

---

**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House  
Bill No. 833 by Representative Davis

---

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" and before "relative" change "R.S. 9:121, 124, 126, 128,  
3 129, and 132," to "R.S. 9:121 through 133,"

4 AMENDMENT NO. 2

5 On page 1, line 5, after the semicolon ";" and before "and to" insert "to provide for  
6 definitions;"

7 AMENDMENT NO. 3

8 On page 1, line 7, after "Section 1." and before "are" change "R.S. 9:121, 124, 126, 128, 129,  
9 and 132" to "R.S. 9:121 through 133"

10 AMENDMENT NO. 4

11 On page 1, delete lines 9 through 14 in their entirety and insert the following:

12 ~~§121. Human embryo; definition~~ Definitions  
13 ~~A "human embryo" for the purposes of this Chapter is an in vitro fertilized~~  
14 ~~human ovum, with certain rights granted by law, composed of one or more living~~  
15 ~~human cells and human genetic material so unified and organized that it will develop~~  
16 ~~in utero into an unborn child. Notwithstanding any other law to the contrary and for~~  
17 ~~the purposes of this Chapter:~~  
18 (1) "Human embryo" means a fertilized human ovum that is a biological  
19 human being, with certain rights granted by law, composed of one or more living  
20 human cells and human genetic material.  
21 (2) "In vitro fertilized human embryo" means a human embryo created  
22 through the in vitro fertilization process.  
23 (3) Viability of an "in vitro fertilized human embryo."  
24 (a) An in vitro fertilized human embryo is presumed to be viable unless and  
25 until it is deemed non-viable as defined in this Section.  
26 (b) An in vitro fertilized human embryo is deemed "non-viable" when it  
27 fails to continue to develop after the first thirty-six hours from fertilization, except  
28 when the embryo is in a state of cryopreservation.

29 §122. Uses of ~~human embryo in vitro~~ an in vitro fertilized human embryo  
30 ~~The use of a human ovum embryo fertilized in vitro is solely for the support~~  
31 ~~and contribution of the complete development of human in utero implantation. No~~  
32 ~~in vitro fertilized human ovum embryo will be farmed or cultured solely for research~~  
33 ~~purposes or any other purposes. The sale of a human ovum, fertilized human ovum,~~  
34 ~~or human embryo is expressly prohibited.~~

35 §123. Capacity  
36 ~~At~~ A viable in vitro fertilized human ovum embryo exists as a juridical  
37 person until such time as the in vitro fertilized ovum embryo is implanted in the  
38 womb; or at any other time when rights attach to an unborn child in accordance with  
39 law; at which time rights attach as otherwise allowed by law. As a juridical person,  
40 the viable in vitro fertilized human embryo shall have the capacity to sue or be sued  
41 and is recognized as a separate entity apart from the medical facility or clinic where  
42 it is housed or stored."

1 AMENDMENT NO. 5

2 On page 1, line 16, after "human" and before "shall" change "ovum" to "embryo"

3 AMENDMENT NO. 6

4 On page 1, line 19, after "fertilized" and before "and" change "ovum" to "embryo"

5 AMENDMENT NO. 7

6 On page 1, delete line 20 in its entirety and insert the following:

7       "§125. Separate entity

8               An in vitro fertilized human ~~ovum~~ embryo as a juridical person is recognized  
9       as a separate entity apart from the medical facility or clinic where it is housed or  
10       stored."

11 AMENDMENT NO. 8

12 On page 2, line 1, after the period "." change "Ownership" to "Direction and custody"

13 AMENDMENT NO. 9

14 On page 2, in between lines 1 and 2, insert "An in vitro fertilized human embryo cannot be  
15 owned by the in vitro fertilization patients who owe the in vitro fertilized human embryo a  
16 high duty of care and prudent administration."

17 AMENDMENT NO. 10

18 On page 2, line 2, after "human" change "ovum" to "embryo" and delete the remainder of  
19 the line and at the beginning of line 3, delete "development into a biological human being  
20 which"

21 AMENDMENT NO. 11

22 On page 2, line 3, after "under" and before "of" delete "control" and insert "the direction and  
23 custody"

24 AMENDMENT NO. 12

25 On page 2, line 4, after "physician" and before "acts" insert "which" and delete "who"

26 AMENDMENT NO. 13

27 On page 2, line 5, after "employs" and before "or" change "him" to "them"

28 AMENDMENT NO. 14

29 On page 2, line 5, after the period "." delete the remainder of the line and delete lines 6  
30 through line 14 in their entirety and insert the following:

31       "§127. Responsibility

32               Any physician or medical facility who causes in vitro fertilization of a human  
33       ~~ovum~~ embryo in vitro will be directly responsible for the in vitro safekeeping of the  
34       fertilized ~~ovum~~ embryo."

