

SECOND REGULAR SESSION

HOUSE BILL NO. 1601

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WETER (Sponsor), OXFORD, BRUNS, SCHLOTTACH, SATER, FISHER, WELLS, WRIGHT (137), TILLEY, PAGE, VILLA, DAUS, RICHARD, COOPER (155), THRELKELD, YAEGER AND McGHEE (Co-sponsors).

Read 1st time January 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4875L.01I

AN ACT

To repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

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

Section A. Section 431.064, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 431.064, to read as follows:

431.064. 1. When an adult person, because of a medical condition, is treated by a teaching hospital for a medical school accredited by the American Osteopathic Association or the American Medical Association and such person is incapable of giving informed consent for an experimental treatment, test or drug, then such treatment, test or drug may proceed upon obtaining consent of a legal guardian, attorney-in-fact, or a family member in the following order of priority:

(1) Spouse unless the patient has no spouse, or is separated, or the spouse is physically or mentally incapable of giving consent, or the spouse's whereabouts is unknown or the spouse is overseas;

(2) Adult child;

(3) Parent;

(4) Brother or sister;

(5) Relative by blood or marriage.

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.

14 2. Nothing in this section shall authorize such legal guardian, attorney-in-fact, or family
15 member to consent to treatment in contravention to such incapacitated person's expressed
16 permission regarding such treatment.

17 **3. This section shall not apply to any research program or experimental medical**
18 **procedure for patients subject to a life-threatening emergency that is conducted in**
19 **accordance with Part 50 of Title 21 and Part 46 of Title 45 of the Code of Federal**
20 **Regulations.**

 Section B. Because immediate action is necessary to ensure proper treatment of persons
2 with life-threatening emergencies, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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