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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2814

02/20/2018 Authored by Whelan, Lohmer, Poston, Scott, Pugh and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; prohibiting use of aborted fetal tissue for research; establishing
1.3 criminal penalties; amending Minnesota Statutes 2016, section 145.422, by adding
1.4 a subdivision; Minnesota Statutes 2017 Supplement, section 137.47, subdivisions
1.5 1, 2, 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2017 Supplement, section 137.47, subdivision 1, is amended
1.8 to read:

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision
1.10 have the meanings given them.

1.11 (b) "Aborted fetal tissue" means fetal tissue that is available as a result of an elective
1.12 abortion.

1.13 (c) "Fetal tissue" means any body part, organ, or cell of an unborn human child. Fetal
1.14 tissue does not include tissue or cells obtained from a placenta, umbilical cord, or amniotic
1.15 fluid.

1.16 (d) "Institutional Review Board" or "IRB" means the University of Minnesota's
1.17 Institutional Review Board, the primary unit responsible for oversight of human subjects
1.18 research protections.

1.19 (e) "Fetal Tissue Research Committee" or "FTR" means an oversight committee at the
1.20 University of Minnesota with the responsibility to oversee, review, and approve or deny
1.21 research using non-aborted fetal tissue.

1.22 (f) "Non-aborted fetal tissue" means fetal tissue that is available as a result of a
1.23 miscarriage or stillbirth, or fetal tissue from a living unborn child.

2.1 (g) "Research" means systematic investigation, including development, testing, and
 2.2 evaluation, designed to develop or contribute to generalizable knowledge. Research does
 2.3 not include a procedure or test administered to a particular patient by a physician for medical
 2.4 purposes.

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2018.

2.6 Sec. 2. Minnesota Statutes 2017 Supplement, section 137.47, subdivision 2, is amended
 2.7 to read:

2.8 Subd. 2. **Approval by the Fetal Tissue Research Committee.** (a) A researcher at the
 2.9 University of Minnesota must obtain approval from the FTR before conducting research
 2.10 using non-aborted fetal tissue. The FTR must consider whether alternatives to non-aborted
 2.11 fetal tissue would be sufficient for the research. ~~If the proposed research involves aborted~~
 2.12 ~~fetal tissue, the researcher must provide a written narrative justifying the use of aborted~~
 2.13 ~~fetal tissue and discussing whether alternatives to aborted fetal tissue, including non-aborted~~
 2.14 ~~fetal tissue, can be used~~ The use of aborted fetal tissue for research is prohibited under
 2.15 section 145.422, subdivision 4.

2.16 (b) The FTR must submit its decision to the IRB. The IRB is requested to review the
 2.17 conclusions of the FTR to ensure that all alternatives have been considered.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2018.

2.19 Sec. 3. Minnesota Statutes 2017 Supplement, section 137.47, subdivision 3, is amended
 2.20 to read:

2.21 Subd. 3. **Legislative report.** (a) No later than January 15 of each year, the Board of
 2.22 Regents must submit a report to the chairs and ranking minority members of the legislative
 2.23 committees with jurisdiction over higher education policy and finance and health and human
 2.24 services policy and finance. The report must describe:

2.25 (1) all fetal tissue research proposals submitted to the FTR or IRB, including any written
 2.26 narrative required under subdivision 2;

2.27 ~~(2) whether the research proposal involved aborted fetal tissue;~~

2.28 ~~(3)~~ (2) action by the FTR or IRB on all fetal tissue research proposals, including whether
 2.29 the proposal was approved by the FTR or IRB; and

2.30 ~~(4)~~ (3) a list of all new or ongoing fetal tissue research projects at the university,
 2.31 including:

- 3.1 (i) the date that the project was approved by the FTR or IRB;
- 3.2 (ii) the source of funding for the project;
- 3.3 (iii) the goal or purpose of the project;
- 3.4 ~~(iv) whether the fetal tissue used is aborted fetal tissue or non-aborted fetal tissue;~~
- 3.5 ~~(v)~~ (iv) the source of the fetal tissue used;
- 3.6 ~~(vi)~~ (v) references to any publicly available information about the project, such as
- 3.7 National Institutes of Health grant award information; and
- 3.8 ~~(vii)~~ (vi) references to any publications resulting from the project.
- 3.9 (b) The report must not include a researcher's name, other identifying information,
- 3.10 contact information, or the location of a laboratory or office.

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2018.

3.12 Sec. 4. Minnesota Statutes 2016, section 145.422, is amended by adding a subdivision to

3.13 read:

3.14 **Subd. 4. Prohibition; use of aborted fetal tissue for research.** (a) The definitions in

3.15 this paragraph apply to this subdivision:

3.16 (1) "aborted fetal tissue" means fetal tissue that is available as a result of an abortion;

3.17 (2) "abortion" means the use or prescription of any instrument, medicine, drug, or other

3.18 substance or device with the intent to terminate a clinically diagnosable pregnancy for

3.19 reasons other than to increase the probability of a live birth, preserve the life or health of

3.20 the unborn child, terminate an ectopic pregnancy, or remove a deceased unborn child who

3.21 did not die as a result of an intentional, knowing, or reckless action to terminate a pregnancy;

3.22 (3) "fetal tissue" means one or more cells, tissues, organs, or other parts obtained from

3.23 an unborn child;

3.24 (4) "research" means a systematic investigation, including development, testing, and

3.25 evaluation, designed to develop or contribute to generalizable knowledge; and

3.26 (5) "unborn child" means an individual living member of the species Homo sapiens from

3.27 fertilization until birth.

3.28 (b) A person shall not knowingly acquire, provide, receive, or use aborted fetal tissue

3.29 for research.

3.30 (c) This subdivision does not prohibit:

4.1 (1) an autopsy or other examination to determine the cause of a miscarriage or stillbirth
4.2 of an unborn child; or

4.3 (2) using fetal tissue from an unborn child to conduct diagnostic or remedial tests,
4.4 procedures, or observations that have the sole purpose of diagnosing a disease or medical
4.5 condition in the mother of the unborn child that threatens the mother's life, so long as all
4.6 medical precautions are taken to preserve the life of both the unborn child and the mother.

4.7 (d) A person who violates this subdivision is guilty of a gross misdemeanor.

4.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
4.9 committed on or after that date.