

ASSEMBLY, No. 3213

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

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
19 a patient for infertility shall provide the patient with timely,
20 relevant, and appropriate information sufficient to allow that person
21 to make an informed and voluntary choice regarding the disposition
22 of any human embryos remaining following the infertility
23 treatment.

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

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

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

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

44 (2) A person or entity who violates the provisions of this
45 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
4 consideration, purchase or sell, or otherwise transfer or obtain, or
5 promote the sale or transfer of, cadaveric fetal tissue for research
6 purposes pursuant to this act; however, cadaveric fetal tissue may
7 be donated for research purposes in accordance with the provisions
8 of subsection b. of this section or other applicable State or federal
9 law.

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

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

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

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

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30 2. This act shall take effect immediately.

31 32 33 STATEMENT

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

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

46 Notwithstanding the prohibition against selling cadaveric fetal
47 tissue, current law permits reimbursement for certain costs
48 associated with the removal, processing, disposal, preservation,

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