

SECOND REGULAR SESSION

SENATE BILL NO. 784

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time January 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5425S.011

AN ACT

To repeal section 194.255, RSMo, and to enact in lieu thereof one new section relating to anatomical gifts.

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

Section A. Section 194.255, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 194.255, to read as follows:

194.255. 1. An anatomical gift may be made to the following persons
2 named in the document of gift:

3 (1) A hospital, accredited medical school, dental school, college, university,
4 or organ procurement organization, cadaver procurement organization, or other
5 appropriate person for research or education;

6 (2) Subject to subsection 2 of this section, an individual designated by the
7 person making the anatomical gift if the individual is the recipient of the part;
8 or

9 (3) An eye bank or tissue bank.

10 2. If an anatomical gift to an individual under subdivision (2) of
11 subsection 1 of this section cannot be transplanted into the individual, the part
12 passes in accordance with subsection 7 of this section in the absence of an
13 express, contrary indication by the person making the anatomical gift.

14 3. If an anatomical gift of one or more specific parts or of all parts is made
15 in a document of gift that does not name a person described in subsection 1 of
16 this section but identifies the purpose for which an anatomical gift may be used,
17 the following rules apply:

18 (1) If the part is an eye and the gift is for the purpose of transplantation
19 or therapy, the gift passes to the appropriate eye bank;

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

20 (2) If the part is tissue and the gift is for the purpose of transplantation
21 or therapy, the gift passes to the appropriate tissue bank;

22 (3) If the part is an organ and the gift is for the purpose of
23 transplantation or therapy, the gift passes to the appropriate organ procurement
24 organization as custodian of the organ;

25 (4) If the part is an organ, an eye, or tissue and the gift is for the purpose
26 of research or education, the gift passes to the appropriate procurement
27 organization.

28 4. For the purpose of subsection 3 of this section, if there is more than one
29 purpose of an anatomical gift set forth in the document of gift but the purposes
30 are not set forth in any priority, the gift must be used for transplantation or
31 therapy if suitable. If the gift cannot be used for transplantation or therapy, the
32 gift may be used for research or education.

33 5. If an anatomical gift of one or more specific parts is made in a
34 document of gift that does not name a person described in subsection 1 of this
35 section and does not identify the purpose of the gift, the gift may be used only for
36 transplantation or therapy, and the gift passes in accordance with subsection 7
37 of this section.

38 6. If a document of gift specifies only a general intent to make an
39 anatomical gift by words such as "donor", "organ donor", or "body donor", or by a
40 symbol or statement of similar import, the gift may be used only for
41 transplantation or therapy, and the gift passes in accordance with subsection 7
42 of this section.

43 7. For purposes of subsections 2, 5, and 6 of this section, the following
44 rules apply:

45 (1) If the part is an eye, the gift passes to the appropriate eye bank;

46 (2) If the part is tissue, the gift passes to the appropriate tissue bank;

47 (3) If the part is an organ, the gift passes to the appropriate organ
48 procurement organization as custodian of the organ;

49 (4) If the gift is medically unsuitable for [transportation]
50 **transplantation** or therapy, the gift may be used for research or education and
51 pass to the appropriate procurement organization or cadaver procurement
52 organization.

53 8. An anatomical gift of an organ for transplantation or therapy, other
54 than an anatomical gift under subdivision (2) of subsection 1 of this section,
55 passes to the organ procurement organization as custodian of the organ.

56 9. If an anatomical gift does not pass under subsections 1 through 8 of
57 this section or the decedent's body or part is not used for transplantation,
58 therapy, research, or education, custody of the body or part passes to the person
59 under obligation to dispose of the body or part.

60 10. A person may not accept an anatomical gift if the person knows that
61 the gift was not effectively made under section 194.225 or 194.250 or if the person
62 knows that the decedent made a refusal under section 194.235 that was not
63 revoked. For purposes of this subsection, if a person knows that an anatomical
64 gift was made on a document of gift, the person is deemed to know of any
65 amendment or revocation of the gift or any refusal to make an anatomical gift on
66 the same document of gift.

67 11. A person may not accept an anatomical gift if the person knows that
68 the gift is from the body of an executed prisoner from another country.

69 12. Except as otherwise provided in subdivision (2) of subsection 1 of this
70 section, nothing in this act affects the allocation of organs for transplantation or
71 therapy.

Bill ✓

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