

SECOND REGULAR SESSION

SENATE BILL NO. 712

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3980S.01I

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to anatomical gifts.

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

Section A. Chapter 194, RSMo, is amended by adding thereto one new section, to be known as section 194.320, to read as follows:

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

- (1) The referral from a primary care provider to a specialist;**
- (2) The referral from a specialist to a transplant center;**
- (3) The evaluation of the patient for the transplant by the transplant center; and**
- (4) The consideration of the patient for placement on an official waiting list.**

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

3. A court of competent jurisdiction shall accord priority on its calendar and handle expeditiously any action brought to seek any

22 **remedy authorized by law for purposes of enforcing compliance with**
23 **the provisions of this section.**

24 **4. This section shall not be deemed to require referrals or**
25 **recommendations for or the performance of medically inappropriate**
26 **organ transplants.**

27 **5. As used in this section, "disabilities" shall have the same**
28 **meaning as in the federal Americans with Disabilities Act of 1990, 42**
29 **U.S.C. 12101, et seq.**

Unofficial ✓

Bill

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