



Bill: Compensating Egg Donors

AS INTRODUCED

An Act relating to human oocytes; prohibiting certain acts; requiring certain consent; creating civil liability; providing penalties; and providing an effective date.

SECTION 1. SHORT TITLE: This Act may be cited as the “Ova Vending Act” (“OVA”).

SECTION 2. COMPENSATION: In the interest of protecting the ovarian health of women, especially university students and low-income women who are disproportionately vulnerable to being monetarily induced to compromise their reproductive and ovarian health, it shall be unlawful for any person, scientific entity or business organization to intentionally or knowingly provide valuable consideration, or to solicit to provide valuable consideration, to procure one or multiple human oocytes from a woman by hormonal egg follicle stimulation and surgical extraction. It shall further be unlawful for any person to refer individuals to out-of-state egg harvesters or in-state referral services and to receive valuable consideration for such services.

SECTION 3. INFORMED CONSENT:

- A. Human oocytes obtained from women volunteering as donors must have been donated with voluntary and informed consent and documented in writing, including risks of infertility, hospitalization or death resulting from complications of human oocyte stimulation and extraction.
- B. Such informed consent shall be documented in writing and shall include medically and legally accurate information regarding any and all risks of oocyte removal and donation, such as infertility, hospitalization or death resulting from complications of human oocyte stimulation and extraction.

SECTION 4. CONFLICTS OF INTEREST: Medical clinics and research facilities must also disclose in writing any potential conflict of interest, including fiduciary duties, financial benefits, and referral agreements.

SECTION 5. CIVIL PENALTIES:



- A. A civil action may be filed by any person entitled to receive information under the Act or by the [state] Attorney General in state court for any violation of this Act.
- B. Any violation of this section shall constitute unprofessional conduct for a professional licensed in this state, who shall be remanded to the appropriate licensure board for review.
- C. No female shall be subject to any penalty for being induced to accept or accepting valuable consideration to undergo hormonal oocyte follicle stimulation and surgical extraction for any purpose.

SECTION 6. DEFINITIONS: For purposes of this Act:

- A. DONATION: The term “donation” means the giving or selling of eggs to an oocyte collection agency or research facility.
- B. DONOR: The term “donor” means a female who donates or sells eggs to an oocyte collection agency or research facility.
- C. OOCYTE: The term “oocyte” means a female gamete or sex cell.
- D. OOCYTE COLLECTION AGENCY: The term “oocyte collection agency” means a clinic or other facility, including an egg bank, that retrieves and stores human eggs mainly from egg donors, primarily for the purpose of achieving pregnancies through third-party reproduction, which pregnancies are typically achieved through artificial insemination.
- E. OOCYTE FOLLICLE STIMULATION: The term “oocyte follicle stimulation” means the stimulation of egg follicles such that ovulation is marked by the production of more than the normal number of mature eggs at one time (infertility treatment including the use of gonadotropins to induce *superovulation*).
- F. OVUM: The term “ovum” means a mature female reproductive cell (plural: ova).
- G. RESEARCH FACILITY: The term “research facility” means a clinic or laboratory that collects and stores human eggs mainly from egg donors, primarily for the purpose of research.
- H. VALUABLE CONSIDERATION: The term “Valuable consideration” means financial gain or advantage, including cash, in-kind payments, reimbursement of any cost incurred in connection with the processing, disposal, preservation, quality control, storage, transfer, or donation of human eggs, including lost wages of the donor, endorsements, patient referrals, research donations, grant monies, as well as any other consideration, with the exception of reasonable medical expenses of the donor that are directly related to oocyte retrieval.

SECTION 7. EFFECTIVE DATE: This Act shall become effective (DATE).
