
HOUSE BILL 1243

State of Washington

65th Legislature

2017 Regular Session

By Representatives Klippert, Taylor, Shea, Van Werven, Rodne, Haler, McCaslin, Kraft, Hargrove, Holy, Koster, MacEwen, Muri, and Young

Read first time 01/16/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to prohibiting the sale, donation, or use of
2 aborted fetal body parts; amending RCW 70.58.150, 68.64.150,
3 68.04.020, and 68.50.110; adding new sections to chapter 9.02 RCW;
4 and declaring an emergency.

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

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

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.02 RCW
15 to read as follows:

16 The body, including the body parts, body organs, body tissue, and
17 body fluids, of a fetus whose death is the result of the application
18 of any abortion procedure or technique may not be sold, donated, or
19 otherwise transferred, with or without valuable consideration, for
20 any use, but shall be disposed of as human remains by burial or

1 cremation in accordance with the requirements of this chapter and
2 chapter 70.58 RCW.

3 **Sec. 3.** RCW 68.64.150 and 2008 c 139 s 16 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in subsection (2) of this
6 section, a person who, for valuable consideration, knowingly
7 purchases or sells a part for transplantation or therapy if removal
8 of a part from an individual is intended to occur after the
9 individual's death is guilty of a class C felony under RCW 9A.20.010.

10 (2) A person may charge a reasonable amount for the removal,
11 processing, preservation, quality control, storage, transportation,
12 implantation, or disposal of a part.

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

18 **Sec. 4.** RCW 68.04.020 and 2005 c 365 s 27 are each amended to
19 read as follows:

20 "Human remains" or "remains" means the body of ((a)) any deceased
21 person, includes the body in any stage of decomposition, and includes
22 cremated human remains, and includes the body of a dead fetus.

23 **Sec. 5.** RCW 68.50.110 and 2005 c 365 s 138 are each amended to
24 read as follows:

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

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.02 RCW
33 to read as follows:

34 For purposes of RCW 70.58.150, 68.64.150, and sections 2 and 7 of
35 this act, "application of any abortion technique or procedure" means
36 the exercise or use of any force, instrument, or drug, or other

1 means, device, or substance, intended to cause the termination of a
2 pregnancy resulting in the death of a fetus.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 9.02 RCW
4 to read as follows:

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

19 (2) Section 2 of this act and RCW 68.64.150(3) are not intended,
20 and may not be construed, to apply to the donation for medical
21 research or use of any part of the body of a fetus whose death is the
22 result of a miscarriage, stillbirth, ectopic pregnancy, sickness,
23 disease, accident, or crime caused to the fetus or the mother by a
24 third party without the knowledge and consent of the mother. However,
25 the donation may only be made if a parent or guardian knows of and
26 approves the donation for such medical research or use.

27 NEW SECTION. **Sec. 8.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
32 preservation of the public peace, health, morals, or safety, or
33 support of the state government and its existing public institutions,
34 and takes effect immediately.

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