

SENATE, No. 1538

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Prohibits using cadaveric fetal tissue obtained from elective abortion procedure for research purposes and using any cadaveric fetal tissue to research cosmetic treatments.

CURRENT VERSION OF TEXT

As introduced.



S1538 PENNACCHIO, OROHO

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1 AN ACT concerning research using cadaveric fetal tissue and
2 amending 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. The
23 patient shall provide written acknowledgement that this information
24 was provided, which shall be included in the patient's medical
25 record.

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

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

34 c. (1) A person shall not knowingly, for valuable consideration,
35 purchase or sell, or otherwise transfer or obtain, or promote the sale
36 or transfer of, embryonic or cadaveric fetal tissue for research
37 purposes pursuant to this act; however, embryonic or cadaveric fetal
38 tissue may be donated for research purposes in accordance with the
39 provisions of subsection b. of this section or other applicable State
40 or federal law, provided that in no case shall cadaveric fetal tissue
41 obtained from an elective abortion procedure be used for any
42 research purposes, and in no case shall any cadaveric fetal tissue be
43 used for the purposes of researching any cosmetic treatment.
44 Nothing in this paragraph shall prohibit genetic or other testing of

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 fetal tissue, at the parent's request, to determine the health or
2 condition of the fetus or the parents.

3 For the purposes of this subsection, "valuable consideration"
4 means financial gain or advantage, but shall not include reasonable
5 payment for the removal, processing, disposal, preservation, quality
6 control, storage, transplantation, or implantation of embryonic or
7 cadaveric fetal tissue.

8 (2) A person or entity who violates the provisions of this
9 subsection shall be guilty of a crime of the third degree and,
10 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
11 shall be subject to a fine of up to \$50,000 for each violation.

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

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14 2. This act shall take effect immediately.

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STATEMENT

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19 Under current law, women are given the opportunity to
20 voluntarily donate unused embryos and cadaveric fetal tissue for
21 research purposes following a course of fertility treatments, a
22 miscarriage, or an abortion. This bill prohibits the use of cadaveric
23 fetal tissue obtained from an elective abortion procedure for any
24 research purposes, and prohibits the use of any cadaveric fetal
25 tissue to research cosmetic treatments. The bill will not prohibit the
26 use of cadaveric fetal tissue obtained following a miscarriage or
27 stillbirth for other research purposes, will not affect the prohibition
28 against purchasing or selling embryonic or cadaveric fetal tissue,
29 which is currently a crime under both State and federal law, and
30 will not prohibit genetic or other testing of fetal tissue, at the
31 parent's request, for the purposes of determining the health or
32 condition of the fetus or the parents.

33 A physician or other health care professional treating a patient
34 for infertility is required to provide the patient with timely, relevant,
35 and appropriate information sufficient to allow the patient to make
36 an informed and voluntary choice regarding the disposition of any
37 embryos remaining following treatment. This bill requires that the
38 patient provide written acknowledgement that this information was
39 provided, and that the written acknowledgement be included in the
40 patient's medical record.