

117TH CONGRESS
2D SESSION

S. _____

To amend the Public Health Service Act to ensure the consensual donation and respectful disposition of human bodies and human body parts donated or transferred for education, research, or the advancement of medical, dental, or mortuary science and not for use in human transplantation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Public Health Service Act to ensure the consensual donation and respectful disposition of human bodies and human body parts donated or transferred for education, research, or the advancement of medical, dental, or mortuary science and not for use in human transplantation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consensual Donation
5 and Research Integrity Act of 2022”.

1 **SEC. 2. HUMAN BODIES AND HUMAN BODY PARTS DO-**
2 **NATED OR TRANSFERRED FOR EDUCATION,**
3 **RESEARCH, OR THE ADVANCEMENT OF MED-**
4 **ICAL, DENTAL, OR MORTUARY SCIENCE AND**
5 **NOT FOR USE IN HUMAN TRANSPLANTATION.**

6 (a) IN GENERAL.—Title III of the Public Health
7 Service Act (42 U.S.C. 241 et seq.) is amended by insert-
8 ing after section 373 the following new section:

9 **“SEC. 373A. HUMAN BODIES AND HUMAN BODY PARTS DO-**
10 **NATED OR TRANSFERRED FOR EDUCATION,**
11 **RESEARCH, OR THE ADVANCEMENT OF MED-**
12 **ICAL, DENTAL, OR MORTUARY SCIENCE AND**
13 **NOT FOR USE IN HUMAN TRANSPLANTATION.**

14 “(a) REGISTRATION.—

15 “(1) IN GENERAL.—A person who acquires or
16 transfers in or affecting interstate commerce a
17 human body or human body part for education, re-
18 search, or the advancement of medical, dental, or
19 mortuary science (and not for use in human trans-
20 plantation or for final disposition of a human body
21 or body parts) shall register with the Secretary at
22 such time and in such manner as the Secretary may
23 require.

24 “(2) EXCEPTION.—Paragraph (1) does not
25 apply to the Organ Procurement and Transplan-
26 tation Network under section 372 and any entity

1 that is a member of the Network pursuant to section
2 121.3 of title 42, Code of Federal Regulations (or
3 any successor regulations) and funeral service pro-
4 fessionals in regard to the preparation, transpor-
5 tation, and final disposition of the human body or
6 body parts.

7 “(3) CONTENTS OF APPLICATION.—An appli-
8 cant for registration or renewal of registration under
9 this section shall submit an application to the Sec-
10 retary containing such information as the Secretary
11 may by regulation require on the activities to be car-
12 ried out pursuant to the registration. Unless the
13 Secretary specifies otherwise by regulation, an appli-
14 cation shall include—

15 “(A) the name of the applicant, including
16 all trade names under which the applicant con-
17 ducts business;

18 “(B) the date on which the applicant first
19 began or will begin commencing activities de-
20 scribed in paragraph (1);

21 “(C) a list of all addresses at which the
22 applicant conducts business;

23 “(D) a description of the premises and
24 equipment used by the applicant;

1 “(E) a description of the types of service
2 provided by the applicant;

3 “(F) an identification of a representative
4 of the applicant who has attained the age of 18
5 and has the authority to ensure that the appli-
6 cant complies with this section;

7 “(G) an assurance that the Secretary will
8 be permitted to inspect the premises and
9 records of the applicant at the times and in the
10 manners prescribed under subsection (b);

11 “(H) an assurance that the applicant will
12 keep records in accordance with subsection (c);

13 “(I) an assurance that the applicant will
14 label and package all human bodies or human
15 body parts in accordance with subsection (d);
16 and

17 “(J) an assurance that the applicant will
18 limit the use and disclosure of information in
19 accordance with the regulations promulgated
20 pursuant to subsection (e).

21 “(4) FEES.—

22 “(A) AUTHORITY.—The Secretary shall es-
23 tablish a fee for registration under paragraph
24 (1) and renewal under paragraph (5) in an
25 amount in accordance with subparagraph (B).

