

2025 Regular Session

SENATE BILL NO. 156

BY SENATOR PRESSLY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HUMAN DEVELOPMENT. Provides for in vitro fertilization. (8/1/25)

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AN ACT

To amend and reenact R.S. 9:121 through 124 and 126 through 133 and to repeal R.S. 9:125, relative to in vitro fertilized human embryos; to provide for definitions; to provide for uses of an in vitro fertilized human embryo; to provide for legal rights of an in vitro fertilized human embryo; to provide for ownership of an in vitro fertilized human embryo; to provide for qualification to perform in vitro fertilization procedures; to provide for destruction of an vitro fertilized human embryo; to provide for judicial standards; to provide for liability; to provide for inheritance rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:121 through 124 and 126 through 133 are hereby amended and reenacted to read as follows:

CHAPTER 3. **IN VITRO FERTILIZED** HUMAN EMBRYOS

§121. ~~Human embryo; definition~~ **In vitro fertilized human embryo; definitions**

~~A "human embryo" for the purposes of this Chapter is an in vitro fertilized human ovum, with certain rights granted by law, composed of one or more living human cells and human genetic material so unified and organized that it will develop~~

1 ~~in utero into an unborn child.~~

2 A. "In vitro fertilized human embryo" means a human embryo created
3 through the in vitro fertilization process that has certain rights granted by law
4 and is composed of one or more living human cells and human genetic material
5 so unified and organized that it may develop in utero into an unborn child.

6 B. "Nonviable in vitro fertilized human embryo" means an in vitro
7 fertilized human embryo that does not continue to progress through necessary
8 developmental milestones during the in vitro development. Viability of an in
9 vitro fertilized human embryo is presumed unless it is deemed nonviable.

10 §122. Uses of an in vitro fertilized human embryo ~~in vitro~~

11 The use of a human ~~ovum~~ embryo fertilized in vitro is solely for the support
12 and contribution of the complete development of human in utero implantation. No
13 in vitro fertilized human ~~ovum~~ embryo will be farmed or cultured solely for research
14 purposes or any other purposes. The sale of a human ovum, fertilized human ~~ovum~~
15 embryo, or human embryo is expressly prohibited.

16 §123. Capacity

17 ~~An~~ A. A viable in vitro fertilized human ~~ovum~~ embryo exists as a juridical
18 person until ~~such time as~~ the in vitro fertilized ~~ovum~~ embryo is implanted in the
19 womb; ~~or at any other,~~ at which time ~~when~~ rights attach to ~~an unborn child in~~
20 ~~accordance with~~ as otherwise provided in law.

21 B. As a juridical person, the viable in vitro fertilized human embryo
22 shall:

23 (1) Have the capacity to sue or be sued.

24 (2) Be recognized as a separate entity apart from the medical facility or
25 clinic where it is housed or stored.

26 §124. Legal status Identification and confidentiality

27 As a juridical person, the in vitro fertilized human ~~ovum~~ embryo shall be
28 given an identification by the medical facility for use ~~within the medical facility~~
29 ~~which entitles such ovum to sue or be sued.~~ The confidentiality of the in vitro

1 fertilization fertilized human embryo and the patient from which it came shall be
2 maintained.

3 * * *

4 §126. Ownership; control and decision making authority

5 The patient has control and decision making authority over the in vitro
6 fertilized human embryo. An in vitro fertilized human ovum is a biological human
7 being which embryo is not the property of the physician which acts as an agent of
8 fertilization, or the facility which employs him the physician, or the donors of the
9 sperm and ovum. ~~If the in vitro fertilization patients express their identity, then their~~
10 ~~rights as parents as provided under the Louisiana Civil Code will be preserved. If the~~
11 ~~in vitro fertilization patients fail to express their identity, then the physician shall be~~
12 ~~deemed to be temporary guardian of the in vitro fertilized human ovum until~~
13 ~~adoptive implantation can occur. A court in the parish where the in vitro fertilized~~
14 ~~ovum is located may appoint a curator, upon motion of the in vitro fertilization~~
15 ~~patients, their heirs, or physicians who caused in vitro fertilization to be performed,~~
16 ~~to protect the in vitro fertilized human ovum's rights.~~

17 §127. Responsibility

18 Any physician or medical facility who causes in vitro fertilization of a human
19 ovum embryo in vitro will be directly responsible for the in vitro safekeeping of the
20 fertilized ovum human embryo.

