

SECOND REGULAR SESSION

SENATE BILL NO. 943

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS YECKEL, SCOTT, CHILDERS, GRAVES, FLOTRON, ROHRBACH, KENNEY,
KINDER, STAPLES, SCHNEIDER, STEELMAN, EHLMANN, RUSSELL, HOUSE, MUELLER, DePASCO,
HOWARD, STOLL, WIGGINS, KLARICH AND WESTFALL.

Read 1st time January 31, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3808S.021

AN ACT

To repeal section 188.037, RSMo 1994, relating to fetal research, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 188.037, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 188.037, to read as follows:

188.037. **1.** No person shall use any fetus or child aborted alive for any type of scientific[,] research, laboratory or other kind of experimentation either prior to or subsequent to any abortion procedure except as necessary to protect or preserve the life and health of such fetus or child aborted alive.

2. For the purpose of this section, the following terms shall mean:

(1) "Human fetal parts", any deceased fetus or child who has been delivered by means of induced or spontaneous abortion or any tissue or organ of such fetus or child;

(2) "Valuable consideration", any payment made or debt incurred; any gift, honorarium, or recognition of value bestowed; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled or otherwise forgiven; the transfer of any item with a discernable cost from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge. Valuable consideration shall include payments associated with transportation, implantation, processing, preservation, quality control or storage of human fetal parts.

3. It shall be unlawful for any abortion facility as defined in section 188.015 or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

transferee of an abortion facility, or a hospital to transfer human fetal parts to any other individual or entity for a valuable consideration whether or not otherwise lawful, without disclosing to the department of health the following:

- (1) The date of transfer;**
- (2) The description of the human fetal parts;**
- (3) The name and address of the transferor and the transferee;**
- (4) Any valuable consideration received by the transferor for making the transfer.**

The identity of the mother of the fetus or child shall not be reported.

4. It shall be unlawful for any abortion facility as defined in section 188.015 or transferee of an abortion facility or hospital to ship human fetal parts by means of a common carrier or delivery service without disclosing to the carrier or delivery service that the contents of the item shipped are human fetal parts.

5. This section shall not apply to:

(1) The transfer without valuable consideration of a human fetal tissue sample to a board eligible or certified pathologist for testing at the request of the family of the fetus or child, provided that any transfer from the board eligible or certified pathologist of human fetal parts to another for valuable consideration shall be subject to this section; or

(2) The transfer of human fetal parts without valuable consideration for the purpose of immediate burial or cremation.

6. Any individual violating this section shall be guilty of a class A misdemeanor and may be fined up to twice the amount of valuable consideration received for the transfer of human fetal parts.

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