1 “(B) AMOUNT.—The Secretary shall deter-
2 mine the amount of the fees authorized by sub-
3 paragraph (A) on an annual basis based on the
4 projected cost of implementing and enforcing
5 this section, including the cost of inspections
6 under subsection (b).

7 “(C) COLLECTIONS AND APPROPRIATIONS
8 ACTS.—The fees authorized by subparagraph
9 (A) shall be available for obligation only to the
10 extent and in the amounts provided in advance
11 in appropriations Acts.

12 “(5) REGISTRATION RENEWAL.—The Secretary
13 shall require that the registration of a registrant be
14 renewed by such registrant at such intervals as the
15 Secretary determines appropriate.

16 “(6) CHANGE OF INFORMATION.—Not later
17 than 30 days after any change of any information
18 listed in paragraph (3), an applicant or registrant
19 shall notify the Secretary of such change in writing
20 as prescribed by regulation by the Secretary.

21 “(b) INSPECTIONS.—The Secretary shall inspect at
22 regular intervals (to be prescribed by the Secretary) the
23 premises described in subsection (a)(3)(D).

24 “(c) RECORD KEEPING.—

1 “(1) IN GENERAL.—A registrant shall maintain
2 a record for each case in which the registrant ac-
3 quires a human body or human body part.

4 “(2) RECORD REQUIREMENTS.—A record under
5 paragraph (1) shall contain such information as the
6 Secretary may by regulation require. Unless the Sec-
7 retary specifies otherwise by regulation, a record
8 under paragraph (1) shall include the following:

9 “(A) Documentation that the donor has
10 knowingly consented to the transfer of the
11 human body or human body part (not for use
12 in transplantation) involved for education, re-
13 search, or the advancement of medical, dental,
14 or mortuary science in accordance with all ap-
15 plicable laws pertaining to the disposition of
16 human remains.

17 “(B) Documentation that the donor has
18 been informed of the obligation of the reg-
19 istrant under subsection (e) to dispose of the
20 human body or human body part.

21 “(C) The date and time of the donation or
22 transfer from the donor.

23 “(D) The name of the person, including
24 any trade or business name, who transferred

1 the human body or human body part to the reg-
2 istrant, if applicable.

3 “(E) The full name and most recent ad-
4 dress of the donor.

5 “(F) A description of the human body or
6 human body part being acquired or transferred.

7 “(G) The medical history of the donor, in-
8 cluding the autopsy report if an autopsy was
9 conducted.

10 “(H) The identity and address of each per-
11 son that has been in possession of the human
12 body or human body part prior to the reg-
13 istrant, including any funeral home, coroner,
14 hospital, organ procurement organization, or
15 tissue bank.

16 “(I) Documentation of the use and dispo-
17 sition of each human body or human body part
18 by the registrant.

19 “(J) Documentation of the name and ad-
20 dress of each person to whom the registrant
21 transfers such human body or human body
22 part.

23 “(d) LABELING AND PACKAGING.—

24 “(1) IN GENERAL.—A registrant shall ensure
25 that all human bodies and human body parts in the

1 possession of, or transferred by, a registrant are la-
2 beled and packaged in accordance with paragraphs
3 (2) and (3) and that a proper chain of custody is
4 maintained.

5 “(2) LABELING REQUIREMENTS.—

6 “(A) PLACEMENT.—The labeling required
7 by paragraph (1) shall be affixed beneath the
8 outer packaging.

9 “(B) CONTENTS.—The labeling required
10 by paragraph (1) shall contain such information
11 as the Secretary may by regulation require con-
12 sistent with any applicable Federal privacy pro-
13 visions. Unless the Secretary specifies otherwise
14 by regulation, a label under paragraph (1) shall
15 include the following:

16 “(i) The proper name of the donor.

17 “(ii) A description of the contents of
18 the packaging, indicating whether it is a
19 human body or human body parts, includ-
20 ing a list of all such parts.

21 “(iii) The name, address, and any ap-
22 plicable license or registration number of
23 the person transferring the human body or
24 human body part.

1 “(iv) The tissue types of the human
2 body or human body part.

