

## EXECUTIVE ORDER

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Rebecca McDowell Cook  
 SECRETARY OF STATE

**WHEREAS**, the Carnahan administration is adamantly opposed to the use of human tissue and organs and fetal tissue and organs; and

**WHEREAS**, Section 188.036, RSMo, prohibits the procurement of an abortion for the purpose of providing fetal organs or tissue for medical transplantation; and

**WHEREAS**, Section 188.036, RSMo, prohibits the use of fetal organs for medical transplantation if the abortion was procured for the purpose of utilizing those organs or tissue for such use; and

**WHEREAS**, Section 188.036, RSMo, prohibits offering or receiving valuable consideration for fetal organs or tissue resulting from an abortion; and

**WHEREAS**, current federal laws prohibit the sale of human organs and tissues for research or transplantation, though it permits "the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ;" and

**WHEREAS**, federal law specifically prohibits any fetal tissue donations without the informed consent of the woman, the researcher and the donee in federally funded research projects; and

**WHEREAS**, the penalty for noncompliance of federal law includes possible imprisonment of up to 10 years; and

**WHEREAS**, in 1969 the Missouri General Assembly passed the Uniform Anatomical Gift Act, regulating the acquisition and use of human organs and tissues; and

**WHEREAS**, Chapter 194, RSMo, provides the process in which parents are permitted to make organ donations; and

**WHEREAS**, medical studies suggest that transplantation of fetal tissue holds promise for treatment of Parkinson's Disease and Alzheimer's, as well as other diseases; and

**WHEREAS**, fetal tissue research also provides women and their families opportunities to detect and treat fetal disorders; and

**WHEREAS**, the NIH Revitalization Act specifically authorizes federal support for research on the transplantation of human fetal tissue for therapeutic purposes, whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and

**WHEREAS**, the citizens of Missouri would benefit from a full discussion and review of the critical health, legal and ethical issues involving fetal tissue transplantation; and

**WHEREAS**, the medical community, including doctors, nurses, clinics and hospitals; patients suffering from Parkinson's disease as well as other diseases which may be eliminated by fetal tissue transplantation; ethicists and members of the legal community, would benefit from full discussion and review of the critical health, legal and ethical issues involving fetal tissue research and transplantation; and

**WHEREAS**, recent reports in the media suggest that there currently exists illegal trafficking in fetal body parts, notwithstanding federal and state laws.

**NOW, THEREFORE, I, MEL CARNAHAN**, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby establish the Governor's Task Force on Fetal Tissue Research and Transplantation. The purpose of the Task Force shall be to review current Missouri law and to identify any ambiguities, contradictions or gaps which may contribute to a lack of clarity as to what activity is

legal and illegal in the field of fetal tissue research, transplantation and organ donation. The Task Force shall review the current medical, legal and ethical opinions on the use and benefit of fetal tissue research and treatment, including transplantation. The Task Force shall seek input from all interested parties, including the following:

- members of the medical community;
- individuals who are suffering from the diseases which have been or may be alleviated by fetal tissue transplantation;
- medical and legal ethicists; as well as
- members of the legal community with experience in the area of organ donation laws.

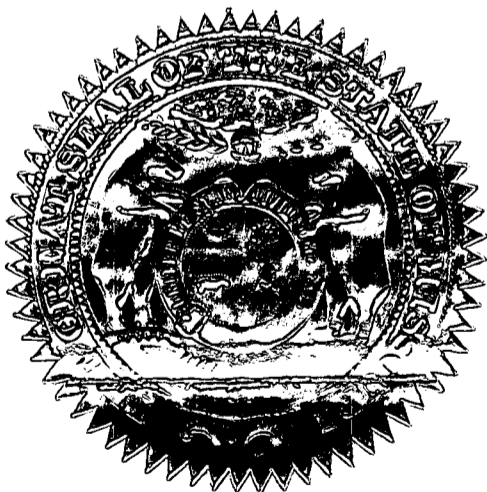
The Task Force shall prepare and issue a report to the Governor, the President Pro Tem of the Senate and the Speaker of the House of Representatives during the first thirty days of the First Regular Session of the Ninety First General Assembly.

The Task Force shall be composed of at least fifteen members of whom two (2) shall be appointed by the President Pro Tem of the Senate and two (2) shall be appointed by the Speaker of the House of Representatives. The Task Force shall include and be co-chaired by the Directors of the Department of Health and Social Services. The Governor shall appoint the remainder. The Task Force shall also include:

- a) two (2) physicians familiar with the research and treatment of Parkinson's disease;
- b) the Chair of the Organ Donation Advisory Committee;
- c) a member representing organ recipients or families of organ recipients,
- d) a member representing organ donors or families of organ donors;
- e) two (2) health care representatives;
- f) one medical ethicist; and
- g) one attorney with experience in health care law.

The Task Force may be expanded at any time to include any other members who the Governor may, from time to time, appoint in order to enhance the performance of the Task Force. The members of the Task Force shall not be paid but shall be reimbursed by the Departments of Health and Social Services on an equal basis for their travel and travel related expense in attending meetings of the Task Force.

In WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10<sup>th</sup> day of March, 2000.



*Neil Conaway*  
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GOVERNOR

ATTEST:

*Rebecca M. Daell*  
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SECRETARY OF STATE