

HOUSE BILL 101

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2lr1145
CF SB 71

By: **Delegates Pena–Melnyk, Anderson, Costa, and Hubbard**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – General – Posthumous Use of Donor Sperm and Eggs**

3 FOR the purpose of prohibiting a person from using sperm or eggs from a known donor
4 after the donor’s death for the purpose of assisted reproduction, except under
5 certain circumstances; establishing requirements for a certain consent;
6 establishing certain penalties for a violation of this Act; and generally relating
7 to the posthumous use of donor sperm and eggs.

8 BY adding to

9 Article – Health – General

10 Section 20–111

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 **20–111.**

17 **(A) A PERSON MAY NOT USE SPERM OR EGGS FROM A KNOWN DONOR**
18 **AFTER THE DONOR’S DEATH FOR THE PURPOSE OF ASSISTED REPRODUCTION,**
19 **UNLESS THE DONOR PREVIOUSLY GAVE CONSENT FOR THE POSTHUMOUS USE**
20 **OF SPERM OR EGGS.**

21 **(B) A DONOR’S CONSENT TO THE POSTHUMOUS USE OF THE DONOR’S**
22 **SPERM OR EGGS IS NOT VALID UNLESS IT IS:**

23 **(1) IN WRITING;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) SIGNED BY THE DONOR OR BY SOME OTHER PERSON FOR THE**
2 **DONOR, IN THE PRESENCE OF THE DONOR, AND AT THE EXPRESS DIRECTION OF**
3 **THE DONOR; AND**

4 **(3) ACKNOWLEDGED BY THE DONOR BEFORE A NOTARY PUBLIC.**

5 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
6 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

7 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; AND**

8 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
9 **EXCEEDING \$5,000.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.