

SENATE BILL No. 5

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-5-1.

Synopsis: Unlawful transfer of fetal tissue. Raises the penalty for unlawful acquisition, reception, sale, or transfer of fetal tissue from a Level 5 felony to a Level 4 felony. Provides that an "item of value" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of fetal tissue.

Effective: July 1, 2016.

Tomes

January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 5

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-5-1, AS AMENDED BY P.L.158-2013,
2 SECTION 570, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "fetal
4 tissue" means tissue from an infant or a fetus who is stillborn or
5 aborted.
6 (b) As used in this section, "human organ" means the kidney, liver,
7 heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a
8 human body.
9 (c) As used in this section, "item of value" means money, real estate,
10 funeral related services, and personal property. "Item of value" does not
11 include:
12 (1) the reasonable payments associated with the removal,
13 transportation, implantation, processing, preservation, quality
14 control, and storage of a human organ **or fetal tissue**; or
15 (2) the reimbursement of travel, housing, lost wages, and other
16 expenses incurred by the donor of a human organ related to the
17 donation of the human organ.



1 (d) A person who intentionally acquires, receives, sells, or transfers
2 in exchange for an item of value
3 (†) a human organ for use in human organ transplantation or
4 (‡) fetal tissue;
5 commits unlawful transfer of human tissue, a Level 5 felony.
6 (e) **A person who intentionally acquires, receives, sells, or**
7 **transfers in exchange for an item of value fetal tissue commits**
8 **unlawful transfer of fetal tissue, a Level 4 felony.**

