

2016 Regular Session

SENATE BILL NO. 33

BY SENATOR GATTI

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

1 AN ACT

2 To enact R.S. 14:87.3, relative to the sale and transport of fetal organs and body parts; to  
3 prohibit the sale of fetal organs and body parts resulting from an induced abortion;  
4 to prohibit the transport of fetal organs and body parts with the intent to engage in  
5 a prohibited sale; to provide definitions; to provide penalties; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:87.3 is hereby enacted to read as follows:

9 **§87.3. Prohibited collection, sale, receipt, or transport of fetal organs and body**  
10 **parts**

11 **A. No person may knowingly and for money or any other consideration:**

12 **(1) Collect, harvest, sell, receive, or otherwise transfer or acquire a fetal**  
13 **organ or body part resulting from an induced abortion.**

14 **(2) Transport with the intent to sell or otherwise transfer a fetal organ**  
15 **or body part resulting from an induced abortion.**

16 **(3) Transport a fetal organ or body part resulting from an induced**  
17 **abortion that has been acquired by any person via any transaction prohibited**

1 by this Section.

2 **B. For purposes of this Section:**

3 **(1) "Fetal body part" means a cell, tissue, organ, or other part of an**  
4 **unborn child who is aborted by an induced abortion.**

5 **(2) "Unborn child" means any individual of the human species from**  
6 **fertilization and implantation until birth.**

7 **(3) "Induced abortion" means the act of using or prescribing any**  
8 **instrument, medicine, drug, or any other substance, device, or means with the**  
9 **intent to terminate the clinically diagnosable pregnancy of a woman with**  
10 **knowledge that the termination by those means will, with reasonable likelihood,**  
11 **cause the death of the unborn child.**

12 **C. Any person who violates this Section shall be sentenced to a term of**  
13 **imprisonment at hard labor for not less than ten nor more than fifty years, at**  
14 **least ten years of which shall be served without benefit of probation or**  
15 **suspension of sentence, and may, in addition, be required to pay a fine of not**  
16 **more than fifty thousand dollars.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

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SB 33 Original	DIGEST 2016 Regular Session	Gatti
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Proposed law provides that no person may knowingly and for money or any other consideration:

- (1) Collect, harvest, 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) "Fetal body part" means a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion.
- (2) "Unborn child" means any individual of the human species from fertilization and implantation until birth.

- (3) "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.

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)