

THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 2010

House Bill No. 3077

HOUSE BILL NO. 3077 - By: HAMILTON of the House and CRAIN of the Senate.

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

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 557 of Title 10, unless there is created a duplication in numbering,
3 reads as follows:
4 A. In the interest of protecting the ovarian health of Oklahoma women, especially
5 university students and low-income women who are disproportionately vulnerable to
6 being monetarily induced to compromise their reproductive and ovarian health, it shall
7 be unlawful for any person to intentionally or knowingly provide valuable consideration,
8 or to solicit to provide valuable consideration, to procure one or multiple human oocytes
9 from a woman by hormonal egg follicle stimulation and surgical extraction. It shall
10 further be unlawful for any person to refer individuals to out-of-state egg harvesters or
11 in-state referral services and to receive valuable consideration for such services. This
12 section shall not apply to regulate or prohibit the procurement of human oocytes for the

1 treatment of infertility being experienced by the woman from whom the eggs are being
2 derived.

3 B. Human oocytes obtained from women volunteering as donors without valuable
4 consideration must have been donated with voluntary and informed consent, documented
5 in writing, including risks of infertility, hospitalization or death resulting from
6 complications of human oocyte stimulation and extraction. Medical clinics must also
7 disclose in writing any potential conflict of interest.

8 C. "Valuable consideration" means financial gain or advantage, including cash, in-
9 kind payments, reimbursement of any cost incurred in connection with the removal,
10 processing, disposal, preservation, quality control, storage, transfer, or donation of
11 human oocytes including lost wages of the donor, endorsements, patient referrals,
12 research donations, grant monies, as well as any other consideration.

13 D. A civil action may be filed in state court for any violation of this act.

14 E. Any violation of this section shall constitute unprofessional conduct for a
15 professional licensed in this state and shall result in permanent revocation of the
16 individual's license.

17 F. No female shall be subject to any penalty for being solicited or induced to accept
18 valuable consideration to undergo hormonal oocyte follicle stimulation and surgical
19 extraction for any purpose.

20 SECTION 2. This act shall become effective November 1, 2010.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-16-10 - DO PASS,
22 As Coauthored.