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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.