

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 737

BY GREEN AND MCCANN

AN ACT

RELATING TO IN VITRO FERTILIZATION; AMENDING THE HEADING FOR CHAPTER 54, TITLE 39, IDAHO CODE; AMENDING SECTION 39-5401, IDAHO CODE, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 54, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5409, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING IN VITRO FERTILIZATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Heading for Chapter 54, Title 39, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 54

ARTIFICIAL INSEMINATION AND IN VITRO FERTILIZATION

SECTION 2. That Section 39-5401, Idaho Code, be, and the same is hereby amended to read as follows:

39-5401. DEFINITIONS. As used in this ~~act~~ chapter:

(1) "Artificial insemination" means introduction of semen of a donor as defined herein, into a woman's vagina, cervical canal or uterus through the use of instruments or other artificial means.

(2) "Assisted reproduction" means the laboratory and medical procedures used by a medical professional in which human gametes are used outside the body for reproductive purposes.

~~(2) (3) "Donor" refers to a man who is not the husband of the woman upon whom the artificial insemination is performed.~~

(4) "Embryo" means a fertilized egg that has the potential to develop into a fetus if transferred into a uterus.

(5) "Gamete" means a mature male or female germ cell usually possessing a haploid chromosome set and capable of initiating formation of a new diploid individual by fusion with a gamete of the opposite sex.

(6) "In vitro fertilization" or "IVF" means the fertilization of a human gamete outside of the body using assisted reproduction.

SECTION 3. That Chapter 54, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-5409, Idaho Code, and to read as follows:

39-5409. IN VITRO FERTILIZATION. (1) Notwithstanding any other provision of law to the contrary, no law shall unduly restrict a patient's right to the possession of any embryos created as part of the IVF process.

(2) An embryo fertilized outside of the body using IVF shall not be considered a diagnosable pregnancy until successfully implanted in the uterus of a woman.

1 (3) No embryo fertilized using IVF shall be used for research purposes.

2 SECTION 4. An emergency existing therefor, which emergency is hereby
3 declared to exist, this act shall be in full force and effect on and after its
4 passage and approval.