

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)

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 in 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; **in vitro fertilization**; definition

~~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 Notwithstanding any other law to the contrary and for the purposes of
3 this Chapter the following definitions shall apply:

4 (1) "Human embryo" means a fertilized human ovum that is biologically
5 human, with certain rights granted by law, composed of one or more living
6 human cells and human genetic material.

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

11 (3) "Nonviable in vitro fertilized human embryo" means an in vitro
12 fertilized human embryo that does not continue to progress through necessary
13 developmental milestones during the in vitro development. Viability of an in
14 vitro fertilized human embryo is presumed unless it is deemed nonviable.

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

16 The use of a human ~~ovum~~ embryo fertilized in vitro is solely for the support
17 and contribution of the complete development of human in utero implantation. No
18 in vitro fertilized human ~~ovum~~ embryo will be farmed or cultured solely for research
19 purposes or any other purposes. The sale of a human ovum, fertilized human ~~ovum~~
20 embryo, or human embryo is expressly prohibited.

21 §123. Capacity

22 A. An in vitro fertilized human ~~ovum~~ embryo exists as a juridical person
23 until it is either: ~~such time as the in vitro fertilized ovum is implanted in the womb;~~
24 ~~or at any other time when rights attach to an unborn child in accordance with law.~~

25 (1) Deemed nonviable as provided in R.S. 9:121; or

26 (2) Implanted in the womb, at which time rights attach as otherwise
27 allowed by law.

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

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

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

3 §124. Legal status **Identification and confidentiality**

4 As a juridical person, the in vitro fertilized human ovum **embryo** shall be
5 given an identification by the medical facility ~~for use within the medical facility~~
6 ~~which entitles such ovum to sue or be sued.~~ The confidentiality of the in vitro
7 fertilization **fertilized human embryo and the patient from which it came** shall be
8 maintained.

9 * * *

10 §126. Ownership; **control and decision making authority**

11 ~~An in vitro fertilized human ovum is a biological human being which~~
12 **A. An in vitro fertilized human embryo is not susceptible of ownership,**
13 **and** is not the property of the physician which acts as an agent of fertilization, or the
14 facility which employs him **the physician**, or the donors of the sperm and ovum. If
15 ~~the in vitro fertilization patients express their identity, then their rights as parents as~~
16 ~~provided under the Louisiana Civil Code will be preserved. If the in vitro fertilization~~
17 ~~patients fail to express their identity, then the physician shall be deemed to be~~
18 ~~temporary guardian of the in vitro fertilized human ovum until adoptive implantation~~
19 ~~can occur. A court in the parish where the in vitro fertilized ovum is located may~~
20 ~~appoint a curator, upon motion of the in vitro fertilization patients, their heirs, or~~
21 ~~physicians who caused in vitro fertilization to be performed, to protect the in vitro~~
22 ~~fertilized human ovum's rights.~~

23 **B. Neither the facility nor the physician acting as an agent of fertilization**
24 **shall have decision-making authority over a viable in vitro fertilized human**
25 **embryo.**

26 **C. The intended parent or parents shall have control and decision-**
27 **making authority over a viable in vitro fertilized human embryo.**

28 §127. Responsibility

29 Any physician or medical facility who causes in vitro fertilization of a human

1 ~~ovum~~ **embryo** ~~in vitro~~ will be directly responsible for the in vitro safekeeping of the
2 fertilized ~~ovum~~ **human embryo**.

3 §128. Qualifications

4 ~~Only medical facilities meeting the standards of the American Fertility~~
5 ~~Society and the American College of Obstetricians and Gynecologists and directed~~
6 ~~by a medical doctor licensed to practice medicine in this state and possessing~~
7 ~~specialized training and skill in in vitro fertilization also in conformity with the~~
8 ~~standards established by the American Fertility Society or the American College of~~
9 ~~Obstetricians and Gynecologists shall cause the in vitro fertilization of a human~~
10 ~~ovum to occur. No person shall engage in in vitro fertilization procedures unless~~
11 ~~qualified as provided in this Section.~~

12 No person shall engage in in vitro fertilization procedures unless the
13 following criteria is met:

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

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

18 (a) Is licensed to practice medicine in this state;

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

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

26 §129. Destruction

27 A viable in vitro fertilized human ~~ovum~~ **embryo** is a juridical person which
28 shall not be intentionally destroyed by any natural or other juridical person or
29 through the actions of any other such person. ~~An in vitro fertilized human ovum that~~

1 fails to develop further over a thirty-six hour period except when the embryo is in a
2 state of cryopreservation, is considered non-viable and is not considered a juridical
3 person.

