

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617& 646
90TH GENERAL ASSEMBLY

Reported from the Committee on Civil and Administrative Law, May 3, 2000, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617 & 646 Do Pass.

ANNE C. WALKER, Chief Clerk

3070L.10C

AN ACT

To repeal sections 194.210 and 194.230, RSMo 1994, and sections 194.220, 194.233, 194.240, 194.297 and 194.300, RSMo Supp. 1999, and sections 302.171 and 302.181 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, first regular session of the ninetieth general assembly, and section 302.171 as enacted by house bill no. 783, first regular session of the eighty-ninth general assembly, and to enact in lieu thereof sixteen new sections relating to anatomical donation, with a penalty provision.

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

Section A. Sections 194.210 and 194.230, RSMo 1994, and sections 194.220, 194.233, 194.240, 194.297 and 194.300, RSMo Supp. 1999, and sections 302.171 and 302.181 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, first regular session of the ninetieth general assembly, and section 302.171 as enacted by house bill no. 783, first regular session of the eighty-ninth general assembly, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 172.875, 194.210, 194.220, 194.230, 194.233, 194.240, 194.243, 194.245, 194.249, 194.266, 194.293, 194.297, 194.300, 194.345, 302.171 and 302.181, to read as follows:

172.875. 1. The Missouri kidney program in the University of Missouri, a statewide program that provides treatment for renal disease, shall administer a separate program to provide assistance for immunosuppressive pharmaceuticals and other services for other organ transplant patients. The Missouri kidney program shall establish guidelines and eligibility requirements and procedures, similar to those established to serve eligible end stage renal disease patients, for other organ transplant patients to receive assistance pursuant to this section.

2. The Missouri kidney program shall coordinate efforts with the divisions of family services and medical services in the department of social services to provide the most efficient and cost-effective assistance to organ transplant patients.

3. From funds appropriated to provide assistance pursuant to this section, the priority shall be to provide pharmaceutical services. If other funds are available through

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

the transplant program other services for the treatment of organ transplant patients may be provided.

194.210. As used in sections 194.210 to [194.290] **194.307**, the following words and terms mean:

(1) **"Anatomical donation" or "anatomical donor", a human body part donation or a human body part donor;**

(2) **"Bank or storage facility", a facility licensed, accredited, or approved [under] pursuant to the laws of any state for storage of human bodies or parts thereof;**

[(2)] (3) **"Decedent", a deceased individual and includes a stillborn infant or fetus;**

(4) **"Donee":**

(a) **Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or**

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

(c) **Any bank, storage facility or OPO, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or**

(d) **Any specified individual for therapy or transplantation needed by such individual;**

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

(6) **"Enucleator", an individual who has successfully completed a course in eye enucleation conducted or certified by the department of ophthalmology of a college of medicine offering such a course, and who holds a valid certificate of competence for completing the course;**

(7) **"Fund", the organ donor program fund established in section 194.297;**

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

(9) **"OPO", the federally certified organ procurement organizations for the state of Missouri;**

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

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

[(7)] (12) **"Physician" or "surgeon", a physician or surgeon licensed or authorized to practice [under] pursuant to the laws of any state;**

(13) **"Procurement coordinator", an individual employed by an organ or tissue bank and trained to assist in the recovery of organs and tissues;**

[(8)] (14) **"State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.**

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his **or her** body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor**

card, application for the donor's instruction permit or driver's license, or other document of gift. An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent or of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 194.230:

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

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

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

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

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

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

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

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

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

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

(3) Any bank [or], storage facility **or OPO**, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by [him] **such individual.**

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

2. When there is a patient who is a suitable candidate for organ or tissue donation based on hospital accepted criteria the designee shall request consent to a donation from the persons authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2 of section 194.220. When the hospital cannot, from available information, ascertain that the patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a donation

from a member of the class described in subdivision (7) of subsection 2 of section 194.220. Such notification to a member of the class described in subdivision (7) of subsection 2 of section 194.220 shall occur before death where practicable.

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

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

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

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

7. No hospital shall have an obligation to retrieve the organ or tissue donated pursuant to this section.] **At or near the time of death of any patient in a hospital, the attending physician or hospital designee shall make contact with the OPO to determine the suitability for organ, tissue and eye donation for any purpose specified pursuant to sections 194.210 to 194.307. Such contact and the disposition shall be noted in the patient's medical record.**

2. The person designated by the hospital to contact the OPO shall have the following information available:

- (1) The patient's name and identifier number;**
- (2) The patient's age;**
- (3) Anticipated cause of death;**
- (4) Past medical history; and**
- (5) Other pertinent medical information.**

3. The OPO shall determine suitability for donation. Such determination shall be made, when possible, prior to the initiation of any request of the persons identified pursuant to section 194.220 for anatomical donation.

