

## **Client Brief 4 – June 2008 – Human Tissue, Births & Deaths Registration, and Choice on Termination of Pregnancy Acts**

### **Dear Health Care Facility Representative**

In light of recent media releases regarding relevant breaches of the *Human Tissue Act*, the *Births and Deaths Registration Act*, and the *Choice on Termination of Pregnancy Act*, we would like to take this opportunity to clarify related clauses of the Acts in the best interests of awareness and full compliance on your part.

### **Human Tissue:**

The *Human Tissue Act of 1983* clearly outlaws the possession or sale of any tissue, including flesh, bone, organ or bodily fluid.

- ‘**tissue**’ means (*as extracted from The Human Tissues Act*):-
  - (a) any human tissue, including an flesh, bone, organ, gland or body fluid, but excluding any blood or gamete; and
  - (b) any device or object implanted before the death of any person by a medical practitioner or dentist into the body of such person;

Compass Waste Services is committed to the ‘cradle to grave’ concept and applies zero tolerance to anyone who may stand in breach of this Act.

### **Stillborn foetuses:**

A medical practitioner who was present at a still-birth or who examined the corpse of a child and is satisfied that the child was still-born must issue a prescribed certificate to this effect. Following this, a prescribed burial order under the surname of any parent concerned must be further issued, authorizing burial. Should circumstances cause divergence from the abovementioned protocol, the Act provides guidelines in relevant sub-clauses.

Definitions, as quoted from the *Births and Deaths Registration Act – No. 51 of 1992* include:-

- “**burial**” means burial in the earth or cremation or any other mode of disposal of a corpse;
- “**corpse**” means any dead human body, including the body of any still-born child;
- “**still-born**”, in relation to a child, means that it has had at least 26 weeks of intra-uterine existence but showed no sign of life after complete birth, and “still-birth”, in relation to a child, has a corresponding meaning;

### **Abortions:**

The *Choice on Termination of Pregnancy Act* details the circumstances in which and conditions under which pregnancy may be terminated (relevant excerpts quoted below):

2. (1) (a) upon request of a woman during the first 12 weeks of the gestation period of her pregnancy;

(b) from the 13<sup>th</sup> up to and including the 20<sup>th</sup> week of the gestation period if a medical practitioner, after consultation with the pregnant woman is of the opinion that- etc.

<The Act goes on to describe further extenuating conditions, etc, in relevant sub-clauses>

In terms of place where the termination of pregnancy may take place, the Act lists several conditions which includes (but is not limited to):

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3. (1) *Termination of a pregnancy may take place only at a facility which-*  
(i) *gives access to safe waste disposal infrastructure;*

**We strongly suggest that you familiarize yourself with these legislative frameworks such that we, collectively, maintain good governance and legal accord.**

Please note, that when we receive the red speci-bins containing anatomical waste, that we do not open them to screen the contents, and rely on you, the generator, to identify, segregate and package your waste correctly. We hereby indemnify ourselves from any aberrations which may emerge in terms of the contents of these containers.

With the abovementioned in mind, herewith follows a reminder on the correct method for disposal of anatomical waste:

Anatomical waste is stored in **red, rigid plastic, disposable speci-bins** which are kept frozen in storage until such time that treatment / destruction is executed.

In the best interests of Health & Safety, and in line with relevant accreditation authorities, Compass Waste Services has acknowledged the need to put the following protocol in place, and to enforce it, across the Board, wherever reasonably practicable:

- Placentas, foetuses, etc, will be **individually wrapped in suitable bags and labelled with a hospital ID / Patient ID (usually bar-coded) sticker** prior to placement in the appropriate container.
- Each item / section which is packaged must be **listed on a human tissue manifest** document accordingly.
- Once the container has **reached its fill capacity** (as demarcated by the fill line) the **container must then be correctly and securely closed off.**
- A **security tag** (which has a unique serial code printed on it) **must be securely attached to the handle**, and the **number must be written next to the relevant entry or entries on the human tissue manifest document** as well as to the **Waste Collection Document (WCD).**
- This means that our waste collectors and handlers will be able to identify and isolate the exact location of an item, without further handling this component of hazardous waste.

We thank you, in advance, for your co-operation, and assure you our best attention at all times.

**Reference Documents:**

- *Human Tissue Act 65 of 1983*
- *Births and Deaths Registration Act 51 of 1992*
- *Choice of Termination of Pregnancy Act 92 of 1996*
- *SANS 10248-1 – Management of Healthcare Risk Waste from a Healthcare Facility*

Should you have any further queries – please do not hesitate to contact us.

Faithfully,

Nicole Pahl  
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**Safety. Quality. 100% Committed.**