

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 2106
94TH GENERAL ASSEMBLY

Reported from the Committee on Health Care Policy April 8, 2008 with recommendation that House Committee Substitute No. 2 for House Bill No. 2106 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5035L.04C

AN ACT

To repeal sections 58.451, 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-eight new sections relating to anatomical gifts, with penalty provisions.

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

Section A. Sections 58.451, 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 58.451, 58.720, 58.775, 58.780, 58.785, 194.210, 194.215, 194.220, 194.225, 194.230, 194.235, 194.240, 194.245, 194.250, 194.255, 194.260, 194.263, 194.265, 194.270, 194.275, 194.280, 194.285, 194.290, 194.292, 194.293, 194.294, 194.304, and 302.171, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having

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.

10 knowledge of such a death shall immediately notify the coroner of the known facts concerning
11 the time, place, manner and circumstances of the death. Immediately upon receipt of
12 notification, the coroner or [his] deputy **coroner** shall take charge of the dead body and fully
13 investigate the essential facts concerning the medical causes of death, including whether by the
14 act of man, and the manner of death. [He] **The coroner or deputy coroner** may take the names
15 and addresses of witnesses to the death and shall file this information in [his] **the coroner's**
16 office. The coroner or [his] deputy **coroner** shall take possession of all property of value found
17 on the body, making exact inventory of such property on [his] **the** report and shall direct the
18 return of such property to the person entitled to its custody or possession. The coroner or [his]
19 deputy **coroner** shall take possession of any object or article which, in [his] **the coroner's or**
20 **deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the
21 prosecuting attorney of the county.

22 2. When a death occurs outside a licensed health care facility, the first licensed medical
23 professional or law enforcement official learning of such death shall **immediately** contact the
24 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
25 deputy shall make the determination if further investigation is necessary, based on information
26 provided by the individual contacting the coroner, and immediately advise such individual of the
27 coroner's intentions.

28 3. Upon taking charge of the dead body and before moving the body the coroner shall
29 notify the police department of any city in which the dead body is found, or if the dead body is
30 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
31 58.457, the coroner shall notify the county sheriff [and] **or** the highway patrol and cause the body
32 to remain unmoved until the police department, sheriff or the highway patrol has inspected the
33 body and the surrounding circumstances and carefully noted the appearance, the condition and
34 position of the body and recorded every fact and circumstance tending to show the cause and
35 manner of death, with the names and addresses of all known witnesses, and shall subscribe the
36 same and make such record a part of [his] **the coroner's** report.

37 4. In any case of sudden, violent or suspicious death after which the body was buried
38 without any investigation or autopsy, the coroner, upon being advised of such facts, may at [his]
39 **the coroner's** own discretion request that the prosecuting attorney apply for a court order
40 requiring the body to be exhumed.

41 5. The coroner [shall] **may** certify the cause of death in any case [under his charge]
42 **where death occurred without medical attendance or where an attending physician refuses**
43 **to sign a certificate of death or** when a physician is unavailable to sign a certificate of death.

44 6. When the cause of death is established by the coroner, [he] **the coroner** shall file a
45 copy of [his] **the coroner's** findings in [his] **the coroner's** office within thirty days.

46 7. If on view of the dead body and after personal inquiry into the cause and manner of
47 death, the coroner determines that a further examination is necessary in the public interest, the
48 coroner on [his] **the coroner's** own authority may make or cause to be made an autopsy on the
49 body. The coroner may on [his] **the coroner's** own authority employ the services of a
50 pathologist, chemist, or other expert to aid in the examination of the body or of substances
51 supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert
52 is not already employed by the city or county for the discharge of such services, [he] **the**
53 **pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be
54 allowed reasonable compensation, payable by the city or county, in the manner provided in
55 section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each
56 fact and circumstance tending to show the condition of the body and the cause and manner of
57 death.

58 8. If on view of the dead body and after personal inquiry into the cause and manner of
59 death, the coroner considers a further inquiry and examination necessary in the public interest,
60 [he] **the coroner** shall make out [his] **the coroner's** warrant directed to the sheriff of the city or
61 county requiring [him] **the sheriff** forthwith to summon six good and lawful citizens of the
62 county to appear before the coroner, at the time and place expressed in the warrant, and to inquire
63 how and by whom the deceased [came to his death] **died**.

64 9. (1) When a person is being transferred from one county to another county for medical
65 treatment and such person dies while being transferred **or dies while being treated in the**
66 **emergency room of the receiving facility**, the [county from] **place** which the person is [first
67 removed] **determined to be dead** shall be considered the place of death and the county coroner
68 **or medical examiner** of the county from which the person was **originally** being transferred shall
69 be responsible for **determining the cause and manner of death for the Missouri** certificate of
70 death [and for investigating the cause and manner of the death]. [If]

71 (2) The coroner or medical examiner in the county in which the person [died believes
72 that further investigation is warranted and a postmortem examination is needed, such coroner or
73 medical examiner shall have the right to further investigate and perform the postmortem
74 examination] **is determined to be dead may, with authorization of the coroner or medical**
75 **examiner from the original transferring county, investigate and conduct postmortem**
76 **examinations** at the expense of [such] **the coroner or medical examiner** [and shall be] **from the**
77 **original transferring county. The coroner or medical examiner from the original**
78 **transferring county shall be** responsible for **investigating the circumstances of such death**
79 **and completing the Missouri** certificate of death [and for investigating the cause and manner
80 of the death. Such] .

81 **(3) The coroner or medical examiner of the county where a person is determined to**
82 **be dead** shall immediately notify the coroner or medical examiner of the county from which the
83 person was **originally** being transferred of the death of such person [and after an investigation
84 is completed shall notify such coroner or medical examiner of his findings] , **and shall make**
85 **available information and records obtained for investigation of the death.**

86 **(4) If a person does not die while being transferred and is institutionalized as a regularly**
87 **admitted patient** after such transfer and subsequently dies while in such institution, the coroner
88 or medical examiner of the county in which the person [dies] **is determined to be dead** shall
89 immediately notify the coroner or medical examiner of the county from which such person was
90 **originally** transferred of the death of such person. In such cases, the county in which the
91 deceased was institutionalized shall be considered the place of death. **If the manner of death**
92 **is by homicide, suicide, accident, criminal abortion including those that are self-induced,**
93 **child fatality, or any unusual or suspicious manner, the investigation of the cause and**
94 **manner of death shall revert to the county of origin and such coroner or medical examiner**
95 **shall be responsible for the Missouri certificate of death.**

96 **10. When death is the final result or determined to be caused by homicide, suicide,**
97 **accident, criminal abortion including those self-induced, child fatality, or any unusual or**
98 **suspicious manner, there shall not be any statute of limitations or time limits on the cause**
99 **of death. The place of death shall be the place in which the person is determined to be**
100 **dead. The final investigation of death in determining the cause and manner of death shall**
101 **revert to the county of origin and the coroner or medical examiner of such county shall be**
102 **responsible for the Missouri certificate of death.**

103 [10.] **11.** Except as provided in subsection 9 of this section, if a person dies in one county
104 and [his] **the** body is subsequently transferred to another county **for burial or other reasons,**
105 the county coroner or medical examiner where the death occurred shall be responsible for the
106 certificate of death and for investigating the cause and manner of the death.

107 [11.] **12.** In performing his **or her** duties, the coroner or medical examiner shall [make
108 reasonable efforts to accommodate] **comply with sections 58.775 to 58.785 with respect to**
109 **organ donation.**

 58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

- 3 (1) Violence by homicide, suicide, or accident;
- 4 (2) Thermal, chemical, electrical, or radiation injury;
- 5 (3) Criminal abortions, including those self-induced;
- 6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
- 7 a threat to public health; or when any person dies:

- 8 (a) Suddenly when in apparent good health;
9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding [his] **the person's**
11 death;
12 (c) While in the custody of the law, or while an inmate in a public institution;
13 (d) In any unusual or suspicious manner;

14

15 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
16 a death shall immediately notify the office of the medical examiner of the known facts
17 concerning the time, place, manner and circumstances of the death.

