counties, other wildlife may be hunted only with pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun and shot not larger than No. 4; except that waterfowl hunters, trappers, or landowners on their land may use other methods as specified in 3 CSR 10-7.410(1)(G);

(B) During the firearms portion of the elk hunting season in open counties, persons holding an unfilled elk hunting permit and a Resident Small Game Hunting Permit may take furbearers during daylight hours using any legal elk hunting method;

(C) Furbearers may not be chased, pursued, or taken with the aid of dogs during daylight hours in open counties; and

(D) Squirrels and rabbits may not be chased, pursued, or taken with the aid of dogs during daylight hours in open counties.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED RULE

3 CSR 10-7.710 Elk: Landowner Privileges

PURPOSE: This rule establishes provisions for resident landowners to hunt elk on their property within the resident landowner permit zone during the elk hunting season.

(1) Approved resident landowners, as defined in 3 CSR 10-20.805, with twenty (20) or more contiguous acres within the resident landowner permit zone can apply for a Resident Landowner Antlered Elk Hunting Permit, but only after application to and approval by the department. Landowner applications and permits may be obtained only in accordance with this rule.

(A) Resident Landowner Elk Hunting Zone: Shall be within the area beginning at the intersection of Mo. Hwy. W and U.S. Hwy. 60; east on U.S. Hwy. 60 to Oliver St.; west on Oliver St. to Sycamore St.; West on Sycamore St. to James St.; west on James St. to Main St.; north on Main St. to Mo. Hwy D; north on Mo Hwy. D to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 106; west on Mo. Hwy. 106 to Mo. Hwy. B; north on Mo. Hwy. B to County Rd. 776; west on County Rd. 776 to County Rd. 242; west on County Rd. 242 to County Rd. 106-B; east on County Rd. 106-B to County Rd. 106-235; south on County Rd. 106-235 to County Rd. P-235; south on County Rd. P-235 to Mo. Hwy. V; south on Mo. Hwy. V to Mo. Hwy. 106; east on Mo. Hwy. 106 to Mo. Hwy. H; south on Mo. Hwy. H to County Rd. H-563; south on County Rd. H-563 to County Rd. W-568; south on County Rd. W-568 to Mo. Hwy. W; south on Mo. Hwy. W to U.S. Hwy. 60.

(B) Resident landowners may establish eligibility to apply for a landowner elk hunting permit on a form provided by the department. This application shall include the applicant's name, date of birth, domicile address, phone number, conservation identification number, e-mail, property acreage, landowner type, type of corporate ownership (if applicable), and parcel identification for the qualifying property. All applicants must submit an individual application. A new application to establish eligibility for approval to apply for a landowner elk hunting permit, must be submitted at least once every three (3) years or at any time when there is a change to any information required on the current application. Approval of applications received less than (60) sixty days prior to any elk hunt application period cannot be guaranteed. In addition to the application required by this rule, submission of proof of eligibility to receive landowner permits may also be required by the department at any time. Failure to submit satisfactory proof of eligibility at the request of the department shall be sufficient cause for denial of an application or withdrawal of approval to obtain landowner elk hunting permits. Approved landowner applications as defined in 3 CSR 10-7.434 or 3 CSR 10-7.455 for obtaining no-cost landowner deer or turkey permits may satisfy this requirement.

(C) Approved resident landowners are limited to one (1) landowner application per year.

1. Qualifying acreage must be within the resident landowner elk hunting zone.

2. There is no cost for approved landowners to apply.

3. If drawn, approved landowners may obtain the permit at a cost of fifty dollars (\$50).

(2) All landowner elk hunting permits are valid only on qualifying property and are nontransferable.

(3) All landowners who receive a Resident Landowner Antlered Elk Hunting Permit are not eligible to receive a Resident Antlered Elk Hunting Permit in the same year. A landowner may take only one (1) antlered elk annually.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

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) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED RULE

3 CSR 10-7.715 Elk: Regulations for Department Areas

PURPOSE: This rule incorporates elk hunting on department areas into Chapter 7.

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.

Elk may be hunted on lands owned or leased by the department and on lands managed by the department under cooperative agreement as authorized in the current *Fall Deer & Turkey Hunting Regulations and Information* booklet, which is incorporated in this Code by reference. This booklet is published annually in August by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

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) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to

amend section (5) of this rule.

PURPOSE: This amendment adds elk to the list of species that may not be chased or pursued by dogs in field trials.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey [or], firearms deer, or firearms elk hunting season except on established field trial areas. Permits for raccoon field trials will be valid during nighttime hours and provide for casting no more than four (4) dogs at one (1) time during or five (5) days prior to the spring turkey hunting season and during all but the November portion of the firearms deer hunting season and in open counties during the firearms portion of the elk hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control, but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, except as provided in section (6) of this rule. The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.768 Sales and Possession of Wildlife Parts and Mounted Specimens. The commission proposes to amend sections (1), (2), and (3) of this rule.

PURPOSE: This amendment adds elk heads, antlers, hides, or feet that can be bought, sold, or bartered when accompanied by a bill of sale. It also requires recipients and purchasers of elk heads or antlers attached to the skull plate to retain a dated bill of sale. Any person who finds and takes into possession a dead elk with antlers still attached to the skull plate must report it to a conservation agent within twenty-four (24) hours to receive possession authorization.

(1) Subject to federal regulations, legally obtained feathers, squirrel pelts, rabbit pelts, and groundhog pelts may be bought, sold, or bartered when accompanied by a bill of sale. In addition, legally

obtained deer **and elk** heads, antlers, hides, or feet, and turkey feathers, beards, heads, bones, feet, spurs, wings, tails, or tail fans, and skins, including skins with the feathers, wings, and legs attached, may also be bought, sold, or bartered when accompanied by a bill of sale. Bills of sale required by this rule shall contain the seller's full name, address, and the number and species of these parts, and the full name and address of the purchaser. The bill of sale shall be retained by the purchaser while these parts are in his/her possession. Legally taken wildlife and wildlife parts, after mounting or tanning, may be bought and sold.

(2) The recipient or purchaser of deer **and elk** heads and/or antlers attached to the skull plate must retain a dated bill of sale identifying the seller while the heads or antlers are in his/her possession.

(3) Any person who finds a dead deer **or elk** with antlers still attached to the skull plate while afield and takes those antlers into possession must report the taking to a conservation agent within twenty-four (24) hours to receive possession authorization. Shed antlers not attached to the skull plate found while afield may be possessed, bought, and sold by any person without possession authorization.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.145 Tree Stands. The commission proposes to amend this rule.

PURPOSE: This amendment adds the requirement of portable tree stands from September 1 through January 31 on areas where elk hunting is allowed.

Only portable tree stands are allowed and only from September 1 through January 31 on areas where deer **or elk** hunting is allowed, by special use permit, or except as otherwise authorized in 3 CSR 10-11.181 Turkeys: Special Hunts and 3 CSR 10-11.182 Deer Hunting of this chapter. Unattended stands must be plainly labeled on a durable material with the full name and address, or Conservation Number, of the owner and be removed from the area before February 1. Use of nails, screw-in steps, and any material or method that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED RULE

3 CSR 10-11.190 Elk Hunting

PURPOSE: This rule establishes provisions for elk hunting on department areas.

Elk may be hunted on department areas as authorized in the current *Fall Deer & Turkey Hunting Regulations and Information* booklet, which is hereby incorporated in this Code by reference. This booklet is published annually in August by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 28, 2019.

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) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

PROPOSED RULE

5 CSR 20-100.295 Missouri School Improvement Program 6

PURPOSE: This rule implements an accountability system for Missouri public school districts and is designed to stimulate and encourage continuous improvement in student performance. An assessment of school districts' practices and educational outcomes will enable the State Board of Education to classify districts as required by state law.

(1) Pursuant to section 161.092, RSMo, this rule is to be effective two (2) years from the date of adoption of the proposed rule by the State Board of Education (board). The Missouri School Improvement Program (MSIP) 6 Standards and Indicators, Appendix A, included herein, is comprised of quantitative and qualitative standards for school districts and charter schools.

(2) School district and charter school performance will be reviewed annually by the Department of Elementary and Secondary Education (department) in accordance with this rule, including the standards, using the appropriate scoring guide, forms, and procedures outlined by the department. Review of these data will guide the department in determining school districts in need of improvement, charter sponsor evaluation, as well as the appropriate level of intervention necessary for significant and sustained improvement in student achievement. Decisions will be made using multiple years of data.

(3) The board will assign classification designations of unaccredited, provisionally accredited, accredited, and accredited with distinction.

(4) Districts identified through MSIP as needing improvement must submit a continuous school improvement plan for approval by the department.

(5) A classification designation based on the standards of MSIP will remain in effect until the board approves another classification designation. The board may consider changing a district's classification designation upon its determination that the district has—

(A) Failed to implement any required school improvement plan at an acceptable level;

(B) Demonstrated significant change in student performance over multiple years;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district, or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary principal's certificate in a K-8 school district;

(D) Experienced significant change in the scope or effectiveness of the programs, services, or financial integrity upon which the original classification designation was based; and/or

(E) Failed to comply with a statutory requirement.

(6) A local board of education (local board) that is dissatisfied with the classification designation assigned by the board shall request reconsideration within sixty (60) calendar days of notice received of the original classification. The request for reconsideration shall be submitted to the commissioner of education and state the specific basis for reconsideration, including any errors of fact to support reconsideration. Review by the board shall be scheduled within sixty (60) calendar days of receipt of the request for reconsideration and shall be based upon the materials submitted with the original classification, the request for reconsideration, and any materials offered by the commissioner of education or requested by the board.

Department of Elementary and Secondary Education – MSIP 6
Standards and Indicators
Appendix A

Leadership (L)

School Board Leadership

L1- The local board and superintendent engage in ongoing professional learning and self-evaluation in order to strengthen governance practices.

A. The local board ensures that the district is guided by a vision, mission, and limited number of focused goals, all of which are the basis for the district's continuous improvement process.

B. The local board ensures the academic preparation and individual support of each student.

C. Local board members complete all legally required board training within the mandated timeframe.

D. The local board president and superintendent implement a formal new board member orientation process within the first twelve (12) months of service.

E. The local board and the superintendent engage in professional learning designed to improve governance practices.

F. The local board and the superintendent regularly participate in governance team evaluation to identify governance team strengths and goals for improvement.

Ethics

L2 – The local board and administration conduct school system business in an ethical, legal, and transparent manner.

A. The local board adopts and administration enforces a policy on legal and professional ethics for all employees.

B. The local board adopts and adheres to its policy on legal and professional ethics for school board members.

C. The local board and administration conduct business in compliance with the Missouri Open Meetings and Records Act.

D. The superintendent ensures that individual requests from local board members are considered by the local board as a whole.

Continuous School Improvement

L3 - The local board annually adopts and administration implements a Continuous School Improvement Plan (CSIP) that demonstrates a focus on district performance and improvement.

A. The CSIP is developed in collaboration with internal and external stakeholders.

B. The CSIP is the product of a long-range planning process that includes a data-based needs assessment.

C. The CSIP contains:

1. Clear statements of mission and vision;
2. Limited number of focused goals;
3. Evidence-based strategies;
4. Timelines;
5. Persons responsible;
6. Funding sources; and
7. Any other information need to implement the plan.

