

SENATE BILL NO. 33

BY SENATORS GATTI, ALARIO, BARROW, BISHOP, BROWN, CORTEZ, DONAHUE, ERDEY, FANNIN, HEWITT, LAFLEUR, LAMBERT, LONG, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PERRY, RISER, GARY SMITH, TARVER, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, ARMES, BACALA, BAGLEY, BAGNERIS, BARRAS, BISHOP, CHAD BROWN, TERRY BROWN, CARMODY, CHANEY, CONNICK, COX, CROMER, DAVIS, EDMONDS, EMERSON, FALCONER, GAROFALO, GUINN, HILL, HODGES, HOFFMANN, HORTON, HOWARD, IVEY, JACKSON, MIKE JOHNSON, ROBERT JOHNSON, LEBAS, MAGEE, JAY MORRIS, PEARSON, POPE, PYLANT, SCHRODER, SEABAUGH, THIBAUT, WHITE, WILLMOTT AND ZERINGUE

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 sale, receipt, or transport of fetal organs and body parts**

10 **A. No person may knowingly and for money, including but not limited**
11 **to fees for storage or handling, any payments for reimbursement, repayments,**
12 **or compensation, or any other consideration:**

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

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

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

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

21 **(1) "Receive" includes acquiring any fetal organ or fetal body part, or**

1 the rights to any fetal organ or fetal body part, through an act of donation or
2 sale via any transaction prohibited by this Section.

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

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

7 (4) "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. Such use, prescription, or means is not an
12 abortion if undertaken with the intent to do any of the following:

13 (a) Save the life or preserve the health of the unborn child.

14 (b) Remove an unborn child who died of natural causes.

15 (c) Remove an ectopic pregnancy.

16 (5) "Miscarriage or stillbirth" means the spontaneous or accidental
17 death of an unborn child, whether the death occurred in the womb or in the
18 process of birth. Death of the unborn child is indicated by the lack of signs of
19 breathing or any other evidence of life, such as beating of the heart, pulsation
20 of the umbilical cord, or definite movement of voluntary muscles.

21 C.(1) Nothing in this Section shall be construed to prohibit any
22 transaction related to the final disposition of the bodily remains of the aborted
23 human being in accordance with state law, or to prohibit any conduct permitted
24 under state law that is undertaken with any of the following purposes:

25 (a) The purpose of providing knowledge solely to the mother, such as for
26 pathological or diagnostic purposes.

27 (b) The purpose of providing knowledge solely to law enforcement
28 officers, such as the case of an autopsy following a feticide.

29 (2) Nothing in this Section shall be construed to prohibit the donation of
30 bodily remains from a human embryo or fetus whose death was caused by a

1 natural miscarriage or stillbirth, in accordance with the guidelines and
2 prohibitions provided in applicable state and federal law.

3 (3) Nothing in this Section shall be construed to affect existing federal or
4 state law regarding the practice of abortion, or to create or recognize a right to
5 abortion.

6 D. Any person who violates this Section shall be sentenced to a term of
7 imprisonment at hard labor for not less than ten nor more than fifty years, at
8 least ten years of which shall be served without benefit of probation or
9 suspension of sentence, and may, in addition, be required to pay a fine of not
10 more than fifty thousand dollars.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____