18

19 Immediately upon receipt of notification, the medical examiner or [his] **the medical examiner's**
20 designated assistant shall take charge of the dead body and fully investigate the essential facts
21 concerning the medical causes of death. He **or she** may take the names and addresses of
22 witnesses to the death and shall file this information in [his] **the medical examiner's** office. The
23 medical examiner or [his] **the medical examiner's** designated assistant shall take possession of
24 all property of value found on the body, making exact inventory thereof on his **or her** report and
25 shall direct the return of such property to the person entitled to its custody or possession. The
26 medical examiner or [his] **the medical examiner's** designated assistant examiner shall take
27 possession of any object or article which, in [his] **the medical examiner's** opinion, may be
28 useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

29 2. When a death occurs outside a licensed health care facility, the first licensed medical
30 professional or law enforcement official learning of such death shall contact the county medical
31 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
32 examiner's deputy shall make a determination if further investigation is necessary, based on
33 information provided by the individual contacting the medical examiner, and immediately advise
34 such individual of the medical examiner's intentions.

35 3. In any case of sudden, violent or suspicious death after which the body was buried
36 without any investigation or autopsy, the medical examiner, upon being advised of such facts,
37 may at his **or her** own discretion request that the prosecuting attorney apply for a court order
38 requiring the body to be exhumed.

39 4. The medical examiner shall certify the cause of death in any case where death
40 occurred without medical attendance or where an attending physician refuses to sign a certificate
41 of death, and may sign a certificate of death in the case of any death.

42 5. When the cause of death is established by the medical examiner, [he] **the medical**
43 **examiner** shall file a copy of his **or her** findings in his office within thirty days after notification
44 of the death.

45 6. (1) When a person is being transferred from one county to another county for medical
46 treatment and such person dies while being transferred **or dies while being treated in the**
47 **emergency room of the receiving facility**, the [county from] **place** which the person is [first
48 removed] **determined to be dead** shall be considered the place of death and the **coroner or**
49 medical examiner of the county from which the person was **originally** being transferred shall be
50 responsible for **determining the cause and manner of death** for the **Missouri** certificate of
51 death [and for investigating the cause and manner of the death. If the] .

52 (2) **The** coroner or medical examiner in the county in which the person [died believes
53 that further investigation is warranted and a postmortem examination is needed, such coroner or
54 medical examiner shall have the right to further investigate and perform the postmortem
55 examination] **is determined to be dead may, with authorization of the coroner or medical**
56 **examiner from the transferring county, investigate and conduct postmortem examinations**
57 at the expense of [such] **the** coroner or medical examiner [and shall be responsible for the
58 certificate of death and for investigating the cause and manner of the death] **from the**
59 **transferring county. The coroner or medical examiner from the transferring county shall**
60 **be responsible for investigating the circumstances of such death and completing the**
61 **Missouri certificate of death.** [Such]

62 (3) **The** coroner or medical examiner **of the county where a person is determined to**
63 **be dead** shall immediately notify the coroner or medical examiner of the county from which the
64 person was **originally** being transferred of the death of such person [and after an investigation
65 is completed shall notify such coroner or medical examiner of his findings] , **and shall make**
66 **available information and records obtained for investigation of the death.**

67 (4) If a person does not die while being transferred and is institutionalized **as a regularly**
68 **admitted patient** after such transfer and subsequently dies while in such institution, the coroner
69 or medical examiner of the county in which the person [dies] **is determined to be dead** shall
70 immediately notify the coroner or medical examiner of the county from which such person was
71 **originally** transferred of the death of such person. In such cases, the county in which the
72 deceased was institutionalized shall be considered the place of death. **If the manner of death**
73 **is by homicide, suicide, accident, criminal abortion including those that are self-induced,**
74 **child fatality, or any unusual or suspicious manner, the investigation of the cause and**
75 **manner of death shall revert to the county of origin and such coroner or medical examiner**
76 **shall be responsible for the Missouri certificate of death.**

77 **7. When death is the final result or determined to be caused by homicide, suicide,**
78 **accident, criminal abortion including those self-induced, child fatality, or any unusual or**
79 **suspicious manner, there shall not be any statute of limitations or time limits on the cause**
80 **of death. The place of death shall be the place in which the person is determined to be**
81 **dead. The final investigation of death in determining the cause and manner of death shall**
82 **revert to the county of origin and the coroner or medical examiner of such county shall be**
83 **responsible for the Missouri certificate of death.**

84 **[7.] 8. Except as provided in subsection 6 of this section, if a person dies in one county**
85 **and [his] the body is subsequently transferred to another county for burial or other reasons,**
86 **the county coroner or medical examiner where the death occurred shall be responsible for the**
87 **certificate of death and for investigating the cause and manner of the death.**

88 **[8.] 9. In performing his or her duties, the coroner or medical examiner shall [make**
89 **reasonable efforts to accommodate] comply with sections 58.775 to 58.785 with respect to**
90 **organ donation.**

58.775. For the purpose of sections 58.775 to 58.785, the definitions in section
2 **194.210, RSMo, are applicable.**

58.780. 1. A coroner or medical examiner shall cooperate with a procurement
2 **organization to maximize the opportunity to recover anatomical gifts for the purpose of**
3 **transplantation, therapy, research, or education.**

4 **2. If a coroner or medical examiner receives notice from a procurement**
5 **organization that an anatomical gift may be available or was made with respect to a**
6 **decedent whose body is under the jurisdiction of the coroner or medical examiner and a**
7 **postmortem examination is going to be performed, unless the coroner or medical examiner**
8 **denies recovery in accordance with section 58.785, the coroner or medical examiner or**
9 **designee shall conduct a postmortem examination of the body or the part in a manner and**
10 **within a time period compatible with its preservation for the purposes of the gift.**

11 **3. A part shall not be removed from the body of a decedent under the jurisdiction**
12 **of a coroner or medical examiner for transplantation, therapy, research, or education**
13 **unless the part is the subject of an anatomical gift. The body of a decedent under the**
14 **jurisdiction of the coroner or medical examiner shall not be delivered to a person for**
15 **research or education unless the body is the subject of an anatomical gift. This subsection**
16 **does not preclude a coroner or medical examiner from performing the medicolegal**
17 **investigation upon the body or parts of a decedent under the jurisdiction of the coroner or**
18 **medical examiner.**

58.785. 1. Upon request of a procurement organization, a coroner or medical
2 **examiner shall release to the procurement organization the name, contact information, and**

3 available medical and social history of a decedent whose body is under the jurisdiction of
4 the coroner or medical examiner. If the decedent's body or part is medically suitable for
5 transplantation, therapy, research, or education, the coroner or medical examiner shall
6 release postmortem examination results to the procurement organization. The
7 procurement organization may make a subsequent disclosure of the postmortem
8 examination results or other information received from the coroner or medical examiner
9 only if relevant to transplantation or therapy.

10 2. The coroner or medical examiner may conduct a medicolegal examination by
11 reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and
12 other information that any person possesses about a prospective donor or a donor whose
13 body is under the jurisdiction of the coroner or medical examiner which the coroner or
14 medical examiner determines may be relevant to the investigation.

15 3. A person that has any information requested by a coroner or medical examiner
16 under subsection 2 of this section shall provide that information as expeditiously as
17 possible to allow the coroner or medical examiner to conduct the medicolegal investigation
18 within a period compatible with the preservation of parts for purposes of transplantation,
19 therapy, research, or education.

