
DIGEST

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HB 833 Original

2024 Regular Session

Davis

Abstract: Provides relative to in vitro fertilization.

Present law (R.S. 9:121) provides that a "human embryo" is an in vitro fertilized human ovum with certain rights granted by law and composed of one or more living human cells and human genetic material so unified and organized that it will develop in utero into an unborn child.

Proposed law changes the definition of "human embryo" to an in vitro fertilized human ovum that may develop in utero to an unborn child. Proposed law also clarifies language regarding the description of human embryos.

Present law (R.S. 9:124) classifies a human embryo as a juridical person that can sue or be sued. Present law also provides that the in vitro fertilized human ovum shall be given an identification by the medical facility for use within the medical facility and provides confidentiality of the in vitro fertilization patient.

Proposed law retains present law and removes redundant language.

Present law (R.S. 9:126) provides that an in vitro fertilized human ovum is a biological human being.

Proposed law changes present law by providing that an in vitro fertilized human ovum represents the potential for development into a biological human being which is under control of the patient and is not the property of the physician.

Present law (R.S. 9:128) provides qualifications for medical professionals and facilities engaged in in vitro fertilization procedures.

Proposed law retains present law but updates the licensing and training entities.

Present law (R.S. 9:129) provides that an in vitro fertilized human ovum that fails to develop further over a 36 hour period except when the embryo is in a state of cryopreservation, is considered non-viable, and is not considered a juridical person.

Proposed law changes present law by providing that a viable in vitro fertilized human ovum is one that is considered ethically or clinically appropriate to transfer as defined by the guidelines set by the American Society for Reproductive Medicine and that a non-viable in vitro fertilized human ovum is not a juridical person.

Present law (R.S. 9:132) 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 (R.S. 9:132) also provides that any immunity granted by present law is applicable only to an action brought on behalf of the in vitro fertilized human ovum as a juridical person.

Proposed law changes present law by providing that no individual or entity shall be subject to criminal prosecution or civil liability for any directions provided by the patient to the medical staff or facility or for actions performed in the normal course of business that resulted in an in vitro fertilized ovum becoming non viable.

(Amends R.S. 9:121, 124, 126, 128, 129, and 132)