

HOUSE No. 2466

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian Madaro, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to organ and tissue donation.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

DATE ADDED:

Susan P. Brauner

1/20/2017

HOUSE No. 2466

By Mr. Madaro of Boston (by request), a petition (accompanied by bill, House, No. 2466) of Susan P. Brauner for legislation to further regulate organ and tissue donation. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to organ and tissue donation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (c) of section 15 of chapter 17 of the General Laws, as
2 appearing in the 2010 Official Edition, is hereby amended by adding the following clause:-

3 (8) study what the term “reasonable amount” as found in section 16 of chapter 113A
4 currently means in the tissue donation community and make recommendations as to what the
5 limit on said “reasonable amount” should be to ensure that corruption is not incentivized within
6 the industry.

7 SECTION 2. Chapter 113A of the General Laws, as inserted by section 2 of chapter 39 of
8 the acts of 2012, is hereby amended by inserting, after section 14, the following 4 sections:-

9 Section 14A. The department of public health shall create a model code for tissue banks
10 as defined by section 2 and procurement organizations that deal with tissue as defined by section
11 2. Included in this model code shall be rules and regulations that ensure that said banks and
12 organizations procure tissue legally and that said tissue is only taken from eligible donors. Tissue

13 banks and procurement organizations covered by this section shall ensure the eligibility of
14 donors based on medical history interviews and records.

15 The department shall also promulgate rules and regulations in order to perform annual
16 audits on tissue banks and procurement organizations. During the audit, the department shall
17 have access to the medical and financial records kept by the banks or organizations.

18 Section 14B. Any tissue bank or procurement organization that deals with tissue as
19 defined by section 2 shall register with the department of public health. Said bank or
20 organization shall also provide upon request to the potential donor, or the legally authorized
21 representative of a potential donor, a description of the process for recovery of human cells,
22 tissues, or cellular or tissue based products and what the cells, tissue, or cellular or tissue based
23 products will be used for. Said tissue bank or procurement organization shall inform such donor
24 or representative of the right to receive such a description. Additionally, the bank or organization
25 shall inform the donor or representative of whether the establishment is accredited under
26 regulations promulgated by the department of public health.

27 Section 14C. An establishment that fails to comply with the rules and regulations
28 promulgated by the department of public safety shall be subject to a civil fine of \$5,000.

29 Section 14D. An establishment, or an individual employed by an establishment, that
30 knowingly uses fraudulent information for, or fraudulent means of, obtaining the consent of a
31 donor or knowingly uses tissue from a donor who is not eligible as described under the section
32 14A shall be:

33 (a) fined not more than \$10,000, or imprisoned for not more than 6 months, or both,
34 for the first such violation; and

35 (b) fined not more than \$250,000, or imprisoned for not more than 10 years, or both,
36 for the second and any subsequent such violation.