

ASSEMBLY, No. 4743

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED NOVEMBER 16, 2015

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Increases criminal penalties for selling fetal tissue and requires documentation of costs associated with processing, transportation, and storage.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning organ and tissue donation and amending
2 P.L.2003, c.203.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.2003, c.203 (C.26:2Z-2) is amended to read
8 as follows:

9 2. a. It is the public policy of this State that research involving
10 the derivation and use of human embryonic stem cells, human
11 embryonic germ cells, and human adult stem cells, including
12 somatic cell nuclear transplantation, shall:

13 (1) be permitted in this State;

14 (2) be conducted with full consideration for the ethical and
15 medical implications of this research; and

16 (3) be reviewed, in each case, by an institutional review board
17 operating in accordance with applicable federal regulations.

18 b. (1) A physician or other health care provider who is treating a
19 patient for infertility shall provide the patient with timely, relevant,
20 and appropriate information sufficient to allow that person to make
21 an informed and voluntary choice regarding the disposition of any
22 human embryos remaining following the infertility treatment.

23 (2) A person to whom information is provided pursuant to
24 paragraph (1) of this subsection shall be presented with the option
25 of storing any unused embryos, donating them to another person,
26 donating the remaining embryos for research purposes, or other
27 means of disposition.

28 (3) A person who elects to donate, for research purposes, any
29 embryos remaining after receiving infertility treatment shall provide
30 written consent to that donation.

31 c. (1) A person shall not knowingly, for valuable consideration,
32 purchase or sell, or otherwise transfer or obtain, or promote the sale
33 or transfer of, embryonic **[or cadaveric]** fetal tissue for research
34 purposes pursuant to this act; however, embryonic **[or cadaveric]**
35 fetal tissue may be donated for research purposes in accordance
36 with the provisions of subsection b. of this section or other
37 applicable State or federal law.

38 For the purposes of this subsection, "valuable consideration"
39 means financial gain or advantage, but shall not include reasonable
40 payment for the removal, processing, disposal, preservation, quality
41 control, storage, transplantation, or implantation of embryonic **[or**
42 **cadaveric]** fetal tissue.

43 (2) A person or entity who violates the provisions of this
44 subsection shall be guilty of a crime of the third degree and,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
2 shall be subject to a fine of up to \$50,000 for each violation.

3 d. (1) A person shall not knowingly, for valuable consideration,
4 purchase or sell, or otherwise transfer or obtain, or promote the sale
5 or transfer of, cadaveric fetal tissue for research purposes pursuant
6 to this act; however, cadaveric fetal tissue may be donated for
7 research purposes in accordance with the provisions of subsection
8 b. of this section or other applicable State or federal law.

9 For the purposes of this subsection, "valuable consideration"
10 means financial gain or advantage, but shall not include reasonable
11 payment for the removal, processing, disposal, preservation, quality
12 control, and storage of cadaveric fetal tissue.

13 (2) A person or entity who violates the provisions of this
14 subsection shall be guilty of a crime of the second degree and,
15 notwithstanding the provisions of subsection a. of N.J.S.2C:43-3,
16 shall be subject to a fine of up to \$300,000 for each violation.

17 e. The Commissioner of Health shall adopt, pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), regulations requiring such tracking, documentation, and
20 certification as may be necessary to verify the chain of custody and
21 costs assessed with regard to the removal, processing, disposal,
22 preservation, quality control, and storage of cadaveric fetal tissue.
23 The commissioner may establish by regulation the maximum
24 amount that may be reasonably assessed for removal, processing,
25 disposal, preservation, quality control, and storage of cadaveric
26 fetal tissue.

27 (cf: P.L.2003, c.203, s.2)

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill increases the criminal penalties for selling cadaveric
35 fetal tissue.

36 Under current law, women are given the opportunity to
37 voluntarily donate cadaveric fetal tissue for research purposes
38 following a miscarriage or abortion. State and federal laws
39 currently prohibit the sale of donated tissue, and under current State
40 law, violations of this prohibition constitute a crime of the third
41 degree, which is punishable by imprisonment for three to five years,
42 up to a \$50,000 fine, or both. This bill makes selling cadaveric
43 fetal tissue a crime of the second degree, which is punishable by
44 imprisonment for five to 10 years, up to a \$300,000 fine, or both.

45 Notwithstanding the prohibition against selling cadaveric fetal
46 tissue, current law permits reimbursement for certain costs
47 associated with the removal, processing, disposal, preservation,
48 quality control, and storage of the tissue. The bill requires the

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1 Commissioner of Health to adopt regulations requiring such
2 tracking, documentation, and certification as may be necessary to
3 verify the chain of custody and costs assessed with regard to these
4 procedures, and permits the commissioner to establish the
5 maximum amount that may be reasonably assessed for the
6 procedures.