



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1640

Introduced 2/8/2023, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

New Act

Creates the Dignity for Aborted Children Act. Provides that, notwithstanding any State law or administrative rule to the contrary, any physician after performing an abortion shall provide the patient with an informed consent form, provided by the Department of Public Health, offering the patient specified options for disposal of the human fetal tissue from the abortion. Provides that it is unlawful for any physician, after performing an abortion in which the patient elects to release the human fetal tissue to the physician, to fail to provide for the final disposition of the human fetal tissue through interment or cremation, consistent with State law regarding the disposal of human remains, not later than 7 days after the date on which the abortion procedure was performed. Requires physicians who perform abortions and persons, not including patients, to whom human fetal tissue are transferred to submit annual reports to the Department containing specified information. Contains provisions specifying civil penalties, criminal designations, and consideration of action by the Illinois State Medical Board. Provides that a patient upon whom an abortion is performed or attempted in violation of the Act may not be prosecuted under the Act or for a conspiracy to violate the Act. Provides that the Department shall submit to the General Assembly an annual report on the number of abortions, procedure type, and method of disposal of human fetal tissue under the Act.

LRB103 30557 LNS 56991 b

A BILL FOR

1 AN ACT concerning abortion.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Dignity for Aborted Children Act.

6 Section 5. Definitions. As used in this Act:

7 "Abortion" has the meaning provided in Section 1-10 of the
8 Reproductive Health Act.

9 "Department" means the Department of Public Health.

10 "Human fetal tissue" means tissue obtained from a dead
11 human embryo or fetus after a spontaneous or induced abortion
12 or after a stillbirth.

13 "Physician" means any person licensed to practice medicine
14 in all its branches under the Medical Practice Act of 1987.

15 Section 10. Disposal of human fetal tissue; informed
16 consent.

17 (a) Notwithstanding any State law or administrative rule
18 to the contrary, any physician, after performing an abortion
19 in this State, shall provide the patient with an informed
20 consent form, provided by the Department, offering the patient
21 the following options for disposal of the human fetal tissue
22 from the abortion:

1 (1) The patient may take possession of the human fetal
2 tissue and may choose to transfer the tissue to an entity
3 providing interment or cremation.

4 (2) The patient may elect to release the human fetal
5 tissue to the physician, who shall be subject to the
6 requirements of subsection (b), except that the option
7 described in this paragraph shall not be available if the
8 patient does not expel the human fetal tissue at the
9 premises of the physician performing the abortion.

10 (b) A physician described in subsection (a) shall:

11 (1) obtain a patient signature on each consent form
12 required under subsection (a); and

13 (2) retain each consent form in the patient's file.

14 Section 15. Physician disposal.

15 (a) It is unlawful for any physician, after performing an
16 abortion in this State in which the patient elects to release
17 the human fetal tissue to the physician under paragraph (2) of
18 subsection (a) of Section 10, to fail to provide for the final
19 disposition of the human fetal tissue through interment or
20 cremation, consistent with State law regarding the disposal of
21 human remains, not later than 7 days after the date on which
22 the abortion procedure was performed.

23 (b) The final disposition of human fetal tissue under
24 paragraph (2) of subsection (a) of Section 10 may be carried
25 out through interment or cremation of tissue from more than

1 one abortion procedure collectively.

2 Section 20. Physician reports; reports of persons to whom
3 human fetal tissue is transferred.

4 (a) A physician described in subsection (a) of Section 10
5 shall submit annual reports to the Department indicating, with
6 respect to the annual reporting period:

7 (1) the aggregate number of abortion procedures
8 performed by the physician;

9 (2) the gestational age of the fetus at the time of
10 each procedure; and

11 (3) for abortions carried out using an abortion method
12 other than chemical abortion:

13 (A) the aggregate number of human embryos or
14 fetuses for which the physician provides for final
15 disposition through interment or cremation, other than
16 by releasing the human fetal tissue to a patient under
17 paragraph (1) of subsection (a) of Section 10;

18 (B) the aggregate number of human embryos or
19 fetuses released to patients; and

20 (C) the identity of each person, not including the
21 patient, to whom the physician transfers human fetal
22 tissue for final disposition.

23 (b) If, during the reporting period under subsection (a),
24 a physician transfers human fetal tissue to another person,
25 not including the patient, for final disposition through

1 interment or cremation, the person shall submit a report to
2 the Department for the annual reporting period specifying:

3 (1) the aggregate number of human embryos or fetuses
4 transferred to the person; and

5 (2) how the person disposed of the human fetal tissue.

6 Section 25. Penalties; violations; patient exemption.

7 (a) Any physician who fails to maintain the documentation
8 required under subsection (b) of Section 10 shall be subject
9 to a civil penalty in an amount not less than \$1,000 per
10 violation and not exceeding \$50,000 per violation.

11 (b) Any physician who violates Section 15 is guilty of a
12 Class A misdemeanor.

13 (c) Any physician who violates subsection (a) of Section
14 20 is guilty of a Class B misdemeanor.

15 (d) A violation described under subsection (a), (b), or
16 (c) shall result in the matter also being considered for
17 action by the Illinois State Medical Board on its authority.

18 (e) A patient upon whom an abortion is performed or
19 attempted in violation of this Act may not be prosecuted under
20 this Act or for a conspiracy to violate this Act.

21 Section 30. Department annual reports. The Department
22 shall submit to the General Assembly an annual report on the
23 number of abortions, procedure type, and method of disposal of
24 human fetal tissue under this Act.