

116TH CONGRESS
1ST SESSION

H. R. 437

To amend the Public Health Service Act to prohibit research with human fetal tissue obtained pursuant to an abortion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. SENSENBRENNER (for himself, Mr. DUNCAN, Mr. BIGGS, Mr. ARRINGTON, Mr. BANKS, Mr. DUFFY, and Mrs. ROBY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit research with human fetal tissue obtained pursuant to an abortion, 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 “Safe Responsible Eth-
5 ical Scientific Endeavors Assuring Research for Compas-
6 sionate Healthcare Act” or the “Safe RESEARCH Act”.

1 **SEC. 2. PROHIBITION ON RESEARCH WITH HUMAN FETAL**
2 **TISSUE OBTAINED PURSUANT TO AN ABOR-**
3 **TION.**

4 (a) IN GENERAL.—Section 498A of the Public
5 Health Service Act (42 U.S.C. 289g–1) is amended—

6 (1) in the section heading, by striking “RE-
7 SEARCH ON TRANSPLANTATION OF FETAL TISSUE”
8 and inserting “RESEARCH WITH FETAL TISSUE”;

9 (2) by amending subsection (a) to read as fol-
10 lows:

11 “(a) ESTABLISHMENT OF PROGRAM.—

12 “(1) IN GENERAL.—The Secretary may conduct
13 or support research with human fetal tissue, or re-
14 search on modern, efficient alternatives to human
15 fetal tissue such as organoids, induced pluripotent
16 stem cells, and adult stem cells. The Secretary shall
17 conduct or support any such research in accordance
18 with this section.

19 “(2) SOURCE OF TISSUE.—Human fetal tissue
20 may be used in research carried out under para-
21 graph (1) only if the tissue is obtained pursuant to
22 a stillbirth.”;

23 (3) in subsection (b)(2)—

24 (A) by striking subparagraph (A); and

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (A) and (B), respec-
3 tively;

4 (4) in subsection (c)(1)(B), by striking “may
5 have been obtained pursuant to a spontaneous or in-
6 duced abortion or pursuant to a stillbirth” and in-
7 serting “has been obtained pursuant to a stillbirth”;

8 (5) in subsection (e), by adding at the end the
9 following new paragraph:

10 “(3) HUMAN FETAL TISSUE OBTAINED FOR RE-
11 SEARCH.—In research carried out under subsection
12 (a), human fetal tissue may be used only if such tis-
13 sue was obtained in accordance with applicable State
14 law regulating anatomical gifts.”; and

15 (6) by amending subsection (g) to read as fol-
16 lows:

17 “(g) DEFINITIONS.—In this section:

18 “(1) HUMAN FETAL TISSUE.—The term
19 ‘human fetal tissue’ means tissue or cells obtained
20 from a dead human embryo or fetus after a still-
21 birth.

22 “(2) STILLBIRTH.—The term ‘stillbirth’ means
23 a fetal death that occurs as a result of natural
24 causes during a pregnancy, including an ectopic
25 pregnancy.”.

1 (b) TECHNICAL AMENDMENT.—Paragraph (1) of
2 section 498B(e) of the Public Health Service Act (42
3 U.S.C. 289g–2(e)(1)) is amended to read as follows:

4 “(1) The term ‘human fetal tissue’ means tis-
5 sue or cells obtained from a dead human embryo or
6 fetus after a spontaneous or induced abortion, or
7 after a stillbirth.”.

8 (c) REVISION OF REGULATIONS.—Not later than one
9 year after the date of the enactment of this Act, the Sec-
10 retary of Health and Human Services shall revise such
11 regulations as necessary, including section 46.206 of title
12 45, Code of Federal Regulations, to incorporate the re-
13 quirements of this section.

14 (d) REPEAL.—Section 113 of the National Institutes
15 of Health Revitalization Act of 1993 (42 U.S.C. 289g–
16 1 note) is hereby repealed.

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