

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1307

AN ACT

AMENDING TITLE 36, CHAPTER 23, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO THE TREATMENT OF HUMAN EMBRYOS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 23, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. TREATMENT OF EMBRYOS

5 36-2311. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "HUMAN-ANIMAL HYBRID" MEANS ANY OF THE FOLLOWING:

8 (a) A HUMAN EMBRYO INTO WHICH A NONHUMAN CELL OR CELLS, OR ANY
9 COMPONENT PART OF A NONHUMAN CELL OR CELLS, HAVE BEEN INTRODUCED.

10 (b) A HYBRID HUMAN-ANIMAL EMBRYO PRODUCED BY FERTILIZING A HUMAN EGG
11 WITH A NONHUMAN SPERM.

12 (c) A HYBRID HUMAN-ANIMAL EMBRYO PRODUCED BY FERTILIZING A NONHUMAN
13 EGG WITH HUMAN SPERM.

14 (d) AN EMBRYO PRODUCED BY INTRODUCING A NONHUMAN NUCLEUS INTO A HUMAN
15 EGG.

16 (e) AN EMBRYO PRODUCED BY INTRODUCING A HUMAN NUCLEUS INTO A NONHUMAN
17 EGG.

18 (f) AN EMBRYO CONTAINING AT LEAST HAPLOID SETS OF CHROMOSOMES FROM
19 BOTH A HUMAN AND A NONHUMAN LIFE FORM.

20 (g) A NONHUMAN LIFE FORM ENGINEERED SO THAT HUMAN GAMETES DEVELOP
21 WITHIN THE BODY OF A NONHUMAN LIFE FORM.

22 (h) A NONHUMAN LIFE FORM ENGINEERED SO THAT IT CONTAINS A HUMAN BRAIN
23 OR A BRAIN DERIVED WHOLLY OR PREDOMINANTLY FROM HUMAN NEURAL TISSUES.

24 2. "HUMAN EMBRYO" MEANS A LIVING ORGANISM OF THE SPECIES HOMO SAPIENS
25 THROUGH THE FIRST FIFTY-SIX DAYS OF ITS DEVELOPMENT, EXCLUDING ANY TIME
26 DURING WHICH ITS DEVELOPMENT HAS BEEN SUSPENDED.

27 3. "IN VITRO" MEANS OUTSIDE THE HUMAN BODY.

28 4. "NONTHERAPEUTIC RESEARCH" MEANS RESEARCH THAT IS NOT INTENDED TO
29 PRESERVE THE LIFE OR HEALTH OF THE PARTICULAR HUMAN EMBRYO SUBJECT.
30 NONTHERAPEUTIC RESEARCH DOES NOT INCLUDE IN VITRO FERTILIZATION AND
31 ACCOMPANYING EMBRYO TRANSFER TO THE BODY OF A WOMAN OR ANY DIAGNOSTIC TEST
32 THAT MAY ASSIST IN THE FUTURE CARE OF THE EMBRYO SUBJECTED TO THE TESTS.

33 5. "PURCHASE OR SELL" INCLUDES AN EXCHANGE OF CASH, AN IN-KIND
34 PAYMENT, REIMBURSEMENT OF ANY COST INCURRED IN CONNECTION WITH THE REMOVAL,
35 PROCESSING, DISPOSAL, PRESERVATION, QUALITY CONTROL, STORAGE, TRANSFER OR
36 DONATION OF A HUMAN OOCYTE OR EMBRYO OR ANY OTHER VALUABLE FINANCIAL OR
37 NONFINANCIAL CONSIDERATION.

38 36-2312. Production of human embryo or human-animal hybrid;
39 purchase or sale; prohibitions; violation;
40 classification; exemptions

41 A. A PERSON SHALL NOT INTENTIONALLY OR KNOWINGLY CREATE OR ATTEMPT TO
42 CREATE AN IN VITRO HUMAN EMBRYO BY ANY MEANS OTHER THAN FERTILIZATION OF A
43 HUMAN EGG BY A HUMAN SPERM.

44 B. A PERSON SHALL NOT INTENTIONALLY OR KNOWINGLY:

45 1. CREATE OR ATTEMPT TO CREATE A HUMAN-ANIMAL HYBRID.

- 1 2. TRANSFER OR ATTEMPT TO TRANSFER A HUMAN EMBRYO INTO A NONHUMAN
2 WOMB.
- 3 3. TRANSFER OR ATTEMPT TO TRANSFER A NONHUMAN EMBRYO INTO A HUMAN
4 WOMB.
- 5 4. TRANSPORT OR RECEIVE FOR ANY PURPOSE A HUMAN-ANIMAL HYBRID.
- 6 C. A PERSON SHALL NOT PURCHASE OR SELL OR OFFER TO PURCHASE OR SELL AN
7 IN VITRO HUMAN EMBRYO AND SHALL NOT ADVERTISE FOR THE PURCHASE OR SALE OF AN
8 IN VITRO HUMAN EMBRYO. THIS SUBSECTION DOES NOT PROHIBIT PAYMENT TO A
9 PHYSICIAN BY A PATIENT OR ON A PATIENT'S BEHALF FOR OTHERWISE LAWFUL SERVICES
10 TO TREAT INFERTILITY.
- 11 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
12 MISDEMEANOR.
- 13 E. THIS SECTION DOES NOT PROHIBIT EITHER OF THE FOLLOWING IF THE
14 ACTIVITY DOES NOT VIOLATE SUBSECTION B OR MEET THE DEFINITION OF HUMAN-ANIMAL
15 HYBRID:
- 16 1. RESEARCH INVOLVING THE USE OF TRANSGENIC ANIMAL MODELS CONTAINING
17 HUMAN GENES.
- 18 2. XENOTRANSPLANTATION OF HUMAN ORGANS, TISSUES OR CELLS INTO
19 RECIPIENT ANIMALS OTHER THAN ANIMAL EMBRYOS.
- 20 36-2313. Nontherapeutic research on human embryos; violation;
21 classification
- 22 A. A PERSON SHALL NOT INTENTIONALLY OR KNOWINGLY ENGAGE IN ANY
23 ACTIVITY FOR NONTHERAPEUTIC RESEARCH THAT CAUSES OR RESULTS IN THE INJURY,
24 DEATH OR DESTRUCTION OF AN IN VITRO HUMAN EMBRYO.
- 25 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 6 FELONY.