

**PROPOSED AMENDMENTS TO
HOUSE BILL 3345**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 692.040; appropriating money;”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 **“SECTION 1. As used in sections 1 to 5 of this 2013 Act:**

5 **“(1) ‘Anatomical material’ means the body of a dead human or a
6 cell, group of cells or body part taken from the body of a dead human.**

7 **“(2) ‘Donor’ has the meaning given that term in ORS 97.953.**

8 **“(3)(a) ‘Nontransplant anatomical research recovery organization’
9 means a person that engages in the recovery or distribution of ana-
10 tomical material from a donor for research or education purposes
11 other than transplanting the anatomical material or therapy.**

12 **“(b) ‘Nontransplant anatomical research recovery organization’
13 does not include:**

14 **“(A) A hospital or other health care facility if the hospital or fa-
15 cility is performing a postmortem examination;**

16 **“(B) A public corporation, as defined in ORS 353.010; or**

17 **“(C) A public or private institution of higher education.**

18 **“SECTION 2. (1) A person may not act as a nontransplant ana-
19 tomical research recovery organization unless the person:**

20 **“(a) Is licensed as a nontransplant anatomical research recovery
21 organization by the Oregon Health Authority;**

22 **“(b) Obtains a waiver from the authority that exempts the person**

1 from licensure on the basis that the person is regulated under federal
2 law to recover or distribute anatomical material for transplant or
3 therapy purposes; or

4 “(c) Is accredited by an organization that accredits nontransplant
5 anatomical research recovery organizations and that meets the quali-
6 fications described in subsection (2) of this section.

7 “(2) The organization that accredits nontransplant anatomical re-
8 search recovery organizations under this section must, at a minimum:

9 “(a) Require a nontransplant anatomical research recovery organ-
10 ization to document processes related to the recovery, handling and
11 distribution of anatomical material and submit to the organization
12 that documentation.

13 “(b) Require a nontransplant anatomical research recovery organ-
14 ization to keep and maintain all records related to the recovery or
15 distribution of anatomical material for at least 10 years.

16 “(c) Conduct, or have a designee conduct, regular onsite compliance
17 inspections of a nontransplant anatomical research recovery
18 organization’s records, processes and materials relating to:

19 “(A) Donor intake;

20 “(B) Acquisition, preparation, labeling, packaging, storage and dis-
21 tribution of anatomical material; and

22 “(C) Any inspection of a facility owned or operated by the
23 nontransplant anatomical research recovery organization.

24 “(3) The authority shall adopt rules establishing an application
25 process and fees for obtaining and renewing a nontransplant anatom-
26 ical research recovery organization license. The fee for obtaining or
27 renewing a license under this subsection may not exceed \$1,750.

28 “(4) A license issued or renewed under this section expires two years
29 after the date of issuance or renewal.

30 “(5) The license required by this section is in addition to and not

1 in lieu of any other license required by law.

2 “(6) The authority shall deposit fees collected under this section
3 into the Oregon Health Authority Fund established in ORS 413.101.
4 Moneys deposited in the fund under this subsection are continuously
5 appropriated to the authority for the purposes of carrying out the du-
6 ties, functions and powers of the authority under sections 1 to 5 of this
7 2013 Act.

8 **“SECTION 3. (1) A nontransplant anatomical research recovery or-**
9 **ganization shall maintain a record of each donor from whom the or-**
10 **ganization obtains anatomical material. The record must include:**

11 **“(a) Documentation showing that the donor donated the anatomical**
12 **material for the purpose of research or education;**

13 **“(b) The name and address of each person that had possession of**
14 **the anatomical material before the organization took possession of the**
15 **anatomical material; and**

16 **“(c) Documentation of the disposition of the anatomical material**
17 **by the organization, including the name and address of each person**
18 **that receives anatomical material from the organization.**

19 **“(2) If a nontransplant anatomical research recovery organization**
20 **returns any anatomical material to a relative or personal represen-**
21 **tative of a donor, the organization shall disclose to the relative or**
22 **personal representative whether all or part of the donor’s body is being**
23 **returned.**

24 **“(3) A nontransplant anatomical research recovery organization**
25 **shall dispose of any anatomical material not returned to a relative or**
26 **personal representative of the donor in accordance with all laws per-**
27 **taining to the disposition of human remains.**

28 **“(4) If a nontransplant anatomical research recovery organization**
29 **accepts an offer from an individual to donate anatomical material to**
30 **the organization, the organization shall provide to the individual clear**

1 notice as to whether or not the organization guarantees the coverage
2 of a cost related to transporting and disposing of the individual's an-
3 atomical material, including coverage of costs in instances in which
4 the individual or a relative or personal representative of the individual
5 subsequently rescinds, or the organization later rejects, the offer of
6 anatomical material.

