
A BILL FOR AN ACT

RELATING TO ASSISTED REPRODUCTIVE TECHNOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 709, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§709- Unauthorized use, implantation, or injection of
5 sperm, ova, embryos, or stem cells. (1) A person commits the
6 offense of unauthorized use, implantation, or injection of
7 sperm, ova, embryos, or stem cells if the person intentionally
8 or knowingly:

- 9 (a) Uses sperm, ova, embryos, or stem cells for any
10 purposes other than those authorized by the sperm,
11 ova, embryo, or stem cell provider's written consent;
- 12 (b) Implants or injects sperm, ova, embryos, or stem cells
13 into a recipient without the written consent of the
14 sperm, ova, embryo, or stem cell provider and
15 recipient;
- 16 (c) Misrepresents to a recipient the source of the sperm,
17 ova, embryos, or stem cells used, implanted, or



injected, or intended to be used, implanted, or injected, into the recipient; or

(d) Tamperers with sperm, ova, embryos, or stem cells intended for use, implantation, or injection.

(2) For the purposes of this section, "tamper" shall mean:

(a) Any action that destroys the viability of the sperm, ova, embryos, or stem cells; or

(b) Any action that causes the source of the sperm, ova, embryos, or stem cells to be obscured, including exchanging the sperm, ova, embryos, or stem cells of one provider with another or mislabeling any receptacle in which sperm, ova, embryos, or stem cells are stored.

(3) Unauthorized use, implantation, or injection of sperm, ova, embryos, or stem cells is a class C felony."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Richard Lujan

[Signature]

Nicole E. Louren

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H.B. NO. 2229

Report Title:

Unauthorized Use; Implantation or Injection; Sperm or Ova;
Embryos or Stem Cells

Description:

Makes the Unauthorized Use, Implantation, or Injection of Sperm,
Ova, Embryos, or Stem Cells a class C felony.

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