

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 765**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Aging, Families, Mental and Public Health, February 9, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3546S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

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*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Section A. Section 431.064, RSMo, is repealed and one new section  
2 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  
2 treated by a teaching hospital for a medical school accredited by the American  
3 Osteopathic Association or the American Medical Association and such person is  
4 incapable of giving informed consent for an experimental treatment, test or drug,  
5 then such treatment, test or drug may proceed upon obtaining consent of a legal  
6 guardian, attorney-in-fact, or a family member in the following order of priority:

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

10 (2) Adult child;

11 (3) Parent;

12 (4) Brother or sister;

13 (5) Relative by blood or marriage.

14 2. Nothing in this section shall authorize such legal guardian,  
15 attorney-in-fact, or family member to consent to treatment in contravention to  
16 such incapacitated person's expressed permission regarding such treatment.

17 **3. This section shall not apply to any research program or**  
18 **experimental medical procedure for patients subject to a life-threatening**  
19 **emergency that is conducted in accordance with Part 50 of Title 21 and**  
20 **Part 46 of Title 45 of the Code of Federal Regulations.**

Section B. Because of the need to no longer delay the use of experimental  
2 medical treatments for life-threatening emergencies, section A of this act is  
3 deemed necessary for the immediate preservation of the public health, welfare,  
4 peace and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and section A of this act shall be in full force and  
6 effect upon its passage and approval.

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Unofficial

Bill

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