7 **“SECTION 4. The Oregon Health Authority may:**

8 **“(1) Adopt rules to implement sections 1 to 5 of this 2013 Act; and**

9 **“(2) Inspect the premises and records of a nontransplant anatomical**
10 **research recovery organization as is reasonably necessary to determine**
11 **compliance with sections 2 and 3 of this 2013 Act.**

12 **“SECTION 5. (1) In accordance with ORS chapter 183, the Oregon**
13 **Health Authority may:**

14 **“(a) Impose a civil penalty in an amount not to exceed \$1,000 for**
15 **each violation of section 2 or 3 of this 2013 Act; and**

16 **“(b) Suspend or revoke a license issued or renewed under section 2**
17 **of this 2013 Act for a violation of section 3 of this 2013 Act.**

18 **“(2) The authority shall deposit penalties collected under this sec-**
19 **tion into the Oregon Health Authority Fund established in ORS**
20 **413.101. Moneys deposited in the fund under this subsection are con-**
21 **tinuously appropriated to the authority for the purposes of carrying**
22 **out the duties, functions and powers of the authority under sections**
23 **1 to 5 of this 2013 Act.**

24 **“SECTION 6. ORS 692.040 is amended to read:**

25 **“692.040. This chapter does not apply to any of the following:**

26 **“(1) A public institution, medical college, county medical society, [ana-**
27 **tomical association,] nontransplant anatomical research recovery or-**
28 **ganization, as defined in section 1 of this 2013 Act, college of embalming**
29 **or institution approved by the Demonstrator of Anatomy to accept bodies for**
30 **education or research purposes under ORS 97.170.**

1 “(2) The customs or rites of any religious sect except as to the burial or
2 other disposition of their dead.

3 “(3) A person who picks up dead human bodies under the direction of a
4 licensed funeral service practitioner for delivery to a licensed funeral service
5 practitioner, a licensed funeral establishment, an authorized cemetery, an
6 authorized crematorium or another authorized facility for final disposition
7 of human remains pursuant to an agreement with the funeral service prac-
8 titioner, if the person is not otherwise engaged in any of the activities of a
9 funeral service practitioner, an embalmer, a funeral establishment, a death
10 care consultant, a cemetery or a crematorium as described in ORS 692.025
11 or another authorized facility for final disposition of human remains as de-
12 scribed in ORS 692.275.

13 “(4) A person who picks up dead human bodies under the direction of a
14 licensed funeral service practitioner employed by a funeral establishment
15 registered under ORS 692.270 for transportation out of the state or for de-
16 livery out of the state to a funeral service practitioner, funeral establish-
17 ment, cemetery or crematorium pursuant to an agreement with the funeral
18 service practitioner, if the person is not otherwise engaged in any of the
19 activities of a funeral service practitioner, an embalmer, a funeral estab-
20 lishment, a death care consultant, a cemetery or a crematorium as described
21 in ORS 692.025 or another authorized facility for final disposition of human
22 remains as described in ORS 692.275.

23 “**SECTION 7. Notwithstanding section 2 (1) of this 2013 Act, a per-**
24 **son acting as a nontransplant anatomical research recovery organiza-**
25 **tion, as defined in section 1 of this 2013 Act, before July 1, 2013, is not**
26 **required to be licensed or accredited or have obtained a waiver under**
27 **section 2 (1) of this 2013 Act before July 1, 2014.**

28 “**SECTION 8. (1) Sections 1 to 5 of this 2013 Act and the amend-**
29 **ments to ORS 692.040 by section 6 of this 2013 Act become operative**
30 **on January 1, 2014.**

1 **“(2) The Oregon Health Authority may take any action before the**
2 **operative date specified in subsection (1) of this section that is neces-**
3 **sary to enable the authority to exercise, on and after the operative**
4 **date specified in subsection (1) of this section, all the duties, functions**
5 **and powers conferred on the authority by sections 1 to 5 of this 2013**
6 **Act.**

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

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