



DÁIL ÉIREANN

**AN BILLE UM FHÍOCHÁN DAONNA (TRASPHLANDÚ,
SCRÚDÚ IARBHÁIS, SCRÚDÚ ANATAMAÍOCH AGUS
TAISPEÁINT PHOIBLÍ), 2022
HUMAN TISSUE (TRANSPLANTATION, POST-MORTEM,
ANATOMICAL EXAMINATION AND PUBLIC DISPLAY) BILL
2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM FHÍOCHÁN DAONNA (TRASPHLANDÚ, SCRÚDÚ IARBHÁIS, SCRÚDÚ ANATAMAÍOCH AGUS TAISPEÁINT PHOIBLÍ), 2022 —ROGHCHOISTE

HUMAN TISSUE (TRANSPLANTATION, POST-MORTEM, ANATOMICAL EXAMINATION AND PUBLIC DISPLAY) BILL 2022 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 9, between lines 5 and 6, to insert the following:

““coroner” has the same meaning as it has in section 2(1) of the Act of 1962;”.

—An tAire Sláinte.

2. In page 9, to delete lines 29 and 30 and substitute the following:

“(b) a registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011, or”.

—An tAire Sláinte.

3. In page 10, to delete lines 25 to 27 and substitute the following:

““pathologist” means a registered medical practitioner who is qualified by virtue of his or her training and expertise to perform post-mortem examinations;”.

—An tAire Sláinte.

SECTION 4

4. In page 11, line 28, to delete “Minister for Public Expenditure and Reform” and substitute “Minister for Public Expenditure, National Development Plan Delivery and Reform”.

—An tAire Sláinte.

SECTION 17

5. In page 24, between lines 23 and 24, to insert the following:

“Report on adequacy of infrastructure and resources to support organ donation

17. The Minister shall, within one year of the passing of this Act, lay a report before both Houses of the Oireachtas examining the adequacy of the infrastructure and resources required to support organ donation, including intensive care unit beds and dedicated

[SECTION 17]

healthcare professionals.”.

—Róisín Shortall.

SECTION 23

6. In page 29, to delete lines 31 to 33 and substitute the following:

“(5) A non-directed altruistic donor may not direct or specify that his or her organ shall, or shall not, be donated to a person of a particular class or classes of persons.”.

—An tAire Sláinte.

SECTION 32

7. In page 36, to delete line 34.

—An tAire Sláinte.

SECTION 37

8. In page 44, between lines 9 and 10, to insert the following:

“ “coronial post-mortem” shall be construed in accordance with *section 38(2)(b)*;

“designated healthcare worker” means—

- (a) a registered medical practitioner,
- (b) a registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011,
- (c) a member of one or more of the following designated professions within the meaning of section 3 of the Health and Social Care Professionals Act 2005, namely:
 - (i) medical scientist;
 - (ii) psychologist;
 - (iii) social care worker;
 - (iv) social worker;
 - (v) such other designated profession within the meaning of the said section 3 of the said Act as the Minister considers appropriate and may prescribe by regulations under *section 3*,
- (d) an anatomical pathology technician, or
- (e) a staff member nominated for that purpose by the hospital concerned,

who by way of training and expertise has the relevant understanding and experience to undertake functions under this Part;”.

—An tAire Sláinte.

9. In page 44, line 25, to delete “organs, tissue samples or blood (or any material derived from blood)” and substitute “part of a body”.

—An tAire Sláinte.

[SECTION 37]

10. In page 44, line 27, to delete “such”.

—An tAire Sláinte.

11. In page 44, between lines 32 and 33, to insert the following:

“ “part of a body” means any part of the human anatomy and includes but is not limited to—

- (a) an organ,
- (b) tissue,
- (c) a limb or part of a limb,
- (d) blood or any material derived from blood, or
- (e) any other biological fluid;”.

—An tAire Sláinte.

12. In page 45, to delete lines 18 and 19 and substitute the following:

“ “stillborn child” has the same meaning as it has in section 2(1) of the Civil Registration Act 2004.”.

—An tAire Sláinte.

SECTION 40

13. In page 47, to delete lines 14 and 15 and substitute the following:

- “(c) post-mortem consent given by a person is given, and given only, for the purposes of the post-mortem activities, specified in the consent concerned,
- (d) where post-mortem consent is given by a person for the purposes of the post-mortem activities specified in the consent, it shall not be necessary to seek consent in respect of subsequent use provided that the use is only for the purposes specified in the consent concerned.”.

—An tAire Sláinte.

