

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 1108

INTRODUCER: Senator Baxley

SUBJECT: China/Forced Organ Harvesting

DATE: February 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Looke</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SM 1108 provides whereas clauses and resolves the Legislature of the State of Florida to urge the U.S. President and Congress to condemn the People’s Republic of China for its practice of forcibly removing human organs for transplant and to adopt legislation and policies that:

- Prohibit collaboration between the American medical and pharmaceutical companies and any Chinese counterparts linked to forced organ harvesting;
- Ban individuals who have participated in unethical removal of human tissues and organs from entering the U.S.; and
- Provide for prosecution of such individuals.

The memorial specifies that copies be sent to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and to each member of the Florida delegation of Congress.

II. Present Situation:

The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China

In December of 2018 the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (Tribunal) began the first of two public hearings on forced organ harvesting in China, the second of which was held in April of 2019.¹ In the hearings, which were held in London, England, the Tribunal heard evidence from numerous witnesses and experts detailing the practice in China of harvesting organs from prisoners of conscience without consent.² The Tribunal was commissioned by the International Coalition to End Transplant Abuse in China, which is a not-for-profit coalition of lawyers, academics, ethicists, medical professionals,

¹ China Tribunal: Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, available at <https://chinatribunal.com/> (last visited Jan. 20, 2022).

² Id.

researchers, and human rights advocates dedicated to ending what they assert to have been, and to be, the practice of forced organ harvesting in China.³ The Tribunal itself was made up of seven members of the public who were asked to volunteer on the Tribunal due to their diverse backgrounds and expertise.⁴

After the first set of hearings, the Tribunal issued an interim judgement in December of 2018, and then, after the second set of hearings, a short form of the final judgement in June of 2019 and the full final judgement in March of 2020.⁵ The Tribunal states that it considered evidence in many forms pointing to:

- That there were extraordinarily short waiting times (promised by Chinese doctors and hospitals) for organs to be available for transplantation;
- That there was torture of Falun Gong and Uyghurs;
- That there was accumulated numerical evidence (excluding spurious Chinese data) which indicated:
 - The number of transplant operations performed; and
 - The impossibility of there being anything like sufficient ‘eligible donors’ under the recently formed Chinese voluntary donor scheme for that number of transplant operations;
- That there was a massive infrastructure development of facilities and medical personnel for organ transplant operations, often started before any voluntary donor system was even planned; and
- That there was direct and indirect evidence of forced organ harvesting.⁶

The Tribunal also drew the ultimate conclusion that

Forced organ harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply. The concerted persecution and medical testing of the Uyghurs is more recent and it may be that evidence of forced organ harvesting of this group may emerge in due course. The Tribunal has had no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today.⁷

Falun Gong

Falun Gong, also known as Falun Dafa, is an ancient Chinese meditation practice, or gigong, which seeks to nurture the mind and body through the mixture of Buddhist beliefs, slow movements, and martial-art-type exercises, while emphasizing the fundamental principles of

³ Judgement, The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, 3/1/2020, p. 10, available at https://chinatribunal.com/wp-content/uploads/2020/03/ChinaTribunal_JUDGMENT_1stMarch_2020.pdf (last visited Jan. 20, 2022).

⁴ Id. p. 12 at f.n. 19

⁵ Supra n. 1

⁶ Short Form of the China Tribunal’s Judgement, 6/17/19, available at https://chinatribunal.com/wp-content/uploads/2020/02/China-Tribunal-SHORT-FORM-CONCLUSION_Final.pdf (last visited Jan. 20, 2022).

⁷ Id.

“truth, benevolence, and forbearance.” Literally, “Falun Gong” means “Cultivation of the Wheel of Law,” while “Falun Dafa” translates to “Great Wheel of Buddha’s Law.” Falun Gong was introduced in China in 1992 by Li Hongzhi, one of many gigong masters who sought to gain followers by promoting his own variety of gigong.⁸

Li’s quick success resulted in Falun Gong’s transformation into an international phenomenon, attracting millions of people in over 40 countries. Such widespread popularity has generated concern within the Chinese government. Fearing the potential influence such a popular movement could have within China, the Chinese government has characterized Falun Gong as an evil cult and has carried out an extensive campaign to eliminate the group’s presence from Chinese society.⁹

III. Effect of Proposed Changes:

SM 1108 provides whereas clauses pointing to a number of sources of condemnation of China for forced organ harvesting, as well as indicating that China has systematically persecuted people who follow Falun Gong. Based on the findings indicated by the whereas clauses, SM 1108 resolves the Legislature of the State of Florida to urge the U.S. President and Congress to condemn the People’s Republic of China for its practice of forcibly removing human organs for transplant and to adopt legislation and policies that:

- Prohibit collaboration between the American medical and pharmaceutical companies and any Chinese counterparts linked to forced organ harvesting;
- Ban individuals who have participated in unethical removal of human tissues and organs from entering the U.S.; and
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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ Human Rights Brief: Volume 9, Issue 1, Erin Chlopak, American University Washington College of Law, 2001, available at <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1435&context=hrbrief> (last visited Jan. 20, 2022).

⁹ Id.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates one new non-statutory section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.