

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 280

SENATE BILL 1306

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; RELATING TO HUMAN EGGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 11, to read:

4 CHAPTER 11

5 HUMAN EGGS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1301. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CLINICAL INVESTIGATION" MEANS ACTIVITY CONDUCTED FOR THE PURPOSE
10 OF DEVELOPING, REFINING OR TRAINING IN THE PROCESS OF IN VITRO FERTILIZATION
11 FOR THE TREATMENT OF HUMAN INFERTILITY, INCLUDING EXPERIMENTS,
12 INVESTIGATIONS, CLINICAL TRIALS, AND THE DEVELOPMENT OF NEW TECHNOLOGY.
13 CLINICAL INVESTIGATION DOES NOT INCLUDE HUMAN SOMATIC CELL NUCLEAR TRANSFER.

14 2. "EGG" MEANS AN OOCYTE OR EGG CELL OF A HUMAN FEMALE.

15 3. "EGG DONOR" MEANS A WOMAN WHO PROVIDES OR AGREES TO PROVIDE HER
16 EGGS FOR PURPOSES OTHER THAN HER OWN IMPREGNATION WITH THOSE EGGS.

17 4. "HUMAN SOMATIC CELL NUCLEAR TRANSFER" HAS THE SAME MEANING
18 PRESCRIBED IN SECTION 35-196.04.

19 5. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
20 CHAPTER 13 OR 17.

21 6. "PURCHASE" INCLUDES PROVIDING ANY CASH, IN-KIND PAYMENT OR OTHER
22 VALUABLE FINANCIAL OR NONFINANCIAL CONSIDERATION.

23 36-1302. Informed consent for egg donation; requirements;
24 unprofessional conduct

25 A. FOR THE PURPOSES OF THE DUTY OF CARE OWED BY A PHYSICIAN, AN EGG
26 DONOR IS A PATIENT OF THE PHYSICIAN WHO RETRIEVES THE EGGS FROM THE EGG
27 DONOR.

28 B. A PHYSICIAN SHALL NOT RETRIEVE EGGS EXCEPT IN A HOSPITAL, CLINIC OR
29 OTHER MEDICAL FACILITY THAT MEETS THE LICENSING STANDARDS FOR THE FACILITY
30 PRESCRIBED BY THIS TITLE.

31 C. BEFORE PERFORMING ANY MEDICAL PROCEDURE OR PRESCRIBING ANY HORMONES
32 OR OTHER DRUGS FOR AN EGG DONOR, A PHYSICIAN MUST COMPLY WITH ALL
33 REQUIREMENTS PRESCRIBED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND
34 PROVIDE THE EGG DONOR WITH THE FOLLOWING INFORMATION:

35 1. A DESCRIPTION OF ALL HORMONES AND OTHER DRUGS TO BE TAKEN BY THE
36 EGG DONOR, INCLUDING THE DOSAGE, FREQUENCY OF ADMINISTRATION, INTENDED
37 BIOCHEMICAL FUNCTION AND LIKELY PHYSIOLOGICAL RESPONSE TO EACH MEDICATION.

38 2. A DESCRIPTION OF ALL PROCEDURES TO BE PERFORMED ON THE EGG DONOR,
39 INCLUDING THE PURPOSE, DURATION AND ESTIMATED RECOVERY TIME FOR EACH
40 PROCEDURE.

41 3. MEDICALLY ACCURATE DISCLOSURES CONCERNING ALL POTENTIAL RISKS OF
42 EGG DONATION THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE
43 DECISION OF WHETHER TO UNDERGO THE PROCEDURE, INCLUDING THE MEDICAL RISKS
44 ASSOCIATED WITH THE SURGICAL PROCEDURE AND THE DRUGS, MEDICATIONS AND
45 HORMONES PRESCRIBED FOR OVARIAN STIMULATION DURING THE PROCESS.

Passed the House April 28, 2010,

by the following vote: 36 Ayes,

23 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 3, 2010,

by the following vote: 16 Ayes,

12 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1306

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 29, 20 10

by the following vote: 16 Ayes,

12 Nays, 2 Not Voting

Robert H. Brown
President of the Senate

Charmain Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of April, 20 10

at 4:45 o'clock P. M.

A. Fido Bondle
Secretary to the Governor

Approved this 7 day of

May, 2010

at 11:00 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of May, 20 10

at 4:30 o'clock P. M.

Ken Blumett
Secretary of State