14. In page 47, line 19, to delete “with the medical records of the mother,” and substitute “in accordance with the procedures of the hospital concerned and any guidelines made in that regard,”.

—An tAire Sláinte.

15. In page 47, to delete lines 26 to 29 and substitute the following:

- “(i) the non-coronial post-mortem examination and the burial, cremation or return, in accordance with regulations under *section 39(2)(a)*, of any part of a body removed as part of that non-coronial post-mortem examination, other than any tissue removed and retained in accordance with *section 42(3)*,”.

—An tAire Sláinte.

[SECTION 40]

16. In page 47, lines 35 and 36, to delete all words from and including “registered” in line 35 down to and including line 36 and substitute the following:

“designated healthcare worker shall, in accordance with any guidelines, provide the following”.

—An tAire Sláinte.

17. In page 48, line 1, to delete “organs or tissues” and substitute “parts of the body”.

—An tAire Sláinte.

18. In page 48, line 9, to delete “registered medical practitioner” and substitute “designated healthcare worker”.

—An tAire Sláinte.

19. In page 48, line 12, to delete “or return, of any organ or tissue” and substitute “or return, in accordance with regulations under *section 39(2)(a)*, of any part of a body”.

—An tAire Sláinte.

20. In page 48, to delete lines 14 and 15 and substitute the following:

“(g) an indication of the length of time a part of a body may, in accordance with regulations under *section 39(2)(a)*, be retained and what the subsequent use, if any, of such part of a body may be;”.

—An tAire Sláinte.

21. In page 48, between lines 15 and 16, to insert the following:

“(h) in the case of the proposed retention and use of any part of a body, including for the use by a third party, information relating to the types of use that this may entail;”.

—An tAire Sláinte.

22. In page 48, lines 16 and 17, to delete “including the use of tissue by a third party for commercial purposes” and substitute “including for the use for commercial purposes”.

—An tAire Sláinte.

SECTION 41

23. In page 49, line 2, to delete “any organ or tissue removed from” and substitute “any part of a body removed from the body of”.

—An tAire Sláinte.

24. In page 49, between lines 4 and 5, to insert the following:

“(c) the use of any part of a body retained after a non-coronial post-mortem examination, including the use of any part of a body by a third party;”.

—An tAire Sláinte.

[SECTION 41]

25. In page 49, to delete line 6 and substitute “examination, including the use of any part of a body for commercial purposes;”.

—An tAire Sláinte.

26. In page 49, to delete lines 9 to 11 and substitute the following:

“(e) the burial, cremation or return, in accordance with regulations under *section 39(2)(a)*, of any part of the body removed as part of a non-coronial post-mortem examination, other than any tissue, trimmings or biological fluids removed as part of the examination.”.

—An tAire Sláinte.

SECTION 42

27. In page 49, line 16, to delete “any part of the body, within the meaning of this section,” and substitute “any part of a body”.

—An tAire Sláinte.

28. In page 49, line 23, to delete “*subsection (2)*” and substitute “*subsection (2)* and held on blocks or slides for this purpose”.

—An tAire Sláinte.

29. In page 49, to delete lines 28 and 29 and substitute the following:

“(b) in the case of a non-coronial post-mortem examination of a foetus, form part of the medical records specified for that purpose in accordance with the procedures of the hospital concerned and any guidelines made in that regard.”.

—An tAire Sláinte.

30. In page 49, line 30, to delete “within the meaning of this section” and substitute “indicated in that behalf under *section 40(2)(b)* as likely to be removed”.

—An tAire Sláinte.

31. In page 49, line 32, to delete “organ or tissue” and substitute “part of a body”.

—An tAire Sláinte.

32. In page 49, line 33, to delete “the appropriate”.

—An tAire Sláinte.

33. In page 49, to delete lines 35 and 36 and substitute the following:

“(6) A person or hospital shall not receive financial compensation or other non-financial inducements for any part of a body removed during a non-coronial post-mortem examination.”.

—An tAire Sláinte.

34. In page 49, line 37, to delete “organ or tissue” and substitute “part of a body”.

—An tAire Sláinte.

[SECTION 42]

35. In page 49, line 39, to delete “An organ or tissue sample” and substitute “A part of a body”.

—An tAire Sláinte.

36. In page 50, lines 1 and 2, to delete “organ or tissue sample” and substitute “part of a body”.

—An tAire Sláinte.

37. In page 50, to delete lines 4 to 7.

—An tAire Sláinte.

38. In page 50, to delete lines 8 to 12.

—An tAire Sláinte.

