# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 2637**

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**(INTERNAL QUESTION PAPER NO. 26)**

**Mrs C Dudley (ACDP) to ask the Minister of Health:**

(1) What is his department’s policy and regulations regarding the disposal of foetuses in (a) public hospitals and (b) abortion clinics;

(2) which companies in each of the provinces have contracts to dispose of foetuses aborted at (a) public hospitals and (b) clinics.

(3) (a) what are the laws and regulations regarding foetuses being used for experimental purposes and (b) how is this practice monitored?

###### NW3014E

**REPLY:**

1. Public Hospitals use the following regulations as stipulated in the National Health Act No. 61 of 2003 to dispose of foetuses:
2. **R. 177 Regulations relating to the use of human biological material Section 2.** In terms of section 68 of the Act, - regulates who should remove human biological material from health institutions.
3. **R. 180 Regulations regarding the general control of human bodies, tissue, blood, blood products and gametes, Section 68(1)** – regulates handling of deceased bodies/human biological material.
4. **R. No. Regulations relating to health care waste management in health establishments** – the Environmental Health Directorate within the National Department of Health has developed the above mentioned regulation and it has just been approved.
5. (a)-(b) Contracted companies for disposal of foetuses in both public hospitals and abortion clinics are:

|  |  |
| --- | --- |
| **Province**  | **Company** |
| Eastern Cape  | Compass Waste Management Services  |
| Free State  | Solid Waste Management Services  |
| Gauteng  | Buhle Waste Management Services  |
| KwaZulu-Natal  | Compass Waste Management Services  |
| Limpopo | Buhle Waste Management Services |
| Mpumalanga  | Buhle Waste Management Services |
| North West  | Buhle Waste Management Services |
| Northern Cape  | Tshenolo Waste Management Services  |
| Western Cape  | Solid Waste Management Services  |

1. (a) The Department of Health is currently guided by the following regulation:
* **R. 180 Regulations regarding the general control of human bodies, tissue, blood, blood products and gametes section 68 (1) in conjunction with section 90 of the National Health Act** stating

 *“Any person who acquires the body of a deceased person or any tissue, blood or gamete by virtue of any provision of the Act and these regulations, shall, subject to any restrictions in terms of the Act or any other law and provided she or he uses the body, tissue, blood or gamete for the purposes for which it has been donated, handed over or supplied to her or to him, on receipt of that body, tissue, blood or gamete acquire exclusive rights in respect thereof.”*

(b) *The* National Health Research Ethics Council (NHREC) is a statutory body established in terms of The National Health Act (NHA) to set norms and standards for conducting research on humans, to monitor and institute appropriate disciplinary actions in cases of violation of ethics and human rights. It monitors ethical conduct in research, including the use of fetuses for experimental purposes. Section 72(7) particularly makes provision for “clinical trials” which includes experiments involving human subjects for research purposes. (NHA s 73(1)) requires that every organisation/institution, health agency and health establishment at which health and health-related research involving human participants must have access to a registered Human Research Ethics Committee (REC) that review research involving human participants must be assessed and register with the NHREC (NHA s 73(1)). The NHA (s 72(1)) requires that proposals to conduct ‘health research’ must undergo independent ethics review before the research is commenced.

* **Section 3.3.5 of the 2015 Ethics Guidelines relates to Restrictions on collection of biological materials.** The document highlights certain persons who are specially protected. The guidelines explains that without Ministerial permission, biological materials may not be taken from mentally ill persons; biological materials that are not naturally replaceable may not be taken from a minor; no gametes may be taken from a minor; and no fetal biological material except for umbilical cord progenitor cells may be collected from anyone. These restrictions are absolute which means that research with the categories of person mentioned requires special permission. RECs must satisfy themselves that the necessary special permission has been obtained, where appropriate.

Furthermore, the Department has established a National Health Research Database (NHRD) to register and monitor all research being conducted in the country. All research studies have to be approved by the Ethics committee and registered in the database before commencement.

END.