

106TH CONGRESS
2D SESSION

H. R. 3980

To amend the Public Health Service Act with respect to disclosures regarding transfers of human fetal tissue.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2000

Mr. COBURN (for himself, Mr. TANCREDO, Mr. PITTS, Mrs. CHENOWETH-HAGE, Mr. LARGENT, Mr. DEMINT, Mr. NORWOOD, Mr. HOEKSTRA, Mr. MCINTOSH, Mr. DELAY, Mr. TERRY, Mr. SCHAFFER, Mr. DOOLITTLE, Mr. RYUN of Kansas, Mr. GUTKECHT, Mr. CANADY of Florida, Mr. STEARNS, Mr. ISTOOK, Mr. PICKERING, Mr. SHADEGG, Mr. HOSTETTER, Mr. TALENT, Mr. GARY MILLER of California, Mr. BURTON of Indiana, and Mr. TIAHRT) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act with respect to disclosures regarding transfers of human fetal tissue.

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 “Human Fetal Tissue
5 Reporting and Disclosure Act of 2000”.

1 **SEC. 2. TRANSFERENCE OF HUMAN FETAL TISSUE; DISCLO-**
2 **SURE ON TRANSPLANTATION OF FETAL TIS-**
3 **SUE.**

4 Part H of title IV of the Public Health Service Act
5 (42 U.S.C. 289 et seq.) is amended by inserting after sec-
6 tion 498B the following section:

7 **“SEC. 498C. TRANSFERENCE OF HUMAN FETAL TISSUE; DIS-**
8 **CLOSURE ON TRANSPLANTATION OF FETAL**
9 **TISSUE.**

10 “(a) REQUIREMENT.—With respect to human fetal
11 tissue (as defined in section 498A), any entity that is to
12 receive fetal tissue for any purpose, other than solely for
13 the purpose of pathological examination, shall file with the
14 Secretary a disclosure statement that meets the require-
15 ments of subsection (b).

16 “(b) CONTENTS.—A disclosure statement meets the
17 requirements of this subsection if the statement
18 contains—

19 “(1) a list (including the names, addresses, and
20 telephone numbers) of each entity that has obtained
21 possession of the human fetal tissue involved prior
22 to its possession by the filing entity, including any
23 entity used solely to transport the fetal tissue and
24 the tracking number used to identify the packaging
25 of such tissue;

1 “(2) a description of the use that is to be made
2 of the fetal tissue involved by the filing entity and
3 the end user (if known);

4 “(3) a verification that the fetal tissue was ob-
5 tained with the legal consent of the donor of the tis-
6 sue;

7 “(4) a description of the type of fetal tissue in-
8 volved, including a determination of whether the tis-
9 sue was obtained from an induced abortion;

10 “(5) a description of the quantity of fetal tissue
11 involved;

12 “(6) a description of the amount of money, all
13 fees, or any other object or other considerations of
14 value, that is transferred as a result of the trans-
15 ference of the fetal tissue involved, including any
16 fees received to transport such fetal tissue to the end
17 user; including the amount of such fee; and

18 “(7) any other information determined appro-
19 priate by the Secretary.

20 “(c) DISCLOSURE TO SHIPPERS.—Any entity that en-
21 ters into a contract for the shipment of a package con-
22 taining human fetal tissue described in subsection (a)
23 shall—

24 “(1) notify the shipping entity that the package
25 to be shipped contains human fetal tissue;

1 “(2) prominently label the outer packaging so
2 as to indicate that the package contains human fetal
3 tissue;

4 “(3) ensure that the shipment is done in a
5 manner that is acceptable for the transfer of bio-
6 medical material; and

7 “(4) ensure that a tracking number is provided
8 for the package and disclosed as required under sub-
9 section (b).

10 “(d) DEFINITION.—In this section, the term ‘filing
11 entity’ means the entity that is filing the disclosure state-
12 ment required under this section.

13 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall permit the disclosure of—

15 “(1) the identity of any physician, health care
16 professional, or individual involved in the provision
17 of abortion services;

18 “(2) the identity of any woman who obtained
19 an abortion; and

20 “(3) any information that could reasonably be
21 used to determine the identity of individuals or enti-
22 ties mentioned in paragraphs (1) and (2).

1 “(f) VIOLATIONS.—Violation of this section shall be
2 punishable by a fine of not less than \$10,000 per inci-
3 dent.”.

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