

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

As Engrossed: H3/27/19 H4/1/19

A Bill

HOUSE BILL 1761

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

Subtitle

14 TO CREATE THE EGG PROVIDER PROTECTION
15 ACT.

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 20 – Egg Provider Protection Act

24 20-16-2001. Title.

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

28 20-16-2002. Definitions.

29 As used in this subchapter:

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

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

35 (3) "Egg provider" means any 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
7 internet, or otherwise published.

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9 20-16-2003. 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 an egg provider for:

16 (1) Her eggs;

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

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

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

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

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

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29 20-16-2005. Penalties.

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

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

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/s/Crawford