

Readoption Review
Artificial Insemination
410 IAC 25

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule: This rule seeks to ensure that sperm donors are tested for HIV, hepatitis B and C, syphilis, Chlamydia, gonorrhea, cytomegalovirus, and human T-lymphotropic virus, and are free of these viruses so they are not passed to the recipient or the child.

Readoption Analysis:

- 1) **Is there a continued need for this rule? Please explain.**
Yes. Preventing transmission of infectious disease to donation recipients and the unborn child(ren) whenever possible is more cost effective and better public health practice than detection and treatment later in the disease process. Screening of donated sperm helps prevent infections of mother and child.
- 2) **What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**
It is possible for people living with HIV to have an undetectable viral load and therefore not be able to transmit the virus to others. It has been commented that sperm does not contain the virus, but rather the semen does.
- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**
There is no known difficulty in administering the rule.
- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**
No overlap exists.
- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**
ISDH last reviewed this rule when it was readopted in 2013. There have not been any technological or economic factors change since that time, however the CDC has embraced that individuals living with HIV who maintain an undetectable viral load are unable to transmit infection to others.

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