

SENATE BILL 2522

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 2 and Title 68, Chapter 30, Part 1, relative to human fetal tissue.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-208, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section:

(1) "Anything of value" includes donations, monetary or in-kind, made to an abortion service provider, or the person, agency, corporation, partnership, federation, or association to which the provider belongs. "Anything of value" also includes payments to the provider associated with costs incurred by the provider for the transportation, processing, preservation, quality control, or storage of human fetal tissue;

(2) "Fetal tissue preservation and storage supplies" are those supplies necessary for the preservation of the fetal tissue until the tissue is transferred to the organ donation procurement organization;

(3) "Human fetal tissue" means tissue, cells, or organs obtained from a dead human embryo or fetus after a medical or surgical abortion;

(4) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization; and

(5) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(b) It is an offense for any person, agency, corporation, partnership, or association to knowingly provide fetal tissue for medical experiments, therapies, or transplantation, or to engage in medical experiments, research, or transplantation of human fetal tissue without the prior knowledge and written consent of the mother.

(c) It is an offense for a person, agency, corporation, partnership, or association to offer money or anything of value in exchange for human fetal tissue, except that fetal tissue preservation and storage supplies may be directly supplied to the abortion provider for the preservation and transfer of the fetal tissue from abortions that the provider performs.

(d) It is an offense for any person, agency, corporation, partnership, or association to advertise, offer for sale, sell, or otherwise accept any money or anything of value in exchange for human fetal tissue.

(e)

(1) Any organ procurement organization, procurement organization, educational institution, or research or other facility that receives human fetal tissue from a physician's office or abortion facility that is regulated as an ambulatory surgical treatment center under § 68-11-201 shall keep a record of each physician's office or abortion facility from which the human fetal tissue is received.

(2) Each record required by subdivision (e)(1) shall consist of the following:

- (A) The name of the ambulatory surgical treatment center or physician's office from which it was received;
- (B) The date it was received;
- (C) The gestational age of child;
- (D) The type of human fetal tissue received;

(E) Whether the fetal tissue preservation and storage supplies were supplied to the provider as permitted by subsection (c);

(F) Whether any donation was made either to the ambulatory surgical treatment center from which the human fetal tissue was received or to a partnership, federation, or association of the center; and

(G) If a donation was made, in what amount.

(3) All records kept pursuant to this subsection (e) shall be maintained for a period of five (5) years and shall be subject to inspection by an authorized representative of the department of health during reasonable hours.

(f) No organ procurement organization, procurement organization, educational institution, or research or other facility may accept or receive human fetal tissue from an ambulatory surgical treatment facility if the entity receiving the tissue has made a donation to the ambulatory surgical treatment facility within five (5) years of the date the tissue donation is made.

(g) A violation of this section is punishable as a Class E felony.

SECTION 2. This act shall take effect on July 1, 2016, the public welfare requiring it.