

SECOND REGULAR SESSION

# SENATE BILL NO. 871

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Pre-filed January 3, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3623S.011

## AN ACT

To repeal sections 194.220 and 194.230, RSMo, and to enact in lieu thereof three new sections relating to anatomical donation.

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

Section A. Sections 194.220 and 194.230, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 194.220, 194.230 and 376.1275, to read as follows:

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

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

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, 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.**

**376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, and is licensed under the Clinical Laboratory Improvement Act, 42 U.S.C. Section 263a, as amended. At the time of testing, the person being tested must complete and sign an informed consent from which also authorizes the results of the test to be used for participation in the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime to be reimbursed by the health carrier or health benefit plan.**

**2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.**

**3. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the health benefit plan.**

**4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.**

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