

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

House Bill 1164 (Delegate Rosenberg, *et al.*)

Environmental Matters

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**In Vitro Services - Embryos and Gametes - Consent and Disposition**

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This bill requires advance written consent and detailed directives for the use and disposal of cryopreserved eggs, sperm, fertilized eggs, or embryos which must be signed by both partners, or an individual and a witness. These documents must be retained in the medical record of those involved, and retained in the hospital record if applicable. The directions, choices, and time limits for the storage and disposition of eggs, sperm, fertilized eggs, or embryos must be presented to both partners, or the individual and a witness, and must be signed and dated by each as well as the physician. Directives for disposition can only be modified in writing and must be signed and dated by all parties and the physician. The bill provides for the disposition document required for transfer or disposal of the cryopreserved material in case of divorce, the death of one or both partners, or the death of an individual without a partner. The bill outlines the time limits for notification, renotification, and carrying out the advance directives for disposal and requires a clinic or storage facility to contact, and re-contact if non-responsive, the parties involved by certified mail regarding a request to abandon the cryopreserved material or the disposal due to non-payment of storage fees. The Secretary of Health and Mental Hygiene must adopt regulations regarding the qualifications for a couple or an individual choosing to donate cryopreserved reproductive material to another individual or couple.

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**Fiscal Summary**

**State Effect:** The bill would not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** None applicable.

**Background:** The fertility industry provides assisted reproductive services to individuals and couples through hundreds of clinics nationwide. However, allegations have been made that medical personnel have transferred sperm, eggs, or embryos to researchers or have implanted sperm, eggs, or embryos into others without written consent from the donors. The lack of informed consent has prompted introduction of legislation in the State of New York (Bill A01923 of 1999). To provide protection to families and individuals undergoing in vitro and other assisted reproduction, medical personnel are to obtain the patient's written consent regarding in vitro services and the disposition of cryopreserved reproductive materials prior to providing reproductive assistance. This bill is modeled after the 1999 New York legislation.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Laboratories Administration), Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2000  
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Analysis by: Louise Hanson

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510