

RÉSUMÉ DIGEST

ACT 243 (SB 128)

2017 Regular Session

Milkovich

Prior law provided 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 prior law.

New 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 prior law or for sale, commerce, transport, research, or profit.

New law otherwise retains prior law.

Prior law provided that nothing in prior 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.

New law retains prior law.

Prior law provided that any person who violated prior 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.

New law retains prior law.

Effective upon signature of the governor (June 14, 2017).

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