

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1795

By: Representatives A. Brown, Bentley, Gramlich, Long, Pilkington

For An Act To Be Entitled

AN ACT TO CREATE THE FERTILITY CLINIC LICENSURE ACT;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE FERTILITY CLINIC LICENSURE
ACT.

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

SECTION 1. Title.

This act shall be known and may be cited as the "Fertility Clinic
Licensure Act".

SECTION 2. Arkansas Code § 20-9-201, concerning definitions related to the licensing of healthcare facilities, is amended to add an additional subdivision to read as follows:

(15) "Fertility clinic" means a medical facility or healthcare professional that collects or preserves, or both, human embryos for the creation or the placement of human embryos into a patient

SECTION 3. Arkansas Code § 20-9-213, concerning the requirement of a license to operate in this state as a hospital, recuperation center, or related institution, is amended to add an additional subsection to read as follows:

(d) If a medical facility is providing or performing in vitro fertilization in this state, the medical facility or institution shall also be licensed separately as a fertility clinic.



SECTION 4. Arkansas Code § 20-9-214(b), concerning the fees for the operation of institutions providing healthcare services, is amended to read as follows:

(b) The Department of Health may levy and collect the following annual fees for issuance of an annual license to hospitals or institutions:

Per facility (unless otherwise noted)	
(1) Hospitals (per bed)	\$ 6.00
(2) Ambulatory Surgery Center	1,000.00
(3) Rural Emergency Hospital	500.00
(4) Hospital-Based Recuperation Center	275.00
(5) Freestanding Recuperation Center	2,000.00
(6) Hospital-Based Alcohol/Drug Unit	75.00
(7) Freestanding Alcohol/Drug Unit	1,000.00
(8) Hospital-Based Outpatient Psychiatric Center	75.00
(9) Freestanding Outpatient Psychiatric Center	1,000.00
(10) Infirmary	100.00
(11) <u>Fertility Clinic</u>	<u>1,000.00</u>
(12) Reissuance of license due to name/address change	100.00

SECTION 5. Arkansas Code Title 20, Chapter 9, is amended to add an additional subchapter to read as follows:

Subchapter 16 – Fertility Clinics

20-9-1601. Definitions.

As used in this subchapter, "fertility clinic" means a medical facility or healthcare professional that collects or preserves, or both, human embryos for the creation or the placement of human embryos into a patient.

20-9-1602. Reporting.

(a)(1) The Department of Health shall require a fertility clinic to report to the department all data that is not personally identifiable information and that is reported to the United States Secretary of Health and Human Services under the Fertility Clinic Success Rate and Certification Act of 1992, Pub. L. No. 102-493.

(2) The department may require a fertility clinic to report to the department under subdivision (a)(1) of this section at the same time as the fertility clinic reports to the United States Secretary of Health and Human Services.

(b) A fertility clinic in this state that violates this section shall be fined fifty thousand dollars (\$50,000) by the department.

20-9-1603. Annual report.

(a) Within twelve (12) months of receiving the data required under § 20-9-1602, the Department of Health shall compile a comprehensive report to be available on the department's website.

(b)(1) The department shall report annually to:

(A) The Senate Committee on Public Health, Welfare, and Labor; and

(B) The House Committee on Public Health, Welfare, and Labor.

(2) The report under subdivision (b)(1) of this section shall include a list of licensed fertility clinics available in this state and a summary of the data that is not personally identifiable information reported to the department under § 20-9-1602.

20-9-1604. Rules.

The Department of Health shall promulgate rules to implement this subchapter.