

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.

SENATE ENROLLED ACT No. 201

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

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

SECTION 1. IC 16-18-2-128.5, AS ADDED BY P.L.126-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 128.5. (a) "Fetal stem cell" means any of the following types of stem cells taken from a fetus that was either miscarried or stillborn from any of the following sources:

- (1) Placenta.
- (2) Umbilical cord.
- (3) Amniotic fluid.
- (4) Fetal tissue.

(b) The term does not include any cells that are taken as the result of an abortion. ~~unless the cells are permissible for use under applicable federal law.~~

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, 2012]: Sec. 3. (a) **As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:**

- (1) is accredited by an entity approved by the medical licensing board;**
- (2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and**
- (3) employs a physician licensed under IC 25-22.5 who:**
 - (A) is board certified in obstetrics and gynecology; and**

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(B) performs oocyte cryopreservation at the facility.

~~(a)~~ **(b)** 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)~~ **(c)** This section does not apply to the following:

(1) The transfer to or receipt by **either** a woman donor of an ovum **or a qualified third party** 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 four** thousand dollars ~~(\$3,000)~~; **(\$4,000)**;

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 defined in IC 16-18-2-128.5)**, as long as the biological parent has given written consent for the use of the fetal stem cells.

(d) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Class C felony.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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