

FIRST REGULAR SESSION

SENATE BILL NO. 431

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

Read 1st time February 5, 2003, and 1,000 copies ordered printed.

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TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to consent for experimental treatments.

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

Section A. Section 431.064, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 431.064, to read as follows:

431.064. 1. When an adult person, because of a medical condition, is treated **[at]** **by** a teaching hospital for a medical school accredited by the American Osteopathic Association or the American Medical Association and such person is incapable of giving informed consent for an experimental treatment, test or drug, then such treatment, test or drug may proceed upon obtaining consent of a legal guardian, attorney in fact, or a family member in the following order of priority:

(1) Spouse unless the patient has no spouse, or is separated, or the spouse is physically or mentally incapable of giving consent, or the spouse's whereabouts is unknown or the spouse is overseas;

(2) Adult child;

(3) Parent;

(4) Brother or sister;

(5) Relative by blood or marriage.

2. Nothing in this section shall authorize such legal guardian, attorney in fact, or family

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

member to consent to treatment in contravention to such incapacitated person's expressed permission regarding such treatment.

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