

By Mr. Constantino of Clinton, petition of William Constantino, Jr., that the Department of Public Health be directed to establish rules and regulations relative to artificial insemination and in vitro fertilization. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO ARTIFICIAL INSEMINATION AND IN VITRO FERTILIZATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The Massachusetts Department of Public Health
2 is hereby authorized and directed to make rules and regulations
3 regarding the procedures of artificial insemination and in vitro
4 fertilization. Said rules and regulations shall be proposed within
5 one year of the passage of this legislation.

1 SECTION 2. If the woman by whom a child is born through
2 this procedure of artificial insemination or in vitro fertilization is
3 not married, and no man has acknowledged paternity, then the
4 party, entity, or facility that has performed or abetted the in vitro
5 fertilization procedure or artificial insemination procedure shall
6 be liable for that support of the child.

1 SECTION 3. Liability of Sperm Donor for Support. A sperm
2 donor may be liable for support only if he signs an agreement with
3 the other parties to that effect.

1 SECTION 4. Recipients of Insemination. No woman shall
2 undergo an insemination procedure, unless the woman has been
3 medically evaluated and the results, documented in accordance
4 with rules adopted by the division of public health services,

5 demonstrate the medical acceptability of the woman to undergo
6 the insemination.

1 SECTION 5. No gamete shall be used in an in vitro fertiliza-
2 tion or preembryo transfer procedure, unless the gamete donor has
3 been medically evaluated and the results, documented in accor-
4 dance with rules adopted by the division of public health services,
5 demonstrate the medical acceptability of the person as a gamete
6 donor.

1 SECTION 6. In vitro fertilization and preembryo transfer shall
2 be performed in accordance with rules adopted by the division of
3 public health services and shall be available only to a woman:

4 I. Who is twenty-one years of age or older;

5 II. Who has been medically evaluated and the results, docu-
6 mented in accordance with rules adopted by the division of public
7 health services, demonstrate the medical acceptability of the
8 woman to undergo the in vitro fertilization or preembryo transfer
9 procedure;

10 III. Whose husband, if the recipient is married, indicates, by a
11 writing, acceptance of the legal rights and responsibilities of par-
12 enthood for any resulting child, unless the husband contributes his
13 sperm for the in vitro fertilization or preembryo transfer
14 procedure.

1 SECTION 7. Restrictions on Use of Preembryos.

2 I. No preembryo shall be maintained ex utero in the noncryo-
3 preserved state beyond fourteen days post-fertilization
4 development.

5 II. No preembryo that has been donated for use in research shall
6 be transferred to a uterine cavity.