

House Bill 3345

Sponsored by Representative HOYLE

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**.

Provides for regulation of persons that engage in recovery or distribution of anatomical material from donors.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to anatomical material; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 6 of this 2013 Act are added to and made a part of ORS chapter**
5 **692.**

6 **SECTION 2. As used in sections 2 to 6 of this 2013 Act:**

7 (1) **"Anatomical material" means a human body or human body part, including a cell or**
8 **group of cells.**

9 (2) **"Donor" has the meaning given that term in ORS 97.953.**

10 (3) **"Nontransplant anatomical research recovery organization" means a person that en-**
11 **gages in the recovery or distribution of anatomical material from a donor.**

12 (4) **"Tissue bank" has the meaning given that term in ORS 97.953.**

13 **SECTION 3. (1) A person may not act as a nontransplant anatomical research recovery**
14 **organization unless the person:**

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

17 (b) **Obtains a waiver from the board that exempts the person from licensure on the basis**
18 **that the person is licensed, accredited or regulated under federal or state law to recover or**
19 **distribute anatomical material for transplant or therapy purposes; or**

20 (c) **Is accredited by a national organization that accredits tissue banks or nontransplant**
21 **anatomical research recovery organizations and that is recognized by the board by rule.**

22 (2) **The board shall adopt rules establishing an application process and fees for obtaining**
23 **and renewing a nontransplant anatomical research recovery organization license.**

24 (3) **A license issued or renewed under this section expires two years after the date of**
25 **issuance or renewal.**

26 (4) **The license required by this section is in addition to and not in lieu of any other li-**
27 **cence required by law.**

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

30 **SECTION 4. (1) A nontransplant anatomical research recovery organization shall main-**
31 **tain a record of each donor from whom the organization obtains anatomical material. The**

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 record must include:

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

4 (b) The name and address of each person that had possession of the anatomical material
5 before the organization took possession of the anatomical material; and

6 (c) Documentation of the disposition of the anatomical material by the organization, in-
7 cluding the name and address of each person that receives anatomical material from the
8 organization.

9 (2) If a nontransplant anatomical research recovery organization returns any anatomical
10 material to a relative or personal representative of a donor, the organization shall disclose
11 to the relative or personal representative whether all or part of the donor's body is being
12 returned.

13 (3) A nontransplant anatomical research recovery organization shall dispose of any ana-
14 tomical material not returned to a relative or personal representative of the donor in ac-
15 cordance with all laws pertaining to the disposition of human remains.

16 (4) If a nontransplant anatomical research recovery organization accepts an offer from
17 an individual to donate anatomical material to the organization, the organization shall pro-
18 vide to the individual clear notice as to whether or not the organization guarantees the
19 coverage of a cost related to transporting and disposing of the individual's anatomical ma-
20 terial, including coverage of costs in instances in which the individual or a relative or per-
21 sonal representative of the individual subsequently rescinds, or the organization later
22 rejects, the offer of anatomical material.

23 **SECTION 5.** The State Mortuary and Cemetery Board may inspect the premises and re-
24 cords of a nontransplant anatomical research recovery organization as is reasonably neces-
25 sary to determine compliance with sections 3 and 4 of this 2013 Act.

26 **SECTION 6.** (1) In accordance with ORS chapter 183, the State Mortuary and Cemetery
27 Board may:

28 (a) Impose a civil penalty in an amount not to exceed \$1,000 for each violation of section
29 3 or 4 of this 2013 Act; and

30 (b) Suspend or revoke a license issued under section 3 of this 2013 Act for a violation of
31 section 4 of this 2013 Act.

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

34 **SECTION 7.** Notwithstanding section 3 (1) of this 2013 Act, a person acting as a
35 nontransplant anatomical research recovery organization before July 1, 2013, is not required
36 to be licensed or accredited or have obtained a waiver under section 3 (1) of this 2013 Act
37 until July 1, 2014.

38 **SECTION 8.** (1) Sections 1 to 6 of this 2013 Act become operative on January 1, 2014.

39 (2) The State Mortuary and Cemetery Board may take any action before the operative
40 date specified in subsection (1) of this section that is necessary to enable the board to exer-
41 cise, on and after the operative date specified in subsection (1) of this section, all the duties,
42 functions and powers conferred on the board by sections 1 to 6 of this 2013 Act.

43 **SECTION 9.** This 2013 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
45 on its passage.

