

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1761

5 By: Representatives Crawford, B. Smith
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE EGG PROVIDER PROTECTION ACT; AND
10 FOR OTHER PURPOSES.
11

Subtitle

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13 TO CREATE THE EGG PROVIDER PROTECTION
14 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:

Subchapter 20 – Egg Provider Protection Act

20-16-2001. Title.

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24 This subchapter shall be known and may be cited as the "Egg Provider
25 Protection Act".
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20-16-2002. Definitions.

As used in this subchapter:

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30 (1)(A) "Compensation" means any consideration or payment given
31 to a woman in exchange for the harvesting and use of her eggs.

32 (B) "Compensation" does not include reimbursement for time
33 and trouble;

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

36 (3) "Egg harvesting" means the extraction of an egg from the



1 reproductive organs of an egg provider for purposes other than the
2 impregnation of the egg provider with those same eggs;

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

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

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

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13 20-16-2003. Professional and clinical requirements.

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

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

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

19 (b) A person or entity shall not provide compensation, financial or
20 otherwise, for eggs or egg harvesting.

21 (c) Any reimbursement for time and trouble to the egg provider shall
22 not exceed an amount typically paid to research subjects for their time and
23 trouble in unrelated medical tests at the facility offering the reimbursement
24 or, if other live-subject medical tests are not conducted at the facility, at
25 other medical facilities in the state.

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27 20-16-2004. Solicitation of egg providers.

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

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

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36 20-16-2005. Penalties.

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

3 (b) A person or entity that violates this subchapter shall also be
4 civilly fined five hundred dollars (\$500), twice the amount of gross
5 pecuniary gain derived from the violation, or, at the discretion of the
6 court, any amount between five hundred dollars (\$500) and twice the amount of
7 gross pecuniary gain derived from the violation.

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