



2011 SENATE BILL 172

August 25, 2011 – Introduced by Senators GROTHMAN, GALLOWAY, LAZICH, LEIBHAM, MOULTON, WANGGAARD, ZIPPERER and KEDZIE, cosponsored by Representatives JACQUE, CRAIG, AUGUST, BERNIER, BIES, BROOKS, ENDSLEY, FARROW, J. FITZGERALD, HONADEL, KAPENGA, KERKMAN, KESTELL, KLEEFISCH, KLENKE, KNILANS, KNODL, KNUDSON, KOOYENGA, KRAMER, KRUG, KUGLITSCH, T. LARSON, LEMAHIEU, LITJENS, MARKLEIN, MURTHA, NASS, NYGREN, A. OTT, PETERSEN, PETROWSKI, PETRYK, PRIDEMORE, RIPP, RIVARD, SEVERSON, SPANBAUER, STEINEKE, STRACHOTA, STROEBEL, SUDER, TAUCHEN, THIESFELDT, TIFFANY, TRANEL, VAN ROY, VOS, WYNN, ZIEGELBAUER, KAUFERT and WEININGER. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to renumber and amend* 146.345 (1) (a); *to amend* 146.345 (title); and
2 *to create* 146.345 (1) (ag) and 146.345 (2m) of the statutes; **relating to:** sale
3 and use of fetal body parts and providing a penalty.

Analysis by the Legislative Reference Bureau

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 and for valuable consideration acquiring, receiving, or otherwise transferring a fetal body part in this state. A fetal body part is a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion. The bill also prohibits a person from knowingly providing, receiving, or using, for experimentation a fetal body part in this state, regardless of whether the provision, receipt, or use is for valuable consideration.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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 prohibited; fetal body parts.**

3 **SECTION 2.** 146.345 (1) (a) of the statutes is renumbered 146.345 (1) (am) and
4 amended to read:

5 146.345 (1) (am) "Human organ" means a human kidney, liver, heart, lung,
6 pancreas, bone marrow, cornea, eye, bone or skin or any other human organ specified
7 by the department by rule. "Human organ" does not mean human whole blood, blood
8 plasma, a blood product or a blood derivative ~~or~~ human semen, or a fetal body part.

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

10 146.345 (1) (ag) "Fetal body part" means a cell, tissue, organ, or other part of
11 an unborn child, as defined in s. 939.75 (1), who is aborted by an induced abortion,
12 as defined in s. 69.01 (13m).

13 **SECTION 4.** 146.345 (2m) of the statutes is created to read:

14 146.345 (2m) (a) No person may knowingly and for valuable consideration
15 acquire, receive, or otherwise transfer a fetal body part.

16 (b) No person may knowingly provide, receive, or use, for experimentation a
17 fetal body part, regardless of whether the provision, receipt, or use is for valuable
18 consideration.

19

(END)