

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB808)

Received: **03/23/2000**

Received By: **kenneda**

Wanted: **Today**

Identical to LRB:

For: **Judith Klusman (608) 266-7500**

By/Representing: **Herself**

This file may be 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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 03/23/2000	gilfokm 03/23/2000		_____			
/1			haugeca 03/23/2000	_____	lrb-docadmin 03/23/2000	lrbdocadmin 03/23/2000	
/2	kenneda 03/23/2000	gilfokm 03/23/2000	hhagen 03/23/2000	_____	lrb-docadmin 03/23/2000	lrb-docadmin 03/23/2000	

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NOW

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 808**

Sen. Cat.

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), 146.345 (1) (ar),
3 146.345 (2m) and 146.345 (2n) of the statutes; relating to: prohibitions
4 relating to & human fetal tissue.

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

5 SECTION 1. 146.345 (title) of the statutes is amended to read:
6 146.345 (title) ~~Sale of Prohibitions relating to human organs~~
7 prohibited and human fetal tissue.

RESTORE TO PLAIN TEXT

8 SECTION 2. 146.345 (1) (a) of the statutes is renumbered 146.345 (1) (am).

9 SECTION 3. 146.345 (1) (ag) of the statutes is created to read:

10 146.345 (1) (ag) "Human fetal tissue" means tissue or cells obtained from a
11 dead human embryo or fetus after a spontaneous or induced abortion or a stillbirth.

RESTORE TO PLAIN TEXT

1 SECTION 4. 146.345 (1) (as) of the statutes is created to read:

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 organ transplantation~~ Transplantation" 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 or by which transfer of human fetal tissue is
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, preservation, quality 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 use in transplantation or research.

21 SECTION 8. 146.345 (2m) of the statutes is created to read:

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:

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 tissue 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:

1 a. The informed consent 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 donated 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 fetal tissue 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.

1 2. The individual has provided the information under subd. 1. to other
2 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.

7 4. The individual has had no part in any decisions as to the timing, method or
8 procedures used to terminate the pregnancy that were made solely for the purposes
9 of the research.

10

(END)

TODAY

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 808**

Sen. Cat.

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 transplantation~~ **Transplantation**" means the
12 medical procedure by which transfer of a human organ is made from the body of a

1 person to the body of another person or by which transfer of human fetal tissue is
2 made to the body of a person.

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

4 146.345 (1) (c) "Valuable consideration" does not include ~~reasonable payment~~
5 actual and necessary costs associated with the removal, transportation,
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7 ~~or~~; an expense of travel, housing or lost wages incurred by a human organ donor in
8 connection with donation of the human organ; ~~or the transportation, implantation,~~
9 processing, preservation, quality control or storage of human fetal tissue that is
10 donated for transplantation or research.

11 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)