

SENATE BILL No. 584

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-56.5; IC 35-46-5-3.

Synopsis: Fetal cell research. Prohibits after June 30, 2019, the initiation and performance of fetal stem cell research by the state, a state educational institution, or a political subdivision of the state that receives public funds. Makes a conforming amendment.

Effective: July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 584

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 16-18-2-56.5, AS ADDED BY P.L.126-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 56.5. (a) "Cloning" means the use of asexual
4 reproduction to create or grow a human embryo from a single cell or
5 cells of a genetically identical human.
6 (b) The term does not include:
7 (1) a treatment or procedure to enhance human reproductive
8 capability through the manipulation of human oocytes or
9 embryos, including the following:
10 (A) In vitro fertilization.
11 (B) Gamete intrafallopian transfer.
12 (C) Zygote intrafallopian transfer; or
13 (2) the following types of stem cell research:
14 (A) Adult stem cell.
15 (B) Fetal stem cell, as long as:
16 (i) the biological parent has given written consent for the use
17 of the fetal stem cells; **and**



1 **(ii) beginning July 1, 2019, any research initiated and**
 2 **performed after June 30, 2019, is not performed by the**
 3 **state, a state educational institution, or a political**
 4 **subdivision of the state that receives public funds.**

5 (C) Embryonic stem cells from lines that are permissible for
 6 use under applicable federal law.

7 SECTION 2. IC 35-46-5-3, AS AMENDED BY P.L.113-2018,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 3. (a) As used in this section, "lethal fetal
 10 anomaly" means a fetal condition diagnosed before birth that, if the
 11 pregnancy results in a live birth, will with reasonable certainty result
 12 in the death of the child not more than three (3) months after the child's
 13 birth.

14 (b) As used in this section, "physician" means an individual who:

15 (1) is licensed to practice medicine in:

16 (A) Indiana under IC 25-22.5; or

17 (B) another state in the United States in which the individual
 18 is providing medical services;

19 (2) is board certified in obstetrics and gynecology; and

20 (3) oversees medical services related to ovum cryopreservation.

21 (c) As used in this section, "qualified egg bank" means:

22 (1) a fertility clinic or similar medical facility that:

23 (A) is located in the United States;

24 (B) is accredited by an entity approved by:

25 (i) the medical licensing board, if the fertility clinic or
 26 facility is located in Indiana; or

27 (ii) the authorizing state agency or licensing board in the
 28 state in which the fertility clinic or facility is located;

29 (C) is registered under 21 CFR 1271 with the United States
 30 Food and Drug Administration; and

31 (D) is owned by, employs, contracts with, or is affiliated with
 32 at least one (1) physician who performs medical services
 33 related to ovum cryopreservation at the fertility clinic or
 34 facility; or

35 (2) an entity whose primary business purpose includes the
 36 facilitation of in vitro fertilization using cryopreserved ova and
 37 that is registered under 21 CFR 1271 with the United States Food
 38 and Drug Administration.

39 (d) Except as provided in subsection (e), a person who knowingly
 40 or intentionally purchases or sells a human ovum, zygote, embryo, or
 41 fetus commits unlawful transfer of a human organism, a Level 5 felony.

42 (e) This section does not apply to the following:



- 1 (1) The payment to or receipt by a woman donor of an ovum of an
 2 amount for:
 3 (A) earnings lost due to absence from employment;
 4 (B) travel expenses;
 5 (C) hospital expenses;
 6 (D) medical expenses; and
 7 (E) recovery time in an amount not to exceed four thousand
 8 dollars (\$4,000);
 9 concerning a treatment or procedure, including ovum
 10 cryopreservation, to enhance human reproductive capability
 11 through in vitro fertilization, gamete intrafallopian transfer, or
 12 zygote intrafallopian transfer.
- 13 (2) The payment to or receipt by a qualified egg bank of an
 14 amount for:
 15 (A) the retrieval of a human ovum;
 16 (B) the cryopreservation of a human ovum;
 17 (C) the transportation of a human ovum; or
 18 (D) any other aspect of performing or facilitating services
 19 related to a treatment or procedure to enhance human
 20 reproductive capability through in vitro fertilization.
- 21 (3) The following types of stem cell research:
 22 (A) Adult stem cell.
 23 (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long
 24 as:
 25 (i) the biological parent has given written consent for the use
 26 of the fetal stem cells; **and**
 27 **(ii) beginning July 1, 2019, any research initiated and**
 28 **performed after June 30, 2019, is not performed by the**
 29 **state, a state educational institution, or a political**
 30 **subdivision of the state that receives public funds.**
- 31 (4) The transfer or receipt of a fetus if:
 32 (A) the fetus was diagnosed with a lethal fetal anomaly and
 33 written medical documentation verifies the diagnosis; and
 34 (B) a biological parent has requested, in writing, the transfer
 35 of the fetus for purposes of an autopsy.
- 36 (f) Any person who recklessly, knowingly, or intentionally uses a
 37 human embryo created with an ovum provided to a qualified egg bank
 38 under this section for purposes of embryonic stem cell research
 39 commits unlawful use of an embryo, a Level 5 felony.