4. If the OPO determines that donation is not appropriate based on established medical criteria, such determination shall be noted by hospital personnel in the patient's record and no further action shall be necessary.

5. If the OPO determines that the patient is a suitable candidate for anatomical donation, a request shall be initiated by informing the appropriate persons of the option to donate organs, tissue or eyes. The request for anatomical donation shall be made by a representative of the OPO or an OPO-trained requestor in accordance with subsection 1 of section 194.220. In those cases where the attending physician desires to approach the family to discuss organ or tissue donation, he or she may do so when accompanied by a representative of the OPO.

6. Within one year of the effective date of this section, each hospital in the state shall develop and implement a protocol for referring potential anatomical donors as provided in this section. The protocol shall require that, at or near the time of death of any patient, the hospital shall notify the OPO to determine suitability for anatomical donation

of the potential donor. The protocol shall encourage discretion and sensitivity to family circumstances and beliefs in all discussions regarding donations of organs, tissue or eyes.

7. If the hospital staff advises the OPO that the hospital staff has received actual notice that the decedent did not wish to be an anatomical donor, the gift of all or any part of the decedent's body shall not be requested.

8. Death medical record reviews shall be performed in each hospital for the sole purpose of determining anatomical donor potential at the hospital. The hospital may perform the medical record review or may designate the OPO to conduct the review. If the hospital chooses to conduct its own review, it shall do so in accordance with clinical specifications and guidelines established by the OPO. If the hospital conducts the review, the OPO shall provide the necessary training to hospital personnel conducting the review. The hospital shall report the results of the review to the OPO no later than forty-five days following the completion of the review. If the hospital designates the OPO to conduct the review, the OPO shall provide the hospital with written assurance that the OPO shall maintain the confidentiality of patient identifying information.

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

2. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in [his] **the donor's** presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for [him] **the donor** at [his] **the donor's** direction and in [his] **the donor's** presence in the presence of two witnesses who must sign the document in [his] **the donor's** presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

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

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

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

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

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

8. Organ procurement organizations and tissue banks may employ **procurement coordinators and enucleators who may not be physicians or surgeons** to assist in the [procurement] **recovery** of cadaveric organs and tissue for transplant or research. A coordinator **or enucleator** who assists in the procurement of cadaveric organs or tissue for transplantation or research must do so under the direction and supervision of a physician or surgeon. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this subsection, the term "indirect supervision" means that a physician or surgeon is responsible for the medical actions of the coordinator, that the coordinator is acting under protocols expressly approved by a physician or surgeon, and that a physician or surgeon is available, in person or by telephone, to provide medical direction, consultation and advice in cases of organ and tissue donation and procurement.

9. The department of health shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations.

194.243. 1. Beginning no later than January 1, 2001, the division of motor vehicle and driver licensing shall modify the driver's license and identification card application process and renewal system to:

(1) **Obtain information from individuals over the age of eighteen regarding such individual's consent to anatomical donation; and**

(2) **Allow persons under the age of eighteen to register as donors with parental consent. The division shall include an inquiry on the application and renewal form to read as follows:**

"Do you wish to have the organ donor designation printed on your driver's

license?"

If an individual indicates his or her consent to anatomical donation, such consent shall be noted on the front of the individual's driver's license or identification card with the word "Organ Donor" and recorded in the individual's computer record with the division of motor vehicle and driver licensing.

2. The OPO shall be given access to the donor information in subsection 1 of this section twenty-four hours a day through the division's database. Notwithstanding any other law to the contrary, the division is authorized to provide the OPO with the foregoing donor information. The OPO shall not be assessed a fee or other charges for such access.

3. The donor designation on the driver's license or identification card shall be deemed sufficient to satisfy all requirements for consent to organ and tissue donation.

4. Any person may request that his or her consent to anatomical donation by validly executed donor card, will, other document of gift be included in such person's computer record with the division of motor vehicle and driver licensing. The division may promulgate rules and regulations to implement the provisions of this subsection. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

194.245. Notwithstanding any other law to the contrary, if a validly executed donor card, advance health care directive, will, other document or gift, driver's license or identification card evidencing an anatomical gift exists, consent at the time of death shall not be necessary to render the gift valid.