20 4. If an anatomical gift has been or may be made of a part of a decedent whose
21 body is under the jurisdiction of the coroner or medical examiner and a postmortem
22 examination is not required, or the coroner or medical examiner determines that a
23 postmortem examination is required but that the recovery of the part that is the subject
24 of an anatomical gift will not interfere with the examination, the coroner or medical
25 examiner and procurement organization shall cooperate in the timely removal of the part
26 from the decedent for purposes of transplantation, therapy, research, or education.

27 5. If an anatomical gift of a part from the decedent under the jurisdiction of the
28 coroner or medical examiner has been or may be made, but the coroner or medical
29 examiner initially believes that the recovery of the part could interfere with the
30 postmortem investigation into the decedent's cause or manner of death, the coroner or
31 medical examiner shall consult with the procurement organization or physician or
32 technician designated by the procurement organization about the proposed recovery. After
33 consultation, the coroner or medical examiner may allow recovery.

34 6. Following the consultation under subsection 5 of this section, in the absence of
35 mutually agreed upon protocols to resolve conflict between the coroner or medical
36 examiner and the procurement organization, if the coroner or medical examiner intends
37 to deny recovery, the coroner or medical examiner or his or her designee, at the request of
38 the procurement organization, shall attend the removal procedure for the part before

39 making a final determination not to allow the procurement organization to recover the
40 part. During the removal procedure, the coroner or medical examiner or his or her
41 designee may allow recovery by the procurement organization to proceed, or, if the coroner
42 or medical examiner or his or her designee reasonably believes that the part may be
43 involved in determining the decedent's cause or manner of death, deny recovery by the
44 procurement organization.

45 7. If the coroner or medical examiner or his or her designee denies recovery under
46 subsection 6 of this section, the coroner or medical examiner or his or her designee shall:

47 (1) Explain in a record the specific reasons for not allowing recovery of the part;

48 (2) Include the specific reasons in the records of the coroner or medical examiner;

49 and

50 (3) Provide a record with the specific reasons to the procurement organization.

51 8. If the coroner or medical examiner or his or her designee allows recovery of a
52 part under subsection 4, 5, or 6 of this section, the procurement organization shall, upon
53 request, cause the physician or technician who removes the part to provide the coroner or
54 medical examiner with a record describing the condition of the part, a biopsy, photograph,
55 and any other information and observations that would assist in the postmortem
56 examination.

57 9. If a coroner or medical examiner or his or her designee is required to be present
58 at a removal procedure under subsection 6 of this section, the procurement organization
59 requesting the recovery of the part shall, upon request, reimburse the coroner or medical
60 examiner or his or her designee for the additional costs incurred in complying with
61 subsection 6 of this section.

194.210. [As used in sections 194.210 to 194.290, the following words and terms mean:

2 (1) "Bank or storage facility", a facility licensed, accredited, or approved under the laws
3 of any state for storage of human bodies or parts thereof;

4 (2) "Decedent", a deceased individual and includes a stillborn infant or fetus;

5 (3) "Donor", an individual who makes a gift of all or part of his body;

6 (4) "Hospital", a hospital licensed, accredited, or approved under the laws of any state
7 and includes a hospital operated by the United States government, a state, or a subdivision
8 thereof, although not required to be licensed under state laws;

9 (5) "Part", organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions
10 of a human body;

11 (6) "Person", an individual, corporation, government or governmental subdivision or
12 agency, business trust, estate, trust, partnership or association, or any other legal entity;

13 (7) "Physician" or "surgeon", a physician or surgeon licensed or authorized to practice
14 under the laws of any state;

15 (8) "State" includes any state, district, commonwealth, territory, insular possession, and
16 any other area subject to the legislative authority of the United States of America.] **1. Sections**
17 **194.210 to 194.294 may be cited as the "Revised Uniform Anatomical Gift Act".**

18 **2. As used in sections 194.210 to 194.294, the following terms mean:**

19 (1) "Adult", an individual who is at least eighteen years of age;

20 (2) "Agent", an individual:

21 (a) Authorized to make health-care decisions on the principal's behalf by a power
22 of attorney for health care; or

23 (b) Expressly authorized to make an anatomical gift on the principal's behalf by
24 any other record signed by the principal;

25 (3) "Anatomical gift", a donation of all or part of a human body to take effect after
26 the donor's death for the purposes of transplantation, therapy, research, or education;

27 (4) "Cadaver procurement organization", an entity lawfully established and
28 operated for the procurement and distribution of anatomical gifts to be used as cadavers
29 or cadaver tissue for appropriate education or research;

30 (5) "Decedent", a deceased individual whose body or part is or may be the source
31 of an anatomical gift. The term includes a stillborn infant but does not include an unborn
32 child as defined in section 1.205 or 188.015, RSMo, if the child has not died of natural
33 causes;

34 (6) "Disinterested witness", a witness other than the spouse, child, parent, sibling,
35 grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or
36 refuses to make an anatomical gift. The term does not include a person to which an
37 anatomical gift could pass under section 194.255;

38 (7) "Document of gift", a donor card or other record used to make an anatomical
39 gift. The term includes a statement or symbol on a driver's license, identification card, or
40 donor registry;

41 (8) "Donor", an individual whose body or part is the subject of an anatomical gift,
42 provided that donor does not include an unborn child, as defined in section 1.205 or
43 188.015, RSMo, if the child has not died of natural causes;

44 (9) "Donor registry", a database that contains records of anatomical gifts and
45 amendments to, revocations of, and refusals to make anatomical gifts;

46 (10) "Driver's license", a license or permit issued by the department of revenue to
47 operate a vehicle whether or not conditions are attached to the license or permit;

- 48 (11) "Eye bank", a person that is licensed, accredited, or regulated under federal
49 or state law to engage in the recovery, screening, testing, processing, storage, or
50 distribution of human eyes or portions of human eyes;
- 51 (12) "Guardian", a person appointed by a court under chapter 475, RSMo. The
52 term does not include a guardian ad litem;
- 53 (13) "Hospital", a facility licensed as a hospital under the laws of any state or a
54 facility operated as a hospital by the United States, a state, or a subdivision of a state;
- 55 (14) "Identification card", an identification card issued by the department of
56 revenue;
- 57 (15) "Know", to have actual knowledge;
- 58 (16) "Minor", an individual who is under eighteen years of age;
- 59 (17) "Organ procurement organization", a person designated by the United States
60 Secretary of Health and Human Services as an organ procurement organization;
- 61 (18) "Parent", a parent whose parental rights have not been terminated;
- 62 (19) "Part", an organ, an eye, or tissue of a human being. The term does not
63 include the whole body;
- 64 (20) "Person", an individual, corporation, business trust, estate, trust, partnership,
65 limited liability company, association, joint venture, public corporation, government or
66 governmental subdivision, agency, or instrumentality, or any other legal or commercial
67 entity;
- 68 (21) "Physician", an individual authorized to practice medicine or osteopathy
69 under the laws of any state;
- 70 (22) "Procurement organization", an eye bank, organ procurement organization,
71 or tissue bank;
- 72 (23) "Prospective donor", an individual who is dead or near death and has been
73 determined by a procurement organization to have a part that could be medically suitable
74 for transplantation, therapy, research, or education. The term does not include an
75 individual who has made a refusal;
- 76 (24) "Reasonably available", able to be contacted by a procurement organization
77 with reasonable effort and willing and able to act in a timely manner consistent with
78 existing medical criteria necessary for the making of an anatomical gift;
- 79 (25) "Recipient", an individual into whose body a decedent's part has been or is
80 intended to be transplanted;
- 81 (26) "Record", information that is inscribed on a tangible medium or that is stored
82 in an electronic or other medium and is retrievable in perceivable form;

83 (27) "Refusal", a record created under section 194.235 that expressly states an
84 intent to bar other persons from making an anatomical gift of an individual's body or part;

85 (28) "Sign", with the present intent to authenticate or adopt a record:

86 (a) To execute or adopt a tangible symbol; or

87 (b) To attach or logically associate with the record an electronic symbol, sound, or
88 process;

89 (29) "State", a state of the United States, the District of Columbia, Puerto Rico, the
90 United States Virgin Islands, or any territory or insular possession subject to the
91 jurisdiction of the United States;

92 (30) "Technician", an individual determined to be qualified to remove or process
93 parts by an appropriate organization that is licensed, accredited, or regulated under
94 federal or state law. The term includes an eye enucleator;

95 (31) "Tissue", a portion of the human body other than an organ or an eye. The
96 term does not include blood unless the blood is donated for purposes of research or
97 education;

98 (32) "Tissue bank", a person that is licensed, accredited, or regulated under federal
99 or state law to engage in the recovery, screening, testing, processing, storage, or
100 distribution of tissue;

101 (33) "Transplant hospital", a hospital that furnishes organ transplants and other
102 medical and surgical specialty services required for the care of transplant patients.

