

FIRST REGULAR SESSION

# HOUSE BILL NO. 561

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MOLENDORP.

1522H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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Section A. Section 194.255, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 194.255, to read as follows: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 named in the document of gift:

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

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

(3) An eye bank or tissue bank.

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

50 10. A person may not accept an anatomical gift if the person knows that the gift was not  
51 effectively made under section 194.225 or 194.250 or if the person knows that the decedent made  
52 a refusal under section 194.235 that was not revoked. For purposes of this subsection, if a person  
53 knows that an anatomical gift was made on a document of gift, the person is deemed to know

54 of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same  
55 document of gift.

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

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

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