

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1127 (Delegate J. Kelly, *et al.*)

Environmental Matters

Maryland Aborted Children Exploitation Prevention Act

This bill provides that a person may not engage or participate in the “exploitation of aborted children.” The sale, gift, barter, exchange, or purchase of human fetal tissue, cells, or organs obtained from a legal abortion is prohibited by State employees, in State facilities, and by any person or entity using State funds. The prohibition does not include the abortion procedure, treatment of a living fetus, autopsies for pathological testing, or research concerning the safety of abortion. The bill prohibits any person from possessing a dead fetus, any organ, member, or tissue of fetal material resulting from a legal abortion. The bill provides that the Attorney General may maintain an action in District Court: (1) to obtain an injunction against a future violation of the bill; and (2) for civil contempt against any person who intentionally violates such an injunction. The bill is not to be construed to prohibit the use of physical assets or facilities provided to the public at large, such as utilities and water supply, by private entities.

Fiscal Summary

State Effect: The bill’s provisions would not change State activities or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In 1995, Congress banned any research in human embryos; and for the third year in a row, Congress has passed an appropriations bill that prohibits funding embryonic research. Scientists have tapped private funds for research using donated fetal tissue since federal money could not be used to isolate or develop embryonic stem cells. The goal of embryonic stem-cell research is to develop specialized cells which could be transplanted into patients. Researchers at the National Institutes of Health (NIH) have determined that extracting stem cells from an aborted fetus or from unused embryos at invitro fertilization clinics did not represent “embryonic research.” None of the cells produce a placenta which sustains fetal development, the cells cannot grow into a human being, even if implanted in a woman, and therefore are not embryos.

At least ten states have enacted laws prohibiting the sale, gift, barter, exchange, or purchase of human fetal tissue, cells, or organs obtained from a legal abortion for research, treatment, or transplantation. This bill was fashioned after the “Nebraska Aborted Children Exploitation Prevention Act.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Health Boards and Commissions); Washington County; Prince George’s County; *Science*, Dec. 11, 1998 (Senate Subcommittee Testimony on Funding Stem-Cell Research) by Eliot Marshal; Department of Legislative Services

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Analysis by: Louise Hanson

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510