

SENATE BILL No. 201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-5-3.

Synopsis: Transfer of human organisms exemption. Exempts from the crime of unlawful transfer of a human organism certain types of payments to a fertility clinic that meets specified requirements. Provides that not more than \$4,000 may be paid to a woman donor or exempted fertility clinic for recovery time. (Current law provides that not more than \$3,000 may be paid to a woman donor for recovery time.)

Effective: July 1, 2012.

Miller

January 4, 2012, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 201



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-46-5-3, AS ADDED BY P.L.126-2005,
- 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 3. **(a) As used in this section, "qualified third**
- 4 **party" means a fertility clinic or similar medical facility that:**
- 5 **(1) is accredited by an entity approved by the medical**
- 6 **licensing board;**
- 7 **(2) is registered under 21 CFR 1271 with the United States**
- 8 **Food and Drug Administration; and**
- 9 **(3) employs a physician licensed under IC 25-22.5 who:**
- 10 **(A) is board certified in obstetrics and gynecology; and**
- 11 **(B) performs oocyte cryopreservation at the facility.**
- 12 **(a) (b) A person who knowingly or intentionally purchases or sells**
- 13 **a human ovum, zygote, embryo, or fetus commits unlawful transfer of**
- 14 **a human organism, a Class C felony.**
- 15 **(b) (c) This section does not apply to the following:**
- 16 **(1) The transfer to or receipt by either a woman donor of an ovum**
- 17 **or a qualified third party of an amount for:**



- 1 (A) earnings lost due to absence from employment;
- 2 (B) travel expenses;
- 3 (C) hospital expenses;
- 4 (D) medical expenses; and
- 5 (E) recovery time in an amount not to exceed ~~three~~ **four**
- 6 thousand dollars (~~\$3,000~~); **(\$4,000)**;
- 7 concerning a treatment or procedure to enhance human
- 8 reproductive capability through in vitro fertilization, gamete
- 9 intrafallopian transfer, or zygote intrafallopian transfer.
- 10 (2) The following types of stem cell research:
- 11 (A) Adult stem cell.
- 12 (B) Fetal stem cell, as long as the biological parent has given
- 13 written consent for the use of the fetal stem cells.

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