



HUMAN CAPITAL project

Fact Sheet: The Law Against Fetal Tissue Sales

Federal law at **42 U.S. Code 289g-2** strongly prohibits the sale or purchase of aborted fetal tissue:

42 U.S. Code § 289g–2 - Prohibitions regarding human fetal tissue

(a) Purchase of tissue

It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.¹

Valuable consideration is a standard legal term that means any benefit exchanged in a contract, such as money or services:

n. a necessary element of a contract, which confers a benefit on the other party. Valuable consideration can include money, work, performance, assets, a promise or abstaining from an act.²

While the federal law clarifies that limited reimbursements for specific costs of donating fetal tissue are acceptable,³ payment for fetal body parts themselves is strictly illegal.

Former Democratic Congressman Henry Waxman, the lead sponsor of the fetal tissue law,⁴ explained the law's purpose in this way:

“It would be abhorrent to allow for the sale of fetal tissue and a market to be created for that sale.”⁵

Waxman also clarified: **“Any price is unreasonable and illegal.”⁶**

Legislative intent in drafting the law was to allow for donation programs for research on fetal tissue to occur, but to prohibit any market from being created in the “products” from abortion.

¹ 42 USC 289g-2. <https://www.law.cornell.edu/uscode/text/42/289g-2>

² “Valuable consideration,” Law.com Dictionary. <http://dictionary.law.com/Default.aspx?selected=2210>

³ 42 U.S.C. 289g-2(e)(3). <https://www.law.cornell.edu/uscode/text/42/289g-2>

⁴ Bill Summary and Status, H.R.4, <http://thomas.loc.gov/cgi-bin/bdquery/z?d103:HR00004:|/bss/d103query.html>

⁵ Munro, Neil. “The Fetal-Tissue Frontier.” National Journal, 26 February 2000.

⁶ *Ibid.*