

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-2-17, relating to fetal body parts; defining terms; prohibiting the sale of
 3 fetal body parts resulting from an induced abortion; prohibiting the transport of fetal body
 4 parts with the intent to engage in a prohibited sale; and providing misdemeanor criminal
 5 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.

1 (a) For the purposes of this section:

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

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

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

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

9 (b) A person may not knowingly:

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

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

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

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

18 (d) A person who violates the provisions of this section is guilty of a misdemeanor and,
19 upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than one
20 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.