

---

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

SB 128 Engrossed

2017 Regular Session

Milkovich

Present law provides that no person may knowingly and for money, including but not limited to fees for storage or handling, any payments for reimbursement, repayments, or compensation, or any other consideration:

- (1) Buy, sell, receive, or otherwise transfer or acquire a fetal organ or body part resulting from an induced abortion.
- (2) Transport with the intent to sell or otherwise transfer a fetal organ or body part resulting from an induced abortion.
- (3) Transport a fetal organ or body part resulting from an induced abortion that has been acquired by any person via any transaction prohibited by present law.

Proposed law provides that, after an induced abortion has been completed, no person can intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of the aborted unborn child for any purpose prohibited by present law or for sale, commerce, transport, research, or profit.

Proposed law otherwise retains present law.

Present law provides that nothing in present law can be construed to:

- (1) Prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in accordance with state law, or to prohibit any conduct permitted under state law that is undertaken with any of the following purposes:
  - (a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.
  - (b) The purpose of providing knowledge solely to law enforcement officers, such as the case of an autopsy following a feticide.
- (2) Prohibit the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.
- (3) Affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

Proposed law retains present law.

Present law provides that any person who violates present law is to be sentenced to a term of imprisonment at hard labor for not less than 10 and no more than 50 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be fined up to \$50,000.

Proposed law retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:87.3(C) and (D); adds R.S. 14:87.3(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes proposed law references from "aborted baby" to "aborted unborn child".
2. Changes proposed law prohibitions against the cutting, resection, harvesting, or removing of fetal body parts from "sale, commerce, transport, research, or profit" to "any purpose prohibited by" present law or "for sale, commerce, transport, research, or profit".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill:

1. Make a correction to the title of the bill.