

2024 Regular Session

HOUSE BILL NO. 60

BY REPRESENTATIVE EDMONSTON

CRIME: Provides relative to the unauthorized use of sperm, ovum, or embryo

1 AN ACT

2 To amend and reenact R.S. 14:101.2(D), relative to the unauthorized use of sperm, ovum,
3 or embryo; to provide for an exception; to provide for an effective date; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:101.2(D) is hereby amended and reenacted to read as follows:

7 §101.2. Unauthorized use of sperm, ovum, or embryo

8 * * *

9 D. This Section shall not apply to ~~the~~ any of the following:

10 (1) The use by a surviving spouse of the human ova or sperm of the deceased
11 spouse in order to conceive a child, ~~provided that prior to his death the deceased~~
12 ~~spouse signed a consent form authorizing such a donation.~~

13 (2) The use by a spouse of the human ova or sperm of the other spouse in
14 order to conceive a child.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 60 Engrossed

2024 Regular Session

Edmonston

Abstract: Amends the exception to the unauthorized use of sperm, ovum, or embryo under certain circumstances.

Present law provides that the unauthorized use of sperm, ovum, or embryo is when a person knowingly does either of the following:

- (1) Uses a sperm, ovum, or embryo, through the use of assisted reproduction technology, for any purpose other than that indicated by the sperm, ovum, or embryo provider's signature on a written consent form.
- (2) Implants a sperm, ovum, or embryo, through the use of assisted reproduction technology, into a recipient who is not the sperm, ovum, or embryo provider, without the signed written consent of the sperm, ovum, or embryo provider and recipient.

Present law further provides that a knowing violation of present law shall be grounds for immediate revocation of the violator's professional license.

Proposed law retains present law.

Present law provides that present law shall not apply to the use by a surviving spouse of the human ova or sperm of the deceased spouse in order to conceive a child, provided that prior to his death the deceased spouse signed a consent form authorizing such a donation.

Proposed law amends present law to remove the condition that a deceased spouse sign a consent form, prior to his death, that authorizes a donation of human ova or sperm.

Proposed law shall not apply to a spouse who requests the use of the human ova or sperm of the other spouse in order to conceive a child.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 14:101.2(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide an additional exception to present law for a spouse who requests the use of the human ova or sperm of the other spouse in order to conceive a child.