

117TH CONGRESS
2D SESSION

H. R. 8307

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to require certain medical information related to donors of reproductive tissue be made available to recipients of such tissue and persons conceived using such tissue, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2022

Mr. JACOBS of New York (for himself and Mr. BACON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to require certain medical information related to donors of reproductive tissue be made available to recipients of such tissue and persons conceived using such tissue, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Steven’s Law”.

1 **SEC. 2. REPRODUCTIVE TISSUE DONOR INFORMATION.**

2 (a) IN GENERAL.—The Public Health Service Act
3 (42 U.S.C. 201 et seq.) is amended by inserting after sec-
4 tion 369 the following new section:

5 **“SEC. 369A. REPRODUCTIVE TISSUE DONOR INFORMATION.**

6 “(a) IN GENERAL.—The Secretary shall, by regula-
7 tion, require that a reproductive tissue bank—

8 “(1) collect and verify medical history informa-
9 tion from each donor from whom such bank acquires
10 donor reproductive tissue; and

11 “(2) make available on request such informa-
12 tion to—

13 “(A) any recipient of such donor reproduc-
14 tive tissue, including before such recipient pur-
15 chases or otherwise receives such donor repro-
16 ductive tissue;

17 “(B) the physician of any such recipient;
18 and

19 “(C) any donor-conceived person conceived
20 with such donor reproductive tissue if such per-
21 son has attained eighteen years of age or has
22 the consent of such person’s parent or guard-
23 ian.

24 “(b) DONOR DISCLOSURE.—Under the regulations
25 issued pursuant to subsection (a), the Secretary shall re-
26 quire a donor to—

1 “(1) disclose to a reproductive tissue bank that
2 acquires donor reproductive tissue from such
3 donor—

4 “(A) all diagnosed sexually transmitted in-
5 fectious diseases that the donor has at the time
6 of donation;

7 “(B) all diagnosed medical conditions of
8 the donor, including genetic disorders, schizo-
9 phrenia and other serious mental illnesses (as
10 determined by the Secretary), and intellectual
11 disabilities;

12 “(C) any familial medical conditions (as
13 defined by the Secretary) to the extent such
14 donor has knowledge of or should have knowl-
15 edge of such conditions, including the condi-
16 tions referred to in subparagraph (B); and

17 “(D) the name and contact information of
18 each medical professional who has examined or
19 treated the donor during the 5 years preceding
20 the date of the donation; and

21 “(2) provide a waiver of protections of the do-
22 nor’s medical history and records, including the reg-
23 ulations under section 264(c) of the Health Insur-
24 ance Portability and Accountability Act of 1996 (42

1 U.S.C. 1320d–2 note), necessary to authorize such
2 bank to—

3 “(A) obtain donor medical records from
4 each medical professional identified under para-
5 graph (1)(D); and

6 “(B) disclose the donor’s medical history
7 and records to a recipient, physician, or donor-
8 conceived person in accordance with subsection
9 (a).

10 “(c) REPRODUCTIVE TISSUE BANK DISCLOSURE.—

11 Under the regulations issued pursuant to subsection (a),
12 the Secretary shall require a reproductive tissue bank to—

13 “(1) provide to a donor from whom reproduc-
14 tive tissue is acquired a statement of the obligations
15 of such donor described in subsection (b) and obtain
16 a signed acknowledgment of such obligations;

17 “(2) verify the medical information provided by
18 a donor in accordance with subsection (b) by com-
19 paring such information with donor medical records;

20 “(3) review donor medical records for risk fac-
21 tors of genetic disorders;

22 “(4) except in the case of a donor known to the
23 recipient, remove any individually identifying infor-
24 mation, including the donor’s name, address, and

1 other information that may be used to identify such
2 donor, from donor medical records; and

3 “(5) in accordance with paragraph (4) and
4 using a standard form prescribed by the Secretary,
5 make available, at no cost, to a recipient, physician,
6 or donor-conceived person in accordance with sub-
7 section (a)—

8 “(A) the donor’s medical records;

9 “(B) a summary of the information in-
10 cluded in such records; and

11 “(C) any donor medical information that
12 such bank was unable to obtain from donor
13 medical records, including—

14 “(i) the type of information unable to
15 be obtained; and

16 “(ii) the reason such bank was unable
17 to obtain such information.

18 “(d) DEFINITIONS.—In this section:

19 “(1) DONOR.—The term ‘donor’ means a per-
20 son who provides donor reproductive tissue for use
21 in an artificial insemination or assisted reproductive
22 procedure performed on recipients other than that
23 person or that person’s regular sexual partner, and
24 includes direct and known donors.

1 “(2) DONOR-CONCEIVED PERSON.—The term
2 ‘donor-conceived person’ means a person purposely
3 conceived through the use of donor reproductive tis-
4 sue.

5 “(3) DONOR REPRODUCTIVE TISSUE.—The
6 term ‘donor reproductive tissue’ means any tissue,
7 including semen, oocytes, embryos, spermatozoa, or
8 spermatids, from the reproductive tract intended for
9 use in an artificial insemination or assisted repro-
10 ductive procedure.

11 “(4) RECIPIENT.—The term ‘recipient’ means a
12 person who receives donor reproductive tissue for the
13 purposes of that person conceiving a child.

14 “(5) REPRODUCTIVE TISSUE BANK.—The term
15 ‘reproductive tissue bank’—

16 “(A) means an entity which acquires, proc-
17 esses, stores, or releases donor reproductive tis-
18 sue for an insemination implantation site or re-
19 cipient to use in an artificial insemination or
20 assisted reproductive technology procedure; and

21 “(B) includes a semen bank, oocyte dona-
22 tion program, and embryo bank.”.

23 (b) RULE REQUIRED.—Not later than 180 days after
24 the date of enactment of this Act, the Secretary shall pro-

1 mulgate a final rule to carry out section 369A of the Pub-
2 lic Health Service Act, as added by subsection (a).

3 (c) CONFORMING AMENDMENT.—Section 368(a) of
4 the Public Health Service Act is amended by striking “366
5 or” and inserting “366 or 369A or”.

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