

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

4

HOUSE BILL 1400  
Committee Substitute Favorable 5/4/07  
Committee Substitute #2 Favorable 5/22/07  
Senate Health Care Committee Substitute Adopted 7/11/07

Short Title: Tissue Bank Referrals/Funeral Directors.

(Public)

Sponsors:

Referred to:

April 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-210.25 is amended by adding the following new subsection to read:

"(e1) The taking or recovery of human tissue at a funeral establishment by any person is prohibited. The prohibition does not apply to any of the following:

- (1) A licensee under this Article that performs embalming or otherwise prepares a dead human body in the ordinary course of business.
- (2) The Chief Medical Examiner or anyone acting under the Chief Medical Examiner's authority.
- (3) An autopsy technician who takes or recovers tissue from a dead human body if all of the following apply:
  - a. The taking or recovery is the subject of an academic research program.
  - b. The academic research program has appropriate Institutional Review Board supervision.
  - c. The academic research program has obtained informed consent of the donor or the person legally authorized to provide consent.

No funeral establishment or person licensed under this Article shall permit the taking or recovery of human tissue from a dead human body in its custody or control for human transplantation purposes or for research purposes, except that a funeral establishment or person licensed under this Article may permit an autopsy technician to take or recover tissue at a funeral establishment pursuant to subdivision (3) of this subsection. No funeral establishment or any of its licensees, agents, or employees shall

1 accept, solicit, or offer to accept any payment, gratuity, commission, or compensation of  
2 any kind for referring potential tissue donors to a tissue bank or tissue broker or to an  
3 eye bank or eye broker. For purposes of this subsection, the term "tissue" does not  
4 include an eye."

5           **SECTION 2.** This act is effective when it becomes law and applies to deaths  
6 occurring on or after that date.