



Michael J. O'Neill

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 608**

123rd General Assembly  
(As Introduced)

**Reps. Jordan, Luebbers, Aslanides, Austria, Brading, Buchy, Buehrer, Callender, Calvert, Cates, Clancy, Coughlin, Flannery, Hood, Hoops, Jacobson, Jerse, Jolivette, Krupinski, Roman, Schuring, Tiberi, Trakas, Van Vyven, Vesper, Willamowski, Young**

---

### **BILL SUMMARY**

- Expands the offense of abortion trafficking to additionally prohibit a person from doing any of the following:
  - (1) Buying the product of human conception that is aborted;
  - (2) Knowingly paying or receiving any fee for services involved in harvesting or delivering any tissue or body part from the product of human conception that is aborted;
  - (3) Knowingly paying or receiving any rental or lease fee for the use of space in a facility where abortions are performed if the space will be used for the harvesting of any tissue or body part from the product of human conception that is aborted;
  - (4) Knowingly paying any abortion provider or facility where abortions are performed any fee or compensation for the cost of training personnel of that provider or facility to harvest any tissue or body part from the product of human conception that is aborted;
  - (5) Otherwise knowingly paying, charging, receiving, collecting, or accepting any compensation, fee, rental, discount, remuneration, or other thing of value that the person knows is dependent on or related to allowing, participating in, assisting in, or aiding in the harvesting, collection, or delivery of any product of human conception that is aborted.

- The bill also expands the offense of abortion trafficking to prohibit an abortion provider or facility where abortions are performed from knowingly receiving any fee or compensation for the cost of training personnel of that provider or facility to harvest any tissue or body part from the product of human conception that is aborted.

---

## CONTENT AND OPERATION

### Existing law

Existing law prohibits a person from experimenting upon or selling the product of human conception that is aborted.<sup>1</sup> A person who violates this prohibition is guilty of abortion trafficking, a misdemeanor of the first degree. (R.C. 2919.14.)

### Operation of the bill

#### Additional prohibitions

The bill expands the offense of abortion trafficking to additionally prohibit a person from doing any of the following (R.C. 2919.14(A), (B)(1) through (3)(a), and (B)(4)):

- (1) Buying the product of human conception that is aborted;
- (2) Knowingly paying or receiving any fee for services involved in harvesting or delivering any tissue or body part from the product of human conception that is aborted;<sup>2</sup>
- (3) Knowingly paying or receiving any rental or lease fee for the use of space in a facility where abortions are performed if the space will be used for the harvesting of any tissue or body part from the product of human conception that is aborted;
- (4) Knowingly paying any abortion provider or facility where abortions are performed any fee or compensation for the cost of training personnel of that provider or facility to harvest any tissue or body part from the product of human conception that is aborted;

---

<sup>1</sup> For the purposes of this prohibition, "experiment" does not include autopsies.

<sup>2</sup> "Harvesting" means removing or extracting cells, tissues, organs, or body parts from the product of human conception that is aborted (R.C. 2919.14(D)).

(5) Otherwise knowingly paying, charging, receiving, collecting, or accepting any compensation, fee, rental, discount, remuneration, or other thing of value that the person knows is dependent on or related to allowing, participating in, assisting in, or aiding in the harvesting, collection, or delivery of any product of human conception that is aborted.

The bill also expands the offense of abortion trafficking to prohibit an abortion provider or facility where abortions are performed from knowingly receiving any fee or compensation for the cost of training personnel of that provider or facility to harvest any tissue or body part from the product of human conception that is aborted (R.C. 2919.14(B)(3)(b)).

A person who violates any of these prohibitions is guilty of abortion trafficking. As under existing law, abortion trafficking is a misdemeanor of the first degree. (R.C. 2919.14(C).)

### **Exceptions**

The bill provides that these new provisions and the existing prohibition do not prohibit payment for legitimate costs incurred for any of the following: (1) humanely disposing of the product of human conception that is aborted, (2) complying with any governmental requirement, regulation, or order, or (3) collecting or delivering the product of human conception that is aborted for the sole purpose of obtaining an autopsy or a similar determination of the presence or absence of any disease or abnormality. The bill also provides that the prohibitions in the offense of abortion trafficking do not apply to the transportation by any person or entity regularly engaged in the business of commercial transport or delivery of the product of human conception that is aborted. (R.C. 2919.14(B)(5) and (6).)

---

## **COMMENT**

42 U.S.C. 289g-2 prohibits several transactions regarding human fetal tissue if the transaction affects interstate commerce.

(a) Purchase of tissue

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.

(b) Solicitation or acceptance of tissue as directed donation for use in transplantation

It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and

(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

(2) the donated tissue will be transplanted into a relative of the donating individual; or

(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

(c) Criminal penalties for violations

(1) In general

Any person who violates subsection (a) or (b) of this section shall be fined in accordance with title 18, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

(2) Penalties applicable to persons receiving consideration

With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3) of this section, a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

For the purposes of the preceding prohibitions, the U.S. Code defines "human fetal tissue" to mean tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth (42 U.S.C. 289g-1(g)).

---

## HISTORY



ACTION	DATE	JOURNAL ENTRY
Introduced	03-16-00	p. 1682

H0608-I.123/ejs

