

HB 1268 - H AMD

By Representative Bailey

1 On page 4, line 11, after "(1)" strike all material through
2 "act." on page 6, line 4 and insert the following:

3 "A health care provider delivering fertility treatment must
4 provide his or her patient with timely, relevant, and appropriate
5 information to allow the patient to make an informed and voluntary
6 choice about the disposition of any human embryos in the blastocyst
7 stage of development remaining following the fertility treatment.

8 (2) Any person to whom information is provided pursuant to
9 subsection (1) of this section must be presented with the option of
10 storing any unused embryos in the blastocyst stage of development,
11 donating unused embryos in the blastocyst stage of development to
12 another individual, discarding unused embryos in the blastocyst
13 stage of development, or donating unused embryos in the blastocyst
14 stage of development for research. When providing fertility
15 treatment, the health care provider must provide a form to the male
16 and female partner, or the person without a partner, as applicable,
17 that sets forth advanced written directives regarding the
18 disposition of unused embryos in the blastocyst stage of
19 development. The form must indicate the time limit on storage of
20 the embryos in the blastocyst stage of development at the clinic or
21 storage facility and provide, at a minimum, the following choices
22 for disposition of the embryos in the blastocyst stage of
23 development based on the following circumstances:

24 (a) Upon written notice of the death of a patient or patient's
25 partner, the embryos in the blastocyst stage of development must be
26 disposed of by one of the following actions:

27 (i) Making the embryos in the blastocyst stage of development
28 available to the living partner, if any;

29 (ii) Donating the embryos in the blastocyst stage of
30 development for research purposes;

1 (iii) Thawing the embryos in the blastocyst stage of
2 development without any further action;

3 (iv) Donating the embryos in the blastocyst stage of
4 development to another person; or

5 (v) Disposing of the embryos in the blastocyst stage of
6 development in any other clearly stated method;

7 (b) Upon written notice of the separation or divorce of the
8 partners, the embryos in the blastocyst stage of development must
9 be disposed of by any of the following actions:

10 (i) Making the embryos in the blastocyst stage of development
11 available to the female partner;

12 (ii) Making the embryos in the blastocyst stage of development
13 available to the male partner;

14 (iii) Donating the embryos in the blastocyst stage of
15 development for research purposes;

16 (iv) Thawing the embryos in the blastocyst stage of development
17 without any further action;

18 (v) Donating the embryos in the blastocyst stage of development
19 to another person; or

20 (vi) Disposing of the embryos in the blastocyst stage of
21 development in any other clearly stated method; and

22 (c) Upon the partners' decision, or the decision of a patient
23 who is without a partner, to abandon the embryos in the blastocyst
24 stage of development by written request or a failure to pay storage
25 fees, the embryos in the blastocyst stage of development must be
26 disposed of by one of the following actions:

27 (i) Donating the embryos in the blastocyst stage of development
28 for research purposes;

29 (ii) Thawing the embryos in the blastocyst stage of development
30 without any further action;

31 (iii) Donating the embryos in the blastocyst stage of
32 development to another person; or

33 (iv) Disposing of the embryos in the blastocyst stage of
34 development in any other clearly stated method.

35 (3) A health care provider delivering fertility treatment must
36 obtain written consent from any person who elects to donate embryos
37 in the blastocyst stage of development remaining after fertility
38 treatment for research. To obtain informed consent, the health

1 care provider must provide the following information to the person
2 that:

3 (a) The early human embryos in the blastocyst stage of
4 development will be used to derive human pluripotent stem cells for
5 research and that the cells may be used, at some future time, for
6 human transplantation research;

7 (b) Information that would permit the donor to be individually
8 identified will be removed before deriving human embryonic stem
9 cell lines;

10 (c) Donors will not receive any information about subsequent
11 testing on the embryos in the blastocyst stage of development or
12 the derived human pluripotent cells;

13 (d) Derived cells or cell lines may be kept for many years;

14 (e) The donor material may have commercial potential, and the
15 donor will not receive financial or any other benefits from any
16 future commercial development;

17 (f) The human pluripotent stem cell research is not intended to
18 provide direct medical benefit to the donor; and

19 (g) Human embryos in the blastocyst stage of development
20 donated for research will not be transferred to a woman's uterus
21 and will be destroyed during the stem cell derivation process.
22 Research will be conducted in accordance with the advisory
23 committee established in section 3 of this act."

EFFECT: Specifies that blastocysts are embryos in the
blastocyst stage of development.