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 Level 5 felony.

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 Level 6 felony.

IC 35-46-5-3
"Qualified third party"; unlawful transfer of human organisms; exceptions; penalties
Sec. 3. (a) As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:
   (1) is accredited by an entity approved by the medical licensing board;
   (2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and
(3) employs a physician licensed under IC 25-22.5 who:
   (A) is board certified in obstetrics and gynecology; and
   (B) performs oocyte cryopreservation at the facility.
(b) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.
(c) This section does not apply to the following:
   (1) The transfer to or receipt by either a woman donor of an ovum or a qualified third party 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 four thousand dollars ($4,000);
      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 defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.
(d) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony.

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.