D. The local board regularly monitors the implementation and outcomes of the CSIP.

E. The CSIP is the guiding document for subordinate plans

(Building Improvement Plan, Professional Development Plan, Facilities Plan, etc.).

Operations and Resource Management

L4 - The school system manages school operations and resources to promote each student's academic success and well-being in accordance with priorities established in the CSIP.

A. The school system deliberately allocates both fiscal and non-fiscal resources to align with CSIP priorities and matters of equity.

B. The local board and administration regularly and systematically engages in long-range financial, facilities, and infrastructure planning.

C. The budget is developed through a transparent process that complies with law and is approved by the local board.

D. The local board establishes budget parameters, including minimum fund balances, to guide budget development.

E. The local board follows all laws regarding finance, contracting, and purchasing.

F. The local board and administration ensure an annual audit is conducted, evaluated, and followed up on.

School Board Policy

L5 - The local board establishes and implements policies that provide a framework within which the school system operates and ensures legal compliance.

A. The local board regularly approves policy that is legally compliant and aligns with district priorities.

B. The local board and administration regularly consults, follows, and enforces policy when conducting school system business.

C. The local board and administration has a systematic process for establishing, adopting, and revising policies so that they are clear, current, and legally compliant.

D. The local board approves documents and reports as required by policy and law.

Superintendent Roles, Responsibilities, and Evaluation

L6 - The local board employs and evaluates job performance of a properly certificated superintendent/chief executive officer to manage school system operations.

A. The local board delegates operational decisions to the superintendent and administration.

B. The local board conducts a performance-based superintendent/chief executive officer evaluation process based upon clear, written, and measurable targets that are aligned with professional educator leader standards and district performance measures.

C. The superintendent/chief executive officer's evaluation process is implemented in accordance with the Essential Principles of Effective Evaluation and 5 CSR 20-400.375.

D. The local board establishes and follows a clear timeline for the superintendent/chief executive officer's evaluation process,

contract decisions, and salary determination.

Personnel and Program Evaluation

L7 - The local board and administration use sufficient and accurate data to make decisions and regularly evaluate district programs, practices, procedures, and attainment of the school system vision, mission, and goals.

A. The local board and administration consistently use data to make decisions.

B. The local board and administration monitors the effectiveness of programs, practices, and procedures through an ongoing, systematic evaluation process that includes comprehensive analysis of relevant data.

C. The local board ensures that personnel evaluations are comprehensive, performance-based, and aligned with state standards.

D. The local board regularly reviews goals, objectives, and the effectiveness of all programs and services, which support the mission and vision of the district.

E. The local board annually approves the Professional Development Plan and approves other plans as required by statute and board policy.

F. The local board approves the leadership development plan to ensure continuity for staff turnover and succession.

Communication

L8 - The local board and administration provides for two- (2-) way, reliable, and representative communication with all stakeholders.

A. The local board approves a communications plan that outlines multiple methods for two- (2-) way, reliable communication with all stakeholders is implemented and annually reviewed by the local board.

B. The local board and administration regularly communicate to all stakeholders progress in attainment of the mission and vision using relevant data.

Personnel

L9 - The local board and administration provides sufficient staffing of qualified and highly effective personnel to achieve the school system's vision, mission, and goals.

A. Administration manages personnel resources, both professional and support staff, to address each student's learning needs.

B. The school system maintains a system of recruitment and support to ensure a high-quality, student-centered staff.

C. The local board employs sufficient additional administrators to provide for the leadership and management of the district.

Recommended Associate/Assistant Superintendent Ratios:	
FTE	Certificated Staff Members (FTE)
0	1-100
1	101-200
2	201-300
3	301-400
4	401-500
5	501-600
6	601-700
7, etc.	701-800, etc.

Principal/Building Ratios:		
	<i>MINIMUM STANDARD</i>	<i>RECOMMENDED STANDARD</i>
FTE	Students	Students
1.00	1-400	1-300
1.50	401-600	301-450
2.00	601-800	451-600
2.50	801-1000	601-750
3.00	1001-1200	751-900
3.50	1201-1400	901-1050
4.00	1401-1600	1051-1200
4.50	1601-1800	1201-1350
5.00	1801-2000	1351-1500

School Safety

L10 - The district actively addresses school safety and security in all facilities.

A. The district, in consultation with public safety officials and stakeholders, develops, implements, and reviews annually a comprehensive school emergency operations plan for the district and each school or site as applicable.

1. The plan broadly addresses safety, crises, and emergency operations.
2. The plan addresses prevention, preparation, operations, and follow-up.
3. The plan includes consideration of supporting mental health needs of all involved in any crisis.

B. The local board employs a designated safety coordinator who demonstrates knowledge of all federal, state, and local school violence and prevention programs and resources that are available to students, teachers, and district staff.

C. The school system annually conducts a physical security site assessment at each facility, utilizing nationally accepted methodology.

D. The school system ensures emergency preparedness drills

are performed in compliance with state statute and local ordinance.

E. The school system implements a cyber/privacy security plan, utilizing nationally accepted standards.

F. The school system ensures access to the state school violence reporting system.

G. All school system staff participate in relevant school safety training.

Effective Teaching and Learning (TL)

Success-Ready Students

TL1 – Students and identified student groups demonstrate on-track performance on multiple measures of success by meeting or exceeding the state standard and/or demonstrating significant measureable improvement.

A. Students demonstrate readiness for school entry in alignment with the Missouri Early Learning Standards.

B. Beginning in elementary school, students demonstrate regular school attendance.

C. Beginning in elementary school, students demonstrate on-track performance through department designated measures of literacy and numeracy.

D. No later than eighth grade, students have developed Individual Career Academic Plans (ICAP) that are based on career exploration experiences.

E. Beginning in middle school, students demonstrate collaboration, leadership, and communication skills through participation in co-curricular, extra-curricular, community-based activities, or service learning.

F. Students demonstrate work ethic and character.

G. Beginning in high school, students demonstrate academic readiness by scoring proficient on at least two (2) required End-of-Course Assessments.

H. Beginning in high school, students may demonstrate employability skills through participation in Career and Technical Student Organizations (CTSOs) and/or a Seal of Biliteracy.

I. Students in high school progress through academic work on a schedule appropriate to graduate.

J. Beginning in high school, students demonstrate postsecondary readiness through any of the following:

1. A combination of a career readiness assessment score that meets the state standard combined with an Industry Recognized Credential (IRC) or Career and Technical Education Certificate (CTEC);
2. A combination of a college readiness assessment and an IRC or CTEC;
3. A combination of a college readiness assessment score that meets the state standard and advanced credit that meets the state standard;
4. Successful completion of an advanced professional studies program, Registered Youth Apprenticeship, department-approved

internship, or other department-approved work-connected experience;

5. Participation in the Pre-Employment Transition Services Program through Vocational Rehabilitation;

6. Confirmed postsecondary employment, college application, other postsecondary training, or military commitment;

7. Completion of early college or associates degree or the Core 42;

8. Completion of stackable credentials; or

9. Other department-approved work readiness measures.

High-Quality Early Learning

TL2 - The school system ensures the birth through prekindergarten population has access to high-quality early learning experiences.

A. The school system informs family and community members about the importance of early learning experiences.

B. The school system provides the Parents as Teachers program for early learning experiences.

C. The school system identifies preschool opportunities available to children.

D. The school system measures the effectiveness of early learning experiences (e.g., self-assessments using Environmental Rating Scale, Classroom Assessment Scoring System, other department-approved classroom environmental assessment, or Parents as Teachers National Center Quality Endorsement and Improvement Process).

High-Quality Career Education

TL3 - The school system is intentional in providing relevant, high-quality career technical education and/or advanced professional studies based on students' ICAPs.

A. The school system implements department-approved career technical education program(s) leading students to attain an industry-recognized credential or CTEC, a postsecondary degree, or entry into the workplace with a skill set conducive toward career advancement.

B. The school system provides access to career opportunities that include solving authentic problems, working in professional environments, and engaging in curriculum developed with industry professionals.

C. The school system implements elementary and middle school career awareness and exploration programs which align with high school and career center curriculum.

D. The school system ensures the career technical education program has a written curriculum for each course with a balance among classroom/laboratory instruction, leadership, professional competency development, personal learning, and assessment of technical skill attainment.

E. The school system ensures the appropriate CTSO is affiliated with the state and national organizations and is an intra-curricular element of the associated program.

F. The school system uses a system of data collection and evaluation to provide the necessary information for program review and development.

Intra- and Interpersonal Skills

TL4 - The school system prepares students through the development of essential intrapersonal and interpersonal skills.

A. The school system ensures opportunities for students to develop initiative and engage in collaborative problem solving.

B. The school system ensures opportunities for students to be part of one (1) or more co-curricular, extracurricular, or leadership opportunities and CTSOs.

C. The school system ensures that social emotional skills aligned with the Missouri Learning Standards and the Missouri Comprehensive School Counseling Program are integrated into the teaching process.

Teacher/Leader Standards

TL5 - The school system implements board-adopted teacher/leader standards to ensure effective instructional staff for each student.

A. The school system implements professional teacher/leader standards.

B. Leaders implement the board-adopted educator evaluation system aligned to the Essential Principles of Effective Evaluation.

C. School building leaders provide opportunities for teacher leadership.

Effective Instructional Practices

TL6 - Instructional staff provide effective instruction designed to meet the needs of each learner.

A. Students receive literacy instruction throughout all grades.

B. Building leaders monitor and provide feedback on the use of effective evidence-based practices.

C. Instructional staff design and use appropriate, meaningful, and rigorous learning tasks for each student.

Multi-Tiered System of Support

TL7 - The school system provides a comprehensive multi-tiered system of support that addresses the academic, emotional, behavioral, social, and physical needs of each student.

A. The school system establishes learning and behavioral supports which are identified and coordinated at the classroom, building, and system level.

B. The school system ensures instructional staff consistently implement learning and behavior supports with fidelity and monitor the implementation of these supports through observation and supervision of classroom instruction.

C. The school system implements a written process for the early identification of students' needs and implements differentiated learning and behavioral supports for each student.

D. The school system uses a variety of student and program data to monitor, evaluate, and inform decision-making to identify and implement successful learning and behavioral supports.

E. The school system collaborates with community partners to provide information and resources to students and parents to address barriers impacting student success.

Professional Learning

TL8 - Professional learning activities support effective instructional practices in the school system.

A. The school system ensures all instructional staff participate in scheduled, ongoing, job-embedded, and content-appropriate professional learning focused on evidence-based instructional practices, staff growth goals, and student performance goals outlined in the CSIP.

B. The school system provides time and resources for the professional learning of each staff member.

Use of Technology to Improve Instruction

TL9 - The school system ensures that technology effectively supports teaching and learning.

A. The school system supports curricular and assessment needs by providing adequate technology infrastructure, connectivity, personnel, and digital resources.

B. The school system provides access to current and emerging technologies, digital resources, and ongoing professional learning for instructional staff.

