

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1203

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 35-31.5-2-186.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 186.3. "Lethal fetal anomaly", for purposes of IC 35-46-5-3, has the meaning set forth in IC 35-46-5-3(a).**

SECTION 2. IC 35-31.5-2-235.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 235.5. "Physician", for purposes of IC 35-46-5-3, has the meaning set forth in IC 35-46-5-3(b).**

SECTION 3. IC 35-31.5-2-264.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 264.8. "Qualified egg bank", for purposes of IC 35-46-5-3, has the meaning set forth in IC 35-46-5-3(c).**

SECTION 4. IC 35-46-5-3, AS AMENDED BY P.L.213-2016, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3. (a)** As used in this section, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.

**HEA 1203**



(b) As used in this section, "physician" means an individual who:

(1) is licensed to practice medicine in:

(A) Indiana under IC 25-22.5; or

(B) another state in the United States in which the individual is providing medical services;

(2) is board certified in obstetrics and gynecology; and

(3) oversees medical services related to ovum cryopreservation.

(c) As used in this section, "qualified third party" egg bank" means:

(1) a fertility clinic or similar medical facility that:

(A) is located in the United States;

(B) is accredited by an entity approved by:

(i) the medical licensing board, if the fertility clinic or facility is located in Indiana; or

(ii) the authorizing state agency or licensing board in the state in which the fertility clinic or facility is located;

(C) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and

(D) is owned by, employs, a contracts with, or is affiliated with at least one (1) physician licensed under IC 25-22.5 who performs medical services related to ovum cryopreservation at the fertility clinic or facility; or

(A) is board certified in obstetrics and gynecology; and

(B) performs oocyte cryopreservation at the facility.

(2) an entity whose primary business purpose includes the facilitation of in vitro fertilization using cryopreserved ova and that is registered under 21 CFR 1271 with the United States Food and Drug Administration.

(d) Except as provided in subsection (e), a person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.

(e) This section does not apply to the following:

(1) The transfer payment to or receipt by either a woman donor of an ovum or a qualified third party of an amount for:

(A) earnings lost due to absence from employment;

(B) travel expenses;

(C) hospital expenses;

(D) medical expenses; and

(E) recovery time in an amount not to exceed four thousand

HEA 1203



dollars (\$4,000);  
concerning a treatment or procedure, **including ovum cryopreservation**, to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

**(2) The payment to or receipt by a qualified egg bank of an amount for:**

- (A) the retrieval of a human ovum;**
- (B) the cryopreservation of a human ovum;**
- (C) the transportation of a human ovum; or**
- (D) any other aspect of performing or facilitating services related to a treatment or procedure to enhance human reproductive capability through in vitro fertilization.**

**(3) The following types of stem cell research:**

- (A) Adult stem cell.
- (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

**(4) The transfer or receipt of a fetus if:**

- (A) the fetus was diagnosed with a lethal fetal anomaly and written medical documentation verifies the diagnosis; and
- (B) a biological parent has requested, in writing, the transfer of the fetus for purposes of an autopsy.

**(f) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified ~~third party~~ egg bank under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1203**

