

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

Testimony before the Senate Committee on Judiciary and Public Safety

Senate Bill 422

Thursday, November 2, 2017

Thank you Chairman Wanggaard and committee members for holding a public hearing on Senate Bill 422. The legislation before you is crucial to prioritizing the rights of the unborn by prohibiting the unethical sale of fetal tissue, increasing penalties for violators, and ensuring that research done in this field is ethical.

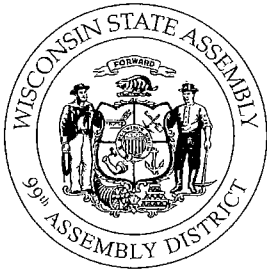
As you may know, federal law currently prohibits the interstate sale of fetal tissue for profit. However, loopholes in this law and a lack of enforcement have allowed the unethical sale and research on fetal body parts. SB 422 closes the federal loophole and calls for strict enforcement measures. This bill allows the Attorney General to prosecute the intrastate sale of fetal body parts. This legislation also requires the final disposition of fetal body parts resulting from an abortion in Wisconsin. This ensures that tissue resulting from an abortion that occurs in Wisconsin cannot be used for research. Finally, the bill also prohibits the acquisition of any fetal body parts for research from a for-profit entity or an abortion clinic.

In addition to expanding protections for the unborn and closing federal loopholes, Senate Bill 422 enhances penalties for individuals who violate the law. The U.S. Senate Committee on the Judiciary's report, "Human Fetal Tissue Research: Context and Controversy," highlighted the lack of enforcement of the law by the executive branch. This bill addresses that concern by increasing the penalty to \$50,000 and/or up to 9 months of imprisonment.

Not only does this legislation take a significant step in ending the unethical sale and distribution of fetal body parts, but it also meaningfully reforms research practices to ensure they are conducted in a humane fashion. First, the legislation institutes a conscience clause which states that researchers cannot be compelled to participate in fetal tissue research if it violates moral or religious beliefs. Next, SB 422 prohibits the alteration of an abortion procedure in order to obtain a fetal body part for research. The bill also requires researchers to obtain written documentation that the consent for the abortion was obtained prior to any request for tissue donation and that the woman was informed of medical and privacy risks. Research in this field can be crucial to saving lives, studying ever-changing diseases, and creating vaccines. These reforms are critical to ensuring that the lifesaving research that occurs in this field can continue in an ethical way.

Lastly, this bill directs the Department of Health Services to request information on establishing a public cord blood collection operation, as stem cells from umbilical cord blood have significant potential as laboratory models for clinical applications.

I'd like to thank Representatives Duchow and Loudenberg for their leadership on this bill. Thank you again for taking the time to hear this bill today. I urge your support.



CINDI DUCHOW

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

(608) 266-3007
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Committee on Judiciary and Public Safety
Public Hearing, SB 422
November 2, 2017

Thank you Chairman Wanggaard and members of the Committee for this opportunity to testify on SB 422 regarding the sale of and research on fetal body parts, final disposition of fetal body parts, cord blood banks, and providing a criminal penalty.

Today you will hear testimony from many individuals about why we should stop fetal tissue research in Wisconsin completely due to ethical reasons. Please understand that I am pro-life and have always been so. As long as I am elected, I will continue to fight for ways to save unborn children. Unfortunately, the ugly truth is that eliminating fetal research will not save one unborn child's life.

In fact, completely eliminating fetal tissue research would have a negative impact on many families across the state. Fetal tissue research has led to many lifesaving vaccines, including Polio and Measles, as well as research with arthritis, cystic fibrosis, diabetes, and cancer.

I'd like to tell a personal as to why I feel strongly about fetal research. Years ago, I received a phone call no parent ever wants to receive. Our doctor called to tell me that my 10 year old son had cancer. I cannot begin to explain the heartache and helplessness you feel as a parent. Before I started the process of doing all I would be able to in battling for my son's life, I had to explain to him that he had cancer and what that meant. As I did my best to smile and make light of the situation, I told my son how sorry I was that he had this terrible cancer and that I wish it was me instead. His response, at only ten years old, was "No mom, I'm glad it's me. I'm young and I can fight this battle better than you."

Thanks to many prayers, God's grace and medical miracles, after countless doctor's appointments, MRI's, PET scans and surgeries, the doctors declared that he was finally cancer free. Of course, twenty or thirty years ago, who knows what his prognosis might have been. But because of what we now know about cancer and how we now treat it can all be attributed to medical research and the huge advances that have been made in the scientific community. Whether you are fighting esophageal cancer, HIV, Zika, Parkinson's, heart disease, or diabetes, emerging medical science and continued cutting-edge research will unlock the answers to solving the world's many medical problems.

