

SECOND REGULAR SESSION

# SENATE BILL NO. 1539

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR ROBERTS.

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KRISTINA MARTIN, Secretary

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### 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.

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*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.

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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