

SECOND REGULAR SESSION

HOUSE BILL NO. 1821

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), FLOOK, THRELKELD, SKAGGS,
BAKER (25), PRATT, CHINN AND COOPER (155) (Co-sponsors).

Read 1st time February 20, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5135L.011

AN ACT

To repeal section 194.270, 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Section A. Section 194.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 194.270, to read as follows:

194.270. 1. The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he **or she** may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

2. The time of death shall be determined by a physician who tends the donor at his **or her** death, or, if none, the physician who certifies the death. The physician shall not participate, directly or indirectly, in the procedures for removing or transplanting a part or be a relative within the fourth degree of consanguinity of any donee of a body or part thereof which is removed or transplanted.

3. A person who acts [without negligence and] in good faith in accord with the terms of this act or with the anatomical gift laws of another state or a foreign country is not liable for

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 damages in any civil action or subject to prosecution in any criminal proceeding for his **or her**
15 act.

16 4. The provisions of this act are subject to the laws of this state prescribing powers and
17 duties with respect to autopsies.

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