

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 88, Page
2 2, Section 191.227, Line 47, by inserting after all of said section and line the following:

3
4 "194.255. 1. An anatomical gift may be made to the following persons named in the
5 document of gift:

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

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

11 (3) An eye bank or tissue bank.

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

15 10. A person may not accept an anatomical gift if the person knows that the gift was not
16 effectively made under section 194.225 or 194.250 or if the person knows that the decedent made a
17 refusal under section 194.235 that was not revoked. For purposes of this subsection, if a person
18 knows that an anatomical gift was made on a document of gift, the person is deemed to know of any
19 amendment or revocation of the gift or any refusal to make an anatomical gift on the same document
20 of gift.

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

23 12. Except as otherwise provided in subdivision (2) of subsection 1 of this section, nothing
24 in this act affects the allocation of organs for transplantation or therapy."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.