1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB808)

Received: 03/2	3/2000	Received By: kenneda		
Wanted: Toda	y	Identical to LRB:		
For: Judith K	lusman (608) 266-7500	By/Representing: Herself		
This file may b	e shown to any legislator: NO	Drafter: kenneda		
May Contact:		Alt. Drafters:		
Subject:	Health - miscellaneous	Extra Copies:	ISR	

Pre Topic:

No specific pre topic given

Topic:

Prohibit sale of fetal body parts; change "reasonable payment" to "actual and necessary costs"

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	Jacketed	Required
/?	kenneda 03/23/2000	gilfokm 03/23/2000					
/1			haugeca 03/23/200	0	lrb-docadmin 03/23/2000	lrbdocadmi 03/23/2000	n
/2	kenneda 03/23/2000	gilfokm 03/23/2000	hhagen 03/23/200	0	lrb-docadmin 03/23/2000	lrb-docadmi 03/23/2000	n

FE Sent For:

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FE Sent F	For:	v	3123 Nh	303 (END)			

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03/23/2000 10:25:15 AM Page 1 * LRBs0475

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Assembly Substitute Amendment (ASA-AB808)

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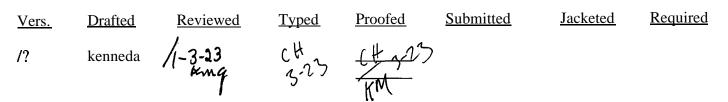
Topic:

Prohibit sale of fetal body parts; change "reasonable payment" to "actual and necessary costs"

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Drafting History:



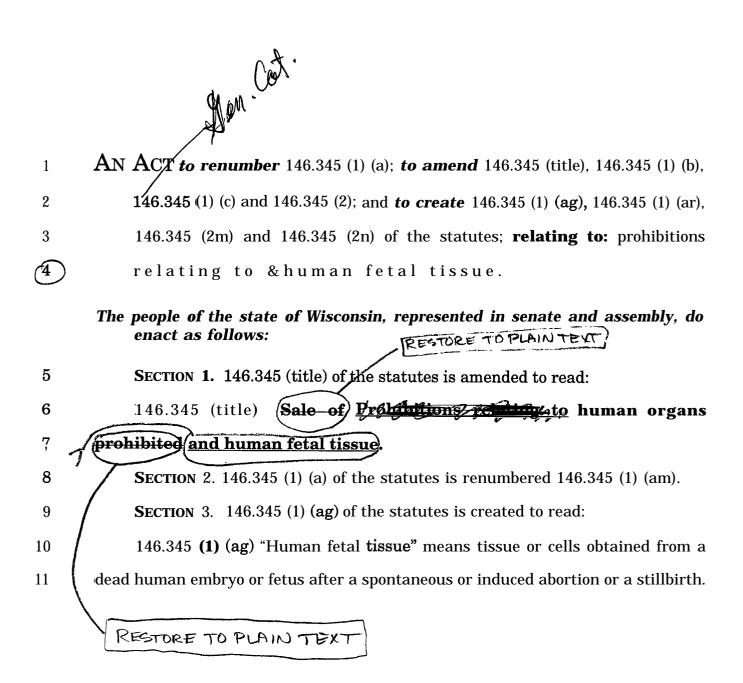
FE Sent For:

<END>

LNOW 1999 - 2000 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT, TO 1999 ASSEMBLY BILL 808



[•] 1999 - 2000 Legislature – **2** –

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	SECTION 4. 146.345 (1) (ar) of the statutes is created to read:	١
2	146.345 (1) (ar) "Relative" means an individual related by blood, marriage or	
3	adoption within the 3rd degree of kinship as computed under s. 852.03 (2), 1995 stats.	
4	SECTION 5. 146.345 (1) (b) of the statutes is amended to read:	
5	146.345 (1) (b) " Human org an -transplantation <u>Transplantation</u> " means the	
6	medical procedure by which transfer of a human organ is made from the body of a	
7	person to the body of another person <u>or by which transfer of human fetal tissue is</u>	
8	made to the body of a person.	
9	SECTION 6. 146.345 (1) (c) of the statutes is amended to read:	
10	146.345 (1) (c) "Valuable consideration" does not include reasonable payment	
11	actual and necessary costs associated with the removal, transportation,	
12	implantation, processing, preservation, quality control or storage of a human organ	
13	or ; an expense of travel, housing or lost wages incurred by a human organ donor in	
14	connection with donation of the human organ; or the transportation, implantation,	
15	processing, oreservation. ouality control or storage of human fetal tissue that is	
16	donated for transplantation or research.	
17	SECTION 7. 146.345 (2) of the statutes is amended to read:	
18	146.345 (2) No person may knowingly and for valuable consideration acquire,	
19	receive or otherwise transfer any human organ for use in human organ	
20	transplantation or any human fetal tissue for Are 11/1ransplantation of Acted the	
21	SECTION 8. 146.345 (2m) of the statutes is created to read:	7
22	146.345 (2m) No person may solicit or knowingly acquire, receive or accept a	
23	donation of human fetal tissue for use in transplantation if the human fetal tissue	
24	is intended to be or is obtained from an induced abortion and one of the following is	
25	true:	

