

Assembly Bill No. 1317

CHAPTER 523

An act to add Chapter 1.5 (commencing with Section 125325) to Part 5.5 of Division 106 of the Health and Safety Code, relating to public health.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1317, Block. Assisted oocyte production: advertisement: information.

Existing law requires that an oocyte retrieval summary be provided to the donor of oocytes for research purposes. Existing law requires that a health care professional in the course of fertility treatment provide prescribed information to an embryo donor relating to donation of remaining embryos for research purposes.

This bill would, with certain exceptions, establish similar requirements for donors of oocytes for fertility treatment, and would require an advertisement seeking oocyte donation associated with the delivery of fertility treatment that includes assisted oocyte production and a financial payment, or compensation of any kind, to contain a prescribed notice relating to the potential health risks associated with human egg donation.

The bill would declare that it shall not be construed to amend Proposition 71, approved by the voters at the November 2, 2004, general election.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 125325) is added to Part 5.5 of Division 106 of the Health and Safety Code, to read:

CHAPTER 1.5. OOCYTE RETRIEVAL FOR FERTILITY TREATMENT

125325. (a) The person or entity posting an advertisement seeking oocyte donation associated with the delivery of fertility treatment that includes assisted oocyte production and a financial payment or compensation of any kind, shall include the following notice in a clear and conspicuous manner:

“Egg donation involves a screening process. Not all potential egg donors are selected. Not all selected egg donors receive the monetary amounts or compensation advertised. As with any medical procedure, there may be risks associated with human egg donation. Before an egg donor agrees to begin the egg donation process, and signs a legally binding contract, she is

required to receive specific information on the known risks of egg donation. Consultation with your doctor prior to entering into a donor contract is advised.”

(b) A summary pertaining to oocyte donation procedures, shall be provided, as required pursuant to Section 125335, to all potential egg donors before signing a legally binding contract to become an egg donor, or beginning any egg donation procedures, as part of compliance with the informed consent requirements.

(c) Persons or entities that certify compliance with the American Society for Reproductive Medicine (ASRM) guidelines by registering with ASRM are exempt from the notice requirements set forth in subdivision (a). Use of the exemption when the guidelines are violated shall constitute false advertising.

(d) Donors recruited through the advertisement shall undergo the same disclosure, counseling, and informed consent process, as required pursuant to Section 125335, as donors recruited by those exempt from subdivision (a).

125325.15. The following definitions shall apply to this chapter:

(a) “Assisted oocyte production” or “AOP” means surgical extraction of oocytes following pharmaceutically induced manipulation of oocyte production through the use of ovarian stimulation for the purposes of fertility treatment.

(b) “Oocyte” means a female egg or egg cell of a human female.

SEC. 2. This act shall not be construed to amend Proposition 71, approved by the voters at the November 2, 2004, general election.