21 §128. Qualifications

22 ~~Only medical facilities meeting the standards of the American Fertility~~
23 ~~Society and the American College of Obstetricians and Gynecologists and directed~~
24 ~~by a medical doctor licensed to practice medicine in this state and possessing~~
25 ~~specialized training and skill in in vitro fertilization also in conformity with the~~
26 ~~standards established by the American Fertility Society or the American College of~~
27 ~~Obstetricians and Gynecologists shall cause the in vitro fertilization of a human~~
28 ~~ovum to occur. No person shall engage in in vitro fertilization procedures unless~~
29 ~~qualified as provided in this Section.~~

1 No person shall engage in in vitro fertilization procedures unless the
2 following criteria is met:

3 (1) The procedure is performed at a medical facility that meets the
4 standards of the American Society for Reproductive Medicine and the
5 American College of Obstetricians and Gynecologists.

6 (2) The medical facility is directed by a medical doctor who:

7 (a) Is licensed to practice medicine in this state.

8 (b) Possesses specialized training and skill in in vitro fertilization that is
9 in conformity with the standards established by the American Society for
10 Reproductive Medicine and the American College of Obstetricians and
11 Gynecologists.

12 (c) Is double board certified or eligible to practice by the American
13 Board of Obstetrics and Gynecology in both obstetrics and gynecology as well
14 as reproductive endocrinology and infertility.

15 §129. Destruction

16 A viable in vitro fertilized human ~~ovum~~ **embryo** is a juridical person which
17 shall not be intentionally destroyed by any natural or other juridical person or
18 through the actions of any other such person. ~~An in vitro fertilized human ovum that~~
19 ~~fails to develop further over a thirty-six hour period except when the embryo is in a~~
20 ~~state of cryopreservation, is considered non-viable and is not considered a juridical~~
21 ~~person.~~

22 §130. ~~Duties of donors~~ **Donation of an in vitro fertilized human embryo**

23 ~~An in vitro fertilized human ovum is a juridical person which cannot be~~
24 ~~owned by the in vitro fertilization patients who owe it a high duty of care and~~
25 ~~prudent administration. If the in vitro fertilization patients renounce, by notarial act,~~
26 ~~their parental rights for in utero implantation, then the in vitro fertilized human ovum~~
27 **embryo** shall be available for ~~adoptive implantation~~ **donation** in accordance with
28 written procedures of the facility where it is housed or stored. The in vitro
29 fertilization patients may renounce their ~~parental~~ rights in favor of another **married**

1 couple **person**, but only if the other couple **person** is willing and able to receive
2 **assume the direction and control of** the in vitro fertilized ovum **embryo**. No
3 compensation shall be paid or received by either couple **person** to renounce parental
4 rights. ~~Constructive fulfillment of the statutory provisions for adoption in this state~~
5 ~~shall occur when a married couple executes a notarial act of adoption of the in vitro~~
6 ~~fertilized ovum and birth occurs.~~

7 §131. Judicial standard

8 In disputes arising between any parties regarding the in vitro fertilized ovum
9 **human embryo**, the judicial standard for resolving such disputes is to be **dispute**
10 **shall be resolved in accordance with the terms and provisions of the in vitro**
11 **fertilization agreement by the parties. If no such agreement exists, then disputes**
12 **shall be determined by a court of competent jurisdiction and** in the best interest
13 of the in vitro fertilized ovum **human embryo**.

