

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 723 (Delegate Rosenberg, *et al.*)

Environmental Matters

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**Health - In Vitro Services - Advance Directives for Disposition of Cryopreserved Eggs, Sperm, or Embryos**

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This bill requires a health care provider or health care facility that provides in vitro or assisted reproductive services in which eggs, sperm, or embryos are to be cryopreserved for storage to require completion of an advance directive governing the disposition of the cryopreserved eggs, sperm, or embryos.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** Potential minimal. Health care providers or facilities that provide in vitro or assisted reproductive services would be immune from civil suit or criminal charges arising from the improper disposal of cryopreserved eggs, sperm, or embryos if the providers or facilities comply with an advance directive.

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**Analysis**

**Bill Summary:** An advance directive governing the disposition of cryopreserved eggs, sperm, or embryos must be in writing, signed by the donee, and include: (1) the disposition of the cryopreserved eggs, sperm, or embryos in the event of death of a participating partner, divorce of the participating partners, or a decision by either of the participating partners to cease participating in the in vitro or assisted reproductive services; (2) a provision to notify the health care provider or facility responsible for the

cryopreserved eggs, sperm, or embryos of a request to change an advance directive; and (3) if applicable, an agreement requiring compliance with the policies and procedures to be followed in the event of nonpayment of storage fees.

In accordance with an advance directive and upon the death of one of the participating partners, a health care provider or facility may: (1) transfer the cryopreserved eggs, sperm, or embryos to the other participating partner; (2) donate the cryopreserved eggs, sperm, or embryos to another individual or couple or for research purposes; or (3) thaw the cryopreserved eggs, sperm, or embryos without further action.

A health care provider or facility cannot be held liable for civil damages and is not subject to any criminal or disciplinary action for a disposition of cryopreserved eggs, sperm, or embryos that is carried out in accordance with an advance directive that complies with the bill's requirements.

**Current Law:** None applicable.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – February 19, 2001  
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