

# Policy At A Glance:

## California Assembly Bill ABX2 No.12

*State Assembly member Jim Patterson (R-23/Fresno) introduced ABX2 12, also known as The Fetal Tissue Exploitation Prevention Act in early August, 2015 during the second extraordinary session of 2015-16. The bill was co-authored by Assembly members Shannon Grove (R-34), Brian Jones (R-71), Devon Mathis (R-26) and Donald Wagner (R-68).*

## What is Assembly Bill ABX2 12?

California's existing law prohibits one from knowingly, for *valuable consideration*, purchasing or selling of embryonic or cadaveric fetal tissue for purposes of research. Current law allows for *donation* of tissue and excludes from the definition of *valuable consideration* the associated reasonable payments for removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of such tissue.

The bill is a response to video release of officials from Stem Express - a company that furnishes human tissue to researchers - discussing the sale of aborted fetuses for research and the link to Planned Parenthood Federation of America. ABX2 12 seeks to amend Section 125320 of the Health and Safety Code through the following key changes:

1. Amend the definition of *valuable consideration*, for the purpose of that provision, to include all forms of payment, including the above-mentioned reasonable payments.
2. Prohibit all public funds from being used to support any facility that supplies cadaveric fetal tissue for the purposes of medical research.<sup>1</sup>

ABX2 12 follows U.S. Senate bill S.1881, focused on ending federal funding of Planned Parenthood which totals over \$500 million annually. S.1881's advancement failed in the Senate on August 3 of this year.<sup>2</sup>

According to the California Stem Cell Research and Cures Act of 2004, the Legislature may amend the statutory provisions of the act, but with the requirement of a 70% majority vote for passage.<sup>1</sup>

## History

8/17/2015 ABX2 12 introduced to the Assembly's second extraordinary session.

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## Who and what does ABX2 12 target?

ABX2 12 primarily targets the compensation and funding streams for health clinics that furnish fetal tissue for medical research and typically also provide abortion services. The key targets are clinics associated with Planned Parenthood.

The bill's two-fold aim is to curtail use of fetal tissue for medical research purposes by prohibiting:

1. All compensation for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of the tissue;
2. All public funding for facilities supplying fetal tissue for medical research.

## Who supports ABX2 12?

Given the recent introduction of ABX2 12, it is too early to tell fully who supports or opposes the bill.

The Fetal Tissue Exploitation Prevention Act was introduced by Assembly member Jim Patterson (R-23) and was co-authored by Assembly members Shannon Grove (R-34), Brian Jones (R-71), Devon Mathis (R-26) and Donald Wagner (R-68). Early supporters include pro-life advocates.

Early and expected opponents of the bill include Planned Parenthood and affiliated clinics, biomedical researchers and companies such as Stem Express. Planned Parenthood has been under severe scrutiny since the public release of the controversial videos this summer.

## How is fetal tissue research regulated?

Fetal tissue research has been legally conducted in the United States since mid- 20<sup>th</sup> century and the National Institutes of Health (NIH) Revitalization Act of 1993 regulates many aspects of today's research. Prior to the NIH act, research came under close scrutiny following the U.S. Supreme Court's 1973 ruling in *Roe v. Wade*, which protected the right for abortion in 1<sup>st</sup> and 2<sup>nd</sup> trimesters of a pregnancy.

Fetal tissue research has continued to be a politically, religiously, and morally controversial topic. Meanwhile, medical researchers point out that such research has played a significant role in advancing scientific knowledge for cancer, immunology, and transplantation. Federal and State funding for facilities supporting such research is at the forefront of political debate.



Planned Parenthood received \$528.4m from the Federal government in service grants and reimbursements. These funds are not appropriated for abortion or fetal tissue services or research. While state distributions figures vary, there are 114 Planned Parenthood facilities in California, the highest in the nation.

In 2013, Planned Parenthood affiliated health centers saw 2.7m patients receiving 10.6m services over 4.6m clinical visits.<sup>3</sup>

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## What are the implications of ABX2 12 for Seventh-day Adventist-sponsored Health Systems?

We are not aware of any specific statements of the Seventh-day Adventist Church regarding the donation of fetal tissue. However, Adventists have adopted a stance on abortion that calls for the protection of prenatal life, while also recognizing that there are circumstances in which abortion may be medically necessary. Adventist's official guidelines regarding abortion state that "Prenatal human life is a magnificent gift of God. God's ideal for human beings affirms the sanctity of human life, in God's image, and requires respect for prenatal life....Thus prenatal life must not be thoughtlessly destroyed. Abortion should be performed only for the most serious reasons."<sup>4</sup> Adventist healthcare institutions therefore take a conservative position regarding abortion, with strict limits based on medical indications. The proposed bill, if it became law, probably would not affect clinical practice in Adventist facilities.

What about the possible effects on medical research? Consultation with research leaders at LLU Health indicates that the proposed bill would probably not adversely affect current research here or at other Adventist institutions. Research with embryonic stem cells, which might be considered a somewhat analogous situation since it involves cells from human embryos, is governed by relevant state and federal laws and is typically given oversight by institutional committees responsible for ensuring legal compliance and ethical responsibility. At LLU Health this task is handled by the Embryonic Stem Cell Research Oversight Committee, chaired by Dr. Anthony Zuccarelli. While the Adventist Church has not officially adopted a statement on embryonic stem cell research, the Health Department of the General Conference did publish guidelines on this topic in the Church's magazine for ministers.<sup>5</sup>

It should be noted that medical research with fetal tissue, which is made available in ethically responsible ways, can be highly significant for the understanding of human health and for advances in medical practice. The proposed legislation appears to conflate opposition to the wide-spread practice of abortion with opposition to the use of fetal tissue for research.

### References:

1. California Legislature – 2015-16 Second Extraordinary Session. Assembly Bill No.12. August 17, 2015. Accessed August 19, 2015. [http://www.leginfo.ca.gov/pub/15-16/bill\\_asm/ab\\_0001-0050/abx2\\_12\\_bill\\_20150817\\_introduced.pdf](http://www.leginfo.ca.gov/pub/15-16/bill_asm/ab_0001-0050/abx2_12_bill_20150817_introduced.pdf)
2. 114<sup>th</sup> Congress (2015-2016). S.1881 – A bill to prohibit Federal funding of Planned Parenthood Federation of America. August 3, 2015. Accessed August 19, 2015. <https://www.congress.gov/bill/114th-congress/senate-bill/1881>
3. Planned Parenthood. 2013-2014 Annual Report. Accessed August 19, 2015. [http://plannedparenthood.org/files/6714/1996/2641/2013-2014\\_Annual\\_Report\\_FINAL\\_WEB\\_VERSION.pdf](http://plannedparenthood.org/files/6714/1996/2641/2013-2014_Annual_Report_FINAL_WEB_VERSION.pdf)
4. The Adventist guidelines on abortion are available at <http://www.adventist.org/information/official-statements/guidelines/article/go/0/abortion/6/> Another Adventist statement that gives an indication of the Church's ethical position regarding prenatal life is the statement "Considerations on Assisted Human Reproduction," available at: <http://www.adventist.org/en/information/official-statements/documents/article/go/0/considerations-on-assisted-human-reproduction/>
5. "Ethical Considerations Regarding Human Embryonic Stem Cell Research," *Ministry*, June, 2008. These guidelines are essentially the same as those adopted by the LLU Board, February 26, 2008.



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*Questions?*

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