IC 35-46-5
Chapter 5. Offenses Against Public Sensibility

IC 35-46-5-1
Human organ trafficking
Sec. 1. (a) 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.
(b) 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.
(c) A person who intentionally acquires, receives, sells, or transfers, in exchange for an item of value, a human organ for use in human organ transplantation commits unlawful transfer of human organs, a Level 5 felony.

IC 35-46-5-1.5
Unlawful transfer of fetal tissue
Sec. 1.5. (a) As used in this section, "aborted" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs.
(b) As used in this section, "fetal tissue" includes tissue, organs, or any other part of an aborted fetus.
(c) This section does not apply to the proper medical disposal of fetal tissue.
(d) A person who intentionally acquires, receives, sells, or transfers fetal tissue commits unlawful transfer of fetal tissue, a Level 5 felony.
(e) A person may not alter the timing, method, or procedure used to terminate a pregnancy for the purpose of obtaining or collecting fetal tissue. A person who violates this subsection commits the unlawful collection of fetal tissue, a Level 5 felony.
As added by P.L.213-2016, SEC.30.

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.
*As added by P.L.126-2005, SEC.9. Amended by P.L.158-2013,
SEC.571.*

**IC 35-46-5-3**
"Qualified third party"; unlawful transfer of human organisms;
exceptions; penalties

Sec. 3. (a) As used in this section, "lethal fetal anomaly" means
a fetal condition diagnosed before birth that, if the pregnancy results
in a live birth, will with reasonable certainty result in the death of the
child not more than three (3) months after the child's birth.

(b) 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.

(c) 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.

(d) 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.
   (3) The transfer or receipt of a fetus if:
       (A) the fetus was diagnosed with a lethal fetal anomaly and
           written medical documentation verifies the diagnosis; and

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(B) a biological parent has requested, in writing, the transfer of the fetus for purposes of an autopsy.

(e) 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.