**194.215. Sections 194.210 to 194.294 apply to an anatomical gift or amendment to,
2 revocation of, or refusal to make an anatomical gift, whenever made.**

 194.220. [1. Any individual of sound mind who is at least eighteen years of age may
2 give all or any part of his or her body for any purpose specified in section 194.230, the gift to
3 take effect upon death. Any individual who is a minor and at least sixteen years of age may
4 effectuate a gift for any purpose specified in section 194.230, provided parental or guardian
5 consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card,
6 donor's instruction permit or driver's license, as the attorney-in-fact pursuant to subsection 2 of
7 this section, or other document of gift. An express gift that is not revoked by the donor before
8 death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the
9 consent of any other person. The provisions of this subsection, relating to allowing a minor who
10 is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230,
11 through the driver's license or instruction permit application process, shall be effective July 1,
12 2003.

13 2. Any of the following persons, in order of priority stated, when persons in prior classes
14 are not available at the time of death, and in the absence of actual knowledge of a gift by the

15 decedent pursuant to subsection 1 of this section or actual notice of contrary indications by the
16 decedent or of opposition by a member of the same or a prior class, may give all or any part of
17 the decedent's body for any purpose specified in section 194.230:

18 (1) An attorney-in-fact under a durable power of attorney that expressly refers to making
19 a gift of all or part of the principal's body pursuant to the uniform anatomical gift act;

20 (2) The spouse;

21 (3) An adult son or daughter;

22 (4) Either parent;

23 (5) An adult brother or sister;

24 (6) A guardian of the person of the decedent at the time of his or her death;

25 (7) Any other person authorized or under obligation to dispose of the body.

26 3. If the donee has actual notice of contrary indications by the decedent or that a gift by
27 a member of a class is opposed by a member of the same or a prior class, the donee shall not
28 accept the gift. The persons authorized by subsection 2 of this section may make the gift after
29 or immediately before death.

30 4. A gift of all or part of a body authorizes any examination necessary to assure medical
31 acceptability of the gift for the purposes intended.

32 5. The rights of the donee created by the gift are paramount to the rights of others except
33 as provided by subsection 4 of section 194.270.] **1. (1) The department of health and senior
34 services shall establish or contract for the establishment of a first person consent organ and
35 tissue donor registry.**

36 **(2) The department of health and senior services and the department of revenue
37 shall advise the individual that he or she is under no obligation to have his or her name
38 included in the first person consent organ and tissue donor registry.**

39 **(3) An individual who agrees to have his or her name in the first person consent
40 organ and tissue donor registry has given full legal consent to the donation of any of his or
41 her organs or tissues upon his or her death as recorded in the registry or as subject to
42 subsection 2 of this section.**

43 **(4) An individual may withdraw his or her consent to be listed in the first person
44 consent organ and tissue donor registry as indicated in this section. The department of
45 health and senior services and the department of revenue shall provide information to an
46 individual advising such individual that withdrawal of his or her consent to be listed in the
47 registry does not constitute a refusal to make an anatomical gift of the individual's body
48 or part, and that his or her agent or any person listed in section 194.245 having priority to
49 make an anatomical gift on behalf of the individual may make a gift of the individual's
50 body or part.**

51 (5) The department of health and senior services and the department of revenue
52 shall provide information advising the individual that if he or she wants to bar other
53 persons from making an anatomical gift of his or her body or part, the individual shall
54 execute a refusal under section 194.235, and that the refusal will be included in the registry
55 if the individual agrees to do so.

56 2. Subject to section 194.240, an anatomical gift of a donor's body or part may be
57 made during the life of the donor for the purpose of transplantation, therapy, research, or
58 education in the manner provided in section 194.225 by:

59 (1) The donor, if the donor is an adult or if the donor is a minor and is:

60 (a) Emancipated; or

61 (b) Authorized under state law to apply for a driver's license;

62 (2) An agent of the donor, unless the power of attorney for health care or other
63 record prohibits the agent from making an anatomical gift;

64 (3) A parent of the donor, if the donor is an unemancipated minor; or

65 (4) The donor's guardian.

194.225. 1. A donor may make an anatomical gift:

2 (1) By authorizing a statement or symbol indicating that the donor has made an
3 anatomical gift to be imprinted on the donor's driver's license or identification card;

4 (2) In a will; or

5 (3) During a terminal illness or injury of the donor, by any form of communication
6 addressed to at least two adults at least one of whom is a disinterested witness; or

7 (4) As provided in subsection 2 of this section.

8 2. A donor or other person authorized to make an anatomical gift under section
9 194.220 may make a gift by a donor card or other record signed by the donor or other
10 person making the gift or by authorizing that a statement or symbol indicating that the
11 donor has made an anatomical gift be included on a donor registry. If the donor or other
12 person is physically unable to sign a record, the record may be signed by another
13 individual at the direction of the donor or the other person and shall:

14 (1) Be witnessed by at least two adults at least one of whom is a disinterested
15 witness, who have signed at the request of the donor or the other person; and

16 (2) State that it has been signed and witnessed as provided in subdivision (1) of
17 subsection 1 of this section.

18 3. Revocation, suspension, expiration, or cancellation of the driver's license or
19 identification card upon which an anatomical gift is indicated does not invalidate the gift.

20 **4. An anatomical gift made by will takes effect upon the donor's death whether or**
21 **not the will is probated. Invalidation of the will after the donor's death does not invalidate**
22 **the gift.**

 194.230. [The following persons may become donees of gifts of bodies or parts thereof
2 for the purposes stated:

3 (1) Any hospital, surgeon, or physician, for medical or dental education, research,
4 advancement of medical or dental science, therapy, or transplantation; or

5 (2) Any accredited medical or dental school, college or university or the state anatomical
6 board for education, research, advancement of medical or dental science, or therapy; or

7 (3) Any bank or storage facility, for medical or dental education, research, advancement
8 of medical or dental science, therapy, or transplantation; or

9 (4) Any specified individual for therapy or transplantation needed by such individual.]

