



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 123

S.P. 44

In Senate, January 29, 2013

An Act To Ensure Proper Anatomical Recovery of Human Bodies and Body Parts

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative KRUGER of Thomaston and
Senators: CLEVELAND of Androscoggin, GRATWICK of Penobscot, HASKELL of
Cumberland, SAVIELLO of Franklin, Representatives: LAJOIE of Lewiston, NELSON of
Falmouth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 710-C** is enacted to read:

3 **CHAPTER 710-C**

4 **ANATOMICAL RECOVERY ORGANIZATION ACT**

5 **§2971. Short title**

6 This chapter may be known and cited as "the Anatomical Recovery Organization
7 Act."

8 **§2972. Definitions**

9 As used in this chapter, unless the context otherwise indicates, the following terms
10 have the following meanings.

11 **1. Anatomical recovery.** "Anatomical recovery" means the recovery, processing or
12 transfer of a body or body part that was donated in the State pursuant to chapter 710-B for
13 the purposes of transplantation, therapy, research or education. "Anatomical recovery"
14 does not include actions taken by the Chief Medical Examiner in the performance of the
15 duties of the Chief Medical Examiner or the process for obtaining consent for an
16 anatomical gift pursuant to chapter 710-B.

17 **2. Anatomical recovery organization.** "Anatomical recovery organization" means
18 a nonprofit corporation that is engaged in anatomical recovery. "Anatomical recovery
19 organization" does not include a hospital or an institution of higher education in this State
20 that recovers a body or body part for its own use in transplantation, therapy, research or
21 education and does not transfer the human body or body part to another person or entity.

22 **3. Body or body part.** "Body" or "body part" means a human body or an organ,
23 tissue, eye, bone, blood vessel and other body part of a human body. "Body part" does
24 not include blood except for blood that is donated for the purposes of research.

25 **4. Chief Medical Examiner.** "Chief Medical Examiner" has the same meaning as in
26 section 2942, subsection 3.

27 **5. Institution of higher education.** "Institution of higher education" means a
28 college or university located in the State that is accredited and approved for the granting
29 of degrees at the postsecondary level by the Commissioner of Education.

30 **§2973. Requirement of registration as an anatomical recovery organization**

31 A person or entity that performs anatomical recovery in this State shall register with
32 the department as an anatomical recovery organization and comply with all requirements
33 imposed by rule adopted pursuant to section 2975. A person or entity that violates the
34 requirements of this section commits a civil violation for which a fine of not more than
35 \$1,000 may be adjudged. A person or entity that violates this section after having been

1 previously adjudicated as violating this section within the previous 5 years commits a
2 civil violation for which a fine of not more than \$5,000 may be adjudged.

3 **§2974. Records; contract requirements**

4 An anatomical recovery organization shall maintain records of the receipt, use,
5 processing, transplantation, transfer and disposal of all bodies and body parts. The
6 records must document all donations pursuant to chapter 710-B, transfers and disposal of
7 bodies and body parts. If the anatomical recovery organization transfers a body or body
8 part to another person or entity, the anatomical recovery organization shall by contract
9 require the receiving person or entity to report to the anatomical recovery organization in
10 a timely manner on the receipt, use, processing, transplantation, transfer and disposal of
11 all bodies and body parts received from the anatomical recovery organization.

12 **§2975. Rulemaking**

13 The department shall adopt rules to implement this chapter. The rules must include
14 but are not limited to rules regarding duration of registration of an anatomical recovery
15 organization, registration fees, maintenance of records, inspection of records and the
16 premises of an anatomical recovery organization by the department, qualifications of
17 staff, documentation of consent to donation of all bodies and body parts, documentation
18 of the persons or entities from which anatomical recovery organizations accept bodies
19 and body parts, documentation of all transfers of bodies and body parts to other persons
20 or entities and the use and disposal of the bodies and body parts and procedures for
21 correction of deficiencies and revocation of registration. Rules adopted pursuant to this
22 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **SUMMARY**

24 This bill enacts the Anatomical Recovery Organization Act to require a person or
25 entity that performs anatomical recovery in this State to register as an anatomical
26 recovery organization. The bill provides penalties for performing anatomical recovery
27 without having registered. The bill requires records to be kept on the receipt, use,
28 processing, transplantation, transfer and disposal of all human bodies and body parts.
29 The bill authorizes the department to adopt routine technical rules to implement the
30 chapter.