

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1441

By: Representatives Crawford, Cloud, Hawks, Penzo, B. Smith, Wooten
By: Senator Irvin

For An Act To Be Entitled

AN ACT TO CREATE THE HUMAN EGG PROVIDER PROTECTION
ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE HUMAN EGG PROVIDER
PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:

Subchapter 24 – Human Egg Provider Protection Act

20-16-2401. Title.

This subchapter shall be known and may be cited as the "Human Egg Provider Protection Act".

20-16-2402. Definitions.

As used in this subchapter:

(1) "Egg" means the unfertilized gamete or oocyte of a female human being;

(2) "Egg harvesting" means the extraction of an egg from the reproductive organs of a human egg provider for purposes other than the impregnation of the human egg provider with those same eggs;

(3) "Human egg provider" means a woman who provides or agrees to provide her eggs for purposes other than her own impregnation with those same



eggs;

(4) "Licensed physician" means any person licensed to practice medicine in this state, including a medical doctor and a doctor of osteopathy; and

(5) "Solicitation" means any advertisement, whether written, printed, or spoken, in a newspaper or magazine, on radio, television, or the internet, or otherwise published.

20-16-2403. Professional and clinical requirements.

(a) A person shall not perform egg harvesting unless:

(1) He or she is a licensed physician; and

(2) The egg harvesting is performed in a hospital, clinic, or other medical facility that meets the licensing standards for such facilities in this state as determined by the Department of Health.

(b) A person or entity shall not pay a human egg provider for:

(1) Her eggs;

(2) A successful cycle of the human egg provider; or

(3) Any desirable genetic traits that the human egg provider possesses.

20-16-2404. Solicitation of human egg providers.

(a) Solicitation calling for human egg providers shall not include an offer for compensation, financial or otherwise, for eggs or egg harvesting.

(b) Any solicitation calling for a human egg provider shall include a summary of any drug or hormone treatments involved in enabling a human egg provider to provide eggs or in the process of egg harvesting, the total number of office or other visits that a human egg provider will be required to make, and the intended use of the eggs to be harvested.

20-16-2405. Penalties.

(a) A person or entity that intentionally or knowingly violates this subchapter is guilty of a Class A misdemeanor.

(b) A person or entity that violates this subchapter shall also be civilly fined five hundred dollars (\$500), twice the amount of gross pecuniary gain derived from the violation, or, at the discretion of the court, any amount between five hundred dollars (\$500) and twice the amount of

gross pecuniary gain derived from the violation.