

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

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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

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

17 "(c)(1) Except as otherwise provided by paragraph (2) of this subsection, any ~~Any~~
18 person, firm, or corporation convicted of violating subsection (a) of this Code section
19 shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not
20 exceeding ~~\$5,000.00~~ \$25,000.00 or by imprisonment for not less than one year nor more
21 than five years, or both.

22 (2) Any natural person who buys or sells, offers to buy or sell, or assists another in
23 buying or selling or offering to buy or sell an aborted human fetus or any part thereof in
24 violation of subsection (a) of this Code section shall be guilty of a felony and, upon
25 conviction thereof, shall be punished by imprisonment for not less than one year nor more
26 than five years."

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SECTION 2.

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

31 "44-5-154.

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

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

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

42

SECTION 3.

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

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SECTION 4.

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