

REFERENCE TITLE: reproductive technology

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1376**

Introduced by  
Senators Barto, Burges: Biggs, Griffin, Melvin, Murphy, Ward, Yarbrough,  
Yee

AN ACT

AMENDING SECTION 36-2311, ARIZONA REVISED STATUTES; AMENDING TITLE 36,  
CHAPTER 23, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2314;  
RELATING TO HUMAN EMBRYOS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2311, Arizona Revised Statutes, is amended to  
3 read:

4 36-2311. Definitions

5 In this article, unless the context otherwise requires:

6 1. "ASSISTED REPRODUCTIVE TECHNOLOGY" MEANS ANY PROCEDURE, TREATMENT  
7 OR MEDICAL OR SCIENTIFIC INTERVENTION PROVIDED FOR THE PURPOSE OF FORMATION  
8 OF A HUMAN EMBRYO WITH THE INTENT TO PRODUCE A LIVE BIRTH.

9 ~~1.~~ 2. "Destructive human embryonic stem cell research" means any  
10 research that involves the disaggregation of any human embryo for the purpose  
11 of creating human pluripotent stem cells or human pluripotent stem cell  
12 lines.

13 ~~2.~~ 3. "Human-animal hybrid" means any of the following:

14 (a) A human embryo into which a nonhuman cell or cells, or any  
15 component part of a nonhuman cell or cells, have been introduced.

16 (b) A hybrid human-animal embryo produced by fertilizing a human egg  
17 with a nonhuman sperm.

18 (c) A hybrid human-animal embryo produced by fertilizing a nonhuman  
19 egg with human sperm.

20 (d) An embryo produced by introducing a nonhuman nucleus into a human  
21 egg.

22 (e) An embryo produced by introducing a human nucleus into a nonhuman  
23 egg.

24 (f) An embryo containing at least haploid sets of chromosomes from  
25 both a human and a nonhuman life form.

26 (g) A nonhuman life form engineered so that human gametes develop  
27 within the body of a nonhuman life form.

28 (h) A nonhuman life form engineered so that it contains a human brain  
29 or a brain derived wholly or predominantly from human neural tissues.

30 ~~3.~~ 4. "Human embryo" means a living organism of the species homo  
31 sapiens through the first fifty-six days of its development, excluding any  
32 time during which its development has been suspended.

33 ~~4.~~ 5. "In vitro" means outside the human body.

34 ~~5.~~ 6. "Purchase or sell" includes an exchange of cash, an in-kind  
35 payment or any other valuable financial or nonfinancial consideration.  
36 Purchase or sell does not include payment of costs related to donation of a  
37 human embryo for the purpose of implantation in the body of a woman.

38 Sec. 2. Title 36, chapter 23, article 2, Arizona Revised Statutes, is  
39 amended by adding section 36-2314, to read:

40 36-2314. Assisted reproductive technology facilities; reporting  
41 requirements; unprofessional conduct; violations;  
42 classification

43 A. ALL ASSISTED REPRODUCTIVE TECHNOLOGY FACILITIES MUST CONFIDENTIALLY  
44 COLLECT AND MAINTAIN THE FOLLOWING INFORMATION PERTAINING TO THE PARTICULAR  
45 FACILITY AND CONFIDENTIALLY SUBMIT A REPORT, ON A FORM AND IN A MANNER

1 PRESCRIBED BY THE DEPARTMENT OF HEALTH SERVICES, NOT LATER THAN FEBRUARY 1  
2 FOLLOWING THE YEAR THE PROCEDURES WERE PERFORMED:

- 3 1. THE TOTAL NUMBER OF LIVE BIRTHS ACHIEVED.
- 4 2. THE RATE OF LIVE BIRTHS PER TRANSFER.
- 5 3. THE PERCENTAGE OF LIVE BIRTHS PER COMPLETED CYCLE OF EGG RETRIEVAL.
- 6 4. THE PERCENTAGE OF TRANSFERRED EMBRYOS THAT IMPLANT.
- 7 5. INFORMATION REGARDING THE SAFEKEEPING OF EMBRYOS, INCLUDING THE  
8 TOTAL NUMBER OF EACH OF THE FOLLOWING:

- 9 (a) EMBRYOS FORMED.
- 10 (b) EMBRYOS TRANSFERRED.
- 11 (c) EMBRYOS PRESERVED.
- 12 (d) EMBRYOS DEEMED NOT VIABLE FOR TRANSFER OR PRESERVATION AND  
13 DESTROYED.
- 14 (e) EMBRYOS DEEMED NOT VIABLE FOR TRANSFER OR PRESERVATION AND USED  
15 FOR TRAINING.
- 16 (f) EMBRYOS DEEMED NOT VIABLE FOR TRANSFER OR PRESERVATION AND USED  
17 FOR RESEARCH.

