



BILL & AMENDMENT SUMMARY

Fetal Body Parts HF 2329

Status of Bill: House Calendar
Committee: Human Resources (passed 12-9)
Lead Democrats: Rep. Wessel-Kroeschell
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Background

In July of 2015, the group Center for Medical Progress released highly edited videos that alleged Planned Parenthood (PP) officials were discussing making profits from their programs providing post-abortion fetal tissue to researchers. As a result of the video, House Republicans in the U.S. Congress investigated how PP spends the federal dollars, and to wanted to eliminate all federal funding to PP. The House Republicans threatened a federal government shut-down if federal funding was appropriated to PP. The videos have since been discredited.

Federal law states, "It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce. (42 U.S. Code § 289g-2) Federal law still allows entities supplying the tissue to recover the costs of running such programs. Recently, PP has decided to eliminate any reimbursement for the donation of fetal tissue for research.

Iowa

The State of Iowa does not pay for any abortion services. In Iowa, Planned Parenthood of the Heartland (PPH) does not participate in tissue recovery. In addition, PPH receives \$111,800 of funding through two federal grants administered by the Iowa Department of Public Health to provide educational information regarding sexual education, including abstinence.

In addition, the University of Iowa does not sell or buy fetal tissue. Neither does the University perform research on fetal tissue. For medically indicated abortions, it is the parent(s) choice regarding the ultimate disposition of the remains as well as whether or not a surgical pathology examination has been completed on the remains. According to the University, the parent(s) options include:

- Hospital Disposition - If the parent(s) select hospital disposition, following completion of any surgical pathology exam and corresponding time, the remains are delivered to the Department of Anatomy by a Decedent Care Center (DCC) staff member. When delivered to the Department of Anatomy, a copy of the signed H-4 document is also provided. The H-4 is an internal form used to document the parent(s) choice of disposition. The Department of Anatomy handles the disposition of the remains.
- Release of Remains to the Parent(s) - If the parent(s) choose to have the remains returned to them after an examination by surgical pathology, a member of the nursing staff or a member of the OB staff handles the release of these remains to the parent(s).
- Release of Remains to a Funeral Home - If the parent(s) select release of remains to a funeral home, then the Decedent Care Specialist asks the parent(s) to specify a funeral home to which the remains will be released. The funeral home is documented on the H-4 (as described above). The remains are typically brought to the DCC and housed in the DCC until the time that the remains are released to the funeral home. When

appropriate, such as for religious or cultural reasons, the remains are released directly to the funeral home representative.

- Care of Remains when Not Requested by Parent(s) - If the remains are examined by surgical pathology and the parent(s) do not wish to have the remains returned, the pathology lab follows standard procedures regarding the disposition of the remains.

In August, forty-one Iowa Republican Legislators sent a letter to Tom Miller, Iowa Attorney General, asking his office to investigate how medical providers in the state handle the donation or sale of fetal tissue obtained in abortions and if any laws were broken. The Attorney General responded that his office could not do anything because there are no laws in Iowa regarding the issue.

In addition, Iowa Republican Legislators and conservative activists have been pressing Governor Branstad to defund PPH. The Governor responded that Iowa cannot defund PPH because there is no reason to, they have not violated their responsibilities under the grants that they have received from Iowa.

National Planned Parenthood Funding Effects

Most of that funding is reimbursement for Medicaid patients receiving cancer screenings, contraception and other non-abortion services. According to the Congressional Budget Office (CBO) defunding Planned Parenthood (PP) of federal funding would result in an increase of spending the public's money by \$130 million over the next ten years. Nationally, PP receives \$520 million annually of public funding. According to PP, 80% of the clients receive services to prevent unintended pregnancies. Defunding PP would result in more unplanned births as patients lost access to birth control. Some of the births would be covered by Medicaid, and some children would qualify for Medicaid and other programs.

Summary

HSB 621 creates a new code section, which prohibits an individual from acquiring, providing, receiving, otherwise transferring, or using fetal body parts in Iowa, no matter if the acquisition, provision, receipt, transfer or use is for valuable consideration.

This prohibition does not apply to any of the following:

- Diagnostic or remedial tests, procedures, or observations which have the sole purpose of determining the life or health of the fetus, in order to provide that information to the pregnant woman or to preserve the life or health of the fetus or pregnant woman.
- Any action taken relating to the final disposition of a fetal body part.
- For pathological study.

Any individual who violates the prohibition is guilty of a class "C" felony, which is punishable by incarceration for up to ten years and a fine of at least \$1,000 but not more than \$10,000.

The bill defines the following terms.

Abortion is defined as defined in section 146.1, the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. Abortion does not include medical care which has as its primary purpose the treatment of a serious physical condition requiring emergency medical treatment necessary to save the life of a mother.

Fetal Body Part is defined as a cell, tissue, organ, or other part of a fetus that is terminated by an abortion.

Final Disposition is defined as the disposition of fetal body parts by burial, interment, entombment, cremation, or incineration.

Valuable consideration is defined as any payment including but not limited to payment associated with the transportation, processing, preservation, quality control, or storage of fetal body parts.

Due to the definition of fetal body part, this prohibition only applies to instances of abortions.

Amendments

H-8023 by Wessel-Kroeschell (D). The amendment strikes everything after the enacting clause so that Iowa Code follows federal code. This will prohibit the selling of fetal tissue. The amendment maintains a class C felony for any individual that violates this provision.

However, fetal tissue, no matter how it was separated from the woman (stillbirth, miscarriage, abortion), may be used for other purposes in exchange for reimbursements associated with the transportation, implantation, processing, preservation, quality control, or storage of the fetal tissue.

The amendment uses current definitions in Iowa code for abortion, spontaneous termination of pregnancy (miscarriage), and stillbirth. Human fetal tissue is defined as tissue or cells obtained from a dead human embryo or fetus after a spontaneous termination of pregnancy, an abortion, or a stillbirth. In addition, valuable consideration does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

H-8026 to H-8023 by Wessel-Kroeschell. The amendment-to-the-amendment is another strike-after amendment, which adds that the bill takes effect upon enactment.