C. Students have access to virtual learning experiences.

D. The school system evaluates the impact of information and communication technology on teaching and learning.

Comprehensive School Counseling Program

TL10 - The Comprehensive School Counseling Program is integral to academic and personal support for students.

A. The school system ensures a system-wide school counseling program, consistent with the Missouri Comprehensive School Counseling Program framework, is fully implemented in every building.

B. Beginning no later than 7th grade, building leaders ensure each student participates in an individual planning process designed to assist in a successful transition to postsecondary experiences (e.g. college, technical school, the military or the workforce, etc.).

C. ICAPs are developed and annually reviewed for each student starting no later than 8th grade and continuing through 12th grade.

D. Each student has access to responsive services to assist them in addressing issues and concerns that may affect their academic, career, and social/emotional needs.

E. The school system monitors system supports as a crucial component in the full implementation of a comprehensive school counseling program.

F. The school system provides student support in the form of

school counseling and additional supports such as social workers, nurses, and therapists, based on local context and student need.

<i>Counseling Ratios:</i>			
<i>MINIMUM STANDARD</i>		<i>RECOMMENDED* STANDARD</i>	
Students	FTE	Students	FTE
1-100	.20	1-50	.20
101-200	.40	51-100	.40
201-300	.60	101-150	.60
301-400	.80	151-200	.80
401-500	1.00	201-250	1.00
501-600	1.20	251-300	1.20
601-700	1.40	301-350	1.40
701-800	1.60	351-400	1.60
801-900	1.80	401-450	1.80
901-1000	2.00, etc.	451-500	2.00, etc.

*American School Counselor Association

Library Media Services

TL11 - Library Media Services (LMS) support instruction.

A. The school system establishes library media services that support, enhance, and enrich the curriculum.

B. Building leaders ensure the library media staff collaborate with instructional staff to integrate LMS into the instructional program.

C. Building leaders provide additional supports for learning based on local context and student need, including a full range of information, digital access, and reading resources.

<i>Library Staffing Ratios:</i>			
<i>MINIMUM STANDARD</i>		<i>RECOMMENDED STANDARD</i>	
Students	FTE	Students	FTE
1-200	.20	1-150	.20
201-400	.40	151-300	.40
401-600	.60	301-450	.60
601-800	.80	451-600	.80
801-1000	1.00	601-750	1.00
1001-1200	1.20	751-900	1.20
1201-1400	1.40	901-1050	1.40
1401-1600	1.60	1051-1200	1.60
1601-1800	1.80	1201-1350	1.80
1801-2000	2.00, etc.	1351-1500	2.00, etc.

Class Size and Assigned Enrollments

TL12 - The school system ensures class-sizes are consistent with grade-level and program standards.

The school system ensures individual class enrollment is consistent with the following guidelines:

<i>Student – Teacher Ratios:</i>		
<i>GRADES</i>	<i>MINIMUM STANDARD</i>	<i>RECOMMENDED STANDARD</i>
Prekindergarten(PK)	20	10
K-2	25	17
3-4	27	20
5-6	30	22
7-12	33	25

A. The school system ensures that PK class sizes do not exceed the lesser of program funding guidelines or twenty (20).

B. The school system ensures full-time elementary special (e.g. art, music, physical education, computers, library, etc.) teachers serve no more than seven hundred fifty (750) students per week (duplicated count).

C. The school system ensures that other alternative class size limits are met for the following exceptions: Student enrollment in a classroom may increase by as many as ten (10) students for any period that a paraprofessional assists the classroom teacher full-time, or by as many as five (5) students when a paraprofessional assists the teacher half-time (paraprofessionals paid for with Title I and special education funds cannot be used to increase class size).

1. Multi-grade classrooms will not exceed standards for the lowest grade enrolled. High schools can combine sections of the same subject in beginning and advanced levels (e.g., Spanish I and Spanish II or Spanish III and Spanish IV). Total combined enrollment in such classes should not exceed twenty-five (25) students.

2. Enrollment in performing arts and physical education classes may exceed regular class-size limits if adequate supervision and facilities are provided.

Collaborative Climate and Culture (CC)

Safe, Orderly, and Caring Environment

CC1 - The school system provides an environment in which all are treated with respect and have a sense of safety and ownership of their work and learning.

A. The school system implements trauma-informed methodologies, implements youth suicide awareness and prevention practices, and provides responsive services based on student need and local context.

B. The school system provides staff, teachers, parents, and students access to the school system's written code of conduct, which specifies unacceptable student behavior and consequences for that behavior.

C. The school system's code of conduct is equitably and consistently enforced during any school related activity whether on or off school property.

D. The school system promotes respect for individual differences (e.g. diversity training, diversity awareness, policies, and procedures).

E. The school system ensures violence-prevention instruction, including information on preventing and responding to harassment and bullying, has been provided for each student and staff member.

Culture of High Academic and Behavioral Expectations

CC2 - The school system establishes a culture focused on learning, characterized by high academic and behavioral expectations for each student.

A. Leadership develops a systematic process for establishing and maintaining a positive learning climate.

B. Staff and students share in the responsibility for learning by being actively engaged in learning and demonstrating appropriate

standards of behavior and attendance.

C. The school system gathers and analyzes data on student violence, substance abuse, and bullying modifies programs and strategies to ensure safe and orderly schools.

Collaborative Partnerships

CC3 - Collaborative opportunities and relationships mobilize community resources and improve the quality of education.

A. The school system develops reciprocal partnerships with community businesses, industry, and commercial entities for the benefit of students and educators.

B. The school system develops partnerships with post secondary institutions to create opportunities for students to earn credits and/or credentials.

C. The school system maintains strong collaborative relationships with parent organizations, industry-based programs, and entities within the larger community to support students and educators.

D. The school system, when appropriate or necessary, develops collaborative partnerships with other school systems to create or maintain educational opportunities for students and educators.

Parent/Guardian Involvement

CC4 - The school system provides opportunities for parents/guardians to learn about the intellectual and developmental needs of their children, at all ages, and to participate constructively in their children's education.

A. The school system incorporates formal strategies that include parents/guardians in the educational process.

B. The school system ensures parent/guardian education activities take place as required by the Early Childhood Development Act (ECDA).

C. The school system actively cooperates with other agencies, parents/guardians, and community groups (e.g., parent teacher organizations) to provide information related to child development and/or parenting skills.

Data-Based Decision Making (DB)

Data Submission

DB1 - The school system submits data required by the department in an accurate and timely manner.

A. The school system ensures the annual tax rate calculation and forms are submitted in an accurate and timely manner.

B. The school system meets the requirements for an independent audit and submits the audit to the department on time.

C. The school system ensures the Annual Secretary of the Board Report is submitted in an accurate and timely manner.

D. The school system ensures the underlying data used to generate accountability reports are accurate, and that corrections/appeals are submitted in a timely manner.

E. The school system ensures that any other required data are submitted in an accurate and timely manner.

Continuous and Innovative Improvement

DB2 - School system and building leaders are intentional agents of continuous and innovative improvement to provide relevant learning experiences that promote academic success so each student can meet the changing demands of the world around them.

A. School system and building leaders use a variety of data (e.g., longitudinal, demographic, diagnostic, and perceptual) to support and inform system-wide decisions.

B. School system and building leaders establish a cycle of continuous improvement that includes reflection, data collection, analysis, planning, feedback, and evaluation.

C. School system and building leaders use an intentional feedback system to improve and refine performance.

D. School system and building leaders facilitate analysis of individual student data to improve the instructional process and student growth.

Climate and Culture Data

DB3 - The school system gathers school climate and culture data from all stakeholder groups, analyzes and shares the results, and implements strategies for improvement.

A. The school system uses evidence-based methods of collecting data (e.g., surveys, observational methods, and behavior reports) that recognize the range of factors which shape school culture and climate.

B. The school system assures student voices are heard and respected.

C. The school system establishes procedures for using culture and climate findings to develop and revise systemwide improvement goals and implementation strategies.

D. The school system provides school culture and climate data and reports periodically to all stakeholders.

Collaborative Teams

DB4 - School-based collaborative educator teams are operational and focus on effective practices.

A. Educator teams collaboratively develop common purposes and goals for improved student outcomes that embrace continuous school improvement.

B. Educator teams effectively implement group processes in collaborative meetings.

C. Educator teams collaboratively analyze student data to provide appropriate interventions for students' instructional and behavioral needs.

D. Educator teams engage in data-informed decision-making.

E. Educator teams act reflectively.

F. Educator teams design lessons collaboratively.

G. Educator teams examine student work and assessments.

H. Educator teams develop curriculum collaboratively.

I. Educator teams address positive classroom learning environments.

J. Educator teams use case studies and action research.

Alignment of Standards, Curriculum and Assessment (AS)

Viable Curriculum Aligned to Missouri Learning Standards

AS1 - Instructional staff implement a comprehensive, rigorous, guaranteed, and viable curriculum for all instructional courses and programs aligned to the Missouri Learning Standards where applicable.

A. The school system develops a rigorous, written curriculum aligned to the most recent version of Missouri's Learning Standards and the English language development standards.

B. The school system identifies the essential content and skills each student should know and be able to do.

C. The school system provides adequate instructional time to implement the written curriculum.

D. Building leaders and instructional staff ensure the written, taught, and assessed curriculum are aligned.

E. The school system develops written procedures to ensure the written curriculum is implemented and is evaluated. Prekindergarten instructional staff are included when the program is offered by the system.

F. The school system implements a systematic plan for developing and/or revising all curriculum content areas.

G. The school system provides opportunities for each student to excel (e.g. gifted and/or enrichment, at-risk, special education, etc.).

Assessments Aligned to Missouri Learning Standards

AS2 - The school system implements a comprehensive assessment system including state required and locally selected assessments.

A. Instructional staff administer assessments required by the Missouri Assessment Program to measure academic performance for each student.

B. The school system has a local board-approved comprehensive written student assessment plan that includes all assessments administered and the purposes for which the assessments are used.

C. The school system annually reviews performance data, for all students and disaggregated by student groups, to effectively monitor student academic achievement.

D. Instructional staff use disaggregated data to adjust instruction for identified student groups and has criteria for evaluating the effectiveness of these adjustments.

E. Instructional staff use interim, formative, and summative assessment data, and other student work to adjust curriculum, instruction, and intervention strategies to assist students in meeting state achievement standards.

F. Instructional staff ensure classroom assessments include the use of higher order thinking and problem-solving skills, as well as complex reasoning skills.

G. Building leaders and instructional staff provide timely, descriptive, and constructive feedback from assessments to students and parents.

Equity and Access (EA)

Academic Achievement

EA1 - The school system administers assessments required by the Missouri Assessment Program (MAP) to measure academic achievement and demonstrates improvement in the performance of its students over time.

A. The performance of all students on each assessment meets or exceeds the state standard and/or demonstrates the required growth or improvement.

B. The performance of each student on each assessment and students in identified student groups meets or exceeds the state standard and/or demonstrates the required growth or improvement.

C. The percentage of students and identified groups of students tested on each required MAP assessment meets or exceeds the state standard.

Graduation Rate

EA2 - The school system ensures all students successfully complete high school.

