



**Testimony for H.F. 3490 (Becker-Finn)**  
**Minnesota House Commerce Finance and Policy Committee**  
**February 19, 2024**

Dear Members of the House Commerce Finance and Policy Committee:

We write with concerns about H.F. 3490, a bill to prohibit the selling of some human remains. Although the bill appears to be a step in the right direction by declaring illegal the commercial sale of some human remains,<sup>1</sup> it authorizes<sup>2</sup> the sale of human remains in other contexts. Instead, Minnesota should join at least eight other states in prohibiting altogether the sale of human remains. Neither people nor their parts should be commodified, and trafficking human remains will likely result in the exploitation of the poor and degrade our respect for the dignity of the human person. Undoubtedly, the bill is proposed with good intentions, but it should not move forward until it is amended to limit further the sale of human remains.

### **Respect for Human Remains**

The sale of human remains, just like the sale of human organs,<sup>3</sup> is morally impermissible, which is why the latter is already illegal. According to the late Pope John Paul II, “the Church respects and supports scientific research when it has a genuinely humanist orientation, avoiding any form of instrumentalization or destruction of the human being and keeping itself free from the slavery of political and economic interests.” As a result, *donation* of organs and remains for scientific, medical, or educational purposes is permissible with some safeguards in place.

Far from being the imposition of some merely “religious” view, the Church’s position, which it proposes as a matter of public policy, is rooted in practical reason to safeguard the wellbeing of human persons and promote respect for human life. When we treat human beings and their bodies with callous disrespect, such as through their dismembering and commercial sale, we generate a “throwaway culture” that will certainly extend to living persons and result in their abuse and commodification. Furthermore, those most impacted by the commercialization of human remains—even if for laudatory purposes—will be the poor and vulnerable.

### **Exceptions in the Bill Swallow the Rule**

The exceptions to the ban on the sale of “calcified” remains still allow for the sale of human remains to a licensed health care provider or postsecondary institution for their legitimate medical, scientific, or educational purposes. They also allow for the sale of human remains to law enforcement and search and rescue units, for conducting search and rescue training or to train dogs to locate dead human bodies. These loopholes may open the door to very troubling possibilities that we hope all committee members would oppose.

The 2017 Reuters seven-part exposé “The Body Trade,”<sup>4</sup> uncovers what happens when bodies can be sold, even for legitimate purposes. Briefly stated, body brokers first solicit donors. Many of these donors

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<sup>1</sup> Why the ban is limited only to “calcified” remains should be clarified.

<sup>2</sup> All statutes command, prohibit, or authorize. This proposed statute both prohibits and authorizes.

<sup>3</sup> See, e.g., Minn. Stat. § 145.422, subd. 3 (banning the sale of organs).

<sup>4</sup> Reuters, Oct. 24, 2017, available at: <https://www.reuters.com/investigates/special-report/usa-bodies-brokers/>

are too poor to be able to afford burial services and are told that body donation is a way to respectfully, but affordably, take care of their loved ones' remains.

According to the report, body brokers take the body and either sell the whole cadaver or dissect the body and sell it in pieces to maximize profits. Universities and medical facilities submit an order for body parts and the broker sells the body parts to the client. For families who requested cremation of their loved one when they donated the body, the broker cremates any unwanted parts and sends those back to the family. This bill would clarify that this is a legitimate practice in Minnesota.

Practically speaking, this means that human bodies are disposed as products to be cut up, packaged, shipped, and sold for the highest profit. And they are treated as mere "products" throughout the process. The Reuters article provides numerous examples, including a frozen human torso being thawed by spraying it with a garden hose and "bits of tissue and blood were washed into the gutters"; human remains decomposing or molding in body brokers' storage facilities; bodies being cut up with chainsaws or construction tools; and families who requested cremation receiving sand back in an urn instead of their loved ones' remains.

Human bodies should not be considered commercial products from which to profit; profiting from human bodies provides perverse incentives that inevitably result in these types of terrible consequences. We urge this committee to remove the loopholes that invite these gruesome and exploitative practices.

### **The Loopholes in the Ban Introduce Additional Unintended Consequences**

Here are some questions about the potential impacts from this bill that need answers:

- What would prevent a person nearing death from selling her body? Or more generally, what would prevent anyone from contracting with a body broker to sell their body upon death? Would that relieve the financial burdens of funerals—or function like an insurance policy for loved ones?
- More concerning, knowing that human cadavers sell for \$5,000-\$10,000, what would prevent a mother whose family is experiencing financial difficulties from contracting to sell her remains, and then committing suicide so the sale is completed?

The current language seems to open the door to each of these possibilities, and more.<sup>5</sup>

### **Legitimate Use of Human Remains**

We understand that the use of human remains for legitimate scientific and educational purposes can offer public benefits, especially for better understanding the human body and for training medical professionals. Removing the exceptions from this bill would not interfere with current practices regarding donation. It would simply eliminate the perverse profit incentives from the process.

We do support passage of a bill to prohibit the sale of human remains in Minnesota—but one that results in a blanket prohibition on the practice. Thank you for your consideration.

Respectfully submitted,

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<sup>5</sup> It is notable also that, were the fetal disposition statute (Minn. Stat. § 145.1621) repealed or struck down (it has already faced a state court challenge that was dropped, along with an attempt at legislative repeal last year), then this statute would likely authorize abortion providers and those who procure abortions to sell the remains.