

SECOND REGULAR SESSION

SENATE BILL NO. 948

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN, FOSTER AND LOUDON.

Read 1st time January 16, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3741S.011

AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to the transfer of human fetal parts, with penalty provisions.

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

Section A. Chapter 578, RSMo, is amended by adding thereto one new section, to be known as section 578.475, to read as follows:

578.475. 1. As used in this section, the following terms shall mean:

(1) "Human fetal parts", any deceased fetus or child who died prior to live birth and was 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 charge, expense or cost, debt or bill incurred; any gift, honorarium or item or recognition of value bestowed; any price, charge or fee that is waived, forgiven, reduced or indefinitely delayed; any loan or debt that is canceled or otherwise forgiven; the transfer of any item with a reasonable discernable cost or fair market value 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.

2. It shall be unlawful for any person or entity to knowingly 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) A description of the human fetal parts transferred;**
- (3) The name and address of the transferor and transferee; and**
- (4) The amount of any valuable consideration received by the transferor for making the transfer.**

The name of any parent of the fetus or child shall not be reported.

3. It shall be unlawful for any person or entity to knowingly place for shipment human fetal parts by means of common carrier or delivery service without disclosing to the carrier or delivery service that the contents of the item shipped are human fetal parts, and without prominently marking the outside of the package or container in a manner visible to the shipper and its employees that the package or container contains human fetal parts.

4. The provisions of this section shall not apply to:

(1) The transfer without valuable consideration of a human fetal tissue sample to a licensed pathologist for medical testing relating to the pathology of the fetus or child itself at the request of the family of the fetus or child; provided that, any transfer from the 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 subsequent burial or cremation.

5. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

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