A. All students and identified student groups complete an educational program, which meets the graduation requirements as established by the local board and meets or exceeds the state standard and/or demonstrates the required improvement.

Follow-up Rate of Graduates

EA3 - The school system ensures the success of student preparation for post secondary work and education.

A. All graduates and identified groups of graduates, who after graduation are successfully—

1. Enrolled in a college/university;
2. Enrolled in a trade/technical school (or program);
3. Employed or in the military; and
4. Meet or exceed the state standard and/or demonstrate the required improvement.

B. The school system reports and analyzes five- (5-) year follow-up data on their graduates and uses the results to inform—

1. Program evaluation;
2. Strategic planning; and
3. Other decision making.

Equity of Educational Experiences

EA4 - The school system ensures the equity of educational

experiences for all students.

A. The school system ensures each student, particularly low-income and minority students, has equitable access to qualified, experienced, and effective teachers, learning experiences, academic and social supports, and other resources necessary for success.

B. The school system implements policies to address student misconduct in a positive, fair, and unbiased manner.

C. The school system takes deliberate action to address matters of inequity.

D. The school system safeguards and promotes the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.

E. The school system initiates and promotes collaborative relationships with community partners, agencies, and institutions that promote open dialogue and respect for multiple perspectives.

AUTHORITY: section 161.092, RSMo 2016. Original rule filed June 20, 2019.

PUBLIC COST: This proposed rule is estimated to cost the Department of Elementary and Secondary Education three hundred eighty thousand five hundred fifty-four dollars (\$380,554) per year for the life of the rule.

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 the support of or in opposition to this proposed rule at <https://dese.mo.gov/MSIP6rulecomments> or with the Department of Elementary and Secondary Education, ATTN: Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email at: edmsip6comments@dese.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: Department of Elementary and Secondary Education
 Division Title: Division of Learning Services -- 20
 Chapter Title: Office of Quality Schools -- 100

Rule Number and Name	5 CSR 20-100.295 Missouri School Improvement Program-6
Type of Rulemaking	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated cost of Compliance in the Aggregate
Public Elementary and Secondary School Districts	No new costs projected
Department of Elementary and Secondary Education	\$380,554 per year for the life of the rule

III. WORKSHEET

For the purposes of this fiscal note, districts are classified into four (4) categories based upon student population. Public entity costs for public school districts are based on estimates of district staff participation. The number of visits is estimated for the life of the rule, taking into consideration on-site reviews and document preparation.

IV. ASSUMPTIONS

This rule establishes standards for the Missouri School Improvement Program (MSIP), which is a program that promotes school improvement, provides information to all stakeholders, provides accreditation ratings for Missouri schools, and informs charter school sponsor renewal decisions. MSIP is implemented by the Department of Elementary and Secondary Education (department). It is applicable to public school districts and charter Local Education Agencies. Standards and indicators of MSIP 6 address student performance and district processes. The department generates some data necessary for the program. However, other data is provided by third party vendors on a contractual basis. The MSIP review requires the time and attention of many within a school district. Time and resources required to prepare for and go through the review process will vary greatly across districts.

State agency costs are based upon historical experience, updated with estimates based on current costs. The department projects 9 reviews per year with staffing at current levels. Costs may be reduced if technological efficiencies, bulk purchasing, or other factors can be brought to bear on the process.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.035 Missouri Interpreters Certification System.
The Missouri Commission for the Deaf and Hard of Hearing is amending section (9).

PURPOSE: This amendment adds the Provisional Certificate in Education and the Provisional Certification (aka Learner's Permit) to the list of certifications not subject to annual renewal.

(9) All MICS certifications except for the Intern/Practicum Certification, the Provisional Certificate in Education, and the Provisional Certification (aka Learner's Permit) are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the Revised Statutes of Missouri or the Missouri Code of State Regulations pertaining to interpreter certification or licensure.

AUTHORITY: sections 209.292[, RSMo Supp. 2013,] and [section] 209.295, RSMo [2000] 2016. Original rule filed Jan. 28, 2014, effective Sept. 30, 2014. Amended: Filed April 29, 2016, effective Nov. 30, 2016. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Drive, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.047 Provisional Certification (aka Learner's Permit). The commission is amending the text of the rule.

PURPOSE: This amendment removes the requirement that an applicant fail the Basic Performance Test before receiving a Learner's Permit.

To obtain the Provisional Certification (aka Learner's Permit) (LP), an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and [receive a non-passing score on] take the Basic Performance Test.

AUTHORITY: sections 209.295[(1), (3), and (8),] and 209.309, RSMo [2000] 2016. Original rule filed April 29, 2016, effective

Nov. 30, 2016. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Drive, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.050 Application for Interpreter Certification in Missouri. The Missouri Commission for the Deaf and Hard of Hearing is amending section (1).

PURPOSE: This amendment removes the Apprentice and Novice certifications, no longer offered as part of the MICS system.

(1) To be eligible for certification in the Missouri Interpreters Certification System (MICS), each applicant must:—

(B) Have completed a minimum of thirty (30) credit hours from an accredited college or university before taking the written test of English proficiency and have earned an associate degree and/or a minimum of sixty (60) credit hours from an accredited college or university before taking the performance examination. An applicant who is currently certified at the [Novice, Apprentice,] RCED, Basic, Advanced, or Master levels by MICS and applies for a higher level of certification is not required to meet this educational requirement.

AUTHORITY: sections 209.292[(1), RSMo Supp. 2013,] and [sections] 209.295[(1) and (8)], RSMo [2000] 2016. Original rule filed June 20, 1996, effective Jan. 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Drive, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.070 Performance Test and Evaluation. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (3) and (4).

PURPOSE: This amendment cleans up a grammatical error, clarifies the follow-up letter process for testers, and removes an item that is no longer available.

(3) The performance test fee and application fee must be received at the office of the MCDHH at least thirty (30) days prior to the date of their performance test and shall designate which performance test, Basic, Advanced, or Master [*Certifications*], is requested.

(4) The coordinator of the MICS will inform all applicants of their evaluation results by letter after the completion of their performance evaluation.

[(A) Included with the letter] Letters to those who have earned certification will [be] contain a wallet-sized certificate bearing the signature of the executive director of the MCDHH indicating the type or level of certification granted by the evaluators.

[(B) A larger certificate suitable for framing and hanging on a wall may be issued if the applicant so desires and pays the appropriate fee.]

AUTHORITY: sections 209.292[.1], [RSMo Supp. 2013, and sections] 209.295[(1), (3), and (8)] and 209.299, RSMo [2000] 2016. Original rule filed June 20, 1996, effective Jan 30, 1997. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Drive, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.095 Certified Deaf Interpreter Certification. The Missouri Commission for the Deaf and Hard of Hearing is amending section (1).

PURPOSE: This amendment updates the name of the Texas agency that administers the Board for Evaluation of Interpreters (BEI) to the

proper reference for the Texas provider of the examination.

(1) Certification as a Certified Deaf Interpreter (MO-CDI) may be obtained only by conversion pursuant to rule 5 CSR 100-200.100 by an applicant who receives a passing score on any of the following tests administered by the [*Texas Department of Assistive and Rehabilitative Services*] **Texas Health and Human Services Commission (HHSC):**

AUTHORITY: sections 209.292[.1, RSMo Supp. 2013,] and [section] 209.295, RSMo [2000] 2016. Original rule filed April 29, 2016, effective Nov. 30, 2016. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Lane, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.125 Certification Renewal. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (1), (2), and (3), and adding sections (4) and (5).

PURPOSE: This amendment removes the section referring to Novice and Apprentice, two (2) certification levels that are no longer part of the MICS system. It also clarifies that the one- (1-) year Provisional Certification in Education and the one- (1-) year Provisional Certification (aka Learner's Permit) are not renewable. It adds a timeline for certifications to become invalid and establishes a late fee.

(1) All holders of certifications in the Missouri Interpreters Certification System shall renew their certifications annually by **complying with the requirements of 5 CSR 100-200.130** and submitting the following items to the Board for Certification of Interpreters on or before [*sixty (60) days prior to the licensing date established by the Missouri State Committee of Interpreters*] **December 2 of each year:**

(2) This rule does not apply to holders of the [*three (3)-year term certifications of Novice and Apprentice when those certifications expire on or before the annual renewal date*] **one- (1-) year Provisional Certificate in Education discussed in 5 CSR 100-200.045.**

(3) This rule does not apply to holders of the nonrenewable Intern/Practicum Certification discussed in 5 CSR 100-200.085[.], **nor does it apply to the nonrenewable one- (1-) year Provisional Certification (aka Learner's Permit) discussed in 5 CSR 100-200.047.**

(4) Any certification that is not renewed will become invalid on December 15.

(5) Any renewal application not containing the required number of CEUs, earned by November 2, or application submitted after the December 2 deadline shall submit proof of completion of CEUs and the late fee. Any application submitted after December 15 must also be accompanied by the reinstatement fee.

AUTHORITY: sections 209.295[(1), (2) and (8)], 209.309, and 209.311, RSMo [2000] 2016. Original rule filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Lane, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.130 Certification Maintenance. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (5) and (6).

PURPOSE: This amendment clarifies due dates for CEU renewal and reinstatement.

(5) Proof of completion of continuing education requirements shall be provided by interpreters to the BCI by submitting annually a completed CEU form approved by the BCI, proper documentation, and the CEU processing fee, on or before [sixty (60) days prior to the licensing deadline] **December 2**. Proper documentation shall include one (1) or more of the following:

(A) Certificate(s) of completion[.];

(6) The BCI will review and verify all MICS CEUs claimed on the CEU forms submitted. After verification, the BCI will notify the State Committee of Interpreters of the number of CEUs interpreters have earned for the year.

[(A)] Failure to submit a CEU form with verifiable MICS CEUs, proper documentation, and the CEU processing fee by the [sixty (60) days] **December 2** CEU deadline will result in an interpreter's certification not being renewed, **effective December 15**. [and t]The State Committee of Interpreters will be appropriately notified of the interpreter's failure to renew certification[.] **upon the interpreter's failure to meet the December 2 certification renewal paperwork postmark deadline.**

[(B) If an interpreter's certification is not renewed because of failure to comply with certification maintenance requirements, the interpreter may apply for reinstatement by sub-

mitting a completed CEU form, proper documentation, the CEU processing fee, reinstatement form, and the reinstatement fee.]

AUTHORITY: sections 209.292[(10), RSMo Supp. 2013,] and [sections] 209.295[(1), (6), and (8)], RSMo [2000] 2016. Original rule filed June 20, 1996, effective Jan. 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Drive, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.150 Fees. The Missouri Commission for the Deaf and Hard of Hearing is amending section (1).

PURPOSE: This amendment establishes a \$10 per workshop CEU processing fee for approval of Registry for the Deaf (RID) workshops. It also removes the fee for wall certificates, which we no longer provide, and adjusts the numbering system for the remaining fees. This amendment establishes a late fee of \$20 for certification maintenance and removes unnecessary zeros.

