

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1441

5 By: Representatives Crawford, Cloud, Hawks, Penzo, B. Smith, Wooten  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE HUMAN EGG PROVIDER PROTECTION  
10 ACT; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO CREATE THE HUMAN EGG PROVIDER  
15 PROTECTION ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an  
21 additional subchapter to read as follows:

22 Subchapter 24 – Human Egg Provider Protection Act  
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24 20-16-2401. Title.

25 This subchapter shall be known and may be cited as the "Human Egg  
26 Provider Protection Act".  
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28 20-16-2402. Definitions.

29 As used in this subchapter:

30 (1) "Egg" means the unfertilized gamete or oocyte of a female  
31 human being;

32 (2) "Egg harvesting" means the extraction of an egg from the  
33 reproductive organs of a human egg provider for purposes other than the  
34 impregnation of the human egg provider with those same eggs;

35 (3) "Human egg provider" means a woman who provides or agrees to  
36 provide her eggs for purposes other than her own impregnation with those same



1 eggs;

2 (4) "Licensed physician" means any person licensed to practice  
3 medicine in this state, including a medical doctor and a doctor of  
4 osteopathy; and

5 (5) "Solicitation" means any advertisement, whether written,  
6 printed, or spoken, in a newspaper or magazine, on radio, television, or the  
7 internet, or otherwise published.

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9 20-16-2403. Professional and clinical requirements.

10 (a) A person shall not perform egg harvesting unless:

11 (1) He or she is a licensed physician; and

12 (2) The egg harvesting is performed in a hospital, clinic, or  
13 other medical facility that meets the licensing standards for such facilities  
14 in this state as determined by the Department of Health.

15 (b) A person or entity shall not pay a human egg provider for:

16 (1) Her eggs;

17 (2) A successful cycle of the human egg provider; or

18 (3) Any desirable genetic traits that the human egg provider  
19 possesses.

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21 20-16-2404. Solicitation of human egg providers.

22 (a) Solicitation calling for human egg providers shall not include an  
23 offer for compensation, financial or otherwise, for eggs or egg harvesting.

24 (b) Any solicitation calling for a human egg provider shall include a  
25 summary of any drug or hormone treatments involved in enabling a human egg  
26 provider to provide eggs or in the process of egg harvesting, the total  
27 number of office or other visits that a human egg provider will be required  
28 to make, and the intended use of the eggs to be harvested.

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30 20-16-2405. Penalties.

31 (a) A person or entity that intentionally or knowingly violates this  
32 subchapter is guilty of a Class A misdemeanor.

33 (b) A person or entity that violates this subchapter shall also be  
34 civilly fined five hundred dollars (\$500), twice the amount of gross  
35 pecuniary gain derived from the violation, or, at the discretion of the  
36 court, any amount between five hundred dollars (\$500) and twice the amount of

1 gross pecuniary gain derived from the violation.

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