

IC 35-46-5

Chapter 5. Offenses Against Public Sensibility

IC 35-46-5-1

Human tissue trafficking

Sec. 1. (a) As used in this section, "fetal tissue" means tissue from an infant or a fetus who is stillborn or aborted.

(b) As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.

(c) As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:

(1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or

(2) the reimbursement of travel, housing, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ.

(d) A person who intentionally acquires, receives, sells, or transfers in exchange for an item of value:

(1) a human organ for use in human organ transplantation; or
(2) fetal tissue;

commits unlawful transfer of human tissue, a Class C felony.

As added by P.L.131-1992, SEC.2. Amended by P.L.217-1997, SEC.1.

IC 35-46-5-2

Unlawful participation in human cloning; exception

Sec. 2. (a) This section does not apply to in vitro fertilization.

(b) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(c) A person who knowingly or intentionally:

(1) participates in cloning;

(2) implants or attempts to implant a cloned human embryo into a uterine environment to initiate a pregnancy; or

(3) ships or receives a cloned human embryo;

commits unlawful participation in human cloning, a Class D felony.

As added by P.L.126-2005, SEC.9.

IC 35-46-5-3

Unlawful transfer of human organisms; exceptions

Sec. 3. (a) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Class C felony.

(b) This section does not apply to the following:

(1) The transfer to or receipt by a woman donor of an ovum of an amount for:

(A) earnings lost due to absence from employment;

(B) travel expenses;

- (C) hospital expenses;
- (D) medical expenses; and
- (E) recovery time in an amount not to exceed three thousand dollars (\$3,000);

concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.

As added by P.L.126-2005, SEC.10.

IC 35-46-5-4

Unlawful documentation of a gift of organs, tissue, eyes, or body parts

Sec. 4. An individual who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document that:

- (1) expresses;
- (2) makes an amendment or revocation of; or
- (3) refuses;

a gift of organs, tissues, eyes, or other body parts intended to be used in research or in transplants, commits a Class A misdemeanor.

As added by P.L.147-2007, SEC.18.