(1) The following fees are established by the Missouri Commission for the Deaf and Hard of Hearing for various processes and services in the Missouri Interpreters Certification System (MICS):

(A) Application Fee	\$ 10[.00]
(B) Written Test Fee	\$ 25[.00]
(C) Basic Performance Test Fee	\$275[.00]
(D) Advanced and Master Performance Test Fee	\$300[.00]
(E) Conversion Fee	\$ 50[.00]
(F) Reinstatement Fee	\$ 50[.00]
(G) EIPA Proctor Fee	\$ 70[.00]
(H) CEU Processing Fee	\$ 10[.00]
(I) Duplicate Certificate Fee	\$ 5[.00]
(J) Renewal Fee	\$ 5[.00]
[(K) Wall Certificate Fee	\$ 10.00]
[(L)](K) Intern/Practicum Certification Fee	\$ 10[.00]
[(M)](L) Provisional Certificate in Education Fee	\$ 50[.00]
[(N)](M) Photocopies/Printouts Fee (per page)	\$ 0.10
(N) RID Workshop CEU Processing Fee	\$ 10
(O) Late Fee	\$ 20

AUTHORITY: sections 209.292[(7), RSMo Supp. 2013, and sections] 209.295[(2)], and 209.311, RSMo [2000] 2016. Original rule filed June 20, 1996, effective Jan. 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed

June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Lane, Suite B, Jefferson City, MO 65109. 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters

PROPOSED AMENDMENT

5 CSR 100-200.170 Skill Level Standards. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (4), (9), (10), (11), (12), (13), (14), and (15).

PURPOSE: This amendment removes Apprentice and Novice, two (2) certification levels that are no longer part of the MICS system. It also re-numbers the section, and corrects the title for Certified Deaf Interpreter. It also clarifies that Basic level interpreters are no longer permitted to interpret for financial settings and activities.

(4) For the purpose of this rule, certifications in the Missouri Interpreters Certification System (MICS) are referred to as follows:

- [(D)] Apprentice Certification = App]*
- [(E)] Novice Certification = Nov]*
- [(F)](D) Restricted Certification = RCED*
in Education (K-6) (K-6)
- [(G)](E) Restricted Certification = RCED*
in Education (7-12) (7-12)
- [(H)](F) Restricted Certification = RCED*
in Education (General) (Gen)
- [(I)](G) Provisional Certificate in Education = PCED*
- [(J)](H) Provisional Certification (aka Learner’s Permit) = LP*
- [(K)](I) Certified Deaf Interpreter[s] = CDI*

(9) Medical Health Care Appropriate Settings and Activities Certifications

(C) Community Health Education Master/Adv/Basic/[App]/CDI
Any program or activity in the community for the general public-offered by hospitals/clinics and private medical organizations that promotes general health and well-being.

(10) Mental Health Appropriate Settings and Activities Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in mental health settings and activities, including but not limited to:
(C) Transition Service Master/Adv/Basic/[App]/CDI
Interpreting for consumers involved with facilities, agencies, and activities whose purpose is to assist individuals transitioning to independent living.

(11) Education Appropriate Settings and Activities Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in educational settings and activities.

(H) Community Education . . . Master/Adv/Basic/[App]/CDI/LP
Any program or activity offered to the public generally by schools, colleges, or universities in the community that promotes learning is not offered as part of a degree program, is not part of the basic K-12 curriculum, and is not otherwise listed or referenced above.

(12) Employment Appropriate Settings and Activities Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in employment-related settings and activities, including but not limited to:

- (C) Vocational Training Master/Adv/Basic/[App]/CDI
Any training, course, or workshop designed to assist an individual to search, apply, and or qualify for employment, including but not limited to:
 1. Job training
 2. Job coach
 3. Vocational counseling
 4. Vocational assessment

(13) Financial Appropriate Settings and Activities Certifications

(A) Financial Settings and Activities . . Master/Adv/[Basic]/CDI
Real Estate, Insurance, Investments, and Loans. Meetings, consultations, and/or negotiations for the sale, purchase, or transfer of real estate, for the sale or purchase of insurance or investments, to obtain a loan from a financial institution or other commercial lending business.

- (B) Financial Management Master/Adv/[Basic]/CDI
 1. Credit counseling
 2. Retirement
 3. Tax preparation

(14) Government Appropriate Settings and Activities Certifications

(Federal, State, County, and Local) Interpreters shall be certified as set forth below when interpreting for consumers interacting with government agencies and districts:

- (E) Recreational/education programs . . . Master/Adv/Basic/[App]/Nov]/CDI/LP
 1. Federal and state parks
 2. Missouri history
 3. Conservation
 4. Natural resources
 5. Energy saver
 6. Environment
 7. Natural disaster awareness
 8. Public awareness
 9. Recreational activities
 10. Any program or activity offered by a public entity to increase the public’s awareness of government, safety, health, economics, appreciation, protection, etc.

(15) Entertainment Setting Appropriate Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in entertainment settings and activities, including but not limited to:

- (A) Performing Arts Master/Adv/Basic/[App]/CDI
Any type of performance but not limited to:
 1. Theaters
 2. Concerts
 3. Comedy shows
 4. Magic shows
- (B) Social Activities . . . Master/Adv/Basic/[App/Nov]/CDI/LP

Any other type of activity presented primarily for social or entertainment purposes, including but not limited to:

1. Festivals
2. Fairs
3. Sight-seeing tours
4. Rodeos
5. Circuses
6. Carnivals
7. Amusement parks
8. Camps

AUTHORITY: section[s] 209.292[(5) and (8)], RSMo [Supp. 2013] 2016. Original rule filed Nov. 27, 1996, effective July 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed June 26, 2019.

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 Missouri Commission for the Deaf and Hard of Hearing, 3216 Emerald Lane, Suite B, Jefferson City, MO 65109. 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 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

PROPOSED AMENDMENT

15 CSR 30-45.030 Local Records Grant Program Administration. The secretary is amending the purpose and section (1).

PURPOSE: This amendment updates the purpose and section (1).

PURPOSE: This rule outlines the [authority of] process of administering the grants-in-aid program for local records preservation through the Office of the Secretary of State.

(1) The local records grant program provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. [This grants-in-aid program is a significant effort in the overall mission of the agency to enhance the quality of archival preservation and public access to records of enduring value.]

(C) Procedures and Evaluation of Applications[:].

1. The Missouri Historical Records Advisory Board (MHRAB) recommends grant[:]-

A. Activities, requirements, and objectives;

B. Cost-sharing contributions, budget structure, payment benchmarks, and accounting guidelines; and

C. Calendars.

2. The MHRAB reviews and evaluates grant applications and recommends funding levels for award to the secretary of state.

3. The process to be followed in writing and submitting a grant proposal are found in the Missouri Local Records Preservation Grant Program Guidebook and Application. All applicable guidelines, procedures, and standards relating to the local records preservation grants-in-aid program are detailed in Missouri Local Records Preservation Grant Program Guidebook and Application and the

Guidelines for Microfilming Public Records.

4. The current Guidebook and Application and the Guidelines for Microfilming Public Records may be accessed on the secretary of state website: www.sos.mo.gov/archives/local-recs/grants.

AUTHORITY: section 59.319, RSMo [Supp. 2014] 2016, and section 109.221, RSMo [2000] Supp. 2018. Emergency rule filed June 19, 1991, effective June 29, 1991, expired Oct. 28, 1991. Original rule filed June 19, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed July 1, 2019.

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 Office of Secretary of State, PO Box 1767, 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.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

PROPOSED AMENDMENT

15 CSR 30-45.040 Missouri Historical Records Advisory Board (MHRAB) Regrant Program Administration. The secretary is amending section (1).

PURPOSE: This amendment updates where an individual may find information to apply for the grant program.

(1) The Missouri Historical Records Grant Program, [administered by the Office of the Secretary of State, on behalf of the Missouri Historical Records Advisory Board,] provides financial assistance to historical records repositories to support cooperative strategies, education for records keepers, and preservation and expanded access to records. [This grants-in-aid program is a significant effort in the overall mission of the agency to enhance the quality of archival preservation and public access to records of historical value.]

(B) Procedures and Evaluation of Applications.

1. The Missouri Historical Records Advisory Board (MHRAB) recommends grant[:]-

A. Activities, requirements, and objectives;

B. Cost-sharing contributions, budget structure, payment benchmarks, and accounting guidelines; and

C. Calendars.

2. The MHRAB reviews and evaluates applications and makes awards in the program.

3. The process to be followed in writing and submitting a grant proposal is found in the Missouri Historical Records Grant Program Guidelines and Application [2010–2011, which is incorporated by reference, and published by the secretary of state and available] which can be found on the secretary of state website: www.sos.mo.gov. [Paper copies are available from the Missouri Historical Records Grant Program, PO Box 1747, Jefferson City, MO 65102, (573) 751-4303. This material contains no later amendments or additions.]

AUTHORITY: sections 109.221.3 and 109.221.5, RSMo [2000] Supp. 2018. Original rule filed Oct. 6, 2000, effective April 30, 2001. Rescinded and readopted: Filed Oct. 6, 2003, effective April 30, 2004. Amended: Filed April 1, 2010, effective Sept. 30, 2010. Amended: Filed July 1, 2019.

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 Office of Secretary of State, PO Box 1767, 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.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law Enforcement Agencies

PROPOSED AMENDMENT

15 CSR 60-10.020 Report to Attorney General by Law Enforcement Agencies. The attorney general is amending sections (1), (4), (5), and (6), deleting sections (2), (3), and (7), adding a new section (5), and renumbering as necessary.

PURPOSE: This amendment changes the reporting requirements for law enforcement agencies regarding traffic stops by adding questions on officer assignment, driver residential zip code, and reason for citation or warning while amending other questions and consolidating content.

(1) On or before March 1 of each year, law enforcement agencies shall compile the information collected pursuant to section 590.650.2, RSMo[,] and enumerated in this rule[, and such other information as the Attorney General may require,] into a report to the Attorney General. The information contained in the report shall [be for] cover **January 1 to December 31** of the preceding calendar year.

[(2) The first reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on August 28, 2000, and end on December 31, 2000.

(3) Beginning on January 1, 2001, and thereafter, the reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on January 1 and end on December 31 of each year.]

[(4)](2) Each law enforcement agency shall compile the following information in the manner described in section [(5)] (3) of this rule for submission to the Attorney General. The information shall pertain to the total number of times peace officers employed by the law enforcement agency stopped drivers of motor vehicles for violations of any motor vehicle statutes or ordinances, and shall include:

(A) The type of assignment the peace officer was on at the time of the stop.

1. For the total number of stops made during the reporting period, indicate the type of assignment using one (1) of the following categories: **General Patrol; Dedicated Traffic Enforcement; or Special Assignment.**

[(A)](B) The age, gender, and race or minority group of each individual stopped.

1. For the total number of stops made during the reporting period, indicate the races or minority groups of the drivers using one (1) of the following categories: **White; Black/African-American; Hispanic/Latino; American Indian/Alaska Native; Asian; or Other/[Unknown].** For the purposes of reporting this information, the races or minority groups of the drivers shall be based upon the peace officers' visual observations **regardless of when first visual contact with the driver is made.**

2. For the total number of stops made during the reporting period, indicate the number of male drivers stopped and female drivers stopped.

