

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1645/4 TJD:amn&wlj

2015 BILL

AN ACT to renumber and amend 146.345 (1) (a); to amend 146.345 (title); and to create 146.345 (1) (ag) and 146.345 (2m) of the statutes; relating to: sale and use of fetal body parts and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Generally, this bill prohibits certain sales and uses of fetal body parts derived from an unborn child aborted by an induced abortion.

Current law prohibits a person from knowingly and for valuable consideration acquiring, receiving, or otherwise transferring a human organ. Current federal law prohibits a person from knowingly acquiring, receiving, or otherwise transferring, in interstate commerce, any fetal tissue for valuable consideration. This bill prohibits a person from knowingly and for valuable consideration acquiring, receiving, or otherwise transferring a fetal body part in this state. A fetal body part is a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion. The bill also prohibits a person from knowingly providing, receiving, or using, for experimentation, a fetal body part in this state, regardless of whether the provision, receipt, or use is for valuable consideration.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 146.345 (title) of the statutes is amended to read:

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1	146.345 (title) Sale of human organs prohibited; fetal body parts.
2	SECTION 2. 146.345 (1) (a) of the statutes is renumbered 146.345 (1) (am) and
3	amended to read:
4	146.345 (1) (am) "Human organ" means a human kidney, liver, heart, lung
5	pancreas, bone marrow, cornea, eye, bone or skin or any other human organ specified
6	by the department by rule. "Human organ" does not mean human whole blood, blood
7	plasma, a blood product or a blood derivative or, human semen, or a fetal body part
8	SECTION 3. 146.345 (1) (ag) of the statutes is created to read:
9	146.345 (1) (ag) "Fetal body part" means a cell, tissue, organ, or other part of
10	an unborn child, as defined in s. 939.75 (1), who is aborted by an induced abortion,
11	as defined in s. 69.01 (13m).
12	SECTION 4. 146.345 (2m) of the statutes is created to read:
13	146.345 (2m) (a) No person may knowingly and for valuable consideration
14	acquire, receive, or otherwise transfer a fetal body part.
15	(b) No person may knowingly provide, receive, or use, for experimentation, a
16	fetal body part, regardless of whether the provision, receipt, or use is for valuable
17	consideration.

(END)