

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Senate Bill No. 282, Page 9, Section 194.119, Line 84,

2 by inserting immediately after said line the following:

3 "194.265. 1. When a hospital refers an individual at or
4 near death to a procurement organization, the organization shall
5 make a reasonable search of any donor registry and other
6 applicable records that it knows exist for the geographical area
7 in which the individual resides to ascertain whether the
8 individual has made an anatomical gift.

9 2. A procurement organization must be allowed reasonable
10 access to information in the records of the department of health
11 and senior services and department of revenue to ascertain
12 whether an individual at or near death is a donor.

13 3. When a hospital refers an individual at or near death to
14 a procurement organization, the organization may conduct any
15 reasonable examination necessary to ensure the medical
16 suitability of a part that is or could be the subject of an
17 anatomical gift for transplantation, therapy, research, or
18 education from a donor or a prospective donor. During the
19 examination period, measures necessary to ensure the medical
20 suitability of the part may not be withdrawn unless the hospital
21 or procurement organization knows a contrary intent had or has
22 been expressed by the individual or an agent of the individual,
23 or if the individual is incapacitated and he or she has no agent,

1 knows a contrary intent has been expressed by any person listed
2 in section 194.245 having priority to make an anatomical gift on
3 behalf of the individual.

4 4. Unless prohibited by law other than sections 194.210 to
5 194.294, at any time after a donor's death, the person to which a
6 part passes under section 194.255 may conduct any reasonable
7 examination necessary to ensure the medical suitability of the
8 body or part for its intended purpose.

9 5. Unless prohibited by law other than sections 194.210 to
10 194.294, an examination under subsection 3 or 4 of this section
11 may include an examination of all medical records of the donor or
12 prospective donor.

13 6. Upon the death of a minor who was a donor or had signed
14 a refusal, unless a procurement organization knows the minor is
15 emancipated, the procurement organization shall conduct a
16 reasonable search for the parents of the minor and provide the
17 parents with an opportunity to revoke or amend the anatomical
18 gift or revoke a refusal.

19 7. Upon referral by a hospital under subsection 1 of this
20 section, a procurement organization shall make a reasonable
21 search for any person listed in section 194.245 having priority
22 to make an anatomical gift on behalf of a prospective donor. If
23 a procurement organization receives information that an
24 anatomical gift to any other person was made, amended, or
25 revoked, it shall promptly advise the other person of all
26 relevant information.

27 8. Subject to subsection 9 of section 194.255 and section
28 58.785, the rights of the person to which a part passes under
29 section 194.255 are superior to rights of all others with respect

1 to the part. The person may accept or reject an anatomical gift
2 in whole or in part. Subject to the terms of the document of
3 gift and this act, a person that accepts an anatomical gift of an
4 entire body may allow embalming or cremation and use of remains
5 in a funeral service. If the gift is of a part, the person to
6 which the part passes under section 194.255, upon the death of
7 the donor and before embalming, burial, or cremation, shall cause
8 the part to be removed without unnecessary mutilation.

9 9. Neither the physician who attends the decedent
10 immediately prior to or at death nor the physician who determines
11 the time of the decedent's death may participate in the
12 procedures for removing or transplanting a part from the
13 decedent.

14 10. No physician who removes or transplants a part from the
15 decedent, or a procurement organization, shall have primary
16 responsibility for the health care treatment, or health care
17 decision-making for such individual's terminal condition during
18 the hospitalization for which the individual becomes a donor.

19 11. A physician or technician may remove a donated part
20 from the body of a donor that the physician or technician is
21 qualified to remove.

22 12. When a hospital refers an individual at or near death
23 to a procurement organization, the hospital shall notify the
24 organization of any refusal to make an anatomical gift that has
25 been expressed by the individual or agent of the individual or,
26 if the individual is incapacitated and he or she has no agent,
27 any refusal expressed by any person listed in section 194.245
28 having priority to make an anatomical gift on behalf of the
29 individual that is known to the hospital or produced during a

1 reasonable search under section 194.260. A procurement
2 organization that has notice of a refusal to make an anatomical
3 gift shall cease any ongoing examination of the individual for
4 medical suitability and shall not make further contact with the
5 individual, agent, or person having priority under section
6 194.245 regarding the anatomical gift."; and

7 Further amend the title and enacting clause accordingly.
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