

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 765

93RD GENERAL ASSEMBLY

2006

3546L.04T

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.

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Section A. Section 431.064, RSMo, is repealed and one new section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. In a life-threatening emergency, consent of such an**
18 **incapacitated person to any research program or experimental**
19 **procedure shall not be required when the institutional review board**

20 responsible for the review, approval, and continuing review of the
21 research activity has approved both the research activity and a waiver
22 of informed consent and has both found and documented that the
23 requirements for an exception from informed consent requirements for
24 emergency research, as provided under Part 50 of Title 21 or Part 46 of
25 Title 45 of the Code of Federal Regulations, as amended, have been
26 satisfied.

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.

✓

Bill

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