

INTERIM STUDY PROPOSAL 2019-038

State of Arkansas As Engrossed: H3/27/19 H4/1/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1761

By: Representatives Crawford, B. Smith, Cloud, Penzo

By: Senator Irvin

Filed with: Arkansas Legislative Council pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE EGG PROVIDER PROTECTION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE EGG PROVIDER PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:

Subchapter 20 – Egg Provider Protection Act

20-16-2001. Title.

This subchapter shall be known and may be cited as the "Egg Provider Protection Act".

20-16-2002. Definitions.

As used in this subchapter:

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

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

1 (3) "Egg provider" means any woman who provides or agrees to
2 provide her eggs for purposes other than her own impregnation with those same
3 eggs;

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

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

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11 20-16-2003. Professional and clinical requirements.

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

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

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

17 (b) A person or entity shall not pay an egg provider for:

18 (1) Her eggs;

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

20 (3) Any desirable genetic traits that the egg provider
21 possesses.

22 20-16-2004. Solicitation of egg providers.

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

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

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31 20-16-2005. Penalties.

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

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

1 court, any amount between five hundred dollars (\$500) and twice the amount of
2 gross pecuniary gain derived from the violation.

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4 */s/Crawford*

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7 Referred by Representative Crawford

8 Prepared by: JMB/JMB
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