Research Relying on Fetal Tissue:
Legislative and Legal History

Fetal tissue donation and use in research has been strictly regulated for decades to ensure that the highest ethical standards are upheld.

- Fetal tissue research has been conducted in the United States since the middle of the twentieth century.
- The Uniform Anatomical Gift Act, which was adopted by the states in the 1970s, regulated the use of organs and tissues after death and prohibited their sale for profit or use for anything but research or therapeutic reasons.
- In 1974, the National Research Act created a national commission to evaluate the ethics of fetal research, including work using fetal tissue. It concluded fetal research should be federally funded, and issued guidelines for work that received support.
- In 1988, Robert Windom, President Reagan's Assistant Secretary of Health and Human Services imposed a moratorium on fetal tissue research for transplantation purposes, pending the recommendations of a 21-member NIH panel. The panel concluded that funding human fetal tissue transplantation was acceptable public policy.
- Despite support for fetal tissue research, Secretary of Health and Human Services Louis Sullivan extended the moratorium on federal funding of fetal tissue research for transplantation.
- In 1993, through Executive Order by President Clinton the ban was lifted ending the suspension of federal funds for fetal tissue research.
- Congress passed the National Institutes of Health Revitalization Act in 1993 (Public Law 103-43), which permits fetal tissue research and included the detail guidelines on consent that we now operate under. This law passed with overwhelming support from the House (274 – 144 votes) and Senate (85-12 votes).

"There is strong evidence that scientific benefits come from fetal tissue research, [which] can be done with [an] ethical framework...Even for somebody who is very supportive of the pro-life position, you can make a strong case for this being an ethical stance. That if something can be done with these tissues that might save somebody's life downstream, perhaps that's a better choice than discarding them."

Dr. Francis Collins, Director of the National Institutes of Health (NIH)