

House Bill 762

By: Representatives Willard of the 51st, Kirby of the 114th, Jones of the 167th, Coomer of the 14th, Jasperse of the 11th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public health and morals, so as to change certain provisions relating to
3 disposal of aborted human fetuses, reporting requirements, penalties, public reports, and
4 confidentiality of identity of physicians filing reports; to provide for reports; to change
5 certain provisions relating to buying, selling, or offering to buy or sell a human body or parts
6 thereof; to amend Article 6 of Chapter 5 of Title 44 of the Official Code of Georgia
7 Annotated, the "Georgia Revised Uniform Anatomical Gift Act," so as to change certain
8 provisions relating to limited prohibition on sale or purchase of body parts; to provide an
9 effective date; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
13 public health and morals, is amended by revising subsection (a) of Code Section
14 16-12-141.1, relating to disposal of aborted fetuses, reporting requirements, penalties, public
15 reports, and confidentiality of identity of physicians filing reports, as follows:

16 "(a)(1) Every hospital and clinic in which abortions are performed or occur
17 spontaneously, and any laboratory to which the aborted fetuses are delivered, shall
18 provide for the disposal of the aborted fetuses by cremation, interment, by or other
19 manner approved of by the commissioner of public health. The hospital, clinic, or
20 laboratory may complete any laboratory tests necessary for the health of the woman or
21 her future offspring prior to disposing of the aborted fetus.

22 (2) Each hospital, clinic, and laboratory shall report, ~~on a form of the type and~~
~~confidentiality provided for in subsection (d) of Code Section 16-12-141, and provided~~
~~by the commissioner of public health;~~ the manner in which it disposes of the aborted
25 fetus. Such reports shall be made annually to the Department of Public Health by

26 December 31 and whenever the method of disposal changes. The commissioner of public
27 health shall provide forms for reporting under this ~~Code section paragraph.~~"

28 **SECTION 2.**

29 Said chapter is further amended by revising Code Section 16-12-160, relating to buying,
30 selling, or offering to buy or sell a human body or parts thereof, as follows:

31 "16-12-160.

32 (a) It shall be unlawful, except as provided in subsection (b) of this Code section, for any
33 person, firm, or corporation to buy or sell, to offer to buy or sell, or to assist another in
34 buying or selling or offering to buy or sell a human body or any part of a human body or
35 buy or sell a human fetus or any part thereof.

36 (b) The prohibition contained in subsection (a) of this Code section shall not apply to:

37 (1) The purchase or sale of whole blood, blood plasma, blood products, blood
38 derivatives, other self-replicating body fluids, or hair;

39 (2) A gift or donation of a human body or any part of a human body or any procedure
40 connected therewith as provided in Article 6 of Chapter 5 of Title 44 or to the payment
41 of a fee in connection with such gift or donation pursuant to subsection (b) of Code
42 Section 44-5-154 if such fee is paid to a procurement organization, as that term is defined
43 in Code Section 44-5-141;

44 (3) The reimbursement of actual expenses, including medical costs, lost income, and
45 travel expenses, incurred by a living person in giving or donating a part of the person's
46 body;

47 (4) The payment of financial assistance under a plan of insurance or other health care
48 coverage;

49 (5) The purchase or sale of human tissue, organs, or other parts of the human body, not
50 including a human fetus or any part thereof, for health sciences education; or

51 (6) The payment of reasonable costs associated with the removal, storage, or
52 transportation of a human body or any part of a human body given or donated for medical
53 or scientific purposes.

54 (c)(1) Except as otherwise provided by paragraph (2) of this subsection, any Any person,
55 firm, or corporation convicted of violating subsection (a) of this Code section shall be
56 guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding
57 \$5,000.00 or by imprisonment for not less than one year nor more than five years, or
58 both.

59 (2) Any natural person who buys or sells, offers to buy or sell, or assists another in
60 buying or selling or offering to buy or sell an aborted human fetus or any part thereof in

violation of subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for five years."

SECTION 3.

64 Article 6 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, the "Georgia
65 Revised Uniform Anatomical Gift Act," is amended by revising Code Section 44-5-154,
66 relating to limited prohibition on sale or purchase of body parts, as follows:

67 "44-5-154

68 (a) Except as otherwise provided in subsection (b) subsections (a.1) and (b) of this Code
69 section, a person that for valuable consideration knowingly purchases or sells a part for
70 transplantation or therapy if removal of a part from an individual is intended to occur after
71 the individual's death commits a felony and upon conviction is subject to a fine not
72 exceeding \$50,000.00 or imprisonment not exceeding five years, or both.

73 (a.1) Except as otherwise provided in subsection (b) of this Code section, a person that for
74 valuable consideration knowingly purchases or sells an aborted human fetus or a part of an
75 aborted human fetus for any purpose shall be punished as provided by Code Section
76 16-12-160.

77 (b) A person may charge a reasonable amount for the removal, processing, preservation,
78 quality control, storage, transportation, implantation, or disposal of a part."

SECTION 4.

80 This Act shall become effective upon its approval by the Governor or upon its becoming law
81 without such approval.

SECTION 5.

83 All laws and parts of laws in conflict with this Act are repealed.