



## 2015 SENATE BILL 260

September 18, 2015 - Introduced by Senators STROEBEL, LAZICH, VUKMIR, GUDEx, KAPENGA, LEMAHIEU, MOULTON, NASS, ROTH, TIFFANY and WANGGAARD, cosponsored by Representatives JACQUE, KLEEFISCH, BRANDTJEN, ALLEN, AUGUST, BERNIER, BORN, R. BROOKS, CRAIG, CZAJA, EDMING, GANNON, HEATON, HORLACHER, HUTTON, JARCHOW, KATSMA, KERKMAN, KNUDSON, KOOYENGA, KREMER, KRUG, KUGLITSCH, KULP, T. LARSON, MACCO, MURPHY, NEYLON, A. OTT, J. OTT, PETERSEN, QUINN, RIPP, ROHRKASTE, SCHRAA, SKOWRONSKI, STEFFEN, THIESFELDT, TITTL, TRANEL and VORPAGEL. Referred to Committee on Health and Human Services.

- 1     **AN ACT to create** 146.346 of the statutes; **relating to:** sale and use of fetal body  
2           parts and providing a criminal penalty.

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### *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. The bill also requires arrangement for final disposition of the fetal body parts by a physician who performs the 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 acquiring, providing, receiving, or using a fetal body part in this state, regardless of whether the acquisition, provision, receipt, or use is for valuable consideration. A fetal body part, as defined in the bill, is a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion after January 1, 2015. The bill's prohibition does not apply to use of a fetal body part for diagnostic or remedial tests, procedures, or observations which have the sole purpose of determining the life or health of the unborn child in order to provide that information to the mother or preserving the life or health of the child, unborn child, or the child's mother.

The bill requires a physician who performs an induced abortion to arrange for final disposition by burial, interment, entombment, cremation, or incineration of the

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fetal body parts. A person who is acting exclusively in furtherance of final disposition of a fetal body part is not guilty of violating the prohibitions in the bill.

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

1           **SECTION 1.** 146.346 of the statutes is created to read:

2           **146.346 Fetal body parts. (1) DEFINITIONS.** In this section:

3           (a) "Fetal body part" means a cell, tissue, organ, or other part of an unborn  
4 child, as defined in s. 939.75 (1), who is aborted by an induced abortion, as defined  
5 in s. 69.01 (13m), after January 1, 2015.

6           (b) "Final disposition" means the disposition of fetal body parts by burial,  
7 interment, entombment, cremation, or incineration.

8           **(2) PROHIBITION; EXCEPTION.** (a) No person may knowingly acquire, provide,  
9 receive, or use a fetal body part, regardless of whether the acquisition, provision,  
10 receipt, or use is for valuable consideration.

11           (b) This section does not apply to use of a fetal body part for diagnostic or  
12 remedial tests, procedures, or observations which have the sole purpose of  
13 determining the life or health of the unborn child in order to provide that information  
14 to the mother or preserving the life or health of the child, unborn child, or the child's  
15 mother.

16           **(3) FINAL DISPOSITION.** (a) Notwithstanding sub. (2) (a), a physician who  
17 performs or induces an induced abortion, as defined in s. 69.01 (13m), shall arrange  
18 for the final disposition of fetal body parts resulting from the induced abortion.

19           (b) Notwithstanding sub. (2) (a), a person is not guilty of violating this section  
20 if the person is acting exclusively in furtherance of final disposition of a fetal body  
21 part.