194.249. The department of revenue shall provide a space on the face of the state individual income tax return for the 2000 tax year and each year thereafter whereby an individual may voluntarily designate a contribution of any amount desired to the organ donor program fund established in section 194.297. The amount designated by an individual on the state income tax return form shall be deducted from the tax refund to which the individual is entitled or added to the individual's payment and shall not constitute a charge against the income tax revenues due the state.

194.266. 1. The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

(1) A law enforcement officer, firefighter, paramedic or other official emergency rescuer finding an individual who the searcher believes is near death; and

(2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of such information.

2. Any law enforcement officer or other person listed in subsection 1 of this section may conduct an administrative search of the individual's driver's license record with the division of motor vehicle and driver's licensing to determine if the individual's authorization for organ donation or refusal of organ donation.

3. A physical search pursuant to subsection 1 of this section may be conducted at or near the time of death or hospital admission, and shall be limited to those personal effects of the individual where a driver's license may be reasonably stored. Any information, document, tangible objects or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the

individual's next of kin, and determining whether the individual intends to make an anatomical gift. In no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

194.293. A hospital or physician who acts in good faith in accord with the terms of sections 194.210 to 194.307 shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for such act.

194.297. There is established in the state treasury the "Organ Donor Program Fund", which shall consist of all moneys deposited by the director of revenue pursuant to **section 194.249 and** subsection 2 of section 302.171, RSMo, and any other moneys donated or appropriated to the fund. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health, in consultation with the organ donation advisory committee, for implementation of organ donation awareness programs in the manner prescribed in [subsection 2 of section 194.300] **section 194.302.** Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ donor program fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. There shall be no money appropriated from general revenue to administer the fund in the event the fund cannot sustain itself.

194.300. 1. There is established within the department of health the "Organ Donation Advisory Committee", which shall consist of the following members appointed by the governor with the advice and consent of the senate:

(1) [Four representatives of organ and tissue procurement organizations] **Two current representatives from each federally certified OPO;**

(2) **One current representative from an eye bank;**

(3) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;

[(3)] (4) One health care representative from [a hospital located in Missouri; and] **the Missouri hospital association;**

[(4)] (5) One representative of the department of health; **and**

(6) One representative of the department of revenue.

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the governor.

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

(1) **"Human fetal parts", any deceased child who has been delivered by means of an induced abortion, or any tissue or organ of such child;**

(2) **"Valuable consideration", any payment made or charge, expense or cost, debt or bill incurred; any gift, honorarium or item or recognition of value bestowed; any price, charge or fee that is waived, forgiven, reduced or indefinitely delayed; any loan or debt that is canceled or otherwise forgiven; the transfer of any item with a reasonable, discernable cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge. Valuable consideration shall include rent or site fees and payments associated with transportation, implantation, processing, preservation, quality control or**

storage of human fetal parts.

2. It shall be unlawful for any person to transfer human fetal parts for a valuable consideration without obtaining the written consent of the mother of the child as required by section 194.240. Such consent shall include a specific description of the valuable consideration received or paid by the abortion facility and its transferee.

3. It shall be unlawful for any abortion facility or transferee of an abortion facility to transfer human fetal parts to any other individual or entity for a valuable consideration whether or not otherwise lawful, without disclosing to the department of health the following:

- (1) The date of transfer;
- (2) The name and address of the transferor and transferee; and
- (3) All valuable consideration received by the transferor for making the transfer.

The name of the mother of the aborted child shall not be reported.

4. It shall be unlawful to ship human fetal parts by means of common carrier or delivery service without disclosing to the carrier or delivery service that the contents of the item shipped are human fetal parts.

5. The provisions of this section shall not apply to:

(1) The transfer without valuable consideration of a human fetal tissue sample to a licensed pathologist for testing at the request of the family of the child; provided that, any transfer from the pathologist of human fetal parts to another for valuable consideration shall be subject to this section; or

(2) The transfer of human fetal parts without valuable consideration for the purpose of immediate burial or cremation.

6. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

7. The provisions of this section shall not apply to transfers that occurred prior to the effective date of this section.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a [one dollar] donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties

imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation [of one dollar] to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the [one dollar] donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

[302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and

deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.]

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

6. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as the driver's license upon payment of six dollars if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **The director shall provide by administrative rule the procedure and format for an applicant to indicate a designation for an anatomical gift as provided in section 194.240, RSMo, on the back of the nondriver's license card.**

8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.