

**Senate File 359 - Introduced**

SENATE FILE 359  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SF 52)

**A BILL FOR**

1 An Act prohibiting certain actions regarding fetal body parts  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 146B.1 Fetal body parts — actions  
2 prohibited — penalties.

3 1. A person shall not knowingly acquire, provide, receive,  
4 otherwise transfer, or use a fetal body part in this state,  
5 regardless of whether the acquisition, provision, receipt,  
6 transfer, or use is for valuable consideration.

7 2. Subsection 1 shall not apply to any of the following:

8 a. Diagnostic or remedial tests, procedures, or observations  
9 which have the sole purpose of determining the life or health  
10 of the fetus in order to provide that information to the  
11 pregnant woman or to preserve the life or health of the fetus  
12 or pregnant woman.

13 b. The actions of a person taken in the furtherance of the  
14 final disposition of a fetal body part.

15 c. The pathological study of body tissue, including genetic  
16 testing, for diagnostic or forensic purposes.

17 d. A fetal body part if the fetal body results from a  
18 spontaneous termination of pregnancy or stillbirth and is  
19 willingly donated for the purpose of medical research.

20 3. A person who violates this section is guilty of a class  
21 "C" felony.

22 4. For the purposes of this section:

23 a. "Abortion" means as defined in section 146.1.

24 b. "Fetal body part" means a cell, tissue, organ, or other  
25 part of a fetus that is terminated by an abortion. "Fetal body  
26 part" does not include either of the following:

27 (1) Cultured cells or cell lines derived from a spontaneous  
28 termination of pregnancy or stillbirth and willingly donated  
29 for the purposes of medical research.

30 (2) A cell, tissue, organ, or other part of a fetus that  
31 is terminated by an abortion that occurred prior to January 1,  
32 2017.

33 c. "Final disposition" means the disposition of fetal  
34 body parts by burial, interment, entombment, cremation, or  
35 incineration.

1     *d. "Valuable consideration"* means any payment including but  
2 not limited to payment associated with the transportation,  
3 processing, preservation, quality control, or storage of fetal  
4 body parts.

5   EXPLANATION

6             The inclusion of this explanation does not constitute agreement with  
7             the explanation's substance by the members of the general assembly.

8     This bill prohibits a person from knowingly acquiring,  
9 providing, receiving, otherwise transferring, or using a  
10 fetal body part in this state, regardless of whether the  
11 acquisition, provision, receipt, transfer, or use is for  
12 valuable consideration. However, the prohibition does not  
13 apply to any of the following: diagnostic or remedial tests,  
14 procedures, or observations which have the sole purpose of  
15 determining the life or health of the fetus in order to provide  
16 that information to the pregnant woman or to preserve the  
17 life or health of the fetus or pregnant woman; the actions of  
18 a person taken in the furtherance of the final disposition  
19 of a fetal body part; the pathological study of body tissue,  
20 including genetic testing, for diagnostic or forensic purposes;  
21 or a fetal body part if the fetal body part results from a  
22 spontaneous termination of pregnancy or stillbirth and is  
23 willingly donated for the purpose of medical research.

24     The bill defines "fetal body part" and excludes from  
25 the definition cultured cells or cell lines derived from  
26 a spontaneous termination of pregnancy or stillbirth and  
27 willingly donated for the purposes of medical research;  
28 and a cell, tissue, organ, or other part of a fetus that is  
29 terminated by an abortion that occurred prior to January 1,  
30 2017.

31     A person who violates the bill is guilty of a class "C"  
32 felony. A class "C" felony is punishable by confinement for no  
33 more than 10 years and a fine of at least \$1,000 but not more  
34 than \$10,000.