The House Committee on Judiciary offers the following substitute to HB 762:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to change certain provisions relating to buying, selling, or offering to buy or sell a human body or parts thereof; to provide for penalties; to amend Article 6 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, the "Georgia Revised Uniform Anatomical Gift Act," so as to change certain provisions relating to the limited prohibition on sale or purchase of body parts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, is amended by revising paragraph (5) of subsection (b) and subsection (c) of Code Section 16-12-160, relating to buying, selling, or offering to buy or sell a human body or parts thereof, as follows:

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

"(c)(1) Except as otherwise provided by paragraph (2) of this subsection, any person, firm, or corporation convicted of violating subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding $25,000.00 or by imprisonment for not less than one year nor more than five years, or both.

(2) Any natural person who buys or sells, offers to buy or sell, or assists another in 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 not less than one year nor more than five years."
SECTION 2.

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

"44-5-154.

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

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

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

SECTION 3.

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

SECTION 4.

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