

House Bill 2378

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires nontransplant anatomical research recovery organizations to be licensed by State Mortuary and Cemetery Board and to keep certain records.

Authorizes board to impose civil penalty for violation.

Exempts Oregon Health and Science University and persons who obtain waiver from board from application of provisions of Act.

A BILL FOR AN ACT

1
2 Relating to nontransplant anatomical research recovery organizations; creating new provisions; and
3 amending ORS 692.375.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 5 of this 2011 Act:

5
6 (1) **“Anatomical material” means a human body or human body part, including a cell or**
7 **group of cells.**

8 (2) **“Donor” has the meaning given that term in ORS 97.953.**

9 (3) **“Final disposition” has the meaning given that term in ORS 692.010.**

10 (4) **“Nontransplant anatomical research recovery organization” means a person who en-**
11 **gages in the recovery or distribution of anatomical material from a donor for uses other than**
12 **transplant or therapy.**

13 (5) **“Tissue bank” has the meaning given that term in ORS 97.953.**

14 **SECTION 2. (1) A person may not act as a nontransplant anatomical research recovery**
15 **organization unless the person:**

16 (a) **Is licensed as a nontransplant anatomical research recovery organization by the State**
17 **Mortuary and Cemetery Board; or**

18 (b) **Has obtained a waiver from the board exempting the person from licensure on the**
19 **basis that the person is licensed, accredited or regulated under federal or state law to re-**
20 **cover or distribute anatomical material for transplant or therapy purposes.**

21 (2) **The board shall adopt rules setting forth the eligibility requirements, application**
22 **process and fees for a nontransplant anatomical research recovery organization license. The**
23 **eligibility requirements must include the following:**

24 (a) **A physician licensed in this state or in the state in which the organization is incor-**
25 **porated must serve as medical director of the organization and be responsible for ensuring**
26 **compliance with applicable laws and regulations and for maintaining records required under**
27 **section 3 of this 2011 Act;**

28 (b) **The organization must be recognized as tax exempt under section 501(c)(3) of the**
29 **Internal Revenue code; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The organization must be accredited by an accreditation organization for tissue banks
2 approved by the board.

3 (3) A license issued pursuant to this section expires one year after the date of issuance
4 and may be renewed annually by payment of a renewal fee and submission of a renewal ap-
5 plication in the form and manner prescribed by the board by rule.

6 (4) The license required by this section is in addition to and not in lieu of any other li-
7 cense required by law.

8 (5) The board shall deposit fees collected under this section into the State Mortuary and
9 Cemetery Board Account established under ORS 692.375.

10 **SECTION 3.** (1) A nontransplant anatomical research recovery organization shall main-
11 tain a record of each donor from whom the organization obtains anatomical material. The
12 record must include:

13 (a) Documentation showing that the donor donated the anatomical material for the pur-
14 pose of research or education;

15 (b) The name and address of each entity that had possession of the anatomical material
16 before the organization took possession of the anatomical material; and

17 (c) A record of the disposition of the anatomical material by the organization, including
18 the name and address of each entity who receives anatomical material from the organization.

19 (2) If a nontransplant anatomical research recovery organization returns any part of the
20 remains of a deceased person to a friend or relative of the deceased person, the organization
21 shall disclose to the friend or relative whether all or part of the deceased person's body is
22 being returned.

23 (3) Final disposition of anatomical material by a nontransplant anatomical research re-
24 covery organization must comply with all laws pertaining to the disposition of human re-
25 mains.

26 **SECTION 4.** The State Mortuary and Cemetery Board may inspect premises, books and
27 records of a nontransplant anatomical research recovery organization as is reasonably nec-
28 essary to determine compliance with sections 2 and 3 of this 2011 Act.

29 **SECTION 5.** (1) In accordance with ORS chapter 183:

30 (a) The State Mortuary and Cemetery Board may impose a civil penalty in an amount
31 not to exceed \$1,000 for each violation of section 2 or 3 of this 2011 Act.

32 (b) In addition to the civil penalty allowed under paragraph (a) of this subsection, the
33 board may suspend or revoke a nontransplant anatomical research recovery organization li-
34 cense for violation of section 2 or 3 of this 2011 Act.

35 (2) The board shall deposit moneys received under this section into the State Mortuary
36 and Cemetery Board Account established under ORS 692.375.

37 **SECTION 6.** ORS 692.375 is amended to read:

38 692.375. The State Mortuary and Cemetery Board Account is established in the State Treasury,
39 separate and distinct from the General Fund. All moneys received by the State Mortuary and Cem-
40 etery Board under this chapter shall be paid into the account and are appropriated continuously to
41 be used only for the administration and enforcement of this chapter, for the administration and
42 enforcement of ORS 97.931, **for the administration and enforcement of sections 1 to 5 of this**
43 **2011 Act** and for the purpose of education of funeral service practitioners, embalmers and death
44 care consultants. Any interest or other income from moneys in the account shall be credited to the
45 account.

1 **SECTION 7. Sections 1 to 5 of this 2011 Act do not apply to:**

2 **(1) The Oregon Health and Science University.**

3 **(2) A person who has obtained a waiver from licensure from the State Mortuary and**
4 **Cemetery Board under section 2 of this 2011 Act.**

5 **SECTION 8. Sections 1 to 5 of this 2011 Act apply to persons who act as nontransplant**
6 **anatomical research recovery organizations on or after July 1, 2012.**

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