SECTION 43

39. In page 50, line 16, to delete “the cause of death” and substitute “the medical cause of death”.

—An tAire Sláinte.

SECTION 44

40. In page 50, to delete lines 35 and 36 and substitute the following:

“(b) is satisfied the post-mortem consent, where appropriate, has been provided in accordance with *section 46, 47, 48 or 49.*”.

—An tAire Sláinte.

41. In page 50, to delete lines 37 and 38, and in page 51, to delete lines 1 to 4 and substitute the following:

“(2) A pathologist or a registered medical practitioner under the supervision of a pathologist may, when carrying out a non-coronial post-mortem examination in accordance with *subsection (1)*, be assisted (whether by way of technical or clinical assistance) in carrying out such examination by an appropriately qualified healthcare professional or other person who, in the opinion of the pathologist carrying out or supervising the non-coronial examination, is sufficiently qualified or has the relevant training to provide such assistance.”.

—An tAire Sláinte.

42. In page 51, to delete lines 5 to 9.

—An tAire Sláinte.

43. In page 51, line 11, to delete “or registered medical practitioner”.

—An tAire Sláinte.

44. In page 51, line 13, to delete “organ or tissue” and substitute “part of a body”.

—An tAire Sláinte.

45. In page 51, between lines 17 and 18, to insert the following:

“(6) In this section, “technical or clinical assistance” in relation to the carrying out of a

[SECTION 44]

non-coronial post-mortem examination, includes, the removal by a person providing the assistance, of a part of a body from the deceased adult, child or foetus, the subject of the examination concerned.”.

—An tAire Sláinte.

SECTION 45

46. In page 51, line 30, to delete “with the medical records of the mother,” and substitute “in accordance with the procedures of the hospital concerned and any guidelines made in that regard”.

—An tAire Sláinte.

SECTION 46

47. In page 52, lines 2 to 4, to delete all words from and including “the” in line 2 down to and including “adult” in line 4 and substitute “a designated healthcare worker”.

—An tAire Sláinte.

48. In page 52, line 6, to delete “adult” and substitute “family member”.

—An tAire Sláinte.

SECTION 47

49. In page 52, lines 13 and 14, to delete all words from and including “registered” in line 13 down to and including “child” in line 14 and substitute “designated healthcare worker”.

—An tAire Sláinte.

SECTION 48

50. In page 52, lines 28 to 30, to delete all words from and including “registered” in line 28 down to and including “foetus” in line 30 and substitute “designated healthcare worker”.

—An tAire Sláinte.

SECTION 49

51. In page 52, line 36, to delete “an organ or tissue” and substitute “a part of a body”.

—An tAire Sláinte.

52. In page 53, line 7, to delete “an organ or tissue” and substitute “a part of a body”.

—An tAire Sláinte.

53. In page 53, to delete lines 9 to 11 and substitute the following:

“(3) Subject to *section 40* and the provisions of this section, an approval given under *subsection (2)*, is approval for the commercial use of that part of the body.”.

—An tAire Sláinte.

54. In page 53, line 13, to delete “an organ or tissue” and substitute “a part of a body”.

—An tAire Sláinte.

55. In page 53, line 15, to delete “organ or tissue” and substitute “part of a body”.

—An tAire Sláinte.

[SECTION 49]

56. In page 53, line 17, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
57. In page 53, line 19, to delete “an organ or tissue” and substitute “a part of a body”.
—An tAire Sláinte.
58. In page 53, line 21, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
59. In page 53, line 23, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
60. In page 53, lines 24 and 25, to delete “an organ or tissue” and substitute “a part of a body”.
—An tAire Sláinte.
61. In page 53, line 27, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
62. In page 53, line 29, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
63. In page 53, to delete lines 30 to 32.
—An tAire Sláinte.
64. In page 53, line 34, to delete “organ or tissue” and substitute “part of a body”.
—An tAire Sláinte.
65. In page 53, line 41, to delete “organs and tissues” and substitute “parts of a body”.
—An tAire Sláinte.
66. In page 53, line 43, to delete “payment for any organ or tissue” and substitute “financial compensation or other non-financial inducements for any part of a body”.
—An tAire Sláinte.
67. In page 53, after line 44, to insert the following:
“(12) In this section, “person in charge” means, in relation to a hospital—
(a) the chief executive officer (howsoever described) of the hospital,
(b) the owner of the hospital, or
(c) a suitably qualified person specified in that behalf for the purposes of this Act by a person referred to in *paragraph (a)*.”.
—An tAire Sláinte.