

**PROPOSED AMENDMENTS TO
HOUSE BILL 3345**

1 On page 1 of the printed bill, line 2, after the semicolon insert “appro-
2 priating 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;**

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

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

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

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

21 **“(b) Obtains a waiver from the authority that exempts the person**
22 **from licensure on the basis that the person is regulated under federal**

1 law to recover or distribute anatomical material for transplant or
2 therapy purposes; or

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

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

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

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

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

18 “(A) Donor intake;

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

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

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

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

29 “(5) The license required by this section is in addition to and not
30 in lieu of any other license required by law.

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

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

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

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

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

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

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

27 **“(4) If a nontransplant anatomical research recovery organization**
28 **accepts an offer from an individual to donate anatomical material to**
29 **the organization, the organization shall provide to the individual clear**
30 **notice as to whether or not the organization guarantees the coverage**

1 of a cost related to transporting and disposing of the individual’s an-
2 atomical material, including coverage of costs in instances in which
3 the individual or a relative or personal representative of the individual
4 subsequently rescinds, or the organization later rejects, the offer of
5 anatomical material.

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

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

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

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

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

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

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

23 **“SECTION 6. 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 7. (1) Sections 1 to 5 of this 2013 Act become operative**
29 **on January 1, 2014.**

30 **“(2) The Oregon Health Authority may take any action before the**

1 **operative date specified in subsection (1) of this section that is neces-**
2 **sary to enable the authority to exercise, on and after the operative**
3 **date specified in subsection (1) of this section, all the duties, functions**
4 **and powers conferred on the authority by sections 1 to 5 of this 2013**
5 **Act.**

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

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