

2025 Regular Session

HOUSE BILL NO. 506

BY REPRESENTATIVE DAVIS

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

CIVIL/LAW: Provides relative to in vitro fertilization

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

13 CHAPTER 3. IN VITRO FERTILIZED HUMAN EMBRYOS14 §121. ~~Human embryo; definition~~ In vitro fertilized human embryo; definitions

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

19 A. "In vitro fertilized human embryo" means a human embryo created
20 through the in vitro fertilization process that has certain rights granted by law and is

1 composed of one or more living human cells and human genetic material so unified
2 and organized that it may develop in utero into an unborn child.

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

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

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

13 §123. Capacity

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

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

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

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

22 §124. ~~Legal status~~ Identification and confidentiality

23 As a juridical person, the in vitro fertilized human ~~ovum~~ embryo shall be
24 given an identification by the medical facility ~~for use within the medical facility~~
25 ~~which entitles such ovum to sue or be sued.~~ The confidentiality of the in vitro
26 ~~fertilization patient~~ fertilized embryo and the patient from which it came shall be
27 maintained.

28 * * *

1 §126. Ownership; control and decision making authority

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

14 §127. Responsibility

15 Any physician or medical facility who causes in vitro fertilization of a human
16 ~~ovum in vitro~~ embryo will be directly responsible for the in vitro safekeeping of the
17 fertilized ~~ovum~~ human embryo.

18 §128. Qualifications

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

27 No person shall engage in in vitro fertilization procedures unless the
28 following criteria are met:

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

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

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

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

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

§129. Destruction

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

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

~~An in vitro fertilized human ovum is a juridical person which cannot be owned by the in vitro fertilization patients who owe it a high duty of care and prudent administration. If the in vitro fertilization patients renounce, by notarial act, their parental rights for in utero implantation, then the in vitro fertilized human ovum~~ embryo shall be available for adoptive implantation donation in accordance with written procedures of the facility where it is housed or stored. The in vitro fertilization patients may renounce their parental rights in favor of another married couple person, but only if the other couple person is willing and able to receive assume the direction and control of the in vitro fertilized ovum embryo. No compensation shall be paid or received by either couple person to renounce parental

1 rights. ~~Constructive fulfillment of the statutory provisions for adoption in this state~~
2 ~~shall occur when a married couple executes a notarial act of adoption of the in vitro~~
3 ~~fertilized ovum and birth occurs.~~

4 §131. Judicial standard

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

11 §132. Liability

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

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

27 B. All civil matters brought against any qualified healthcare provider shall
28 be brought in accordance with the procedures provided by the Louisiana Medical

Malpractice Act. Any civil matter brought against a nonqualified healthcare provider shall be subjected to civil liability based upon the applicable standard of care.

§133. Inheritance rights

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

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

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 506 Original

2025 Regular Session

Davis

Abstract: Provides relative to in vitro fertilization.

Present law establishes certain rights for an 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.

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