

1987 Assembly Bill 23

Date of enactment: November 25, 1987
Date of publication: December 7, 1987

1987 Wisconsin Act 97

AN ACT to amend 146.31 (2); and to create 146.345 of the statutes, relating to restricting the sale of human organs, granting rule-making authority and providing a penalty.

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

SECTION 1. 146.31 (2) of the statutes is amended to read:

146.31 (2) The procurement, processing, distribution or use of whole blood, plasma, blood products, blood derivatives and other human tissues such as corneas, bones or organs for the purpose of injecting, transfusing or transplanting any of them into the human body is declared to be, for all purposes except as provided under s. 146.345, the rendition of a service by every person participating therein and, whether or not any remuneration is paid therefor, ~~is declared~~ not to be a sale of such the whole blood, plasma, blood products, blood derivatives or other tissues, ~~for any~~

~~purpose~~. No person involved in the procurement, processing, distribution or use of whole blood, plasma, blood products or blood derivatives for the purpose of injecting or transfusing any of them into the human body shall be liable for damages resulting from these activities except for his or her own negligence or wilful misconduct.

SECTION 2. 146.345 of the statutes is created to read:

146.345 Sale of human organs prohibited. (1) In this section:

(a) "Human organ" means a human kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone or skin or any other human organ specified by the department by rule. "Human organ" does not mean

human whole blood, blood plasma, a blood product or a blood derivative or human semen.

(b) "Human organ transplantation" means the medical procedure by which transfer of a human organ is made from the body of a person to the body of another person.

(c) "Valuable consideration" does not include reasonable payment 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.

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

(3) Any person who violates this section may be fined not more than \$50,000 or imprisoned for not more than 5 years or both.
