

REFERENCE TITLE: human egg providers; protection

State of Arizona
House of Representatives
Forty-ninth Legislature
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2010

HB 2651

Introduced by
Representatives Barto, Ash, Barnes, Burges, Gowan, Stevens, Weiers JP,
Senator Gray L: Representatives Adams, Antenori, Boone, Court, Crandall,
Goodale, Lesko, Mason, McComish, McLain, Montenegro, Nichols, Pratt, Seel,
Weiers J, Senators Allen S, Harper, Melvin, Pearce R, Verschoor

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; RELATING
TO HUMAN EGGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 11, to read:

4 CHAPTER 11

5 HUMAN EGGS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1301. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "DIRECT EXPENSES" MEANS ACTUAL MEDICAL AND HOSPITAL EXPENSES,
10 ACTUAL LOST WAGES AND TRAVEL EXPENSES TYPICALLY PAID TO RESEARCH SUBJECTS BY
11 MEDICAL INSTITUTIONS IN THIS STATE. DIRECT EXPENSES DO NOT INCLUDE PAYMENT
12 FOR TIME, INCONVENIENCE OR EMOTIONAL OR PHYSICAL DEMANDS OF THE EGG DONATION
13 PROCEDURE.

14 2. "EGG" MEANS AN OOCYTE OR EGG CELL OF A HUMAN FEMALE.

15 3. "EGG PROVIDER" MEANS A WOMAN WHO PROVIDES OR AGREES TO PROVIDE HER
16 EGGS FOR PURPOSES OTHER THAN HER OWN IMPREGNATION WITH THOSE EGGS.

17 4. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
18 CHAPTER 13 OR 17.

19 5. "PURCHASE" INCLUDES PROVIDING ANY CASH, IN-KIND PAYMENT OR OTHER
20 VALUABLE FINANCIAL OR NONFINANCIAL CONSIDERATION.

21 36-1302. Informed consent for egg donation; requirements;
22 unprofessional conduct

23 A. FOR THE PURPOSES OF THE DUTY OF CARE OWED BY A PHYSICIAN, AN EGG
24 PROVIDER IS A PATIENT OF THE PHYSICIAN WHO HARVESTS THE EGGS FROM THE EGG
25 PROVIDER.

26 B. A PHYSICIAN SHALL NOT HARVEST EGGS EXCEPT IN A HOSPITAL, CLINIC OR
27 OTHER MEDICAL FACILITY THAT MEETS THE LICENSING STANDARDS FOR THE FACILITY
28 PRESCRIBED BY THIS TITLE.

29 C. BEFORE PERFORMING ANY MEDICAL PROCEDURE OR PRESCRIBING ANY HORMONES
30 OR OTHER DRUGS FOR AN EGG PROVIDER, A PHYSICIAN MUST PROVIDE THE EGG PROVIDER
31 WITH THE FOLLOWING INFORMATION:

32 1. A DESCRIPTION OF ALL HORMONES AND OTHER DRUGS TO BE TAKEN BY THE
33 EGG PROVIDER, INCLUDING THE DOSAGE, FREQUENCY OF ADMINISTRATION, INTENDED
34 BIOCHEMICAL FUNCTION AND LIKELY PHYSIOLOGICAL RESPONSE TO EACH MEDICATION.

35 2. A DESCRIPTION OF ALL PROCEDURES TO BE PERFORMED ON THE EGG
36 PROVIDER, INCLUDING THE PURPOSE, DURATION AND ESTIMATED RECOVERY TIME FOR
37 EACH PROCEDURE.

38 3. MEDICALLY ACCURATE DISCLOSURES CONCERNING ALL POTENTIAL RISKS OF
39 EGG DONATION THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE
40 DECISION OF WHETHER TO UNDERGO THE PROCEDURE, INCLUDING THE MEDICAL RISKS
41 ASSOCIATED WITH THE SURGICAL PROCEDURE AND THE DRUGS, MEDICATIONS AND
42 HORMONES PRESCRIBED FOR OVARIAN STIMULATION DURING THE PROCESS.

43 4. A DESCRIPTION OF THE EFFECTS THAT THE SURGICAL PROCEDURE AND THE
44 DRUGS, MEDICATIONS AND HORMONES MAY HAVE ON FUTURE ATTEMPTS OF THE EGG
45 PROVIDER TO BECOME PREGNANT.

1 5. A LIST OF ADDITIONAL SOURCES OF INFORMATION ON HEALTH AND SAFETY
2 ISSUES SURROUNDING EGG DONATION.

3 6. NOTICE THAT THE EGG PROVIDER CANNOT BE COMPLETELY INFORMED OF ALL
4 POTENTIAL RISKS OR EFFECTS BECAUSE THE PROCESS AND RISKS RELATED TO EGG
5 HARVESTING ARE HIGHLY UNSTUDIED AND UNKNOWN COMPARED TO OTHER MEDICAL
6 PROCEDURES AND TREATMENTS.

7 D. THE PHYSICIAN MUST OBTAIN WRITTEN AND ORAL INFORMED CONSENT FOR THE
8 PROCEDURE FROM THE EGG PROVIDER BEFORE PERFORMING ANY MEDICAL PROCEDURE OR
9 PRESCRIBING ANY HORMONES OR OTHER DRUGS FOR THE EGG PROVIDER.

10 E. A PHYSICIAN WHO VIOLATES THIS SECTION COMMITS AN ACT OF
11 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION
12 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

13 36-1303. Purchase of human eggs; prohibition; violation;
14 classification; unprofessional conduct

15 A. A PERSON SHALL NOT PURCHASE, OFFER TO PURCHASE OR ADVERTISE FOR THE
16 PURCHASE OF A HUMAN EGG.

17 B. A PERSON SHALL NOT MAKE ANY PAYMENT TO AN EGG PROVIDER THAT EXCEEDS
18 REIMBURSEMENT OF DIRECT EXPENSES INCURRED AS A RESULT OF THE EGG DONATION
19 PROCEDURE.

20 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
21 MISDEMEANOR.

22 D. A PHYSICIAN WHO VIOLATES THIS SECTION COMMITS AN ACT OF
23 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION
24 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.