Case 1

In early fall 2000, Beth Israel Deaconess Medical Center (Boston) and Duke University Medical Center were the first of several health care facilities to enter into a partnership with Ardais Corporation, a biotechnology company. Ardias Corporation's stated goal is to accelerate understanding of the links between certain genetic patterns and disease, and so improve clinical applications by facilitating better diagnosis, drug development, and treatment. Ardais will create a tissue bank to provide genetic researchers with disease-specific tissue and detailed patient information to enable researchers to link specific genetic sequences with diseases such as cancer, heart disease, and neurological disorders. Ardais plans to "systematize and standardize the collection and processing of high quality clinical materials and associated information". Ardais will then provide biological materials that would otherwise be discarded as medical waste, process them into usable samples, and make them available to researchers.

Prior to surgery, patients will be asked by a hospital nurse if they would be willing to donate tissue samples left over from their surgery to the tissue bank. Surgeons will not know which patients have consented, to prevent the possibility that additional tissue will be removed for the purpose of providing samples. All patient information will be anonymous, protected by a rigorous coding system. The hospitals will sell this tissue to Ardais. Ardais in turn will sell the patient information to biomedical researchers. Ardais will also receive license fees.

Although sale of human organs is illegal in the United States, no similar legal restriction applies currently to the sale of human tissue. The medical community, at this time, has not discussed extensively either the morality of selling human tissue, or, assuming that such sales are morally permissible, the question of who might have a right to share in the profits.