

SECOND REGULAR SESSION

HOUSE BILL NO. 1399

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), RUESTMAN, FISHER, MOORE,
SMITH (118), BIVINS, LEMBKE, WHORTON, MEINERS AND WILSON (119) (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4234L.01I

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to the release of a decedent's information, records, and documents.

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

Section A. Chapter 194, RSMo, is amended by adding thereto one new section, to be
2 known as section 194.205, to read as follows:

**194.205. 1. Notwithstanding any provision of law to the contrary, any of the
2 following persons, in order of priority stated and in the absence of actual notice of contrary
3 indications by the decedent or of opposition by a member of the same or a prior class, shall
4 have the same rights and responsibilities as a legally appointed personal representative of
5 the decedent, and shall have access to and may authorize the release of any and all
6 information, records, and documents regarding the decedent:**

- 7 **(1) An attorney-in-fact under a durable power of attorney that expressly refers to
8 the release of any or all information, records, and documents regarding the decedent;**
9 **(2) The spouse;**
10 **(3) An adult son or daughter;**
11 **(4) Either parent;**
12 **(5) An adult brother or sister;**
13 **(6) A guardian of the person of the decedent at the time of the decedent's death;**
14 **(7) Any other person authorized or under obligation to dispose of the body.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **2. If there is actual notice of contrary indications by the decedent or opposition by**
16 **a member of the same or prior class, the information, records, and documents of the**
17 **decedent shall not be released.**

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