10 **1. Subject to section 194.240, a donor or other person authorized to make an anatomical**
11 **gift under section 194.220 may amend or revoke an anatomical gift by:**

12 **(1) A record signed by:**

13 **(a) The donor;**

14 **(b) The other person; or**

15 **(c) Subject to subsection 2 of this section, another individual acting at the direction**
16 **of the donor or the other person if the donor or other person is physically unable to sign;**
17 **or**

18 **(2) A later-executed document of gift that amends or revokes a previous anatomical**
19 **gift or portion of an anatomical gift, either expressly or by inconsistency.**

20 **2. A record signed under paragraph (c) of subdivision (1) of subsection 1 of this**
21 **section shall:**

22 **(1) Be witnessed by at least two adults at least one of whom is a disinterested**
23 **witness, who have signed at the request of the donor or the other person; and**

24 **(2) State that it has been signed and witnessed as provided in subdivision (1) of**
25 **subsection 2 of this section.**

26 **3. Subject to section 194.240, a donor or other person authorized to make an**
27 **anatomical gift under section 194.220 may revoke the gift by the destruction or cancellation**
28 **of the document of gift, or a portion of the document of gift used to make the gift, with the**
29 **intent to revoke the gift.**

30 **4. A donor may amend or revoke an anatomical gift that was not made in a will by**
31 **any form of communication during a terminal illness or injury addressed to at least two**
32 **adults at least one of whom is a disinterested witness.**

33 **5. A donor who makes an anatomical gift in a will may amend or revoke the gift in**
34 **the manner provided for amendment or revocation of wills or as provided in subsection 1**
35 **of this section.**

194.235. 1. An individual may refuse to make an anatomical gift of the individual's
2 **body or part by:**

3 **(1) A record signed by:**

4 **(a) The individual; or**

5 **(b) Subject to subsection 2 of this section, another individual acting at the direction**
6 **of the individual if the individual is physically unable to sign;**

7 **(2) The individual's will whether or not the will is admitted to probate or**
8 **invalidated after the individual's death; or**

9 **(3) Any form of communication made by the individual during the individual's**
10 **terminal illness or injury addressed to at least two adults at least one of whom is a**
11 **disinterested witness.**

12 **2. A record signed under paragraph (b) of subdivision (1) of subsection 1 of this**
13 **section shall:**

14 **(1) Be witnessed by at least two adults at least one of whom is a disinterested**
15 **witness, who have signed at the request of the individual; and**

16 **(2) State that it has been signed and witnessed as provided in subdivision (1) of**
17 **subsection 2 of this section.**

18 **3. An individual may amend or revoke a refusal:**

19 **(1) In the manner provided in subsection 1 of this section for making a refusal;**

20 **(2) By subsequently making an anatomical gift under section 194.225 that is**
21 **inconsistent with the refusal; or**

22 **(3) By the destroying or cancelling of the record evidencing the refusal, or the**
23 **portion of the record used to make the refusal, with the intent to revoke the refusal.**

24 **4. Except as otherwise provided in subsection 8 of section 194.240, in the absence**
25 **of an express, contrary indication by the individual set forth in the refusal, an individual's**
26 **unrevoked refusal to make an anatomical gift of the individual's body or a part bars all**
27 **other persons from making an anatomical gift of the individual's body or the part.**

194.240. 1. [A gift of all or part of the body under subsection 1 of section 194.220 may
2 **be made by will. The gift becomes effective upon the death of the testator without waiting for**
3 **probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift,**
4 **to the extent that it has been acted upon in good faith, is nevertheless valid and effective.**

5 **2. A gift of all or part of the body under subsection 1 of section 194.220 may also be**
6 **made by document other than a will. The gift becomes effective upon the death of the donor.**

7 The document, which may be a card designed to be carried on the person, must be signed by the
8 donor in the presence of two witnesses who must sign the document in his presence or before
9 a notary or other official authorized to administer oaths generally. If the donor cannot sign, the
10 document may be signed for him at his direction and in his presence in the presence of two
11 witnesses who must sign the document in his presence. Delivery of the document of gift during
12 the donor's lifetime is not necessary to make the gift valid.

13 3. The gift may be made to a specified donee or without specifying a donee. If the latter,
14 the gift may be accepted by a physician as donee upon or following death. If the gift is made to
15 a specified donee who is not available at the time and place of death or if the gift cannot be
16 implemented, a physician upon or following death, in the absence of any expressed indication
17 that the donor desired otherwise, may accept the gift as donee. The physician who becomes a
18 donee under this subsection shall not participate in the procedures for removing or transplanting
19 a part.

20 4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may
21 designate in his will, card, or other document of gift the surgeon or physician to carry out the
22 appropriate procedures. In the absence of a designation or if the designee is not available, the
23 donee or other person authorized to accept the gift may employ or authorize any surgeon or
24 physician to carry out the appropriate procedures. For the purpose of removing an eye or part
25 thereof, any medical technician employed by a hospital, physician or eye bank and acting under
26 supervision may perform the appropriate procedures. Any medical technician authorized to
27 perform such procedure shall successfully complete the course prescribed in section 194.295 for
28 embalmers.

29 5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by
30 a document signed by him or made by his telegraphic, recorded telephonic, or other recorded
31 message.

32 6. A gift of part of the body under subsection 1 of section 194.220 may also be made by
33 a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle
34 licenses issued pursuant to chapter 302, RSMo. The statement to be effective shall be signed by
35 the owner of the license in the presence of two witnesses, who shall sign the statement in the
36 presence of the donor. Use of the form is prima facie evidence that the owner of the license
37 intended to make the anatomical gift, and there shall be no civil or criminal liability for removal
38 of any part of the body indicated on the form by a licensed physician or surgeon. The gift
39 becomes effective upon the death of the donor. Delivery of the license during the donor's
40 lifetime is not necessary to make the gift valid. The gift shall become invalidated upon
41 expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed

42 upon renewal of each license. Pertinent medical information which may affect the quality of the
43 gift may be included in the statement of gift.

44 7. Any person eighteen years of age or older, or any person under the age of eighteen
45 with parental consent who indicates the desire to make an organ donation through any method
46 prescribed in this section may also contact the department of health and senior services when
47 completing such form, so that the information may be included in the registry maintained by the
48 department pursuant to subsection 1 of section 194.304. Failure to contact the department of
49 health and senior services shall not be construed to challenge the validity of the organ donation.

50 8. Organ procurement organizations and tissue banks may employ coordinators to assist
51 in the procurement of cadaveric organs and tissue for transplant or research. A coordinator who
52 assists in the procurement of cadaveric organs or tissue for transplantation or research must do
53 so under the direction and supervision of a physician or surgeon. With the exception of organ
54 procurement surgery, this supervision may be indirect supervision. For purposes of this
55 subsection, the term "indirect supervision" means that a physician or surgeon is responsible for
56 the medical actions of the coordinator, that the coordinator is acting under protocols expressly
57 approved by a physician or surgeon, and that a physician or surgeon is available, in person or by
58 telephone, to provide medical direction, consultation and advice in cases of organ and tissue
59 donation and procurement.

60 9. The department of health and senior services shall collect information and publish an
61 annual report which shall include the number of organ and tissue donations made in the state,
62 the number of organ or tissue donations received by citizens of the state of Missouri, the number
63 of organ or tissue donations transported outside the state boundaries and the cost of such organ
64 or tissue donations.] **Except as otherwise provided in subsection 7 of this section and subject**
65 **to subsection 6 of this section, in the absence of an express, contrary indication by the**
66 **donor, a person other than the donor is barred from making, amending, or revoking an**
67 **anatomical gift of a donor's body or a part if the donor made an anatomical gift of the**
68 **donor's body or the part under section 194.225 or an amendment to an anatomical gift of**
69 **the donor's body or the part under section 194.230.**

70 2. **A donor's revocation of an anatomical gift of the donor's body or a part under**
71 **section 194.230 is not a refusal and does not bar another person specified in section 194.220**
72 **or 194.245 from making an anatomical gift of the donor's body or a part under section**
73 **194.225 or 194.250.**

74 3. **If a person other than the donor makes an unrevoked anatomical gift of the**
75 **donor's body or part under section 194.225 or an amendment to an anatomical gift of the**
76 **donor's body or part under section 194.230, another person may not make, amend, or**
77 **revoke the gift of the donor's body or part under section 194.250.**

78 **4. A revocation of an anatomical gift of the donor's body or a part under section**
79 **194.230 by a person other than the donor does not bar another person from making an**
80 **anatomical gift of the body or a part under section 194.225 or 194.250.**

81 **5. In the absence of an express, contrary indication by the donor or other person**
82 **authorized to make an anatomical gift under section 194.220, an anatomical gift of a part**
83 **is neither a refusal to give another part nor a limitation on the making of an anatomical**
84 **gift of another part at a later time by the donor or another person made by a person.**

