WEST virginia legislature

2022 regular session

Introduced

House Bill 4005

By Delegates Tully, Dean, Worrell, Longanacre, Toney, Crouse, Burkhammer, Conley, D. Jeffries, Mazzocchi, and Mallow

[Introduced January 12, 2022; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting the sale of fetal body parts resulting from an induced abortion; prohibiting the transport of fetal body parts with the intent to engage in a prohibited sale; and providing misdemeanor criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-17. Prohibiting the collection, sale, receipt, or transport of fetal organs and body parts.

(a) For the purposes of this section:

“Abortion” has the same meaning as that set forth in §16-2M-2 of this code.

“Fetal body part” means a cell, tissue, organ, or other part of a fetus which is aborted by an induced abortion.

“Fetus” has the same meaning as that set forth in §16-2M-2 of this code.

“Induce abortion” means an act or an omission of the standard of care that, under the circumstances as the person believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state.

(b) A person may not knowingly:

(1) Collect, harvest, sell, donate, receive, or otherwise transfer or acquire a fetal body part resulting from an induced abortion;

(2) Transport with the intent to sell or transfer a fetal body part resulting from an induced abortion;

(3) Transport a fetal body part resulting from an induced abortion that has been acquired by a person through a transaction prohibited by this section.

(c) The prohibition of this section does not apply to donations of fetal body parts utilized for stem cell research and umbilical cord blood.

(d) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or confined in jail not more than one year, or both fined and confined.

NOTE: The purpose of this bill is to prohibit the sale, transfer, and transportation of fetal body parts.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.