

2024 Regular Session

HOUSE BILL NO. 742

BY REPRESENTATIVE MARCELLE

LIABILITY: Provides for immunity from civil and criminal liability for in vitro fertilization service providers

1 AN ACT

2 To amend and reenact R.S. 9:132, relative to liability; to provide immunity from civil and
3 criminal liability for in vitro fertilization service providers; to provide definitions;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:132 is hereby amended and reenacted to read as follows:

7 §132. Liability

8 A. ~~Strict liability or liability of any kind including actions relating to~~
9 ~~succession rights and inheritance shall not be applicable to any~~ No physician,
10 hospital, in vitro fertilization clinic, or their agent who acts in good faith in the
11 screening, collection, conservation, preparation, transfer, or cryopreservation of the
12 human ovum fertilized in vitro for transfer to the human uterus shall be subject to
13 criminal prosecution or civil liability. Any immunity granted by this Section is
14 applicable only to an action, including actions relating to succession rights and
15 inheritance, brought on behalf of the in vitro fertilized human ovum as a juridical
16 person.

17 B.(1) For the purposes of this Chapter, "good faith" shall mean the use of
18 reasonable care and diligence in the application of skill when in vitro fertilization
19 services are rendered to a patient from any physician, hospital, in vitro fertilization
20 clinic, or an agent of any of the persons or entities provided in this Paragraph.

1 (2) "Good faith" shall also include the standard of care required of every
 2 physician, hospital, in vitro fertilization clinic, or an agent thereof in rendering in
 3 vitro fertilization services to a patient. This standard of care shall be exercised to
 4 that degree of skill ordinarily employed, under similar circumstances, by the
 5 members of this profession in good standing in the same community or locality.
 6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 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 742 Original

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Marcelle

Abstract: Provides immunity from civil and criminal liability for in vitro fertilization service providers.

Present law provides that any physician, hospital, in vitro fertilization clinic, or their agent who acts in good faith shall not be held strictly liable or liable in any action relating to succession rights and inheritance for the screening, collection, conservation, preparation, transfer, or cryopreservation of the human ovum fertilized in vitro for transfer to the human uterus.

Present law also provides that any immunity granted by this present law is applicable only to an action brought on behalf of the in vitro fertilized human ovum as a juridical person.

Proposed law retains present law but also includes criminal immunity.

Proposed law also defines "good faith" as use of reasonable care and diligence, along with the best judgment, in the application of skill when in vitro fertilization services are rendered to a patient from any physician, hospital, in vitro fertilization clinic, or an agent of any of the persons or entities provided by proposed law.

Proposed law further defines "good faith" as the standard of care required of every physician, hospital, in vitro fertilization clinic, or an agent thereof in rendering in vitro fertilization services to a patient. The standard of care shall be exercised to that degree of skill ordinarily employed, under similar circumstances, by the members of this profession in good standing in the same community or locality.

(Amends R.S. 9:132)