

SENATE BILL NO. 1539

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

6659S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 41, RSMo, by adding thereto one new section relating to living donor medical orders for members of the Missouri National Guard.

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

Section A. Chapter 41, RSMo, is amended by adding thereto
2 one new section, to be known as section 41.1030, to read as
3 follows:

41.1030. 1. As used in this section, the following
2 terms mean:

3 (1) "Department", the Missouri department of the
4 National Guard;

5 (2) "Living donation period", the period in which a
6 member who chooses to become a living organ donor completes
7 all phases of the living donor process deemed medically
8 necessary for a successful living donation including, but
9 not limited to, the testing, surgical, and recovery phases;

10 (3) "Member", a member of the Missouri National Guard;

11 (4) "Program", the Missouri guaranteed inclusive
12 voluntary exceptional service (MO GIVES) program established
13 in subsection 2 of this section.

14 2. Subject to appropriation, the department shall
15 establish a program for members who choose to become living
16 organ donors to receive living donor medical orders for
17 purposes of remaining on paid status during the living

18 donation period, to be known as the "Missouri Guaranteed
19 Inclusive Voluntary Exceptional Service (MO GIVES) Program".

20 3. Any member seeking to become a living organ donor
21 may apply to participate in the program. The department
22 shall approve a member's participation in the program if
23 sufficient funds are available and the member:

24 (1) Is in either Troop Program Unit (TPU) status or
25 Individual Ready Reserve (IRR) status;

26 (2) Is in good standing with the department;

27 (3) Either:

28 (a) Is not eligible for living donor paid leave from
29 the member's employer, whether due to the lack of such
30 employer benefit or the failure to satisfy the eligibility
31 requirements; or

32 (b) Elects not to use any such employer-based benefit
33 available to the member;

34 (4) Specifies the type of donation to be made, whether
35 directed to a specific individual, nondirected, or paired;
36 and

37 (5) Agrees to undergo the procurement operation at a
38 health care facility approved as a provider of continuing
39 education points for transplant certification by the
40 American Board for Transplant Certification.

41 4. Upon approval of a member's application, the
42 department shall issue a living donor medical order for the
43 member. The order shall:

44 (1) Guarantee paid leave for the member for the living
45 donation period. The period of paid leave guaranteed under
46 the order shall not exceed forty-five days unless an
47 extension of time is deemed medically necessary by the
48 primary surgical and medical recovery team;

49 (2) Exempt the member from any requirement to use
50 accrued annual or medical leave for the paid living donation
51 period guaranteed under the order; and

52 (3) Provide a per diem allowance and a basic allowance
53 for housing during the paid living donation period
54 guaranteed under the order based on the member's rank,
55 region as determined by the zip code of the member's home of
56 record, and dependent status.

57 5. Any organ donated through participation in the
58 program may be transported outside this state to the
59 ultimate recipient.

60 6. Benefits under the program shall be provided
61 through the fund established in subsection 7 of this section.

62 7. (1) There is hereby created in the state treasury
63 the "MO GIVES Fund", which shall consist of moneys
64 appropriated to it by the general assembly and any gifts,
65 contributions, grants, or bequests received from federal,
66 private, or other sources. The state treasurer shall be
67 custodian of the fund. In accordance with sections 30.170
68 and 30.180, the state treasurer may approve disbursements.
69 The fund shall be a dedicated fund and, upon appropriation,
70 moneys in this fund shall be used solely to provide benefits
71 under the program established in this section.

72 (2) Notwithstanding the provisions of section 33.080
73 to the contrary, any moneys remaining in the fund at the end
74 of the biennium shall not revert to the credit of the
75 general revenue fund.

76 (3) The state treasurer shall invest moneys in the
77 fund in the same manner as other funds are invested. Any
78 interest and moneys earned on such investments shall be
79 credited to the fund.

80 8. The department may promulgate all necessary rules
81 and regulations for the administration of this section. Any
82 rule or portion of a rule, as that term is defined in
83 section 536.010, that is created under the authority
84 delegated in this section shall become effective only if it
85 complies with and is subject to all of the provisions of
86 chapter 536 and, if applicable, section 536.028. This
87 section and chapter 536 are nonseverable and if any of the
88 powers vested with the general assembly pursuant to chapter
89 536 to review, to delay the effective date, or to disapprove
90 and annul a rule are subsequently held unconstitutional,
91 then the grant of rulemaking authority and any rule proposed
92 or adopted after August 28, 2026, shall be invalid and void.

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