85 **6. In the absence of an express, contrary indication by the donor or other person**
86 **authorized to make an anatomical gift under section 194.220, an anatomical gift of a part**
87 **for one or more purposes set forth in section 194.220 is not a limitation on the making of**
88 **an anatomical gift of the part for any other purpose by the donor or other person under**
89 **section 194.225 or 194.250.**

90 **7. If a donor who is an unemancipated minor dies, a parent or guardian of the**
91 **donor who is reasonably available may revoke or amend an anatomical gift of the donor's**
92 **body or part.**

194.245. 1. Subject to subsections 2 and 3 of this section and unless barred by
2 **section 194.235 or 194.240, an anatomical gift of a decedent's body or part for purposes of**
3 **transplantation, therapy, research, or education may be made by any member of the**
4 **following classes of persons who is reasonably available, in the order of priority listed:**

5 **(1) An agent of the decedent at the time of death who could have made an**
6 **anatomical gift under subdivision (2) of section 194.220 immediately before the decedent's**
7 **death;**

8 **(2) The spouse of the decedent;**

9 **(3) Adult children of the decedent;**

10 **(4) Parents of the decedent;**

11 **(5) Adult siblings of the decedent;**

12 **(6) Adult grandchildren of the decedent;**

13 **(7) Grandparents of the decedent;**

14 **(8) The persons who were acting as the guardian of the person of the decedent at**
15 **the time of death; and**

16 **(9) Any other public official having the authority to dispose of the decedent's body.**

17 **2. If there is more than one member of a class listed in subdivisions (1) to (8) of**
18 **subsection 1 of this section entitled to make an anatomical gift, an anatomical gift may be**
19 **made by a member of the class unless that member or a person to which the gift can pass**
20 **under section 194.255 knows of an objection by another member of the class. If an**

21 objection is known, the gift may be made only by a majority of the members of the class
22 who are reasonably available.

23 **3. A person may not make an anatomical gift if, at the time of the decedent's death,**
24 **a person in a prior class under subsection 1 of this section is reasonably available to make**
25 **or to object to the making of an anatomical gift.**

194.250. [If the gift is made by the donor to a specified donee, the will, card, or other
2 document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate
3 procedures immediately after death. Delivery is not necessary to the validity of the gift. The
4 will, card, or other document, or an executed copy thereof, may be deposited in any hospital,
5 bank or storage facility or registry office that accepts it for safekeeping or for facilitation of
6 procedures after death. On request of any interested party upon or after the donor's death, the
7 person in possession shall produce the document for examination.] **1. A person authorized to**
8 **make an anatomical gift under section 194.245 may make an anatomical gift by a document**
9 **of gift signed by the person making the gift or that person's oral communication that is**
10 **electronically recorded or is contemporaneously reduced to a record and signed by the**
11 **individual receiving the oral communication.**

12 **2. Subject to subsection 3 of this section, an anatomical gift by a person authorized**
13 **under section 194.245 may be amended or revoked orally or in a record by any member**
14 **of a prior class who is reasonably available. If more than one member of the prior class**
15 **is reasonably available, the gift made by a person authorized under section 194.245 may**
16 **be:**

17 **(1) Amended only if a majority of reasonably available members agree to the**
18 **revoking of the gift; or**

19 **(2) Revoked only if a majority of the reasonably available members agree to the**
20 **revoking of the gift or if they are equally divided as to whether to revoke the gift.**

21 **3. A revocation under subsection 2 of this section is effective only if, before an**
22 **incision has been made to remove a part from the donor's body or before invasive**
23 **procedures have begun to prepare the recipient, the procurement organization, transplant**
24 **hospital, or physician or technician knows of the revocation.**

194.255. **1. An anatomical gift of a body or part may be made to the following**
2 **persons:**

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

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

8 **(3) A named eye bank or tissue bank.**

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

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

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

18 **(2) If the part is tissue and the gift is for the purpose of transplantation or therapy,**
19 **the 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**
21 **therapy, the gift passes to the appropriate organ procurement organization as custodian**
22 **of the organ;**

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

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

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

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

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

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

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

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

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

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

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

53 **10. A person may not accept an anatomical gift if the person knows that the gift was**
54 **not effectively made under section 194.225 or 194.250 or if the person knows that the**
55 **decedent made a refusal under section 194.235 that was not revoked. For purposes of this**
56 **subsection, if a person knows that an anatomical gift was made on a document of gift, the**
57 **person is deemed to know of any amendment or revocation of the gift or any refusal to**
58 **make an anatomical gift on the same document of gift.**

59 **11. A person shall not accept an anatomical gift if the person knows that the gift**
60 **is from the body of an executed prisoner from another country.**

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

 194.260. 1. [If the will, card, or other document or executed copy thereof, has been
2 delivered to a specified donee, the donor may amend or revoke the gift by:

3 (1) The execution and delivery to the donee of a signed statement, or

4 (2) An oral statement made in the presence of two persons and communicated to the
5 donee, or

6 (3) A statement during a terminal illness or injury addressed to an attending physician
7 and communicated to the donee, or

8 (4) A signed card or document found on his person or in his effects.

9 2. Any document of gift which has not been delivered to the donee may be revoked by
10 the donor in the manner set out in subsection 1, or by destruction, cancellation, or mutilation of
11 the document and all executed copies thereof.

12 3. Any gift made by a will may also be amended or revoked in the manner provided for
13 amendment or revocation of wills, or as provided in subsection 1.] **The following persons shall**
14 **make a reasonable search of an individual who the person reasonably believes is dead or**
15 **near death for a document of gift or other information identifying the individual as a donor**
16 **or as an individual who made a refusal:**

17 (1) A law enforcement officer, firefighter, paramedic, or other emergency rescuer
18 finding the individual; and

19 (2) If no other source of the information is immediately available, a hospital, as
20 soon as practical after the individual's arrival at the hospital.

21 2. If a document of gift or a refusal to make an anatomical gift is located by the
22 search required by subdivision (1) of subsection 1 of this section and the individual or
23 deceased individual to whom it relates is taken to a hospital, the person responsible for
24 conducting the search shall send the document of gift or refusal to the hospital.

25 3. A person is not subject to criminal or civil liability for failing to discharge the
26 duties imposed by this section but may be subject to administrative sanctions.

 194.263. 1. A document of gift need not be delivered during the donor's lifetime to
2 be effective.

3 2. Upon or after an individual's death, a person in possession of a document of gift
4 or a refusal to make an anatomical gift with respect to the individual shall allow
5 examination and copying of the document of gift or refusal by a person authorized to make
6 or object to the making of an anatomical gift with respect to the individual or by a person
7 to which the gift could pass under section 194.255.

 194.265. 1. When a hospital refers an individual at or near death to a procurement
2 organization, the organization shall make a reasonable search of any donor registry and
3 other applicable records that it knows exist for the geographical area in which the
4 individual resides to ascertain whether the individual has made, amended, revoked, or
5 refused to make an anatomical gift.

6 2. A procurement organization shall be allowed reasonable access to information
7 in the records of the department of health and senior services and department of revenue
8 to ascertain whether an individual at or near death is a donor.

9 3. When a hospital refers an individual at or near death to a procurement
10 organization, the organization may conduct any reasonable examination necessary to
11 ensure the medical suitability of a part that is or could be the subject of an anatomical gift
12 for transplantation, therapy, research, or education from a donor or a prospective donor.
13 During the examination period, measures necessary to ensure the medical suitability of the
14 part may not be withdrawn unless the hospital or procurement organization knows a
15 contrary intent had or has been expressed by the individual or an agent of the individual,
16 or if the individual is incapacitated and such individual has no agent, knows a contrary
17 intent has been expressed by any person listed in section 194.245 having priority to make
18 an anatomical gift on behalf of the individual.

