

117TH CONGRESS
1ST SESSION

S. 77

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from conducting or supporting any research involving human fetal tissue that is obtained pursuant to an induced abortion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mrs. HYDE-SMITH (for herself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. COTTON, Mr. CRAMER, Mr. DAINES, Mrs. FISCHER, Mr. HAWLEY, Mr. INHOFE, Mr. LANKFORD, Ms. LUMMIS, Mr. MORAN, Mr. PORTMAN, Mr. RISCH, Mr. ROUNDS, Mr. SCOTT of South Carolina, Mr. CRUZ, Mr. MARSHALL, Mr. BRAUN, Mr. KENNEDY, and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from conducting or supporting any research involving human fetal tissue that is obtained pursuant to an induced abortion, 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 the “Protecting Life and
5 Integrity in Research Act of 2021”.

1 **SEC. 2. NO RESEARCH BY HHS INVOLVING HUMAN FETAL**
 2 **TISSUE OBTAINED PURSUANT TO AN IN-**
 3 **DUCED ABORTION.**

4 (a) IN GENERAL.—The Public Health Service Act is
 5 amended by inserting after section 498A of such Act (42
 6 U.S.C. 289g–1) the following:

7 **“SEC. 498A–1. NO RESEARCH INVOLVING HUMAN FETAL TIS-**
 8 **SUE OBTAINED PURSUANT TO AN INDUCED**
 9 **ABORTION.**

10 “(a) IN GENERAL.—The Secretary may not conduct
 11 or support any research involving human fetal tissue that
 12 is obtained pursuant to an induced abortion.

13 “(b) DEVELOPMENT OF NEW, ETHICAL CELL
 14 LINES.—Subsection (a) does not limit the authority of the
 15 Secretary to develop or support the development of new,
 16 high-efficiency cell lines, including for the production of
 17 vaccines and genetic vectors, so long as the cell lines are
 18 not derived from human fetal tissue that is obtained pur-
 19 suant to an induced abortion.”.

20 (b) CONFORMING AMENDMENTS.—Section 498A of
 21 the Public Health Service Act (42 U.S.C. 289g–1) is
 22 amended—

23 (1) in subsections (a)(2), (c)(1)(B), and (g), by
 24 striking “or induced” each place it appears; and

25 (2) in subsection (b)(2)—

26 (A) by striking subparagraph (A); and

1 (B) by redesignating subparagraphs (B)
 2 and (C) as (A) and (B), respectively.

3 **SEC. 3. PROHIBITION AGAINST SOLICITATION OR KNOWING**
 4 **ACQUISITION, RECEIPT, OR ACCEPTANCE OF**
 5 **A DONATION OF HUMAN FETAL TISSUE**
 6 **KNOWING THAT THE TISSUE WAS OBTAINED**
 7 **PURSUANT TO AN INDUCED ABORTION.**

8 (a) IN GENERAL.—Paragraph (1) of section 498B(c)
 9 of the Public Health Service Act (42 U.S.C. 289g–2(c))
 10 is amended to read as follows:

11 “(1) solicit or knowingly acquire, receive, or ac-
 12 cept a donation (excluding any transfer for purposes
 13 of autopsy or burial) of human fetal tissue knowing
 14 that—

15 “(A) a human pregnancy was deliberately
 16 initiated to provide such tissue; or

17 “(B) the tissue was obtained pursuant to
 18 an induced abortion; or”.

19 (b) CONFORMING CHANGES.—Section 498B of the
 20 Public Health Service Act (42 U.S.C. 289g–2) is amend-
 21 ed—

22 (1) by striking subsection (b);

23 (2) by redesignating subsections (c) through (e)
 24 as subsections (b) through (d), respectively;

25 (3) in subsection (c), as redesignated—

1 (A) in paragraph (1), by striking “(a), (b),
2 or (c)” and inserting “(a) or (b)”; and

3 (B) in paragraph (2), by striking “or
4 (b)(3)”; and

5 (4) in subsection (d), as redesignated, by
6 amending paragraph (1) to read as follows:

7 “(1) The term ‘human fetal tissue’ means tis-
8 sue or cells obtained from a dead human embryo or
9 fetus after a spontaneous or induced abortion, or
10 after a stillbirth.”.

11 **SEC. 4. AUTHORIZATION FOR HHS RESEARCH ON FETAL**
12 **TISSUE AND CORRESPONDING REPORTING.**

13 Section 498A of the Public Health Service Act (42
14 U.S.C. 289g–1) is amended—

15 (1) in the section heading, by striking “RE-
16 SEARCH ON TRANSPLANTATION OF FETAL TISSUE”
17 and inserting “RESEARCH ON FETAL TISSUE”;

18 (2) in subsection (a)(1)—

19 (A) by striking “research on the transplan-
20 tation of human fetal tissue for therapeutic
21 purposes” and inserting “research on human
22 fetal tissue”; and

23 (B) by adding at the end the following:
24 “Notwithstanding any other provision of law,
25 any research of the Department of Health and

1 Human Services on human fetal tissue shall be
2 conducted or supported in accordance with this
3 section.”; and

4 (3) in subsection (b)(1)(B), by inserting “if the
5 fetal tissue is intended for transplantation,” before
6 “the donation is made”.

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