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## DIGEST

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HB 742 Original

2024 Regular Session

Marcelle

**Abstract:** Provides immunity from civil and criminal liability for in vitro fertilization service providers.

Present law provides that any physician, hospital, in vitro fertilization clinic, or their agent who acts in good faith shall not be held strictly liable or liable in any action relating to succession rights and inheritance for the screening, collection, conservation, preparation, transfer, or cryopreservation of the human ovum fertilized in vitro for transfer to the human uterus.

Present law also provides that any immunity granted by this present law is applicable only to an action brought on behalf of the in vitro fertilized human ovum as a juridical person.

Proposed law retains present law but also includes criminal immunity.

Proposed law also defines "good faith" as use of reasonable care and diligence, along with the best judgment, in the application of skill when in vitro fertilization services are rendered to a patient from any physician, hospital, in vitro fertilization clinic, or an agent of any of the persons or entities provided by proposed law.

Proposed law further defines "good faith" as the standard of care required of every physician, hospital, in vitro fertilization clinic, or an agent thereof in rendering in vitro fertilization services to a patient. The standard of care shall be exercised to that degree of skill ordinarily employed, under similar circumstances, by the members of this profession in good standing in the same community or locality.

(Amends R.S. 9:132)