19 **4. Unless prohibited by law other than sections 194.210 to 194.294, at any time after**
20 **a donor's death, the person to which a part passes under section 194.255 may conduct any**
21 **reasonable examination necessary to ensure the medical suitability of the body or part for**
22 **its intended purpose.**

23 **5. Unless prohibited by law other than sections 194.210 to 194.294, an examination**
24 **under subsection 3 or 4 of this section may include an examination of all medical records**
25 **of the donor or prospective donor.**

26 **6. Upon the death of a minor who was a donor or had signed a refusal, unless a**
27 **procurement organization knows the minor is emancipated, the procurement organization**
28 **shall conduct a reasonable search for the parents of the minor and provide the parents**
29 **with an opportunity to revoke or amend the anatomical gift or revoke a refusal.**

30 **7. Upon referral by a hospital under subsection 1 of this section, a procurement**
31 **organization shall make a reasonable search for any person listed in section 194.245 having**
32 **priority to make an anatomical gift on behalf of a prospective donor. If a procurement**
33 **organization receives information that an anatomical gift to any other person was made,**
34 **amended, or revoked, it shall promptly advise the other person of all relevant information.**

35 **8. Subject to subsection 8 of section 194.255 and section 58.785, RSMo, the rights**
36 **of the person to which a part passes under section 194.255 are superior to rights of all**
37 **others with respect to the part. The person may accept or reject an anatomical gift in**
38 **whole or in part. Subject to the terms of the document of gift and this act, a person that**
39 **accepts an anatomical gift of an entire body may allow embalming or cremation and use**
40 **of remains in a funeral service. If the gift is of a part, the person to which the part passes**
41 **under section 194.255, upon the death of the donor and before embalming, burial, or**
42 **cremation, shall cause the part to be removed without unnecessary mutilation.**

43 **9. Neither the physician who attends the decedent immediately prior to or at death**
44 **nor the physician who determines the time of the decedent's death may participate in the**
45 **procedures for removing or transplanting a part from the decedent.**

46 **10. No physician who removes or transplants a part from the decedent, or a**
47 **procurement organization, shall have primary responsibility for the health care treatment**
48 **or health care decision making for such individual's terminal condition during the**
49 **hospitalization for which the individual becomes a donor.**

50 **11. A physician or technician may remove a donated part from the body of a donor**
51 **that the physician or technician is qualified to remove.**

194.270. [1. The donee may accept or reject the gift. If the donee accepts a gift of the
2 entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body
3 in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and

4 prior to embalming, shall cause the part to be removed without unnecessary mutilation. After
5 removal of the part, custody of the remainder of the body vests in the surviving spouse, next of
6 kin, or other persons under obligation to dispose of the body.

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

11 3. A person who acts without negligence and in good faith in accord with the terms of
12 this act or with the anatomical gift laws of another state or a foreign country is not liable for
13 damages in any civil action or subject to prosecution in any criminal proceeding for his act.

14 4. The provisions of this act are subject to the laws of this state prescribing powers and
15 duties with respect to autopsies.] **Each hospital in this state shall enter into agreements or**
16 **affiliations with procurement organizations for coordination of procurement and use of**
17 **anatomical gifts.**

194.275. 1. Except as otherwise provided in subsection 2 of this section, a person
2 **who for valuable consideration knowingly purchases or sells a part for any purpose if**
3 **removal of the whole body or a part from an individual is intended to occur after the**
4 **individual's death commits a felony and upon conviction is subject to a fine not exceeding**
5 **fifty thousand dollars or imprisonment not exceeding five years, or both.**

6 **2. For purposes of this section, "valuable consideration" does not include the**
7 **reasonable payments associated with the removal, transportation, implantation,**
8 **processing, preservation, quality control, and storage of any part or a whole body.**

194.280. [Sections 194.210 to 194.290 shall be so construed as to effectuate its general
2 purpose to make uniform the law of those states which enact it.] **Any person that in order to**
3 **obtain a financial gain knowingly falsifies, forges, conceals, defaces, or obliterates a**
4 **document of gift, an amendment or revocation of a document of gift, or a refusal commits**
5 **a felony and upon conviction is subject to a fine not exceeding fifty thousand dollars or**
6 **imprisonment not exceeding five years, or both.**

194.285. 1. A person who acts in accordance with sections 194.210 to 194.294 or
2 **with the applicable anatomical gift laws of another state that is not inconsistent with the**
3 **provisions of sections 194.210 to 194.294 or attempts in good faith to do so is not liable for**
4 **the act in any civil, criminal, or administrative proceeding. A party claiming another was**
5 **negligent shall have the burden of proving the claimed negligence.**

6 **2. Neither the person making an anatomical gift nor the donor's estate is liable for**
7 **any injury or damage that results from the making or use of the gift.**

8 **3. In determining whether an anatomical gift has been made, amended, revoked,**
9 **or refused under sections 194.210 to 194.294, a person may rely upon representations of**
10 **individuals listed in subdivisions (2) to (8) of subsection 1 of section 194.245 relating to the**
11 **individual's relationship to the donor or prospective donor unless the person knows that**
12 **representation is untrue.**

194.290. [Sections 194.210 to 194.290 may be cited as the "Uniform Anatomical Gift
2 Act".] **1. As used in this section, the following terms mean:**

3 **(1) "Advance health-care directive", a power of attorney for health care or record**
4 **signed by a prospective donor containing the prospective donor's direction concerning a**
5 **health-care decision for the prospective donor;**

6 **(2) "Declaration", a record, including but not limited to, a living will or do not**
7 **resuscitate order, signed by a prospective donor specifying the circumstances under which**
8 **a life support system may be withheld or withdrawn;**

9 **(3) "Health-care decision", any decision made regarding the health care of the**
10 **prospective donor.**

11 **2. If a prospective donor has a declaration or advance health-care directive and the**
12 **terms of the declaration or directive and the express or implied terms of a potential**
13 **anatomical gift are in conflict with regard to the administration of measures necessary to**
14 **ensure the medical suitability of a part for transplantation or therapy, the prospective**
15 **donor's attending physician and prospective donor shall confer to resolve the conflict. If**
16 **the prospective donor is incapable of resolving the conflict, an agent acting under the**
17 **prospective donor's declaration or directive or, if none or the agent is not reasonably**
18 **available, another person authorized by law to make health-care decisions on behalf of the**
19 **prospective donor shall act for the donor to resolve the conflict. The conflict must be**
20 **resolved as expeditiously as possible. Information relevant to the resolution of the conflict**
21 **may be obtained from the appropriate procurement organization and any other person**
22 **authorized to make an anatomical gift for the prospective donor under section 194.245.**
23 **Before the resolution of the conflict, measures necessary to insure the medical suitability**
24 **of an organ for transplantation or therapy may not be withheld or withdrawn from the**
25 **prospective donor, if withholding or withdrawing the measures is not contraindicated by**
26 **appropriate end-of-life care.**

194.292. 1. A document of gift is valid if executed in accordance with:

2 **(1) Sections 194.210 to 194.294;**

3 **(2) The laws of the state or country where it was executed; or**

4 **(3) The laws of the state or country where the person making the anatomical gift**
5 **was domiciled, has a place of residence, or was a national at the time the document of gift**
6 **was executed.**

7 **2. If a document of gift is valid as provided in subsection 1 of this section, the law**
8 **of this state governs the interpretation of the document of gift.**

9 **3. A person may presume that a document of gift or amendment of an anatomical**
10 **gift is valid unless that person knows that it was not validly executed or was revoked.**

11 **4. For purposes of this section, for a document or gift from another state or country**
12 **to be valid it shall be executed by a record, document, or donor registry that expresses the**
13 **informed consent of a person to make an anatomical gift.**

194.293. In applying and construing sections 194.210 to 194.290, consideration shall
2 **be given to the need to promote uniformity of the law with respect to its subject matter**
3 **among states that enact it.**

194.294. Sections 194.210 to 194.294 modifies, limits, and supersedes the Electronic
2 **Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does**
3 **not modify, limit, or supersede Section 101(a) of that act, 15 U.S.C. Section 7001, or**
4 **authorize electronic delivery of any of the notices described in Section 103(b) of that act,**
5 **15 U.S.C. Section 7003(b).**

 194.304. 1. [The department of health and senior services shall maintain a registry of
2 organ donors. The registry shall record any person who indicates through any means, including
3 completing the reverse side of a license to operate a motor vehicle as prescribed in subsection
4 6 of section 194.240, that the person desires to make an organ donation upon the person's death.
5 Information in such registry shall be released only to appropriate persons or organizations
6 designated by the advisory committee.

