

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 873 (Delegate McComas, *et al.*)
Health and Government Operations

Health - Donations - Oocytes

This bill requires the medical history of an individual who donates oocytes to be made available to children conceived using the donated oocytes and their parents or guardians. An individual who donates oocytes must provide written consent for the donation, indicating acceptance of this requirement. An individual who donates oocytes may not receive compensation for the donation but may receive reimbursement for the direct expenses incurred as a result of the donation. A person who offers to compensate or compensates an individual to encourage the donation of oocytes is guilty of a misdemeanor and on conviction is subject to maximum penalties of 90 days in prison and/or a \$10,000 fine.

Fiscal Summary

State Effect: The criminal penalty provisions of this bill would not materially affect State finances or operations.

Local Effect: The criminal penalty provisions of this bill would not materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: An oocyte is a female germ or egg cell. An individual may donate any unused material resulting from infertility treatment for clinical purposes in the treatment of infertility, other research purposes, or adoption. Any unused material resulting from

infertility treatment donated for State-funded stem cell research may not be an oocyte. An individual who donates any unused material resulting from infertility treatment for research purposes must provide written consent for the donation.

A person may not purchase, sell, transfer, or obtain any material donated from infertility treatment for valuable consideration, nor provide valuable consideration to another person to encourage the production of material donated from infertility treatment for the sole purpose of medical research. A violator is guilty of a misdemeanor and on conviction subject to maximum penalties of three years imprisonment and/or a \$50,000 fine.

Background: All facilities that handle human cells and tissue, including oocytes, must register with the federal Food and Drug Administration (FDA). FDA requires that all oocyte donors be screened for risk factors for, and clinical evidence of, communicable infections and diseases. A donor is ineligible if either screening or testing indicates the presence of a risk factor for, or clinical evidence of, a communicable infection or disease. Fertility centers report their figures for live births and other relevant data to the federal Center for Disease Control (CDC), which releases an annual report. The American Society for Reproductive Medicine (ASRM) issues voluntary guidelines for oocyte donation practices.

Donors typically undergo significant medical and psychological screening including genetic testing prior to donation. A comprehensive medical history is also taken. Oocyte donation involves hormonal stimulation to induce the production of multiple oocytes simultaneously, followed by a minimally invasive procedure to retrieve the oocytes. According to the CDC, in 1996, women donated oocytes just over 3,800 times. That number has risen steadily to more than 10,000 donations in 2004.

Most professionals working with oocyte donors agree that compensation for the donors' time, effort, and discomfort is appropriate. However, the amount of compensation varies depending on clinic policies, regional differences, and the involvement of agencies, and opinions differ as to the appropriate amount. ASRM advises that sums over \$5,000 require justification and compensation of more than \$10,000 goes beyond what is appropriate.

Additional Information

Prior Introductions: None.

Cross File: SB 578 (Senator Jacobs, *et al.*) – Finance.

Information Source(s): American Society for Reproductive Medicine, Department of Health and Mental Hygiene, Department of Legislative Services

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mll/jr

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