

1 Amend 17 Cal. Code of Regs. section 100085 to read:

2 **§ 100085. Use of Fetal Tissue.**

3 Fetal tissue shall be procured in accordance with 17 Cal. Code Regs. section 100080,
4 subdivision (a)(2). In addition, research involving human fetal tissue will adhere to the
5 following provisions:

6 (a) The woman who donates the fetal tissue must sign a statement declaring:

7 (1) That the donation is being made for research purposes, and

8 (2) The donation is made without any restriction regarding who may be the recipient(s) of
9 materials derived from the tissue; and

10 (b) The attending physician must:

11 (1) Sign a statement that he or she has obtained the tissue in accordance with the donor's
12 signed statement. In the case of tissue obtained pursuant to an induced abortion, the physician
13 must sign a statement stating that he or she:

14 (A) Obtained the woman's consent for the abortion before requesting or obtaining
15 consent for the tissue to be used for research;

16 (B) Did not alter the timing, method, or procedures used to terminate the pregnancy
17 solely for the purpose of obtaining the tissue for research; and

18 (C) Performed the abortion in accordance with applicable law.

19 (2) Disclose to the donor any financial interest that the attending physician has in the
20 research to be conducted with the tissue.

21 (3) Disclose any known medical risks to the donor or risks to her privacy that might be
22 associated with the donation of the tissue and that are in addition to risks of such type that are
23 associated with the woman's medical care.

1 (c) The principal investigator of the research project must sign a statement certifying that
2 he or she:

3 (1) Is aware that the tissue is human fetal tissue obtained in a spontaneous or induced
4 abortion or pursuant to a stillbirth;

5 (2) Is aware that the tissue was donated for research purposes;

6 (3) Had no part in any decisions as to the timing, method, or procedures used to terminate
7 the pregnancy; and

8 (4) Is not the donor's attending physician.

9 Note: Authority cited: California Constitution, article XXXV; Section 125290.40(j), Health and
10 Safety Code.

11 Reference: Sections 125290.35, 125290.40, 125290.55 and 125300, Health and Safety Code.