3. For the total number of stops made during the reporting period, indicate the age groups of the drivers stopped;

[(B)](C) The total number of traffic violations alleged to have been committed that led to the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops resulting from moving violations, equipment violations [or], license/registration violations, or **investigative desire.** A stop may include more than one (1) **reason or alleged violation.**

2. For [moving violations] **investigative stops**, indicate the nature of the [violation: *speed; lane violation; following too close; commercial vehicle enforcement (CVE); fail to signal*] **stop: call for service; officer initiative; detective or crime bulletin; or other;**

[(C)](D) The total number of searches conducted as a result of the stops.

1. For the total number of stops made during the reporting period, indicate the number of searches made, including the number of property searches, the number of drivers searches, and the number of searches of both drivers and [their] **their** property;

[(D)](E) The total number of searches conducted, including the number of consent searches, the probable cause for the searches and the durations of all searches.

1. For the total number of searches made during the reporting period, indicate whether the probable cause or authority for the searches included the following: **consent; odor of illegal drugs or alcohol; plain view contraband; drug dog alert; inventory search; incident to arrest; reasonable suspicion (weapon); or other.** For any search, one (1) or more of these categories may apply.

2. For the total number of searches made during the reporting period, indicate the lengths of the searches. The duration of search means the time needed to conduct any and all searches;

[(E)](F) The number of searches during which contraband was discovered, and the types of any contraband discovered during the searches.

1. For the total number of searches made during the reporting period, indicate the number of times contraband was discovered and, when contraband was discovered, indicate the types of contraband discovered using the following categories: **illegal drugs or paraphernalia; alcohol; currency; stolen property; weapons; or other;**

[(F)](G) The total number of warnings, citations, [and] **custodial arrests [resulting from the], stops with no action taken; and other results for stops in the reporting period.**

1. For the total number of stops made during the reporting period, indicate the number of stops resulting in the following: **warnings; and citations;**

[(G)](H) The total number of warnings and citations issued.

1. For the total number of [stops made] **citations and warnings given** during the reporting period, indicate the [violations

charged] type of citations or warnings given using the following categories: moving; equipment; license/registration; or other. A stop may include more than one (1) type of citation or warning.

[(H)](I) The total number of arrests made and the crimes alleged.

1. For the total number of arrests resulting from either the stops or any searches conducted as a result of the stops during the reporting period, indicate the types of crimes alleged using the following categories: outstanding warrant; drug violations; resisting arrest; offense against person; property offense; driving while intoxicated/blood alcohol content; or other. An arrest may include more than one (1) alleged crime;

[(I)](J) The locations of the stops. 1. For the total number of stops made during the reporting period, indicate the number of stops made at the following locations: interstate highway; U.S. highway; state highway; county road; city street; or other. For purposes of reporting this information, "location" means the location where the officer observed the alleged violation and signaled the driver to stop, not the location where the driver physically stopped the vehicle;

[(J)](K) Total number of vehicle stops made by that agency.

1. This number represents the total number of vehicles stopped by officers in the particular law enforcement agency for alleged motor vehicle violations, whether moving violations, equipment violations, or license/registration violations. This total does not include motor vehicle stops made for reasons other than alleged motor vehicle violations; *and*

(L) The six-digit zip code of the driver's current residence; and

[(K)](M) *[The law enforcement agency jurisdiction in which each driver of a stopped vehicle resides.] Whether or not the driver resides in the jurisdiction of the law enforcement agency conducting the stop.*

1. For the total number of stops made during the reporting period, indicate whether the driver stopped is a resident of the law enforcement agency's jurisdiction.

[(5)](3) The information described in section [(4)](2) of this rule shall be compiled and broken down according to the races or minority groups of the drivers stopped.

[(6)](4) The law enforcement agency head, director, or administrator shall sign each agency report and shall indicate the agency name, agency Originating Agency Identifier (ORI) number, and the date the report was submitted to the Attorney General's Office.

[(7) *The report shall be submitted on forms furnished by or approved by the Attorney General.*]

(5) To satisfy its obligations under this rule, in lieu of a report summarizing total numbers as described in section (3), a law enforcement agency may submit disaggregated data for all motor vehicle stops containing the information described in section (2) of this rule according to guidelines furnished by the Attorney General's Office.

AUTHORITY: section 590.650, RSMo [2000] 2016. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expired Feb. 23, 2001. Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded and readopted: Filed July 31, 2001, effective Jan. 30, 2002. Amended: Filed July 1, 2019.

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 Attorney General's Office at 207 W. High St., 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 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies**

PROPOSED AMENDMENT

15 CSR 60-10.030 Reporting Forms. The Attorney General's Office is amending sections (2), (3), (5), and (6), deleting sections (1) and (4), renumbering as necessary, and updating the Vehicle Stop Information Form.

PURPOSE: This amendment updates the form used to report information on motor vehicle stops and allows law enforcement agencies to meet reporting requirements by providing information on every stop conducted in a reporting year.

[(1) *Law enforcement agencies are required, pursuant to section 590.650, RSMo, and 15 CSR 60-1.020 to compile information about motor vehicle stops for submission to the Attorney General.*]

[(2)](1) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report or disaggregated data submission described in 15 CSR 60-10.020 section (5) contains a compilation of the information enumerated in 15 CSR 60-10.020 *[and such other information as the Attorney General may require]*.

[(3)](2) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report is signed by the law enforcement agency head, director, or administrator.

[(4) *The compiled information shall be broken down by races or minority groups of the drivers stopped.*]

[(5)](3) The report to the Attorney General shall be made on a form or forms furnished by or approved by the Attorney General. The form, included herein, may be used by law enforcement agencies to collect and compile the required information to submit to the Attorney General. The reporting forms may, at the discretion of the Attorney General, be made available on the Internet.

[(6)](4) The Attorney General may create informal guidelines for compliance with the reporting form. The guidelines may, at the discretion of the Attorney General, be made available on the Internet.

VEHICLE STOP INFORMATION
 DATE / / TIME (military)

- 1 CURRENT OFFICER ASSIGNMENT** General Patrol
 Dedicated Traffic Enforcement Special Assignment
- 2 LOCATION OF STOP**
 Interstate Highway U.S. Highway State Highway
 County Road City Street Other
- 3 VIOLATION RESULTING IN STOP** (√ all that apply)
 Moving Equipment License/Registration Investigative
 If an "investigative" violation, √ category of violation.
 Call for Service Officer Initiative
 Detective or Crime Bulletin Other
- 4 DRIVER'S RACE/MINORITY STATUS** (based **only** on visual observation **after** stop)
 White African-American/Black Hispanic/Latino
 American Indian/Alaska Native Asian Other
- 5 DRIVER'S AGE**
 Under 18 18-29 30-39 40-64 65+
- 6 DRIVER'S GENDER** Male Female
- 7 ZIP CODE OF DRIVER'S CURRENT RESIDENCE** _____
- 8 IS DRIVER A RESIDENT OF LAW ENFORCEMENT AGENCY'S JURISDICTION?** Yes No
- 9 WAS A SEARCH INITIATED?** Yes No
 If YES, probable cause/authority for search. √ all that apply.
 Consent Reasonable suspicion-weapon (terry stop)
 Incident to arrest Plain View Contraband Other
 Drug Dog Alert Inventory Drug/Alcohol Odor
- 10 WHAT WAS SEARCHED?**
 Driver Only Property Only Driver and Property
- 11 DURATION OF SEARCH**
 0-15 minutes 16-30 minutes 31+ minutes
- 12 WAS CONTRABAND DISCOVERED?** Yes No
 If YES, type of contraband. √ all that apply.
 Drugs/Paraphernalia Alcohol Currency
 Weapon Stolen Property Other
- 13 RESULT OF STOP**
 Citation Warning Custodial Arrest No action Other
- 14 IF CITATION OR WARNING ISSUED, VIOLATION ALLEGED**
 Moving Equipment License/Registration
- 15 IF ARREST MADE, CRIME/VIOLATION ALLEGED** (√ all that apply)
 Outstanding Warrant Offense against person
 Resisting Arrest Drug Violation DWI/BAC
 Property Crime Traffic Violation Other

VEHICLE STOP INFORMATION
 DATE / / TIME (military)

- 1 CURRENT OFFICER ASSIGNMENT** General Patrol
 Dedicated Traffic Enforcement Special Assignment
- 2 LOCATION OF STOP**
 Interstate Highway U.S. Highway State Highway
 County Road City Street Other
- 3 VIOLATION RESULTING IN STOP** (√ all that apply)
 Moving Equipment License/Registration Investigative
 If an "investigative" violation, √ category of violation.
 Call for Service Officer Initiative
 Detective or Crime Bulletin Other
- 4 DRIVER'S RACE/MINORITY STATUS** (based **only** on visual observation **after** stop)
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- 9 WAS A SEARCH INITIATED?** Yes No
 If YES, probable cause/authority for search. √ all that apply.
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 Moving Equipment License/Registration
- 15 IF ARREST MADE, CRIME/VIOLATION ALLEGED** (√ all that apply)
 Outstanding Warrant Offense against person
 Resisting Arrest Drug Violation DWI/BAC
 Property Crime Traffic Violation Other

AUTHORITY: section 590.650, RSMo 2016. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expired Feb. 23, 2001. Original rule filed Aug. 21, 2000, effective March 30, 2001. Rescinded and readopted: Filed July 31, 2001, effective Jan. 30, 2002. Amended: Filed June 1, 2017, effective Jan. 1, 2018. Amended: Filed July 1, 2019.

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 Attorney General's Office at 207 W. High St., 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 15—Abortions**

PROPOSED AMENDMENT

19 CSR 10-15.060 Prohibition on Expenditure of Funds. The department is updating the rule purpose, amending sections (1), (2), and (4), and removing the form which follows the rule in the *Code of State Regulations*.

PURPOSE: The department is updating House Bill 2010 references and specific language in the rule purpose and sections (1), (2), and (4) to align with HB10, which is the Fiscal Year 2020 budget bill.

PURPOSE: This rule defines terms used in [House Bill 2010, 99th General Assembly, Second Regular Session] House Bill 10, 100th General Assembly, First Regular Session, for purposes of expenditures by the Department of Health and Senior Services.

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) Definitions.

(A) Affiliate of *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced* (as used in section 10.1100 of HB [2010] 10 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares, or has in common, any resource with *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced* including, but not limited to, operating funds, bank accounts, facilities, employees, service contracts, equipment, mailing lists, trademarks, copyrights, service marks, brands, trade names, financial reporting, marketing, advertising, websites, information and education materials, or any other assets.

(B) Associate of *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are per-*

formed or induced (as used in section 10.1100 of HB [2010] 10 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares an organizational structure with *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced* including, but not limited to, parent, subsidiary, or sister organizations; or an organization or location with common or interlocking management, ownership, or governance with *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced*; or an organization or location with the public appearance of association with *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced*, such as a shared name, or part of a name; an alliance or federation with an organization or location that is commonly identified as an advocate for abortion; or that holds itself out, has held itself out, or refers to itself publicly in a way that demonstrates a connection to an organization or location that is commonly identified as *[an abortion facility] any clinic, physician's office, or any other place or facility in which abortions are performed or induced*.

