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HOUSE BILL 2893

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Koster, Fortunato, Mulliken, Boldt, Sump, Campbell, Schindler, Carrell, Lambert, Dunn and B. Chandler

Read first time 01/24/2000. Referred to Committee on Health Care.

1 AN ACT Relating to restricting the use of aborted fetal body parts;  
2 amending RCW 70.58.150, 68.50.610, 68.04.020, and 68.50.110; adding new  
3 sections to chapter 68.50 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.58.150 and 1961 ex.s. c 5 s 11 are each amended to  
6 read as follows:

7 A fetal death means any product of conception that shows no  
8 evidence of life after complete expulsion or extraction from ~~((its))~~  
9 his or her mother by or as the result of any means, including the  
10 application of any abortion procedure or technique. The words  
11 "evidence of life" include breathing, beating of the heart, pulsation  
12 of the umbilical cord, or definite movement of voluntary muscles.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 68.50 RCW  
14 to read as follows:

15 The body, including the body parts, body organs, body tissue, and  
16 body fluids, of a fetus whose death is the result of the application of  
17 any abortion procedure or technique may not be sold, donated, or  
18 otherwise transferred, with or without valuable consideration, for any

1 use, but shall be disposed of as human remains by burial or cremation  
2 in accordance with the requirements of this chapter and chapter 70.58  
3 RCW.

4 **Sec. 3.** RCW 68.50.610 and 1993 c 228 s 10 are each amended to read  
5 as follows:

6 (1) A person may not knowingly, for valuable consideration,  
7 purchase or sell a part for transplantation or therapy, if removal of  
8 the part is intended to occur after the death of the decedent.

9 (2) Valuable consideration does not include reasonable payment for  
10 the removal, processing, disposal, preservation, quality control,  
11 storage, transportation, or implantation of a part.

12 (3) The donation of any part of the body, including the body parts,  
13 body organs, body tissue, and body fluids, of a fetus whose death is  
14 the result of the application of any abortion procedure or technique is  
15 prohibited under any circumstance, with or without valuable  
16 consideration, for purposes of making an anatomical gift.

17 (4) A person who violates this section is guilty of a felony and  
18 upon conviction is subject to a fine not exceeding fifty thousand  
19 dollars or imprisonment not exceeding five years, or both.

20 **Sec. 4.** RCW 68.04.020 and 1977 c 47 s 1 are each amended to read  
21 as follows:

22 "Human remains" or "remains" means the body of ((a)) any deceased  
23 person, and includes the body in any stage of decomposition except  
24 cremated remains. "Human remains" or "remains" includes the body of a  
25 dead fetus.

26 **Sec. 5.** RCW 68.50.110 and 1987 c 331 s 60 are each amended to read  
27 as follows:

28 Except for pathological waste as defined in RCW 70.95K.010, in  
29 cases of dissection provided for in RCW 68.50.070 and 68.50.100, and  
30 where ((~~a dead body~~)) human remains shall rightfully be carried through  
31 or removed from the state for the purpose of lawful burial or cremation  
32 elsewhere, ((~~every dead body of a human being lying~~)) all human remains  
33 within this state, ((~~and~~)) including the remains of any dissected body,  
34 after dissection, shall be decently buried, or cremated within a  
35 reasonable time after death.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 68.50 RCW  
2 to read as follows:

3        For purposes of RCW 70.58.150, 68.50.610, and sections 2 and 7 of  
4 this act, "application of any abortion technique or procedure" means  
5 the exercise or use of any force, instrument, or drug, or other means,  
6 device, or substance, intended to cause the termination of a pregnancy  
7 resulting in the death of a fetus.

8        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 68.50 RCW  
9 to read as follows:

10        (1) Section 2 of this act is not intended, and may not be  
11 construed, to prevent a coroner, medical examiner, physician of the  
12 mother of the fetus, or prosecuting attorney from using that part of  
13 the body of a fetus whose death is the result of the application of any  
14 abortion procedure or technique that is necessary for the sole and  
15 exclusive purpose of diagnosing or determining:    (a) A disease or  
16 condition or cause of death of the mother of the fetus if the abortion  
17 was performed because of such disease or condition of the mother of the  
18 fetus, or (b) cause of death of the fetus, if in either case no other  
19 reasonable means of making the diagnosis or determination is available  
20 without such use, and after the diagnosis or determination all that  
21 part of the body of the fetus used to make the diagnosis or  
22 determination that remains is disposed of as required in section 2 of  
23 this act.

24        (2) Section 2 of this act and RCW 68.50.610(3) are not intended,  
25 and may not be construed, to apply to the donation for medical research  
26 or use of any part of the body of a fetus whose death is the result of  
27 a miscarriage, stillbirth, ectopic pregnancy, sickness, disease,  
28 accident, or crime caused to the fetus or the mother by a third party  
29 without the knowledge and consent of the mother.    However, the donation  
30 may only be made if a parent or guardian knows of and approves the  
31 donation for such medical research or use.

32        NEW SECTION.    **Sec. 8.**    This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of the  
34 state government and its existing public institutions, and takes effect  
35 immediately.

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