- 18 (g) PRESERVED EMBRYOS DESTROYED.
- 19 (h) PRESERVED EMBRYOS USED FOR RESEARCH.
- 20 (i) PRESERVED EMBRYOS DONATED TO ANY PERSON FOR RESEARCH.
- 21 (j) PRESERVED EMBRYOS DONATED TO ANOTHER INDIVIDUAL FOR TRANSFER.
- 22 6. THE PERCENTAGE OF PREGNANCIES RESULTING IN MULTIFETAL PREGNANCIES,  
23 BROKEN DOWN BY NUMBER OF FETUSES.
- 24 7. THE PERCENTAGE OF LIVE BIRTHS HAVING MULTIPLE INFANTS.
- 25 8. THE NUMBER OF SELECTIVE REDUCTIONS PERFORMED, BROKEN DOWN BY THE  
26 NUMBER OF EMBRYOS TRANSFERRED BEFORE THE REDUCTION.
- 27 9. THE PERCENTAGE OF SELECTIVE REDUCTIONS THAT RESULTED IN A  
28 MISCARRIAGE.

- 29 10. THE PERCENTAGE OF PREMATURE BIRTHS PER SINGLE AND MULTIPLE BIRTHS.
- 30 11. THE PERCENTAGE OF BIRTH DEFECTS PER SINGLE AND MULTIPLE BIRTHS.

31 B. A REPORT FILED PURSUANT TO THIS SECTION MUST BE FILED  
32 ELECTRONICALLY AT A WEBSITE THAT IS DESIGNATED BY THE DEPARTMENT, UNLESS THE  
33 PERSON REQUIRED TO FILE THE REPORT APPLIES FOR A WAIVER FROM ELECTRONIC  
34 REPORTING BY SUBMITTING A WRITTEN REQUEST TO THE DEPARTMENT.

35 C. A REPORT REQUIRED BY THIS ARTICLE SHALL NOT CONTAIN THE NAME OF THE  
36 PATIENT, COMMON IDENTIFIERS, SUCH AS THE PATIENT'S SOCIAL SECURITY NUMBER,  
37 DRIVER LICENSE NUMBER OR INSURANCE CARRIER IDENTIFICATION NUMBERS, OR ANY  
38 OTHER INFORMATION OR IDENTIFIERS THAT WOULD MAKE IT POSSIBLE TO IDENTIFY IN  
39 ANY MANNER OR UNDER ANY CIRCUMSTANCES AN INDIVIDUAL WHO HAS UNDERGONE  
40 ASSISTED REPRODUCTIVE TECHNOLOGY.

41 D. THE DEPARTMENT OF HEALTH SERVICES SHALL COLLECT ALL ASSISTED  
42 REPRODUCTIVE TECHNOLOGY REPORTS AND PREPARE A COMPREHENSIVE ANNUAL  
43 STATISTICAL REPORT BASED ON THE DATA GATHERED IN THE REPORTS. THE  
44 STATISTICAL REPORT SHALL NOT LEAD TO THE DISCLOSURE OF THE IDENTITY OF ANY  
45 PERSON ABOUT WHOM A REPORT IS FILED. THE DEPARTMENT SHALL MAKE THE

1 STATISTICAL REPORT AVAILABLE ON ITS WEBSITE AND FOR PUBLIC INSPECTION AND  
2 COPYING.

3 E. A PERSON WHO IS REQUIRED BY THIS ARTICLE TO FILE A REPORT, KEEP ANY  
4 RECORDS OR SUPPLY ANY INFORMATION AND WHO WILFULLY FAILS TO FILE THAT REPORT,  
5 KEEP RECORDS OR SUPPLY INFORMATION AS REQUIRED BY LAW IS GUILTY OF  
6 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING  
7 LICENSE SUSPENSION OR REVOCATION.

8 F. A PERSON WHO WILFULLY DELIVERS OR DISCLOSES TO THE DEPARTMENT ANY  
9 REPORT, RECORD OR INFORMATION KNOWN BY THAT PERSON TO BE FALSE COMMITS A  
10 CLASS 1 MISDEMEANOR.

11 G. IN ADDITION TO THE PENALTIES PRESCRIBED BY SUBSECTIONS E AND F OF  
12 THIS SECTION, AN ORGANIZATION OR FACILITY THAT WILFULLY VIOLATES THE  
13 REPORTING REQUIREMENTS OF THIS ARTICLE IS SUBJECT TO DISCIPLINE BY THE  
14 DEPARTMENT INCLUDING CIVIL PENALTIES AS PRESCRIBED IN SECTION 36-431.01.