

2016 Regular Session

SENATE BILL NO. 33

BY SENATOR GATTI

CRIME/PUNISHMENT. Prohibits the harvest, collection, sale, or transport of organs or body parts of aborted babies. (8/1/16)

1 AN ACT

2 To enact R.S. 14:87.3, relative to the sale and transport of fetal organs and body parts; to  
3 prohibit the sale of fetal organs and body parts resulting from an induced abortion;  
4 to prohibit the transport of fetal organs and body parts with the intent to engage in  
5 a prohibited sale; to provide definitions; to provide penalties; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:87.3 is hereby enacted to read as follows:

9 **§87.3. Prohibited collection, sale, receipt, or transport of fetal organs and body**  
10 **parts**

11 **A. No person may knowingly and for money, including but not limited**  
12 **to fees for storage or handling, any payments for reimbursement, repayments,**  
13 **or compensation, or any other consideration:**

14 **(1) Collect, harvest, sell, receive, or otherwise transfer or acquire a fetal**  
15 **organ or body part resulting from an induced abortion.**

16 **(2) Transport with the intent to sell or otherwise transfer a fetal organ**  
17 **or body part resulting from an induced abortion.**

1                   **(3) Transport a fetal organ or body part resulting from an induced**  
2                   **abortion that has been acquired by any person via any transaction prohibited**  
3                   **by this Section.**

4                   **B. For purposes of this Section:**

5                   **(1) "Receive" includes acquiring any fetal organ or fetal body part, or**  
6                   **the rights to any fetal organ or fetal body part, through an act of donation.**

7                   **(2) "Fetal body part" means a cell, tissue, organ, or other part of an**  
8                   **unborn child who is aborted by an induced abortion.**

9                   **(3) "Unborn child" means any individual of the human species from**  
10                   **fertilization and implantation until birth.**

11                   **(4) "Induced abortion" means the act of using or prescribing any**  
12                   **instrument, medicine, drug, or any other substance, device, or means with the**  
13                   **intent to terminate the clinically diagnosable pregnancy of a woman with**  
14                   **knowledge that the termination by those means will, with reasonable likelihood,**  
15                   **cause the death of the unborn child.**

16                   **C. The prohibitions of this Section shall not apply to donations of fetal**  
17                   **body parts utilized for stem cell research and umbilical cord blood.**

18                   **D. Any person who violates this Section shall be sentenced to a term of**  
19                   **imprisonment at hard labor for not less than ten nor more than fifty years, at**  
20                   **least ten years of which shall be served without benefit of probation or**  
21                   **suspension of sentence, and may, in addition, be required to pay a fine of not**  
22                   **more than fifty thousand dollars.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

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DIGEST

SB 33 Engrossed

2016 Regular Session

Gatti

Proposed 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) Collect, harvest, 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 proposed law.

Proposed law provides the following definitions:

- (1) "Receive" includes acquiring any fetal organ or fetal body part, or the rights to any fetal organ or fetal body part, through an act of donation."
- (2) "Fetal body part" means a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion.
- (3) "Unborn child" means any individual of the human species from fertilization and implantation until birth.
- (4) "Induced abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child.

Proposed law does not apply to donations of fetal tissue utilized for stem cell research and umbilical cord blood.

Proposed law provides that any person who violates the prohibitions contained in proposed law is to be sentenced to a term of imprisonment at hard labor for not less than 10 nor 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 required to pay a fine of not more than \$50,000.

Effective August 1, 2016.

(Adds R.S. 14:87.3)

#### Summary of Amendments Adopted by Senate

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

1. Add specific items to list of consideration for acts prohibited by proposed law.
2. Add definition of "receive" for purposes of proposed law.
3. Add exemption for donations of fetal tissue utilized for stem cell research and umbilical cord blood.