(C) Counsels women to have an abortion (as used in section 10.1005 of HB [2010] 10)—in the absence of an exception required by federal law, includes, but is not limited to, encouraging a patient to have an abortion, referring a patient for an abortion, or providing a patient with information encouraging her to have an abortion.

(D) Program (as used in section 10.1005 of HB [2010] 10)—a project, service, or activity administered by the department.

(E) Referring a patient for an abortion (as used in section 170.015, RSMo, for purposes of section [10.720] 10.725 of HB [2010] 10)—does not include providing comprehensive, factual information regarding options, so long as the information is provided for all of the options and in a neutral manner. Also does not include providing contact information, so long as the contact information is provided for all of the options and in a neutral manner. Other actions, such as assisting with making an appointment or assisting with transportation, constitute referring a patient for an abortion.

(2) The department shall not expend any funds to any **clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, including an abortion facility as defined in section 188.015, RSMo, or any affiliate or associate [thereof] of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital**, as determined by the department in accordance with this regulation.

(4) *[Prior to receiving payment from the department for providing services pursuant to section 10.720 of HB 2010,] After July 1, 2019, no claims for payment shall be submitted by a provider until the provider [shall complete and] submits the form [included herein] provided by the department declaring that the provider will not submit claims for payment that violate HB [2010] 10. A copy of the form can be requested by contacting the department.*

AUTHORITY: section 192.006, RSMo 2016, and House Bill 10, [99th] 100th General Assembly, [Second] First Regular Session. Emergency rule filed July 5, 2018, effective July 15, 2018, expired Feb. 28, 2019. Original rule filed July 5, 2018, effective Feb. 28, 2019. Emergency amendment filed June 21, 2019, effective July 1, 2019, expires Feb. 27, 2020. Amended: Filed June 21, 2019.

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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, 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.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting [Communicable, Environmental, and Occupational] Infectious, Contagious, Communicable, or Dangerous Diseases. The department is amending the rule title, rule purpose, and sections (2) and (3).

PURPOSE: This amendment moves Legionellosis from a three (3) day report to a one (1) day report. This amendment also changes the rule title and rule purpose to match the language of section 192.020, RSMo, which is the source of statutory authority for this rule.

PURPOSE: This rule designates the diseases[, disabilities, conditions, and findings that] which are infectious, contagious, communicable, or dangerous and must be reported to the local health authority or the Department of Health and Senior Services. It also establishes when they must be reported.

(2) Reportable within one (1) day, diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within one (1) calendar day of first knowledge or suspicion by telephone, facsimile, or other rapid communication. Reportable within one (1) day, diseases or findings are—

(A) Diseases, findings, or agents that occur naturally, or from accidental exposure, or as a result of an undetected bioterrorism event:

- Animal (mammal) bite, wound, humans
- Brucellosis
- Chikungunya
- Cholera
- Dengue virus infection
- Diphtheria
- Glanders (*Burkholderia mallei*)
- Haemophilus influenzae*, invasive disease
- Hantavirus pulmonary syndrome
- Hemolytic uremic syndrome (HUS), postdiarrheal
- Hepatitis A
- Influenza-associated mortality
- Influenza-associated public and/or private school closures
- Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person

Legionellosis

- Measles (rubeola)
- Melioidosis (*Burkholderia pseudomallei*)
- Meningococcal disease, invasive
- Novel Influenza A virus infections, human
- Outbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern, including any illness in a food handler that is potentially transmissible through food
- Pertussis
- Poliovirus infection, nonparalytic
- Q fever (acute and chronic)
- Rabies (animal)

- Rubella, including congenital syndrome
- Shiga toxin-producing *Escherichia coli* (STEC)
- Shiga toxin positive, unknown organism
- Shigellosis
- Staphylococcal enterotoxin B
- Syphilis, including congenital syphilis
- T-2 mycotoxin
- Tetanus
- Tuberculosis disease
- Tularemia (all cases other than suspected intentional release)
- Typhoid fever (*Salmonella typhi*)
- Vancomycin-intermediate *Staphylococcus aureus* (VISA), and Vancomycin-resistant *Staphylococcus aureus* (VRSA)
- Venezuelan equine encephalitis virus neuroinvasive disease
- Venezuelan equine encephalitis virus nonneuroinvasive disease
- Viral hemorrhagic fevers other than suspected intentional (e.g., Viral hemorrhagic fever diseases: Ebola, Marburg, Lassa, Lujo, new world Arenavirus (Guanarito, Machupo, Junin, and Sabia viruses), or Crimean-Congo)
- Yellow fever
- Zika;

(B) Diseases, findings or adverse reactions that occur as a result of inoculation to prevent smallpox, including, but not limited to, the following:

- Accidental administration
- Contact transmission (i.e., vaccinia virus infection in a contact of a smallpox vaccinee)
- Eczema vaccinatum
- Erythema multiforme (roseola vaccinia, toxic urticaria)
- Fetal vaccinia (congenital vaccinia)
- Generalized vaccinia
- Inadvertent autoinoculation (accidental implantation)
- Myocarditis, pericarditis, or myopericarditis
- Ocular vaccinia (can include keratitis, conjunctivitis, or blepharitis)
- Post-vaccinal encephalitis or encephalomyelitis
- Progressive vaccinia (vaccinia necrosum, vaccinia gangrenosa, disseminated vaccinia)
- Pyogenic infection of the vaccination site
- Stevens-Johnson Syndrome.

(3) Reportable within three (3) days diseases or findings shall be reported to the local health authority or the Department of Health and Senior Services within three (3) calendar days of first knowledge or suspicion. These diseases or findings are—

- Acquired immunodeficiency syndrome (AIDS)/Human immunodeficiency virus (HIV) infection, Stage 3
- Babesiosis
- California serogroup virus neuroinvasive disease
- California serogroup virus non-neuroinvasive disease
- Campylobacteriosis
- Carbon monoxide exposure
- CD4+ T cell count and percent
- Chancroid
- Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to subsection (1)(B)
- Chlamydia trachomatis, infections
- Coccidioidomycosis
- Creutzfeldt-Jakob disease
- Cryptosporidiosis
- Cyclosporiasis
- Eastern equine encephalitis virus neuroinvasive disease
- Eastern equine encephalitis virus non-neuroinvasive disease
- Ehrlichiosis/Anaplasmosis (*Ehrlichia chaffeensis* infection, *Ehrlichia ewingii* infection, *Anaplasma phagocytophilum* infection, and Ehrlichiosis/Anaplasmosis, human, undetermined)
- Giardiasis

Gonorrhea
Hansen's disease (Leprosy)
Heavy metal poisoning including, but not limited to, arsenic, cadmium, and mercury
Hepatitis B, acute
Hepatitis B, chronic
Hepatitis B surface antigen (prenatal HBsAg) in pregnant women
Hepatitis B Virus Infection, perinatal (HBsAg positivity in any infant aged equal to or less than twenty-four (≤ 24) months who was born to an HBsAg-positive mother)
Hepatitis C, acute
Hepatitis C, chronic
Human immunodeficiency virus (HIV) infection, exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, including any test or series of tests used for the diagnosis or periodic monitoring of HIV infection. For series of tests which indicate HIV infection, all test results in the series (both positive and negative) must be reported.
Human immunodeficiency virus (HIV) infection, including any negative, undetectable, or indeterminate test or series of tests used for the diagnosis or periodic monitoring of HIV infection conducted within one hundred eighty (180) days prior to the test result used for diagnosis of HIV infection
Human immunodeficiency virus (HIV) infection, pregnancy in newly identified or pre-existing HIV positive women
Human immunodeficiency virus (HIV) infection, test results (including both positive and negative results) for children less than two (2) years of age whose mothers are infected with HIV
Human immunodeficiency virus (HIV) infection, viral load measurement (including undetectable results)
Hyperthermia
Hypothermia
Lead (blood) level less than forty-five micrograms per deciliter (< 45 $\mu\text{g}/\text{dl}$) in any person
[Legionellosis]
Leptospirosis
Listeriosis
Lyme disease
Malaria
Methemoglobinemia, environmentally induced
Mumps
Non-tuberculosis mycobacteria (NTM)
Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung, and toxic organic dust syndrome
Pesticide poisoning
Powassan virus neuroinvasive disease
Powassan virus non-neuroinvasive disease
Psittacosis
Rabies Post-Exposure Prophylaxis (Initiated)
Respiratory diseases triggered by environmental contaminants including environmentally or occupationally induced asthma and bronchitis
Rickettsiosis, Spotted Fever
Saint Louis encephalitis/virus neuroinvasive disease
Saint Louis encephalitis virus non-neuroinvasive disease
Salmonellosis
Streptococcus pneumoniae, Invasive disease (IPD-Invasive Pneumococcal Disease)
Streptococcal toxic shock syndrome (STSS)
Toxic shock syndrome, non-streptococcal
Trichinellosis
Tuberculosis infection
Varicella (Chickenpox)
Varicella deaths
Vibriosis (non-cholera Vibrio species infections)
West Nile virus neuroinvasive disease

West Nile virus non-neuroinvasive disease
Western equine encephalitis virus neuroinvasive disease
Western equine encephalitis virus non-neuroinvasive disease
Yersiniosis.

AUTHORITY: sections 192.006, 192.020, 210.040, and 210.050, RSMo 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 28, 2019, effective July 8, 2019, expires Feb. 27, 2020. Amended: Filed June 28, 2019.

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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, 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.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.040 *[Measures for the Control of Communicable, Environmental, and Occupational Diseases] Measures to Determine the Prevalence and Prevent the Spread of Diseases which are Infectious, Contagious, Communicable, or Dangerous in their Nature.* The department is amending the title and sections (1), (2), (3) and (5) and adding new sections (6) and (7).

PURPOSE: This amendment changes the title and disease categories to be in accordance with the disease categories listed in section 192.020, RSMo and listed and updated in 19 CSR 20-20.020 and updates the department of health to department. This amendment also sets forth additional methods to determine the prevalence and to prevent the spread of diseases which are infectious, contagious, communicable, or dangerous in their nature within Missouri including notification of the public and potentially exposed individuals and the issuance of orders.

(1) *[In controlling the diseases and findings listed in 19 CSR 20-20.020, the director shall comply with the methods of control section of one (1) of the two (2) books listed in 19 CSR 20-20.030(2)(B) or the recommendations of the Immunization Practices Advisory Committee (ACIP) published by the Centers for Disease Control in the Morbidity and Mortality Weekly Report listed in 19 CSR 20-20.030(2)(B).]* The director shall use the legal means necessary to control, investigate, or both, any disease or condition listed in 19 CSR 20-20.020 which is a threat to the public health.

