
HOUSE BILL 2794

State of Washington

56th Legislature

2000 Regular Session

By Representatives Hurst, Pflug, Lambert, Kastama, Talcott, Miloscia, Fortunato, O'Brien, Schindler, Campbell and Mulliken

Read first time 01/20/2000. Referred to Committee on Health Care.

1 AN ACT Relating to the sale or donation of fetal tissue; amending
2 RCW 68.50.530; adding a new section to chapter 68.50 RCW; and creating
3 new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature makes the following
6 findings:

7 (1) Current federal laws prohibit the sale of human organs and
8 tissues for research or transplantation;

9 (2) State law on the sale of human organs and tissues for research
10 or transplantation is in need of clarification;

11 (3) Federal law prohibits any fetal tissue donations without the
12 informed consent of the patient, the researcher, and the donee in cases
13 involving federally funded research;

14 (4) Allegations regarding the transfer of fetal tissue for valuable
15 consideration requires an investigation to determine if current laws
16 banning the sale of organs are being broken; and

17 (5) The uniform anatomical gift act, chapter 68.50 RCW, should be
18 clarified to address issues raised by fetal tissue use and research.

1 **Sec. 2.** RCW 68.50.530 and 1996 c 178 s 15 are each amended to read
2 as follows:

3 Unless the context requires otherwise, the definitions in this
4 section apply throughout RCW 68.50.520 through 68.50.630, section 3 of
5 this act, and 68.50.901 through 68.50.904.

6 (1) "Anatomical gift" means a donation of all or part of a human
7 body to take effect upon or after death.

8 (2) "Decedent" means a deceased individual.

9 (3) "Document of gift" means a card, a statement attached to or
10 imprinted on a motor vehicle operator's license, a will, or other
11 writing used to make an anatomical gift.

12 (4) "Donor" means an individual who makes an anatomical gift of all
13 or part of the individual's body. "Donor" also means a patient who
14 makes an anatomical gift of fetal tissue.

15 (5) "Enucleator" means an individual who is qualified to remove or
16 process eyes or parts of eyes.

17 (6) "Hospital" means a facility licensed under chapter 70.41 RCW,
18 or as a hospital under the law of any state or a facility operated as
19 a hospital by the United States government, a state, or a subdivision
20 of a state.

21 (7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid,
22 or other portion of a human body.

23 (8) "Person" means an individual, corporation, business trust,
24 estate, trust, partnership, joint venture, association, government,
25 governmental subdivision or agency, or any other legal or commercial
26 entity.

27 (9) "Physician" or "surgeon" means an individual licensed or
28 otherwise authorized to practice medicine and surgery or osteopathic
29 medicine and surgery under chapters 18.71 and 18.57 RCW.

30 (10) "Procurement organization" means a person licensed,
31 accredited, or approved under the laws of any state for procurement,
32 distribution, or storage of human bodies or parts.

33 (11) "State" means a state, territory, or possession of the United
34 States, the District of Columbia, or the Commonwealth of Puerto Rico.

35 (12) "Technician" means an individual who is qualified to remove or
36 process a part.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 68.50 RCW
38 to read as follows:

1 If the anatomical gift is a byproduct of a routine medical
2 procedure, and does not involve the death of the donor, informed
3 consent as set out in RCW 7.70.060 is required. If the patient is a
4 minor, the provisions of RCW 7.70.065 apply.

5 NEW SECTION. **Sec. 4.** The house of representatives requests that
6 the office of the attorney general conduct an investigation to
7 determine if illegal trafficking of fetal remains is occurring in
8 Washington state. The results of the investigation shall be reported
9 to the health committee of the house of representatives by January 1,
10 2001.

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