



1999 ASSEMBLY BILL 808

February 29, 2000 - Introduced by Representatives ALBERS, GRONEMUS, GOETSCH, WOOD, JESKEWITZ, LADWIG, PORTER, DUFF, MONTGOMERY, WALKER, GUNDERSON, SUDER, SERATTI, NASS, JENSEN, PETTIS, RHOADES, URBAN, OWENS, MEYERHOFER, SYKORA, GARD, HAHN, GUNDRUM, KESTELL, LEIBHAM, KEDZIE, PETROWSKI, HUEBSCH, STONE, OTT, GROTHMAN, OLSEN, RYBA, KREIBICH, FREESE, F. LASEE, SPILLNER, HOVEN, HUNDERTMARK, MUSSER, WAUKAU, VRAKAS and ZIEGELBAUER, cosponsored by Senators BRESKE, FITZGERALD, ROESSLER, DRZEWIECKI, LAZICH, ZIEN, SCHULTZ, BAUMGART, FARROW and ROSENZWEIG. Referred to Committee on Criminal Justice.

- 1 **AN ACT to amend** 146.345 (title), 146.345 (1) (b) and 146.345 (2); and **to repeal**
2 **and recreate** 146.345 (1) (a) and 146.345 (1) (c) of the statutes; **relating to:**
3 prohibiting the sale or purchase of a body part of a human being.

Analysis by the Legislative Reference Bureau

Under current law, no one may knowingly and for valuable consideration acquire, receive or otherwise transfer a human organ for use in human organ transplantation. A "human organ" is defined to mean a human kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone or skin or any other human organ specified by the department of health and family services by rule. "Valuable consideration" is defined to *not* include reasonable payment associated with the removal, transportation, implantation, processing, preservation, quality control or storage of a human organ or expenses incurred by a human organ donor in connection with donation of the human organ.

This bill expands laws prohibiting the sale or purchase of human organs for use in human organ transplantation to prohibit *any* sale or purchase of human body parts. The bill defines "human body part", for purposes of this prohibition, to be a cell, tissue, organ or other part of a human being after fertilization (for example, fetal tissue) and excludes from the definition the blood, ova and semen of a human being after 18 years of age and hair. Further, the bill changes the exclusion from the definition of "valuable consideration" so that the prohibition against the sale or purchase of human body parts does not apply when the "valuable consideration" involves reasonable payment associated with a human body part that is donated for

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transplantation, other than the human body part of a human being who is aborted by an induced abortion before being born alive, or reasonable payment associated with a human body part that is donated for medical or scientific research, other than the human body part of a human being who is aborted by an induced abortion before being born alive.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 **146.345 (title) Sale of human ~~organs~~ body parts prohibited.**

3 **SECTION 2.** 146.345 (1) (a) of the statutes is repealed and recreated to read:

4 146.345 (1) (a) 1. Except as provided in subd. 2., “human body part” means a
5 cell, tissue, organ or other part of a human being after fertilization.

6 2. “Human body part” does not mean the whole blood, blood plasma, blood
7 product, blood derivative, ova or semen of a human being 18 years of age or older or
8 hair.

9 **SECTION 3.** 146.345 (1) (b) of the statutes is amended to read:

10 146.345 (1) (b) “~~Human organ transplantation~~” “Transplantation” means the
11 medical procedure by which transfer of a human ~~organ~~ body part is made from the
12 body of a person to the body of another person.

13 **SECTION 4.** 146.345 (1) (c) of the statutes is repealed and recreated to read:

14 146.345 (1) (c) “Valuable consideration” does not mean any of the following:

15 1. Reasonable payment associated with the removal, retrieval, transportation,
16 implantation, processing, preservation, preparation, quality control or storage of a
17 human body part that is donated for transplantation, other than the human body
18 part of a human being who is aborted by an induced abortion before being born alive,

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1 or an expense of travel, housing or lost wages incurred by a human body part donor
2 in connection with donation of the human body part.

3 2. Reasonable payment associated with the removal, retrieval, transportation,
4 processing, preservation, preparation, quality control or storage of a human body
5 part that is donated for medical or scientific research, other than the human body
6 part of a human being who is aborted by an induced abortion before being born alive.

7 **SECTION 5.** 146.345 (2) of the statutes is amended to read:

8 146.345 (2) No person may knowingly and for valuable consideration acquire,
9 receive or otherwise transfer any human ~~organ for use in human organ~~
10 ~~transplantation~~ body part.

11

(END)