3 “(v) The cause of death of the donor,
4 if applicable and known.

5 “(vi) Serological test results, if any
6 such results exist.

7 “(vii) Record of the presence of radio-
8 active materials or implants

9 “(viii) Any known infectious disease
10 agents of such human body or human body
11 part.

12 “(ix) A statement about the use of
13 personal protective equipment and uni-
14 versal precautions when handling a human
15 body or human body part as required by
16 law.

17 “(x) The statement ‘not for transplan-
18 tation’.

19 “(3) PACKAGING REQUIREMENTS.—Each
20 human body or human body part described in para-
21 graph (1) shall be wrapped and packaged in such
22 manner as the Secretary may by regulation require.
23 Unless the Secretary specifies otherwise by regula-
24 tion, each such human body or human body part
25 shall be wrapped and packaged in a manner that—

1 “(A) mitigates potential contamination and
2 cross contamination;

3 “(B) mitigates potential safety hazards;

4 “(C) is sealed to prevent leakage; and

5 “(D) ensures the integrity of the human
6 body or human body part.

7 “(e) LIMITATIONS ON USE AND DISCLOSURE OF IN-
8 FORMATION.—Individually identifiable information relat-
9 ing to the donor of a human body or human body part
10 acquired or transferred pursuant to a registration under
11 this section shall be used and disclosed only for such pur-
12 poses (including the return of remains for burial) as the
13 Secretary may explicitly authorize by regulation.

14 “(f) DISPOSITION.—The registrant shall ensure the
15 proper disposition of a human body or human body part,
16 in accordance with applicable Federal and State law, by—

17 “(1) returning the human body or human body
18 part to a relative or personal representative of the
19 donor or carrying out the disposition of such human
20 body or human body part in accordance with the
21 written instructions of the person or persons with
22 the right to control the disposition of the human
23 body or body parts; or

24 “(2) if the registrant is transferring the human
25 body or human body part to another person, con-

1 tracting with such person to assume the obligation
2 described in paragraph (1).

3 “(g) VIOLATIONS.—

4 “(1) IN GENERAL.—Any person who violates a
5 requirement of this section shall be fined in accord-
6 ance with title 18, United States Code.

7 “(2) REVOCATION OF REGISTRATION.—The
8 Secretary may suspend or revoke the registration of
9 any registrant found to be in violation of this sec-
10 tion.

11 “(3) ALTERATION OR FALSIFICATION OF
12 LABEL.—It shall be a violation of this section for
13 any person to alter or falsify any information in a
14 label required by subsection (d).

15 “(h) DEFINITIONS.—In this section:

16 “(1) DONOR.—The term ‘donor’ means a per-
17 son who has knowingly consented in accordance with
18 applicable law to the transfer of such person’s de-
19 ceased body or deceased or living body part (not for
20 use in transplantation) for education, research, or
21 the advancement of medical, dental, or mortuary
22 science.

23 “(2) EDUCATION.—The term ‘education’ means
24 the use of a human body or body parts for teaching
25 or training individuals, including medical, dental, or

1 mortuary science students or professionals, with re-
2 gard to the anatomy and characteristics of the
3 human body, disease detection, and such other uses
4 as may be specified by the Secretary by regulation.

5 “(3) HUMAN BODY.—The term ‘human body’
6 means a deceased human body.

7 “(4) HUMAN BODY PART.—The terms ‘human
8 body part’ or ‘body part’ mean an organ, tissue, eye,
9 bone, blood vessel or any other portion of a deceased
10 or living human body that is subject to an anatom-
11 ical gift or other transfer made pursuant to State
12 law, but do not include—

13 “(A) blood drawn for medical purposes; or

14 “(B) a growing cell line.

15 “(5) RESEARCH.—The term ‘research’ does not
16 include an autopsy or examination, conducted as
17 part of a criminal investigation.”.

18 (b) RULE OF APPLICABILITY.—The amendments
19 made by this section shall apply with respect to any acqui-
20 sition or transfer of a human body or human body parts
21 after the date that is 2 years after the date of the enact-
22 ment of this Act.