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1	(a) The donation is intended to be or is made under a promise to the donor that
2	the donated human fetal tissue will be transplanted into a recipient specified by the
3	donor.
4	(b) The donated human fetal tissue is intended for transplantation into a
5	relative of the donor.
6	(c) The person who solicits or knowingly acquires, receives or accepts the
7	donation has provided valuable consideration for the costs associated with the
8	induced abortion.
9	SECTION 9. 146.345 (2n) of the statutes is created to read:
10	146.345 (2n) (a) In research on the transplantation of human fetal tissue for
11	therapeutic purposes, human fetal tissue may be used only if the woman providing
12	the tissue makes a statement in writing and signed by her that declares all of the
13	following:
14	1. She donates the fetal tiss ue for use in the research .
15	2. The donation is made without any restriction regarding the identity of an
16	individual who may be the recipient of transplantation of the tissue.
17	3. She has not been informed of the identity of any individual who may be the
18	recipient of transplantation of the tissue.
19	(b) In research on the transplantation of human fetal tissue for therapeutic
20	purposes, human fetal tissue may be used only if the attending physician with
21	respect to obtaining the tissue from the woman involved makes a statement in
22	writing and signed by him or her that declares all of the following;
23	1. In the case of human fetal tissue obtained by means of an induced abortion,
24	all of the following are true:

ų	с ¥	1999 - 2000 Legislature
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1	a. The informed con sent of the woman for the induced abortion was obtained
2	before requesting or obtaining consent for a donation of the human fetal tissue for
3	use in the research.
4	b. No alteration of the timing, method or procedures used to terminate the
5	pregnancy was made solely for the purposes of obtaining the tissue.
6	c. The abortion was performed in accordance with the applicable law of the
7	state in which the abortion was performed.
8	2. The human fetal tissue has been donate d by the woman in accordance with
9	par. (a).
10	3. Full disclosure has been provided to the woman with regard to all of the
11	following:
12	a. The attending physician's interest, if any in the research to be conducted
13	with the human fetal tissue.
14	b. Any known medical risks to the woman or risks to her privacy that might be
15	associated with the donation of the tissue and that are in addition to risks of the type
16	that are associated with the woman's medical care.
17	(c) In research on the transplantation of human fetal tissue for therapeutic
18	purposes, human fe tal t issue may be used only if the individual with the principal
19	responsibility for conducting the research involved makes a statement in writing and
20	signed by him or her that declares all of the following:
21	1. The individual is aware of all of the following:
22	a. The tissue is human fetal tissue.
23	b. The human fetal tissue may have been obtained by means of a spontaneous
24	or induced abortion or by means of a stillbirth.
25	c./The human fetal tissue was donated for research purposes.

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2. The individual has provided the information under subd. 1. to other
 individuals with responsibilities regarding the research.

- 3 3. The individual will require, before obtaining the consent of an individual to 4 be a recipient of a transplantation of the human fetal tissue, written 5 acknowledgment of receipt of the information under subd. 1. by the potential 6 recipient.
- 4. The individual has had no part in any decisions as to the timing, method or
 procedures used to terminate the pregnancy that were made solely for the purposes
 of the research.

(END)

1999 - 2000 LEGISLATURE

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LRBs0475/変え DAK:kmg:c軸

ASSEMBLY SUBSTITUTE AMENDMENT, TO 1999 ASSEMBLY BILL 808

	AN ACT to renumber 146.345 (1) (a); to amend 146.345 (title), 146.345 (1) (b),
1	AN ACT to renumber 146.345 (1) (a); to amend 146.345 (title), 146.345 (1) (b),
2	146.345 (1) (c) and 146.345 (2); and to create 146.345 (1) (ag) of the statutes;
3	relating to: prohibitions relating to human fetal tissue.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
4	SECTION 1. 146.345 (title) of the statutes is amended to read:
5	146.345 (title) Sale of human organs and human fetal tissue prohibited.
6	SECTION 2. 146.345 (1) (a) of the statutes is renumbered 146.345 (1) (am).
7	SECTION 3. 146.345 (1) (ag) of the statutes is created to read:
8	146.345 (1) (ag) "Human fetal tissue" means tissue or cells obtained from a
9	dead human embryo or fetus after a spontaneous or induced abortion or a stillbirth.
10	SECTION 4. 146.345 (1) (b) of the statutes is amended to read:
11	146.345 (1) (b) "Human organ-mensplantation Transplantation" means the
12	medical procedure by which transfer of a human organ is made from the body of a

1999 - 2000 Legislature

person to the body of another person <u>or by which transfer of human fetal tissue is</u>
 <u>made to the body of a nerson</u>.

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3 SECTION 5. 146.345 (1) (c) of the statutes is amended to read:

146.345 (1) (c) "Valuable consideration" does not include reasonable payment
actual and necessary costs associated with the removal, transportation,
implantation, processing, preservation, quality control or storage of a human organ
or; an expense of travel, housing or lost wages incurred by a human organ donor in
connection with donation of the human organ; or the transnortation. implantation,
processing. nreservation. auality control or storage of human fetal tissue that is
donated for transplantation or pesparet.

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SECTION 6. 146.345 (2) of the statutes is amended to read:

12 146.345 (2) No person may knowingly and for valuable consideration acquire,
13 receive or otherwise transfer any human organ for use in human organ
14 transplantation or any human fetal tissue.

15

(END)