

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 33

2016 Regular Session

Gatti

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Prohibits the harvest, purchase, sale, or transport of organs or body party of aborted babies. (8/1/16)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provides that the definition of "receive" includes any sale via any transaction prohibited by proposed law.
2. Adds provision that an "induced abortion" does not apply if done with the intent to save the life or preserve the health of the unborn child; to remove the unborn child who died of natural causes; or to remove an ectopic pregnancy.
3. Adds provision that a prohibited transaction does not include one related to the final disposition of the remains of the aborted human; that is undertaken to provide knowledge solely to the mother for pathological or diagnostic purposes; or to provide knowledge solely to law enforcement officers as in the case of autopsy following a feticide.
4. Adds provisions for donation of remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.
5. Adds provision that existing federal or state law regarding the practice of abortion is not affected by proposed law nor does it create or recognize a right to abortion.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 33 Engrossed

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Proposed law provides that no person may knowingly and for money, including but not limited to fees for storage or handling, any payments for reimbursement, repayments, or compensation, or any other consideration:

- (1) Buy, sell, receive, or otherwise transfer or acquire a fetal organ or body part resulting from an induced abortion.
- (2) Transport with the intent to sell or otherwise transfer a fetal organ or body part resulting from an induced abortion.
- (3) Transport a fetal organ or body part resulting from an induced abortion that has been acquired by any person via any transaction prohibited by proposed law.

Proposed law provides the following definitions:

- (1) "Receive" includes acquiring any fetal organ or fetal body part, or the rights to any fetal organ or fetal body part, through an act of donation or sale via any transaction prohibited by law.

- (2) "Fetal body part" means a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion.
- (3) "Unborn child" means any individual of the human species from fertilization and implantation until birth.
- (4) "Induced abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. This use, prescription, or means used is not an abortion if undertaken with the intent to save the life or preserve the health of the unborn child; to remove the unborn child who died of natural causes; or to remove an ectopic pregnancy.
- (5) "Miscarriage or stillbirth" means the spontaneous or accidental death of an unborn child, whether the death occurred in the womb or in the process of birth. Death of the unborn child is indicated by the lack of signs of breathing or any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

Proposed law is not to be construed to prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in accordance with state law, or to prohibit any conduct permitted that is undertaken for the purpose of providing knowledge solely to the mother for pathological or diagnostic purposes or to provide knowledge solely to law enforcement officers as in the case of autopsy following a feticide.

Proposed law is not to be construed to do any other following:

- (1) To prohibit the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.
- (2) To affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

Proposed law provides that any person who violates the prohibitions contained in proposed law is to be sentenced to a term of imprisonment at hard labor for not less than 10 nor more than 50 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

Effective August 1, 2016.

(Adds R.S. 14:87.3)

Thomas L. Tyler
Deputy Chief of Staff