

SECOND REGULAR SESSION

# HOUSE BILL NO. 2664

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOBE.

6178H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 41, RSMo, by adding thereto one new section relating to living donor medical orders for members of the Missouri National Guard.

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

Section A. Chapter 41, RSMo, is amended by adding thereto one new section, to be known as section 41.1030, to read as follows:

**41.1030. 1. As used in this section, the following terms mean:**

(1) "Department", the Missouri department of the National Guard;  
(2) "Living donation period", the period in which a member who chooses to become a living organ donor completes all phases of the living donor process deemed medically necessary for a successful living donation including, but not limited to, the testing, surgical, and recovery phases;  
(3) "Member", a member of the Missouri National Guard;  
(4) "Program", the Missouri guaranteed inclusive voluntary exceptional service (MO GIVES) program established in subsection 2 of this section.

2. Subject to appropriation, the department shall establish a program for members who choose to become living organ donors to receive living donor medical orders for purposes of remaining on paid status during the living donation period, to be known as the "Missouri Guaranteed Inclusive Voluntary Exceptional Service (MO GIVES) Program".

3. Any member seeking to become a living organ donor may apply to participate in the program. The department shall approve a member's participation in the program if sufficient funds are available and the member:

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           **(1) Is in either Troop Program Unit (TPU) status or Individual Ready Reserve**  
19           **(IRR) status;**

20           **(2) Is in good standing with the department;**

21           **(3) Either:**

22           **(a) Is not eligible for living donor paid leave from the member's employer,**  
23           **whether due to the lack of such employer benefit or the failure to satisfy the eligibility**  
24           **requirements; or**

25           **(b) Elects not to use any such employer-based benefit available to the member;**

26           **(4) Specifies the type of donation to be made, whether directed to a specific**  
27           **individual, nondirected, or paired; and**

28           **(5) Agrees to undergo the procurement operation at a health care facility**  
29           **approved as a provider of continuing education points for transplant certification by the**  
30           **American Board for Transplant Certification.**

31           **4. Upon approval of a member's application, the department shall issue a living**  
32           **donor medical order for the member. The order shall:**

33           **(1) Guarantee paid leave for the member for the living donation period. The**  
34           **period of paid leave guaranteed under the order shall not exceed forty-five days unless**  
35           **an extension of time is deemed medically necessary by the primary surgical and medical**  
36           **recovery team;**

37           **(2) Exempt the member from any requirement to use accrued annual or medical**  
38           **leave for the paid living donation period guaranteed under the order; and**

39           **(3) Provide a per diem allowance and a basic allowance for housing during the**  
40           **paid living donation period guaranteed under the order based on the member's rank,**  
41           **region as determined by the zip code of the member's home of record, and dependent**  
42           **status.**

43           **5. Any organ donated through participation in the program may be transported**  
44           **outside this state to the ultimate recipient.**

45           **6. Benefits under the program shall be provided through the fund established in**  
46           **subsection 7 of this section.**

47           **7. (1) There is hereby created in the state treasury the "MO GIVES Fund",**  
48           **which shall consist of moneys appropriated to it by the general assembly and any gifts,**  
49           **contributions, grants, or bequests received from federal, private, or other sources. The**  
50           **state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**  
51           **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated**  
52           **fund and, upon appropriation, moneys in this fund shall be used solely to provide**  
53           **benefits under the program established in this section.**

54       **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
55 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
56 **general revenue fund.**

57       **(3) The state treasurer shall invest moneys in the fund in the same manner as**  
58 **other funds are invested. Any interest and moneys earned on such investments shall be**  
59 **credited to the fund.**

60       **8. The department may promulgate all necessary rules and regulations for the**  
61 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
62 **section 536.010, that is created under the authority delegated in this section shall**  
63 **become effective only if it complies with and is subject to all of the provisions of chapter**  
64 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
65 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
66 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
67 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
68 **adopted after August 28, 2026, shall be invalid and void.**

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