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

5 ~~An in vitro fertilized human ovum is a juridical person which cannot be~~
6 ~~owned by the in vitro fertilization patients who owe it a high duty of care and~~
7 ~~prudent administration. If the in vitro fertilization patients renounce, by notarial act,~~
8 ~~their parental rights for in utero implantation, then the in vitro fertilized human ovum~~
9 **embryo** shall be available for ~~adoptive implantation~~ **donation** in accordance with
10 written procedures of the facility where it is housed or stored. The in vitro
11 fertilization patients, **who owe a high duty of care and prudent administration to**
12 **the in vitro fertilized human embryo,** may renounce their ~~parental~~ rights in favor
13 of another ~~married couple~~ **person,** but only if the other ~~couple~~ **person** is willing and
14 able to ~~receive~~ **assume the direction and control of** the in vitro fertilized ~~ovum~~
15 **embryo.** No compensation shall be paid or received by either ~~couple~~ **person** to
16 renounce ~~parental~~ rights. ~~Constructive fulfillment of the statutory provisions for~~
17 ~~adoption in this state shall occur when a married couple executes a notarial act of~~
18 ~~adoption of the in vitro fertilized ovum and birth occurs.~~

19 §131. Judicial standard

20 In disputes arising between any parties regarding the in vitro fertilized ~~ovum~~
21 **human embryo,** the ~~judicial standard for resolving such disputes is to be~~ **dispute**
22 **shall be resolved in accordance with the terms and provisions of the in vitro**
23 **fertilization agreement by the parties. If no such agreement exists, then disputes**
24 **shall be determined by a court of competent jurisdiction and** in the best interest
25 of the in vitro fertilized ~~ovum~~ **human embryo. Any provision in an in vitro**
26 **fertilization agreement that directs or provides for the intentional destruction**
27 **of an embryo shall be deemed null and void.**

28 §132. Liability

29 ~~Strict liability or liability of any kind including actions relating to succession~~

1 ~~rights and inheritance shall not be applicable to any physician, hospital, in vitro~~
2 ~~fertilization clinic, or their agent who acts in good faith in the screening, collection,~~
3 ~~conservation, preparation, transfer, or cryopreservation of the human ovum fertilized~~
4 ~~in vitro for transfer to the human uterus. Any immunity granted by this Section is~~
5 ~~applicable only to an action brought on behalf of the in vitro fertilized human ovum~~
6 ~~as a juridical person.~~

7 A. No physician, healthcare provider, hospital, in vitro fertilization
8 clinic, laboratory personnel, provider of services, or their agent who
9 participates in the screening, collection, preparation, transfer, analysis, storage,
10 transportation, fertilization, culture, cryopreservation, or any other act
11 typically performed during the in vitro fertilization process of the human
12 embryo fertilized in vitro for transfer to the human uterus shall be subject to
13 criminal prosecution except in cases where acts were made with criminal
14 negligence as defined in R.S. 14:12, or specific or general criminal intent as
15 defined in R.S. 14:10.

16 B. All civil matters brought against any qualified healthcare provider
17 shall be brought in accordance with the procedures provided by the Louisiana
18 Medical Malpractice Act. Any civil matter brought against a nonqualified
19 healthcare provider shall be subjected to civil liability based upon the
20 applicable standard of care.

21 §133. Inheritance rights

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

1 otherwise inherit under laws of succession notwithstanding the in vitro fertilization
2 process.

3 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 Reengrossed

2025 Regular Session

Pressly

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.

Effective August 1, 2025.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides for the definition of "human embryo".
2. Provides for conditions in which an in vitro fertilized human embryo ceases to exist as a juridical person.
3. Provides that an in vitro fertilized human embryo is not susceptible of ownership.
4. Provides that intended parents, not a facility nor the physician acting as an agent of fertilization, shall have control and decision-making authority over a viable in vitro fertilized human embryo.
5. Provides that in vitro fertilization patients owe a high duty of care and prudent administration to an in vitro fertilized human embryo.
6. Provides that any provision in an in vitro fertilization agreement directing or providing for the intentional destruction of an embryo shall be deemed null and void.
7. Provides with regard to criminal negligence on the part of certain medical professionals or facilities.
8. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.