

SCS SB 1139 -- UNIFORM ANATOMICAL GIFT ACT

SPONSOR: Dempsey (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 11 to 1.

This substitute changes the laws regarding the Uniform Anatomical Gift Act, promotes uniformity of the law among states, and defines "anatomical gift" as a donation of all or part of a human body after death. In its main provisions, the substitute:

- (1) Establishes requirements for coroners when two counties are involved in the determination and investigation of a death;
- (2) Requires coroners and medical examiners to cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts;
- (3) Specifies additional requirements for coroners and medical examiners to follow regarding anatomical gifts;
- (4) Requires the Department of Health and Senior Services to establish or contract for the establishment of a first person consent organ and tissue donor registry;
- (5) Specifies which documents are acceptable to make an anatomical gift;
- (6) Specifies how an anatomical gift can be revoked;
- (7) Allows an individual to refuse to make an anatomical gift;
- (8) Specifies who is authorized to make an anatomical gift of a deceased individual's body and to whom an anatomical gift can be made;
- (9) Allows emergency personnel and hospital staff to search a deceased or near-death individual for documentation as a donor;
- (10) Specifies that, upon referral of a potential donor, a procurement organization will search a donor registry and other applicable records to determine if the individual has made an anatomical gift;
- (11) Allows a procurement organization to conduct a medical exam to ensure medical suitability of the donation;
- (12) Prohibits the attending physician at death or the physician who determines the time of death from participating in the

removal or transplantation of a body part of the deceased;

(13) Specifies that a person who knowingly purchases or sells a body part for transplantation will be guilty of a felony and subject to a fine of up to \$50,000, imprisonment not exceeding seven years, or both;

(14) Specifies that a person who knowingly falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal will be guilty of a felony and subject to a fine of up to \$50,000, imprisonment not exceeding seven years, or both; and

(15) Requires the Department of Revenue to cooperate with a state-established donor registry.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill promotes uniformity among states, establishes a first person consent organ donor registry, and will facilitate identification of potential donors.

Testifying for the bill were Senator Dempsey; Representative Grisamore; Rob Linderer, Midwest Transplant Network; Missouri Coroners and Medical Examiners Association; Department of Health and Senior Services; Missouri Association of Trial Attorneys; and Missouri Hospital Association.

OPPOSERS: Those who oppose the bill say that the bill requires refusal of an organ donation to be an affirmative statement having two witnesses. The requirement for refusal is too burdensome and should be the same standard as making a gift and changing a gift. The refusal of an organ donation should be recorded in the registry.

Testifying against the bill were Missouri Catholic Conference; and Campaign Life Missouri.