1 AMENDMENT NO. 15

2 On page 2, line 27, after "Infertility" and before the period "." insert "shall cause the in vitro  
 3 fertilization of a human ovum to occur. No person shall engage in in vitro fertilization  
 4 procedures unless qualified as provided in this Section"

5 AMENDMENT NO. 16

6 On page 3, line 1, after "§129." insert "Destruction" and delete "Viability of in vitro  
 7 fertilized human ovum"

8 AMENDMENT NO. 17

9 On page 3, delete lines 2 and 3 in their entirety and at the beginning of line 4, delete "Society  
 10 for Reproductive Medicine."

11 AMENDMENT NO. 18

12 On page 3, line 4, after "human" and before "is" change "ovum" to "embryo"

13 AMENDMENT NO. 19

14 On page 3, line 6, after the period "." delete the remainder of the line and delete line 7 in its  
 15 entirety

16 AMENDMENT NO. 20

17 On page 3, delete line 11 in its entirety and insert the following:

18 "§130. Duties of ~~donors donees~~  
 19 ~~An in vitro fertilized human ovum is a juridical person which cannot be~~  
 20 ~~owned by the in vitro fertilization patients who owe it a high duty of care and~~  
 21 ~~prudent administration. If the in vitro fertilization patients renounce, by notarial act,~~  
 22 ~~their parental rights for in utero implantation, then the in vitro fertilized human ~~ovum~~~~  
 23 ~~embryo shall be available for adoptive implantation in accordance with written~~  
 24 ~~procedures of the facility where it is housed or stored. The in vitro fertilization~~  
 25 ~~patients may renounce their parental rights in favor of another ~~married couple~~~~  
 26 ~~person, but only if the other ~~couple~~ person is willing and able to ~~receive~~ assume the~~  
 27 ~~direction and control of the in vitro fertilized ~~ovum~~ embryo. No compensation shall~~  
 28 ~~be paid or received by either ~~couple~~ person to renounce parental rights. Constructive~~  
 29 ~~fulfillment of the statutory provisions for adoption in this state shall occur when a~~  
 30 ~~married couple executes a notarial act of adoption of the in vitro fertilized ovum and~~  
 31 ~~birth occurs.~~

32 §131. Judicial standard  
 33 In disputes arising between any parties regarding the in vitro fertilized ~~ovum~~  
 34 ~~embryo~~, ~~the judicial standard for resolving such disputes is to be in the best interest~~  
 35 ~~of the in vitro fertilized ovum dispute shall be resolved in accordance with the terms~~  
 36 ~~and provisions of the in vitro fertilization agreement by the parties. If no such~~  
 37 ~~agreement exists, then disputes shall be determined by a court of competent~~  
 38 ~~jurisdiction and in the best interest of the in vitro fertilized embryo."~~

39 AMENDMENT NO. 21

40 On page 3, delete lines 13 through 23 and insert the following:

41 "A. Strict liability or liability of any kind including actions relating to  
 42 succession rights and inheritance shall not be applicable to any No physician,  
 43 hospital, in vitro fertilization clinic, manufacturer, provider of services, or their agent  
 44 who acts in good faith in the screening, collection, conservation, preparation,  
 45 transfer, or cryopreservation of the human ~~ovum~~ embryo fertilized in vitro for  
 46 transfer to the human uterus, including the provisions of goods or services relating

1 thereto, shall be subject to criminal prosecution or civil liability. Any immunity  
2 granted by this Section is applicable only to an action brought on behalf of the in  
3 vitro fertilized human ovum as a juridical person. Immunity granted by this Section  
4 is applicable to all actions including actions relating to succession rights and  
5 inheritance.

6 B.(1) For the purposes of this Chapter, "good faith" shall mean the use of  
7 reasonable care and diligence in the application of skill when in vitro fertilization  
8 services are rendered to a patient from any physician, hospital, in vitro fertilization  
9 clinic, or an agent of any of the persons or entities provided in this Paragraph.

10 (2) "Good faith" shall also include the standard of care required of every  
11 physician, hospital, in vitro fertilization clinic, manufacturer, provider of services,  
12 or an agent thereof in rendering in vitro fertilization services to a patient. This  
13 standard of care shall be exercised to that degree of skill ordinarily employed, under  
14 similar circumstances, by the members of this profession in good standing in the  
15 same community or locality.

16 C. Limitation of liability as provided by this Section shall not apply when  
17 an in vitro fertilized human embryo is rendered non-viable as a result of gross  
18 negligence or willful misconduct.

19 §133. Inheritance rights

20 Inheritance rights will not flow to the in vitro fertilized ~~ovum~~ embryo as a  
21 juridical person, unless the in vitro fertilized ~~ovum~~ embryo develops into an unborn  
22 child that is born in a live birth, or at any other time when rights attach to an unborn  
23 child in accordance with law. As a juridical person, the embryo or child born as a  
24 result of in vitro fertilization and in vitro fertilized ~~ovum~~ embryo donation to another  
25 couple does not retain its inheritance rights from the in vitro fertilization patients or  
26 a donor of gametes used in the in vitro fertilization process, unless the donor is a  
27 person from whom the child could otherwise inherit under laws of succession  
28 notwithstanding the in vitro fertilization process."