(2) It shall be the duty of the local health authority, the director of the [D]department [of Health], or the director's designated representative on receiving a report of a [communicable, environmental or occupational disease] disease which is infectious, contagious, communicable, or dangerous in its nature as included in

19 CSR 20-20.020 to—

(A) Inspect any premises that they have reasonable grounds to believe are in a condition conducive to the spread of *[any communicable]* the disease;

(C) Collect for laboratory analysis any samples or specimens that may be necessary to confirm the diagnosis or presence of the disease or biological, chemical, or physical agents and to determine the source of the infection, epidemic, or exposure. Health program representatives and other personnel employed by the *[D]department [of Health]*, after training and certification to perform venipuncture, and after specific authorization from a physician, are authorized to perform venipuncture utilizing procedures within the scope of the training they have been given. The content and scope of this training shall be established by the *[D]department [of Health]*. Training shall be provided by a physician or his/her designee and the certificate shall be signed by the physician. Nothing in this rule shall limit the authority of local public health departments to establish their own training policies, with or without certification, or to limit their voluntary participation in the certification program developed by the *[D]department [of Health]*, nor shall it apply to venipuncture for other purposes;

(G) Establish appropriate control measures which may include isolation, quarantine, disinfection, immunization, closure of establishment, **notification to potentially exposed individuals to make them aware of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, notification to the public of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, the creation and enforcement of adequate orders to prevent the spread of the disease** and other measures considered *[appropriate by medical experts for the protection of public health]* by the department and/or local health authority as appropriate disease control measures based upon the disease, the patient's circumstances, the type of facility available, and any other available information related to the patient and the disease or infection;

(H) Establish, as the local health authority, whenever a case of unrecognized illness is reported or otherwise brought to the attention of the local health authority or the *[D]department [of Health]* and investigation presents symptoms of a communicable disease, but sufficient time has not elapsed to render a positive diagnosis, after consultation with the director or his/her designated representative, the control measures applicable in actual cases of the suspected communicable disease, until a positive diagnosis can be established. If a disease proves to be noncommunicable, the temporary control measures shall be terminated at once;

(J) Investigate, as the local health authority, the disease within the local jurisdiction with assistance from the director of the *[D]department [of Health]* or his/her designated representative when any outbreak or unusual occurrence of a reportable disease is identified through reports required by 19 CSR 20-20.020. If, in the judgment of the director, the disease outbreak or unusual occurrence constitutes a medical emergency, the director may assume direct responsibility for the investigation.

(3) It shall be the duty of the local health authority, upon identification of a case of a reportable disease or upon receipt of a report of that disease, to take actions and measures as may be necessary according to any policies which have been or may be established by the director of the *[D]department [of Health]*, within the provisions of section (2) and subsections (2)(A)–(J) of this rule.

(C) Control measures implemented by the local health authority shall be at least as stringent as those established by the director of the *[D]department [of Health]* and shall be subject to review and alteration by the director. If the local health authority fails to carry out appropriate control measures, the director or his/her designated representative shall take steps necessary to protect the public health.

(5) Every practitioner of the healing arts and every person in charge of any medical care facility shall permit the director of the *[D]department [of Health]* or the director's designated representative to examine and review any medical records which are in the practitioner's or person's possession or to which the practitioner or person has access, upon request of the director or the director's designated representative in the course of investigation of reportable diseases in 19 CSR 20-20.020.

(6) In order to determine the prevalence of infectious diseases, contagious diseases, communicable diseases, or diseases dangerous in their nature within Missouri, the department may inspect, investigate, make findings, and make and enforce adequate orders to prevent the spread of such diseases included in 19 CSR 20-20.020.

(7) In order to prevent the spread of infectious diseases, contagious diseases, communicable diseases, or diseases that are dangerous in their nature within Missouri, it shall be the duty of the local health authority, the director of the department or the director's designated representative to do the following:

(A) Notify or ensure adequate notice is given to potentially exposed individuals when such official determines that a case or outbreak of any such disease subjects such individuals to serious illness or death, if acquired; and

(B) Notify or ensure adequate notice is given to the public when such official determines that a case or outbreak of any such disease subjects the public to serious illness or death, if acquired, and the identity of potentially exposed individuals is not known at such time or cannot be known.

Such notice shall provide necessary information for the recipient to avoid or appropriately respond to the exposure.

AUTHORITY: sections 192.006 and 192.020, RSMo [2000] 2016. This rule was previously filed as 13 CSR 50-101.050. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 28, 2019, effective July 8, 2019, expires Feb. 27, 2020. Amended: Filed June 28, 2019.

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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, 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.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 30—Ambulatory Surgical Centers and Abortion Facilities

PROPOSED AMENDMENT

19 CSR 30-30.060 Standards for the Operation of Abortion Facilities. The department is amending section (2).

PURPOSE: This regulation establishes standards for the operation of abortion facilities to ensure safe, quality care in accordance with legal requirements.

(2) Direct patient care services.

(D) A written medical history shall be obtained for each patient. **At least seventy-two (72) hours before the abortion, [A/a] health assessment [including] and a pelvic examination shall be performed by the physician who is to perform or induce the abortion, unless in the clinical judgment of that physician such pelvic examination is not medically indicated at such time for that individual patient, in which case such pelvic examination shall be completed on the day of the abortion by the physician performing or inducing the abortion. The basis for the determination to delay the pelvic examination shall be documented in detail in the patient's medical record.** Pregnancy shall be confirmed by clinical evidence and laboratory tests. This information shall be used in determining the duration of gestation, identifying preexisting medical or other complications, and detecting any factors which could influence the choice of the procedure, anesthesia, or preoperative and postoperative management. If the physician determines gestation is beyond the first trimester, an ultrasound examination shall be performed and results shall be recorded in the patient's medical record.

AUTHORITY: section 197.225, RSMo Supp. 2017. Original rule filed July 15, 1987, effective Oct. 25, 1987. Amended: Filed June 14, 1988, effective Oct. 13, 1988. Amended: Filed Oct. 24, 2017, effective April 30, 2018. Emergency amendment filed June 21, 2019, effective July 1, 2019, expires Feb. 27, 2020. Amended: Filed June 21, 2019.

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 Health and Senior Services, Division of Regulation and Licensure, Dean Linneman, Division Director, PO Box 570, Jefferson City, MO 65102-0570. 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

20 CSR 2200-4.020 Requirements for Licensure. The board is amending section (7).

PURPOSE: This amendment clarifies the requirements for the English proficiency exam.

(7) Intercountry Licensure by Examination in Missouri—RN and LPN.

(A) Application Procedure.

1. A professional/practical nurse educated outside a state of the United States may be entitled to apply to take the examination for licensure if, in the opinion of the Missouri State Board of Nursing, current requirements for licensure in Missouri are met.

2. The applicant shall file a complete application containing data and documents required by the board. The application shall be properly attested to and executed before a notary public. Any application for licensure submitted to the board is valid for one (1) year from the date the application is notarized. After the expiration of one (1) year, an applicant shall submit a new application, along with the required fee. An application notarized more than sixty (60) days prior to receipt by the Missouri State Board of Nursing will be rejected and returned to the applicant. Credentials in a foreign language shall be submitted in their original language and also a duplicate set translated into English, the translation shall be signed by the translator, and the signature shall be notarized by a notary public. The translation shall be attached to the credentials in a foreign language when submitted to the Missouri State Board of Nursing.

3. The required credentials for practical nurse applicants are—

A. A course-by-course evaluation report and credentials evaluation report received directly from a foreign or other credentials evaluation service approved by the board;

B. A photostatic copy of a birth certificate (if a copy of birth certificate is not available, copy of baptismal certificate, passport, or notarized statement from an authorized agency will be accepted as verification of name, date of birth, and place of birth);

C. Photostatic copy of marriage license/certificate (if applicable);

D. Successful passage of an English proficiency exam, approved by the board that includes the components of reading, speaking, and listening. [Evidence of] The English-language proficiency [by any of the following submitted] exam results must be received directly from the testing agency:

(I) Test of English as a Foreign Language (TOEFL) www.toefl.org with a passing score of five hundred forty (540) on the paper examination or a passing score of two hundred seven (207) for the computerized examination or a passing score of seventy-six (76) on the Internet-based exam; or

(II) Test of English for International Communication (TOEIC) www.toEIC.com with a passing score of seven hundred twenty-five (725); or

(III) International English Language Testing System (IELTS) www.ielts.org with a passing score in the academic module of six and one-half (6.5) and the Spoken Band score of seven (7);

E. Test of Spoken English (TSE®) Certificate indicating that the applicant has obtained a minimum overall score of fifty (50);

[F./E.] Photostatic copy of original license issued by the licensing agency where original licensure/registration was secured by examination;

[G./F.] Copy of Passport;

[H./G.] Copy of original education certificate/diploma;

[I./H.] Copy of Transcript/Marksheet;

[J./I.] Copy of nursing education program transcripts and copy of certificate (if any);

[K./J.] Professional/Health License issued by the regulator of the country last worked in or home country professional/health license;

[L./K.] Employment Certificate/Experience Certificate/Relieving Letter/Last appraisal letter (if this includes the employment start date)/First and last salary slip (Recommendation letters are not acceptable documents for employment verification); and

[M./L.] The applicant shall submit to state and federal fingerprint or other biometric criminal background checks as administered through the Missouri State Highway Patrol.

4. The required credentials for professional nurse applicants are—

A. A course-by-course evaluation report received directly from a credentials evaluation service approved by the board or Commission on Graduates of Foreign Nursing Schools (CGFNS)

certificate and [evidence of] successful passage of an English-language proficiency [submitted] exam, approved by the board that includes the components of reading, speaking, and listening. The English-language proficiency exam results must be received directly from the testing agency. [Any of the following is considered evidence of English-language proficiency:

(I) Test of English as a Foreign Language (TOEFL) www.toefl.org with a passing score of five hundred forty (540) on the paper examination or a passing score of two hundred seven (207) for the computerized examination or a passing score of seventy-six (76) on the internet-based exam; or

(II) Test of English for International Communication (TOEIC) www.toeic.com with a passing score of seven hundred twenty-five (725); or

(III) International English Language Testing System (IELTS) www.ielts.org with a passing score in the academic module of six and one-half (6.5) and the Spoken Band score of seven (7).

B. Test of Spoken English (TSE®) Certificate indicating that the applicant has obtained a minimum overall score of fifty (50);]

[C.]B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, a copy of baptismal certificate, passport, or notarized statement from authorized agency will be accepted as verification of name, date of birth, and place of birth);

[D.]C. Photostatic copy of original license or certificate issued by the licensing agency where original licensure/registration was secured by examination;

[E.]D. Photostatic copy of marriage license/certificate (if applicable);

[F.]E. Copy of original education certificate/diploma;

[G.]F. Copy of Transcript/Marksheet;

[H.]G. Copy of nursing education program transcripts and copy of certificate (if any);

[I.]H. Professional/Health License issued by the regulator of the country last worked in or home country professional/health license;

[J.]I. Employment Certificate/Experience Certificate/Relieving Letter/Last appraisal letter (if this includes the employment start date)/First and last salary slip (Recommendation letters are not acceptable documents for employment verification); and

[K.]J. Copy of passport.

AUTHORITY: sections 335.046 and 335.051, RSMo 2016, and sections 335.036.1(2) and (7) and 335.066, RSMo Supp. 2018. This rule originally filed as 4 CSR 200-4.020. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 21, 2019.

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 Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.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.