



State of Wisconsin
2015 - 2016 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 305**

September 4, 2015 - Offered by Representatives JACQUE and KLEEFISCH.

1 **AN ACT** *to create* 146.346 of the statutes; **relating to:** sale and use of fetal body
2 parts and providing a criminal penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 146.346 of the statutes is created to read:

4 **146.346 Fetal body parts. (1) DEFINITIONS.** In this section:

5 (a) "Fetal body part" means a cell, tissue, organ, or other part of an unborn
6 child, as defined in s. 939.75 (1), who is aborted by an induced abortion, as defined
7 in s. 69.01 (13m), after January 1, 2015.

8 (b) "Final disposition" means the disposition of fetal body parts by burial,
9 interment, entombment, cremation, or incineration.

10 **(2) PROHIBITION; EXCEPTION.** (a) No person may knowingly acquire, provide,
11 receive, or use a fetal body part, regardless of whether the acquisition, provision,
12 receipt, or use is for valuable consideration.

1 (b) This section does not apply to use of a fetal body part for diagnostic or
2 remedial tests, procedures, or observations which have the sole purpose of
3 determining the life or health of the unborn child in order to provide that information
4 to the mother or preserving the life or health of the child, unborn child, or the child's
5 mother.

6 **(3) FINAL DISPOSITION.** (a) Notwithstanding sub. (2) (a), a physician who
7 performs or induces an induced abortion, as defined in s. 69.01 (13m), shall arrange
8 for the final disposition of fetal body parts resulting from the induced abortion.

9 (b) Notwithstanding sub. (2) (a), a person is not guilty of violating this section
10 if the person is acting exclusively in furtherance of final disposition of a fetal body
11 part.

12 **(4) PENALTY.** Any person who violates this section is guilty of a Class H felony,
13 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
14 person may be fined not more than \$50,000.

15 **SECTION 2. Initial applicability.**

16 (1) This act first applies to acquisition, provision, receipt, or use of a fetal body
17 part on the effective date of this subsection.

18 (END)