

10 AN ACT CONCERNING
20 **Health – General – In Vitro Fertilization**

30 FOR the purpose of establishing at which stages in development a fertilized ovum can be used for stem
40 cell research; establishing regulations of consent forms for the leftover fertilized ova after in vitro
50 fertilization; establishing a punishment for violating the indications on consent forms.

60 BY enacting
70 Article- Health Care Facilities
80 Section- 19-311
90 Annotated Code of Maryland (2009)

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE

110 §19-311

120 (A) IN THE FOLLOWING SUBPARAGRAPHS THE WORDS OR PHRASES HAVE THE
130 MEANINGS INDICATED.

140 (1) “MEDICAL PROVIDER” SHALL BE DEFINED AS ANY LICENSED PHYSICIAN
150 WHO PROVIDES FOR IN VITRO FERTILIZATION, A PROCESS IN WHICH
160 FERTILIZATION OCCURS OUTSIDE THE WOMB.

170 (2) “ZYGOTE” SHALL BE DEFINED AS THE FERTILIZED OVUM 0-4 DAYS AFTER
180 FERTILIZATION.

190 (3) “BLASTOCYST” SHALL BE DEFINED AS THE FERTILIZED OVUM 5-6 DAYS
200 AFTER FERTILIZATION, BEFORE THE FERTILIZED OVUM HAS COMPLETELY
210 DEVELOPED ITS OUTER LAYER OF CELLS.

220 (4) “EMBRYO” SHALL BE DEFINED AS THE FERTILIZED OVUM 7 DAYS TO 7
230 WEEKS AFTER FERTILIZATION, AFTER THE FERTILIZED OVUM HAS
240 COMPLETELY DEVELOPED ITS OUTER LAYER OF CELLS.

250 (5) “FETUS” SHALL BE DEFINED AS THE FERTILIZED OVUM 8 WEEKS AFTER
260 FERTILIZATION TO BIRTH.

270 (6) “PARTICIPANT(S)” SHALL BE DEFINED AS THE WOMAN AND MAN USING IN
280 VITRO FERTILIZATION, OR THE WOMAN WHO HAS A SPERM DONATION AND IS
290 USING IN VITRO FERTILIZATION, OR THE MAN WHO HAS AN EGG DONATION
300 AND IS USING IN VITRO FERTILIZATION.

310 (B) THE FOLLOWING SUBPARAGRAPHS DETERMINE THE COURSE OF ACTION BASED
320 ON DURATION OF TIME SINCE FERTILIZATION FOR EACH TYPE OF FERTILIZED OVUM.

330 (1) A ZYGOTE AND A BLASTOCYST MAY BE USED FOR STEM CELL RESEARCH.

340 (2) AN EMBRYO BEFORE 22 DAYS AFTER FERTILIZATION OR BEFORE THE
350 POINT AT WHICH THE HEART BEGINS TO BEAT MAY BE USED FOR STEM CELL
360 RESEARCH.

370 (3) AN EMBRYO BEYOND 22 DAYS AFTER FERTILIZATION OR AFTER THE
380 POINT AT WHICH THE HEART BEGINS TO BEAT MAY NOT BE USED FOR STEM
390 CELL RESEARCH.

400 (4) A FETUS MAY NOT BE USED FOR STEM CELL RESEARCH.

410 (C) ALL MEDICAL PROVIDERS ARE REQUIRED TO OBTAIN CONSENT FROM THE
420 PARTICIPANT(S) IN AN IN VITRO FERTILIZATION PROGRAM.

430 (D) ON THIS CONSENT FORM, PARTICIPANT(S) MUST INDICATE WHAT ACTION THE
440 MEDICAL PROVIDER MUST TAKE FOR THE REMAINING UNUSED FERTILIZED OVA
450 FROM THE FOLLOWING:

460 (1) PARTICIPANT(S) MAY INDICATE THAT THEY WISH TO DONATE THE
470 UNUSED FERTILIZED OVA TO STEM CELL RESEARCH;

480 (2) PARTICIPANT(S) MAY INDICATE THAT THEY WISH TO DISPOSE OF THE
490 UNUSED FERTILIZED OVA;

500 (3) PARTICIPANT(S) MAY INDICATE THAT THEY WISH TO FREEZE THE UNUSED
510 FERTILIZED OVA FOR A LATER DATE, AT A KNOWN AND AGREED TO COST.

520 (E) ONE CONSENT FORM IS SUFFICIENT FOR THE TWO PARTICIPANTS WHEN BOTH
530 AGREE ON THE ACTION TO TAKE PLACE.

540 (F) IF THERE IS A DISAGREEMENT BETWEEN THE TWO PARTICIPANTS WITH ONE OF
550 THE PARTICIPANTS WANTING DISPOSAL, THE MEDICAL PROVIDER MUST:

560 (1) OBTAIN RECORD OF THE DISPUTE THROUGH TWO CONSENT FORMS;

570 (2) DISPOSE OF THE UNUSED FERTILIZED OVA.

580 (G) IN THE CASE OF A SINGLE PARTICIPANT WITH A SPERM OR EGG DONATION, NO
590 CONSENT IS REQUIRED FROM THE SPERM OR EGG DONOR OR THE SURROGATE
600 MOTHER.

610 (H) A MEDICAL PROVIDER WHO DOES NOT OBTAIN CONSENT FORMS AND KEEP THEM
620 ON FILE WILL BE FINED \$7,000 FOR EACH FORM.

630 (I) A MEDICAL PROVIDER WHO DOES NOT ADHERE TO INDICATIONS ON THE
640 CONSENT FORMS OR TAKES ACTION WITHOUT THE CONSENT FORMS IS GUILTY OF A
650 FELONY, THE PUNISHMENT OF WHICH INCLUDES:

660 (1) IMPRISONMENT NOT TO EXCEED 15 YEARS OR A FINE NOT EXCEEDING
670 \$25,000 OR BOTH; AND

680 (2) PAYMENT OF THE FULL MARKET VALUE OF THE FERTILIZED OVA TO THE
690 PARTICIPANT(S) WHOSE WISHES WERE VIOLATED OR OMITTED BY THE
700 MEDICAL PROVIDER.

710 (J) A MEDICAL PROVIDER WHO IS CONVICTED ON THREE SEPARATE OCCASIONS OF
720 NOT ADHERING TO THE WISHES OF THE PARTICIPANTS WILL HAVE HIS OR HER
730 MEDICAL LICENSE REVOKED.

740 SECTION 2. AND BE IT FURTHER ENACTED, that this act shall take effect June 1, 2009.

750 MANDATES

760 Martin O'Malley, Governor of Maryland

770 Anthony G. Brown, Lieutenant Governor of Maryland

780 Douglas F. Gansler, Attorney General of Maryland

790 John M. Colmers, Secretary, Maryland Department of Health and Mental Hygiene

SPONSOR

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