14 §132. Liability

15 ~~Strict liability or liability of any kind including actions relating to succession~~
16 ~~rights and inheritance shall not be applicable to any physician, hospital, in vitro~~
17 ~~fertilization clinic, or their agent who acts in good faith in the screening, collection,~~
18 ~~conservation, preparation, transfer, or cryopreservation of the human ovum fertilized~~
19 ~~in vitro for transfer to the human uterus. Any immunity granted by this Section is~~
20 ~~applicable only to an action brought on behalf of the in vitro fertilized human ovum~~
21 ~~as a juridical person.~~

22 **A. No physician, healthcare provider, hospital, in vitro fertilization**
23 **clinic, laboratory personnel, provider of services, or their agent who**
24 **participates in the screening, collection, preparation, transfer, analysis, storage,**
25 **transportation, fertilization, culture, cryopreservation, or any other act**
26 **typically performed during the in vitro fertilization process of the human**
27 **embryo fertilized in vitro for transfer to the human uterus shall be subject to**
28 **criminal prosecution except in cases where acts were made with specific or**
29 **general criminal intent as defined in R.S. 14:10.**

1 **B. All civil matters brought against any qualified healthcare provider**
 2 **shall be brought in accordance with the procedures provided by the Louisiana**
 3 **Medical Malpractice Act. Any civil matter brought against a nonqualified**
 4 **healthcare provider shall be subjected to civil liability based upon the**
 5 **applicable standard of care.**

6 §133. Inheritance rights

7 Inheritance rights will not flow to the in vitro fertilized ~~ovum~~ **human**
 8 **embryo** as a juridical person, unless the in vitro fertilized ~~ovum~~ **human embryo**
 9 develops into an unborn child that is born in a live birth, or at any other time when
 10 rights attach to an unborn child in accordance with law. As a juridical person, the
 11 embryo or child born as a result of in vitro fertilization and in vitro fertilized ~~ovum~~
 12 **human embryo** donation to another ~~couple~~ **person** does not retain its inheritance
 13 rights from the in vitro fertilization patients or a donor of gametes used in the in vitro
 14 fertilization process, unless the donor is a person from whom the child could
 15 otherwise inherit under laws of succession notwithstanding the in vitro fertilization
 16 process.

17 Section 2. R.S. 9:125 is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 156 Original

2025 Regular Session

Pressly

Present law establishes certain rights for a in vitro fertilized human embryo.

Proposed law changes references in present law from "human embryo" and "in vitro fertilized human ovum" to "in vitro fertilized human embryo".

Proposed law defines "in vitro fertilized human embryo" and "nonviable in vitro fertilized human embryo and provides that an in vitro fertilized human embryo is deemed viable unless it is determined to be nonviable.

Proposed law reorganizes provisions of present law.

Present law establishes criteria for persons engaging in in vitro fertilization procedures.

Proposed law provides additional criteria for persons engaging in in vitro fertilization procedures.

Present law provides that if the in vitro fertilization patients renounce their parental rights for in utero implantation, the in vitro fertilized human ovum shall be available for adoptive implantation. The in vitro fertilization patients may renounce their parental rights in favor of another married couple.

Proposed law removes the terms "parental", "married", "couple", and "adoptive implantation" and instead provides for donation to a person upon a patient renouncing their rights for in utero implantation.

Present law provides that in disputes arising between any parties regarding the in vitro fertilized ovum, the judicial standard for resolving such disputes is to be in the best interest of the in vitro fertilized ovum.

Proposed law provides that if an in vitro fertilization agreement exists, parties in dispute shall resolve in accordance with the terms and provisions of the agreement before utilizing the courts.

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.

Proposed law provides criminal immunity from liability and extends the protection to additional providers of services and acts related to in vitro fertilization.

Proposed law requires all civil matters brought against a qualified healthcare provider to be brought in accordance with the La. Medical Malpractice Act.

Proposed law provides that any civil matter brought against a nonqualified healthcare provider shall be subjected to civil liability based upon the applicable standard of care.

Effective August 1, 2025.

(Amends R.S. 9:121-124 and 126-133; repeals R.S. 9:125)