

2017 Regular Session

SENATE BILL NO. 128

BY SENATOR MILKOVICH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Prohibits cutting, resection, excision, harvesting, or removing of a body part, organ, or tissue of an aborted baby for sale, commerce, transport, research, or profit. (gov sig)

AN ACT

To amend and reenact R.S. 14:87.3(C) and (D) and to enact R.S. 14:87.3(E), to prohibit cutting, resection, excision, harvesting, or removing a body part, organ, or tissue of an aborted baby for sale, commerce, transport, research, or profit; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87.3(C) and (D) are hereby amended and reenacted and R.S. 14:87.3(E) is hereby enacted to read as follows:

§87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt, research, commerce, or transport of fetal organs, tissues, and body parts

* * *

C. No person shall intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of an aborted baby for sale, commerce, transport, research, or profit.

D.(1) Nothing in this Section shall be construed to prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in

1 accordance with state law, or to prohibit any conduct permitted under state law that
2 is undertaken with any of the following purposes:

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

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

7 (2) Nothing in this Section shall be construed to prohibit the donation of
8 bodily remains from a human embryo or fetus whose death was caused by a natural
9 miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided
10 in applicable state and federal law.

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

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

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

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Present 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 present law.

Proposed law provides that no person shall intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of an aborted baby for sale, commerce, transport, research, or profit. Otherwise retains present law.

Present law provides that nothing in present law shall be construed to:

- (1) 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 under state law that is undertaken with any of the following purposes:
 - (a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.
 - (b) The purpose of providing knowledge solely to law enforcement officers, such as the case of an autopsy following a feticide.
- (2) 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.
- (3) Affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

Proposed law retains present law.

Present law provides that any person who violates present law shall 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 shall 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. Proposed law retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:87.3(C) and (D); adds R.S. 14:87.3(E))