No one knows where or what the next break through will be. Science has shown us that miracles can happen any day. Polio has been eradicated because of vaccines developed using fetal research, HIV is no longer a death sentence, what's next? Let's not put a limit on the number of lives that may be saved. Opponents of this bill may argue research could still be gathered from stillborn births.

Please know that in the instances of a miscarriage, mothers often do not donate their child for research. There are so many emotions that come along with a miscarriage that a last thing a healthcare worker will do is ask the mother if they would donate their baby to research. If, in the rare occasion, they would decide to donate their baby, please understand that there was likely some medical reason that caused the baby not to be born and the tissue may not be as viable in these instances.

I urge you to think about the value of fetal tissue research. Let's not tie the hands of the researchers that have been able to do so much already. Instead, let's set the standards for pro-life legislation that continues to save lives, including children's lives, like my son's.

It is my hope that the Committee support SB 422 to allow the continuing of fetal tissue research while also stopping the use of fetal tissue from abortions in Wisconsin.

Thank you again for the opportunity to testify.

Representative Cindi Duchow

Testimony before Senate Committee on Judiciary & Public Safety
Senate Bill 422
Rep. Amy Loudenberg
November 2, 2017

Thank you, Mr. Chairman and committee members for the opportunity to testify on Senate Bill 422. By now, we have all seen the shocking videos of representatives from abortion clinics setting prices and selling organs and other parts of aborted babies. After these graphic videos exposing the unethical sale of aborted babies surfaced, it became evident that Wisconsin needs to continue our leadership in protecting the rights of the unborn.

Senate Bill 422 is modeled heavily on a law passed in North Carolina in 2015. This law was hailed by the North Carolina Family Policy Council and the North Carolina Christian Action League as “historic pro-life legislation.” I have attached copies of press releases praising the bill to the written testimony you have all received.

While we modeled our legislation on the North Carolina law, we wanted to go even further by establishing Wisconsin as the first state in the nation to codify strict ethical standards for research.

We also reviewed other laws that have passed around the country, and we paid particular attention to the law that was passed in Indiana. The Indiana law would require all miscarried and aborted babies to be buried or cremated, and it creates an outright prohibition on the acquisition of any part of an aborted baby for any purpose, including research. This law passed in 2016, but has been stayed in federal court and has never been enacted. Indiana University is one of the lead plaintiffs against the state arguing that the law is unconstitutionally vague and violates the interstate commerce clause.

After reviewing the actions of other states, we decided that the provisions of Senate Bill 422 would make significant, *legally defensible*, progress protecting the sanctity of life that could be a model for other states to follow, instead of another bill that is struck down and never enacted.

Currently, federal law prohibits the *interstate* sale of fetal tissue for profit. SB 422 closes the loophole in federal law that had prohibited the Wisconsin Attorney General from prosecuting the *intrastate* sale of aborted body parts, an extremely important pro-life provision. Our legislation would also require the final disposition of aborted babies resulting from an abortion in Wisconsin, which ensures that aborted Wisconsin babies will never be used for research, in Wisconsin or anywhere else in the world.

By now, most of us who are interested in this issue have read the U.S. Senate Committee on the Judiciary’s report, “Human Fetal Tissue Research: Context and Controversy.” This report states that another flaw with current law is the lack of enforcement from the executive branch. Our legislation will address this issue by increasing the penalty to \$50,000 and/or up to 9 months imprisonment, which our Wisconsin Attorney General will now be able to pursue and prosecute.

In addition, SB 422 prohibits the acquisition or receipt of any fetal body part for research from a for-profit entity, an abortion clinic, or an entity whose primary function is obtaining fetal tissue for sale. This provision directly responds to the graphic images in the videos where abortion clinics are negotiating the prices, and therefore profits, for the sale of aborted baby body parts. Senate Bill 422 will also enhance the penalty for individuals who violate this law.

SB 422 also requires documentation of informed consent and requires that all documentation must go to an Institutional Review Board to be retained for seven years.

Senate Bill 422 also provides a conscience clause. This will ensure Wisconsin researchers cannot be compelled to participate in research using aborted babies if it violates their moral or religious beliefs.

Finally, our bill directs the Department of Health Services to conduct a "Request for Information" on establishing a public cord blood collection operation, as stem cells from umbilical cord blood have significant potential as laboratory models and for clinical applications.

As I stated earlier, Senate Bill 422 would make significant progress protecting the sanctity of life, and set a legally defensible and very high ethical standard for research in Wisconsin.



ALERT: NC Senate Passes Bill To Ban Sale Of Baby Body Parts!

