

The Senate Health and Human Services Committee offered the following substitute to SB 169:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to the parent and child relationship generally, so as to provide for a short title; to provide for definitions; to provide that it shall be unlawful for any person or entity to intentionally or knowingly create or attempt to create an in vitro human embryo by any means other than fertilization of a human egg by a human sperm or intracytoplasmic sperm injection; to provide for standards for physicians and facilities performing in vitro fertilizations; to provide for judicial standards; to provide that there is no prohibition as to the use of induced Pluripotent Stem Cells (iPS cells); to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Ethical Treatment of Human Embryos Act."

SECTION 2.

Chapter 7 of Title 19 of the Official Code of Georgia Annotated, related to the parent and child relationship generally, is amended by adding a new article to read as follows:

"ARTICLE 4

19-7-60.

For purposes of this article, the term:

(1) 'Donor' means an individual from whose body gametes were obtained, or an individual from whose body cells or tissues were obtained for the purpose of creating gametes or human embryos, whether for valuable consideration or not.

(2) 'Gamete' means an egg (oocyte) or sperm.

24 (3) 'Human embryo' means an organism with a human or significantly human genetic
25 constitution from the single-celled stage to approximately eight weeks development that
26 is derived by fertilization (in vitro or in utero), parthenogenesis, cloning (somatic cell
27 nuclear transfer), or any other means from one or more human gametes or human diploid
28 cells.

29 (4) 'Induced Pluripotent Stem Cells (iPS cells)' means human cell reprogramming, other
30 than a gamete, by the addition of human genes plus or minus chemicals.

31 (5) 'In vitro' means outside the human body.

32 (6) 'In vitro fertilization' means the formation of a human embryo outside the human
33 body by union of human egg(s) with human sperm.

34 (7) 'In vitro human embryo' means a human embryo created outside the human body.

35 (8) 'Transfer' means the placement of a human embryo into the uterus of the human
36 female.

37 (9) 'Valuable consideration' means financial gain or advantage, including cash, in-kind
38 payments, reimbursement for any costs incurred in connection with the removal,
39 processing, disposal, preservation, quality control, storage, transfer, or donation of
40 human gametes, including lost wages of the donor, as well as any other consideration.

41 19-7-61.

42 (a) It shall be unlawful for any person or entity to intentionally or knowingly create or
43 attempt to create an in vitro human embryo by any means other than fertilization or
44 intracytoplasmic sperm injection of a human egg by a human sperm.

45 (b) The creation of an in vitro human embryo shall be solely for the purposes of initiating
46 a human pregnancy by means of transfer to the uterus of a human female for the treatment
47 of human infertility or cryopreservation for such treatment in the future. No person or
48 entity shall intentionally or knowingly transfer or attempt to transfer an embryo into a
49 human uterus that is not the product of fertilization of a human egg by a human sperm.

50 19-7-62.

51 No person or entity shall give or receive valuable consideration, offer to give or receive
52 valuable consideration, or advertise for the giving or receiving of valuable consideration
53 for the provision of in vitro human embryos. This Code section shall not apply to regulate
54 or prohibit the procurement of gametes for the treatment of infertility being experienced
55 by the patient from whom the gametes are being derived.

56 19-7-63.

57 The living in vitro human embryo shall be given an identification by the facility for use
58 within the medical facility. Records shall be maintained that identify the donors associated
59 with the in vitro human embryo, and the confidentiality of such records shall be maintained
60 as required by law.

61 19-7-64.

62 (a) A living in vitro human embryo is a biological human being who is not the property
63 of any person or entity. The fertility physician and the medical facility that employs the
64 physician owe a high duty of care to the living in vitro human embryo. Any contractual
65 provision identifying the living in vitro embryo as the property of any party shall be null
66 and void. The in vitro human embryo shall not be intentionally destroyed for any purpose
67 by any person or entity or through the actions of such person or entity.

68 (b) An in vitro human embryo that fails to show any sign of life over a 36 hour period
69 outside a state of cryopreservation shall be considered no longer living.

70 19-7-65.

71 In disputes arising between any parties regarding the in vitro human embryo, the judicial
72 standard for resolving such disputes shall be the best interest of the in vitro human embryo.

73 19-7-66.

74 (a) Any person or entity that violates any provision of this article and derives a pecuniary
75 gain from such violation shall be fined not less than \$500.00 nor more than \$1,000.00.

76 (b) Any violation of this article shall constitute unprofessional conduct pursuant to Code
77 Section 43-34-37 and shall result in sanctions increasing in severity from censure to
78 temporary suspension of license to permanent revocation of license.

79 (c) Any violation of this article may be the basis for denying an application for, denying
80 an application for the renewal of, or revoking any license, permit, certificate, or any other
81 form of permission required to practice or engage in a trade, occupation, or profession.

82 (d) Any violation of this article by an individual in the employ and under the auspices of
83 a licensed health care facility to which the management of said facility consents, knows,
84 or should know may be the basis for denying an application for, denying an application for
85 the renewal of, temporarily suspending, or permanently revoking any operational license,
86 permit, certificate, or any other form of permission required to operate a medical or health
87 care facility.

88 19-7-67.

89 Nothing in this article shall prohibit or otherwise impede the use of induced Pluripotent
90 Stem Cells (iPS cells)."

91 **SECTION 3.**

92 This Act shall become effective upon its approval by the Governor or upon its becoming law
93 without such approval.

94 **SECTION 4.**

95 All laws and parts of laws in conflict with this Act are repealed.