
SENATE BILL No. 203

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-20-2; IC 35-46-5-3.

Synopsis: Abandoned embryo adoption. Allows an abandoned embryo to be adopted for implantation by another individual under specified circumstances. States that a person that knowingly or intentionally destroys or discards an abandoned human embryo commits unlawful destruction of an embryo, a Class A misdemeanor.

Effective: July 1, 2007.

Miller

January 11, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 203



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-20-2 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 2. Abandonment of Human Embryos**

5 **Sec. 1. (a) For purposes of this chapter, a human embryo that:**

6 (1) **is the result of in vitro fertilization or artificial**
7 **reproduction; and**

8 (2) **is preserved or stored by a health care provider for at least**
9 **five (5) years without:**

10 (A) **a written or oral communication by the biological**
11 **parents concerning the disposition of the human embryo;**
12 **and**

13 (B) **the health care provider being able to contact the**
14 **biological parents, after diligent effort, at the last known**
15 **address and phone number of the biological parents;**

16 **is considered to have been abandoned by the biological parents and**
17 **the human embryo may be adopted for implantation by another**



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individual.

(b) A person may not knowingly or intentionally destroy or otherwise discard an abandoned human embryo.

Sec. 2. Once an individual adopts an abandoned embryo, the individual is the parent of the embryo and any resulting child for all purposes.

Sec. 3. A person who knowingly or intentionally destroys or otherwise disposes of an abandoned human embryo commits unlawful destruction of an embryo, a Class A misdemeanor.

SECTION 2. IC 35-46-5-3, AS ADDED BY P.L.126-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) **Except as provided in IC 31-20-2**, a person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Class C felony.

(b) This section does not apply to the following:

(1) The transfer to or receipt by a woman donor of an ovum of an amount for:

- (A) earnings lost due to absence from employment;
- (B) travel expenses;
- (C) hospital expenses;
- (D) medical expenses; and
- (E) recovery time in an amount not to exceed three thousand dollars (\$3,000);

concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.

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