

SECOND REGULAR SESSION

# HOUSE BILL NO. 1361

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KIDD.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies of health care facilities.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.250, to read as follows:

**191.250. 1. This section shall be known and may be cited as “Simon’s Law”.**

**2. As used in this section the following terms shall mean:**

**(1) "Life-sustaining", procedures, food, medication, or nutrition are life-sustaining if, in reasonable medical judgment, the withdrawal or withholding of such procedures, food, medication, or nutrition would result in or hasten the death of the patient;**

**(2) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.**

**3. Upon the request of a patient or resident or a prospective patient or resident, a health care facility, nursing home, or physician shall disclose in writing any policies relating to a patient or resident or the services a patient or resident may receive involving life-sustaining treatment, including any policies related to health care deemed futile, inappropriate, or nonbeneficial, within the health care facility or agency.**

**4. No health care facility, nursing home, physician, nurse, or medical staff shall withhold life-sustaining procedures, food, medication, or nutrition, nor place any restrictions on life-sustaining procedures including, but not limited to, food, medication, or nutrition for any patient, resident, or ward under eighteen years of age who is not**

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.

18 emancipated without the written permission of at least one parent or legal guardian of the  
19 patient or ward.

20       **5. No do-not-resuscitate order or similar physician's order shall be instituted either**  
21 **orally or in writing without the written permission of at least one parent or legal guardian**  
22 **of the patient or resident or prospective patient or resident under eighteen years of age who**  
23 **is not emancipated.**

24       **6. Permission previously given under subsection 4 or 5 of this section may be**  
25 **revoked in writing by the legal guardian or either parent of the patient. If the parents are**  
26 **unable to agree to withhold life-sustaining procedures, food, medication, nutrition, or**  
27 **resuscitation, either parent may petition a district court of the county in which the patient**  
28 **resides or in which the patient is receiving treatment to resolve the conflict based on a**  
29 **presumption in favor of the provision of life-sustaining procedures, food, medication,**  
30 **nutrition, and resuscitation, unless there is clear and convincing evidence that such**  
31 **provision is contrary to the best interests of the child. Upon receiving such a petition, the**  
32 **district court shall issue an order fixing the date, time, and place of the trial on the petition**  
33 **and order that notice of the trial shall be given to such persons as the court shall direct.**  
34 **The trial may be held forthwith and without notice if the court determines that holding a**  
35 **trial forthwith and without notice is in the best interests of the child. In the court's**  
36 **discretion, a trial may be conducted in a courtroom, a treatment facility, or at some other**  
37 **suitable place. Pending the final outcome of the proceedings, including any appeals, no**  
38 **permission under subsection 4 or 5 of this section may be implemented.**

39       **7. Subject to the provisions of subsection 6 of this section, the requirements for**  
40 **written permission in subsections 4 and 5 of this section shall not apply if providing**  
41 **resuscitation, food, medication, or nutrition would be:**

42       **(1) Futile because, in reasonable medical judgment, withholding resuscitation, food,**  
43 **medication, or nutrition would not cause or hasten the death of the patient; or**

44       **(2) Medically inappropriate because, in reasonable medical judgment, providing**  
45 **resuscitation, food, medication, or nutrition would create a greater risk of causing or**  
46 **hastening the death of the patient than withholding resuscitation, food, medication, or**  
47 **nutrition.**

48       **8. Subsection 7 of this section may be implemented so long as a reasonably diligent**  
49 **effort has been made to contact at least one parent or legal guardian who, if contacted, has**  
50 **been informed of the planned withholding of food, medication, or nutrition or the do-not-**  
51 **resuscitate order, and the health care provider has cooperated with the parent or legal**  
52 **guardian's efforts to obtain other medical opinions or a transfer of the patient to a**  
53 **provider selected by the parent or guardian, if so requested.**

54           **9. Nothing in this section shall require a health care facility, nursing home, or**  
55 **physician to have a written policy relating to or involving life-sustaining or nonbeneficial**  
56 **treatment for patients under eighteen years of age who are not emancipated or adult**  
57 **patients, residents, or wards.**

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