NC FAMILY STAFF | SEPTEMBER 24, 2015 | SHARE:



This morning, the North Carolina Senate took decisive action to pass a bill banning the sale of body parts or other remains of aborted children in North Carolina! House Bill 297-End Marketing/Sale Unborn Children Body Parts was approved by a 41-3 vote on the Senate floor and now returns to the House for consideration. The bill directs that, "No person shall sell the remains of an unborn child resulting from an abortion or a miscarriage, or any aborted or miscarried material," and it creates a Class I felony offense for a violation of the law. The

bill does provide that a mother may "donate the remains of her unborn child after a spontaneous abortion or miscarriage to a research facility for research..." with informed written consent

"We applaud the North Carolina Senate, and especially Senator Chad Barefoot who championed this measure, for helping defend the dignity of unborn children in our state," said John L. Rustin, president of the North Carolina Family Policy Council. "It is absolutely tragic that such legislation is necessary in this day and age, but the callousness of the abortion industry and Planned Parenthood have been exposed, and the remains of babies who have lost their lives to abortion will be more properly honored now."

Passage of the measure follows the release of a series of undercover videos by the Center for Medical Progress showing Planned Parenthood executives and other staff callously picking through organs and other tissue from aborted babies and haggling over the price.

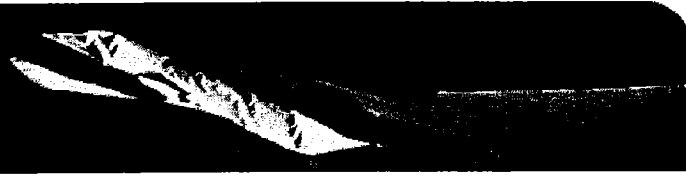
The North Carolina House could take swift action on HB 297, so please contact your State House member and urge him or her to support this bill, which will ban the sale of baby body parts in our state!

To identify your State House Member:

- Visit the "Who Represents Me?" page on the General Assembly website;
- Go to the NC House map and enter your address in the "Find address or place" window;
- Click on the map and then click on the "Open Member Page" link.

Then, call and/or email your State House Member and ask him or her to VOTE FOR HB 297!

Thank You!



North Carolina Senate Approves Historic Pro-Life Legislation – Measure Now Moves to the House for Consideration on Monday Night

By Hunter Hines
Christian Action League
September 25, 2015

RALEIGH – Thursday, the North Carolina Senate moved to pass one of the most significant pieces of pro-life legislation in the state's history. **HB 297 – End Marketing/Sale of Unborn Children Body Parts** overwhelmingly passed with bipartisan support by a vote of 41-3.

In championing the measure on the Senate floor, the youngest Senator in the chamber, Sen. Chad Barefoot eloquently stated the purpose of the bill. Barefoot said:

"In the middle of July, national news organizations began to report that undercover videos had surfaced purporting to show the nation's largest abortion clinic, Planned Parenthood, engaged in the selling and trafficking of unborn children body parts. The videos are utterly gruesome, callus, and their contents represent a very dark and depraved part of our culture. A part of our culture that many Americans did not know existed. I certainly didn't.

"Unfortunately, these facts don't go away. And we shouldn't turn a blind eye. These videos have revealed that a marketplace for the sale of the remains of unborn children is thriving. While federal law prohibits the sale or purchase of aborted fetal tissue, it has become apparent that this policy can be circumvented.

"This bill prohibits the marketing and sale of unborn children body parts in North Carolina. It seeks to provide some level of dignity to unborn children who lose their lives due to an abortion."

As stated in an Urgent Action Alert sent by the Christian Action League on Wednesday, the legislation actually does two things:

1. It codifies language in our state statutes to permanently prevent taxpayer monies from funding

Planned Parenthood. Last week the Christian Action League explained in this report, *General Assembly Passes 2015 Budget: No Lottery Expansion and No Funding for Planned Parenthood*, that Planned Parenthood was defunded in the state budget for 2015. This is true. But without a state statute that prohibits the funding of Planned Parenthood the defunding is only a temporary fix that has to be addressed in each budget. HB 297 takes the matter of taxpayer funding for Planned Parenthood further with a perpetual exclusion.

2. The bill outlaws the sale of baby body parts. A shocking series of undercover videos by the *Center for Medical Progress* recently revealed that this is a practice of Planned Parenthood. Recently, Dr. Mark Creech, executive director of the Christian Action League referred to the practice as "Frankensteinian" and "butcherous." HB 297 will make such an egregious and barbarous act illegal by stating, "No person shall sell the remains of an unborn child resulting from an abortion, or a miscarriage, or any aborted or miscarried material." It would make the act a Class I felony.

