

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 551, Page 1, Section Title, Lines 2-3,

2 by striking "insurance for living organ donors" and inserting in  
3 lieu thereof the following: "organ donation"; and

4 Further amend said Page, Section A, Line 2, by inserting  
5 after all of said line the following:

6 "194.320. 1. No hospital, as defined in section 197.020,  
7 physician, procurement organization, as defined in section  
8 194.210, or other person shall determine the ultimate recipient  
9 of an anatomical gift based upon a potential recipient's physical  
10 or mental disability, except to the extent that the physical or  
11 mental disability has been found by a physician, following a  
12 case-by-case evaluation of the potential recipient, to be  
13 medically significant to the provision of the anatomical gift.  
14 The provisions of this subsection shall apply to each part of the  
15 organ transplant process, including, but not limited to, the  
16 following:

17 (1) The referral from a primary care provider to a  
18 specialist;

19 (2) The referral from a specialist to a transplant center;

20 (3) The evaluation of the patient for the transplant by the  
21 transplant center; and

1           (4) The consideration of the patient for placement on an  
2 official waiting list.

3           2. A person with a physical or mental disability shall not  
4 be required to demonstrate postoperative independent living  
5 abilities in order to have access to a transplant if there is  
6 evidence that the person will have sufficient, compensatory  
7 support and assistance.

8           3. A court of competent jurisdiction shall accord priority  
9 on its calendar and handle expeditiously any action brought to  
10 seek any remedy authorized by law for purposes of enforcing  
11 compliance with the provisions of this section.

12           4. This section shall not be deemed to require referrals or  
13 recommendations for or the performance of medically inappropriate  
14 organ transplants.

15           5. As used in this section, "disabilities" shall have the  
16 same meaning as in the federal Americans with Disabilities Act of  
17 1990, 42 U.S.C. 12101, et seq."; and

18           Further amend the title and enacting clause accordingly.