7 2. Any person who has previously put his or her name on the organ donor registry may
8 have that name deleted by filing the appropriate form with the department of health and senior
9 services.] **The department of revenue shall cooperate with any donor registry that this state**
10 **establishes, contracts for, or recognizes for the purpose of transferring to the donor**
11 **registry all relevant information regarding a donor's making, amendment to, revocation**
12 **of, or refusal to make an anatomical gift.**

13 **2. A first person consent organ and tissue donor registry shall:**

14 **(1) Allow a donor or other person authorized under section 194.220 to include on**
15 **the donor registry a statement or symbol that the donor has made, amended, revoked, or**
16 **refused to make an anatomical gift;**

17 **(2) Be accessible to a procurement organization to allow it to obtain relevant**
18 **information on the donor registry to determine, at or near death of the donor or a**

19 **prospective donor, whether the donor or prospective donor has made, amended, revoked,**
20 **or refused to make an anatomical gift;**

21 **(3) Be accessible for purposes of subdivisions (1) and (2) of this subsection seven**
22 **days a week on a twenty-four-hour basis; and**

23 **(4) Provide educational materials regarding the making, amending, or revoking of**
24 **an anatomical gift or a refusal to make an anatomical gift to donors or other persons**
25 **authorized to make anatomical gifts under this act.**

26 **3. Personally identifiable information on the first person consent organ and tissue**
27 **donor registry about a donor or prospective donor may not be used or disclosed without**
28 **the express consent of the donor, prospective donor, or the person that made the**
29 **anatomical gift for any purpose other than to determine, at or near death of the donor or**
30 **a prospective donor, whether the donor or prospective donor has made, amended, revoked,**
31 **or refused to make an anatomical gift.**

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than

24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
29 with the United States Armed Forces, an application under this subsection shall be considered
30 satisfactory by the department of revenue if it is signed by a person who holds general power of
31 attorney executed by the person deployed, provided the applicant meets all other requirements
32 set by the director.

33 2. An applicant for a license may make a donation of one dollar to promote an organ
34 donor program. The director of revenue shall collect the donations and deposit all such
35 donations in the state treasury to the credit of the organ donor program fund established in
36 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
37 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
38 department of revenue shall retain no more than one percent for its administrative costs. The
39 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
40 license at the time of issuance or renewal of the license. The director shall make available an
41 informational booklet or other informational sources on the importance of organ **and tissue**
42 donations to applicants for licensure as designed by the organ donation advisory committee
43 established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant
44 at the time the licensee presents the completed application to the director whether the applicant
45 is interested in making the one dollar donation prescribed in this subsection and whether the
46 applicant is interested in inclusion in the organ donor registry and shall also specifically inform
47 the licensee of the ability to consent to organ donation by completing the form on the reverse of
48 the license that the applicant will receive in the manner prescribed by [subsection 6 of section
49 194.240] **subdivision (1) of subsection 1 of section 194.225, RSMo. A symbol shall be placed**
50 **on the front of the document indicating the applicant's desire to be listed in the registry.**
51 The director shall notify the department of health and senior services of information obtained
52 from applicants who indicate to the director that they are interested in registry participation, and
53 the department of health and senior services shall enter the complete name, address, date of birth,
54 race, gender and a unique personal identifier in the registry established in subsection 1 of section
55 194.304, RSMo.

56 3. An applicant for a license may make a donation of one dollar to promote a blindness
57 education, screening and treatment program. The director of revenue shall collect the donations
58 and deposit all such donations in the state treasury to the credit of the blindness education,
59 screening and treatment program fund established in section 192.935, RSMo. Moneys in the

60 blindness education, screening and treatment program fund shall be used solely for the purposes
61 established in section 192.935, RSMo, except that the department of revenue shall retain no more
62 than one percent for its administrative costs. The donation prescribed in this subsection is
63 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
64 of the license. The director shall inquire of each applicant at the time the licensee presents the
65 completed application to the director whether the applicant is interested in making the one dollar
66 donation prescribed in this subsection.

67 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
68 commits fraud or deception during the examination process or who makes application for an
69 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
70 false or fraudulent information or documentation, or who knowingly conceals a material fact or
71 otherwise commits a fraud in any such application. The period of denial shall be one year from
72 the effective date of the denial notice sent by the director. The denial shall become effective ten
73 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
74 person at the last known address shown on the person's driving record. The notice shall be
75 deemed received three days after mailing unless returned by the postal authorities. No such
76 individual shall reapply for a driver's examination, instruction permit, driver's license, or
77 nondriver's license until the period of denial is completed. No individual who is denied the
78 driving privilege under this section shall be eligible for a limited driving privilege issued under
79 section 302.309.

80 5. All appeals of denials under this section shall be made as required by section 302.311.

81 6. The period of limitation for criminal prosecution under this section shall be extended
82 under subdivision (1) of subsection 3 of section 556.036, RSMo.

83 7. The director may promulgate rules and regulations necessary to administer and enforce
84 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
85 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

86 8. Notwithstanding any provisions of this chapter that requires an applicant to provide
87 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
88 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
89 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
90 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

91 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the
92 requirements of subsection 8 of this section and does not have the required documents to prove
93 lawful presence, the department may issue a one-year driver's license renewal. This one-time
94 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial
95 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen

96 years or more and who does not have the required documents to prove lawful presence. After
97 the expiration of the one-year period, no further renewal shall be provided without the applicant
98 producing proof of lawful presence.

2 [194.233. 1. The chief executive officer of each hospital in this state
3 shall designate one or more trained persons to request anatomical gifts which
4 persons shall not be connected with determination of death. The hospital official
5 may designate a representative of an organ or tissue procurement organization to
6 request consent.

7 2. When there is a patient who is a suitable candidate for organ or tissue
8 donation based on hospital accepted criteria the designee shall request consent
9 to a donation from the persons authorized to give consent as specified in
10 subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The
11 request shall be made in the order of priority stated in subsection 2 of section
12 194.220. When the hospital cannot, from available information, ascertain that the
13 patient has next-of-kin authorized to give consent as specified in subdivision (2),
14 (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall
15 notify and request consent to a donation from a member of the class described in
16 subdivision (7) of subsection 2 of section 194.220. Such notification to a
17 member of the class described in subdivision (7) of subsection 2 of section
18 194.220 shall occur before death where practicable.

19 3. No request shall be required if the hospital designee has actual notice
20 of a gift by the decedent under subsection 1 of section 194.220 or actual notice
21 of contrary indications by the decedent.

22 4. Consent shall be obtained by the methods specified in section 194.240.

23 5. Where a donation is requested, the designee shall verify such request
24 in the patient's medical record. Such verification of request for organ donation
25 shall include a statement to the effect that a request for consent to an anatomical
26 gift has been made, and shall further indicate thereupon whether or not consent
27 was granted, the name of the person granting or refusing the consent, and his or
28 her relationship to the decedent.

29 6. Upon the approval of the designated next of kin or other individual,
30 as set forth in subsection 2 of section 194.220, the hospital shall then notify an
31 organ or tissue procurement organization and cooperate in the procurement of the
32 anatomical gift or gifts pursuant to applicable provisions of sections 194.210 to
33 194.290.

34 7. No hospital shall have an obligation to retrieve the organ or tissue
donated pursuant to this section.]

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