Dr. Mark Creech, executive director of the Christian Action League said that passage of the legislation is historic. "I also think it's ironic that the bill was presented and advocated for in the Senate by its youngest member – a man who is in his early 30s. I think it's a reflection that today's generation of young adults are more pro-life than their parents."

Barefoot, a devout Christian, also holds a Master of Arts degree in Christian Ethics from Southeastern Baptist Theological Seminary in Wake Forest.

HB 297 now moves to the House for consideration on Monday night, September 28th.

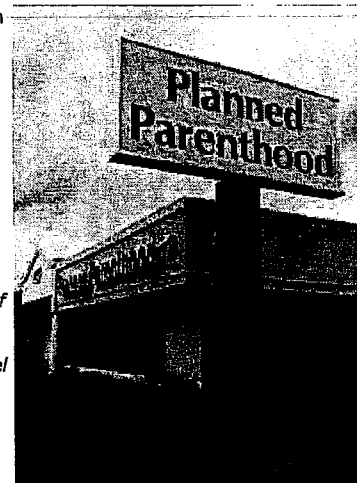
Dr. Mark Creech, executive director of the Christian Action League added he expects the bill will pass with relative ease, but he cautioned it's always good to contact your Representatives to let them know of your support for the measure. "Representatives can be pounded from the left on such bills. So they always need to hear reassuring voices," he said.

Take Christian Action:

Take a moment to phone both your Representative in the N.C. House. If you don't speak directly with him or her or their legislative assistant, leave a voice mail, remembering to always show Christian grace in your remarks. Please take a moment and call right now!!!

To identify who represents you in the N.C. Senate and House, go to WRAL's *Find Your Lawmakers* and type in your home address.

This entry was posted on Friday, September 25th, 2015 at 9:14 pm and is filed under [Christian Action League](#). You can follow any responses to this entry through the [RSS 2.0](#) feed.





Heal Without Harm

ETHICAL RESEARCH COALITION

Heal Without Harm is a coalition of organizations and citizens dedicated to working with the scientific community to encourage it toward ethical research. The coalition is composed of member organizations, including: Wisconsin Right to Life, Wisconsin Catholic Conference, Wisconsin Family Action and Pro-Life Wisconsin, among others

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Heal Without Harm Coalition – Wisconsin Catholic Conference, Pro-Life Wisconsin, Wisconsin Family Action, Wisconsin Right to Life

Senate Judiciary and Public Safety Committee

RE: SB 422

Thursday, November 2nd, 2017

Distinguished members of the Senate Judiciary and Public Safety Committee,

Thank you for the opportunity to testify today. The Heal Without Harm Coalition consists of four organizations: Wisconsin Right to Life – represented by its Legislative Director Chelsea Duffy, Wisconsin Catholic Conference – represented by its Executive Director Kim Wadas, Wisconsin Family Action – represented by its President Julaine Appling, and Pro-Life Wisconsin – represented by its Legislative Director Matt Sande.

The Heal Without Harm Coalition has three main concerns about SB 422.

First, SB 422 maintains the trade and use of aborted fetal body parts. Looking closely at the language of the bill, SB 422 only prohibits profiteering from the acquisition of aborted fetal tissue. Non-profits can still obtain aborted fetal tissue from other non-profits, meaning that research institutions within the state of Wisconsin could acquire tissue from an out-of-state non-profit institution. This is still trading aborted fetal tissue, just across state lines instead of directly between an abortion facility and a research institution. Also, this assumes that experimentation on the remains of aborted fetal body parts will still continue within Wisconsin. While we applaud the effort to end profiteering from abortion-derived fetal tissue, we remain strongly opposed to the continued trade and use of the body parts of aborted children.

Second, SB 422 retains criminal penalties on persons who violate the provisions of SB 422 – which includes individual researchers. We discovered, through conversation with medical researchers, that not all medical researchers are aware of the source of the tissues they use for research. Therefore, we would caution against instituting criminal penalties against persons, which includes individuals, due to this lack of knowledge. Often, institutions are aware of the source of tissues used, when individual researchers are not. Researchers should not be penalized for using abortion-derived fetal tissue when they are not even aware of its source. Since institutions cannot be jailed, civil forfeitures against institutions seem the most appropriate type of penalty for this situation.

Third and finally, SB 422 makes a significant exemption for those developing pharmaceutical products. Pharmaceuticals is too sizable a field of medical research to leave entirely untouched. The dependence on tissue derived from the abortion industry legitimizes abortion, creates a demand for it, and further embeds it in our educational and medical institutions. In no matter what field aborted fetal tissue is used, we must, and can, find a better way than relying on the destruction of unborn children.

Thank you so much for your time,
The Heal Without Harm Coalition