

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

# SENATE BILL 1393

AN ACT

AMENDING TITLE 25, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 25-318.03; RELATING TO DISSOLUTION OF MARRIAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 25, chapter 3, article 2, Arizona Revised  
3 Statutes, is amended by adding section 25-318.03, to read:

4 25-318.03. Human embryos; disposition; responsibility for  
5 resulting child; definitions

6 A. IF AN ACTION DESCRIBED IN SECTION 25-318, SUBSECTION A INVOLVES  
7 THE DISPOSITION OF IN VITRO HUMAN EMBRYOS, THE COURT SHALL:

8 1. AWARD THE IN VITRO HUMAN EMBRYOS TO THE SPOUSE WHO INTENDS TO  
9 ALLOW THE IN VITRO HUMAN EMBRYOS TO DEVELOP TO BIRTH.

10 2. IF BOTH SPOUSES INTEND TO ALLOW THE IN VITRO HUMAN EMBRYOS TO  
11 DEVELOP TO BIRTH AND BOTH SPOUSES PROVIDED THEIR GAMETES FOR THE IN VITRO  
12 HUMAN EMBRYOS, RESOLVE ANY DISPUTE ON DISPOSITION OF THE IN VITRO HUMAN  
13 EMBRYOS IN A MANNER THAT PROVIDES THE BEST CHANCE FOR THE IN VITRO HUMAN  
14 EMBRYOS TO DEVELOP TO BIRTH.

15 3. IF BOTH SPOUSES INTEND TO ALLOW THE IN VITRO HUMAN EMBRYOS TO  
16 DEVELOP TO BIRTH BUT ONLY ONE SPOUSE PROVIDED GAMETES FOR THE IN VITRO  
17 HUMAN EMBRYOS, AWARD THE IN VITRO HUMAN EMBRYOS TO THE SPOUSE THAT  
18 PROVIDED GAMETES FOR THE IN VITRO HUMAN EMBRYOS.

19 B. IF AN AGREEMENT BETWEEN THE SPOUSES CONCERNING THE DISPOSITION  
20 OF THE IN VITRO HUMAN EMBRYOS IS BROUGHT BEFORE THE COURT IN AN ACTION  
21 DESCRIBED IN SECTION 25-318, SUBSECTION A, THE COURT SHALL AWARD THE IN  
22 VITRO HUMAN EMBRYOS AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

23 C. THE SPOUSE THAT IS NOT AWARDED THE IN VITRO HUMAN EMBRYOS HAS NO  
24 PARENTAL RESPONSIBILITIES AND NO RIGHT, OBLIGATION OR INTEREST WITH  
25 RESPECT TO ANY CHILD RESULTING FROM THE DISPUTED IN VITRO HUMAN EMBRYOS,  
26 UNLESS THE SPOUSE PROVIDED GAMETES FOR THE IN VITRO HUMAN EMBRYOS AND  
27 CONSENTS IN WRITING TO BE A PARENT TO ANY RESULTING CHILD AS PART OF THE  
28 PROCEEDINGS CONCERNING THE DISPOSITION OF THE IN VITRO HUMAN EMBRYOS.

29 D. IF THE SPOUSE WHO IS NOT AWARDED THE IN VITRO HUMAN EMBRYOS DOES  
30 NOT CONSENT TO BEING A PARENT AS PROVIDED IN SUBSECTION C OF THIS SECTION,  
31 ANY RESULTING CHILD FROM THE DISPUTED IN VITRO HUMAN EMBRYOS IS NOT A  
32 CHILD OF THE SPOUSE AND HAS NO RIGHT, OBLIGATION OR INTEREST WITH RESPECT  
33 TO THE SPOUSE.

34 E. A SPOUSE WHO PROVIDED GAMETES FOR THE IN VITRO HUMAN EMBRYOS AND  
35 WHO DOES NOT CONSENT TO BEING A PARENT AS PROVIDED IN SUBSECTION C OF THIS  
36 SECTION SHALL PROVIDE THE SPOUSE AWARDED THE IN VITRO HUMAN EMBRYOS AS  
37 PROVIDED IN SUBSECTION A OF THIS SECTION WITH DETAILED WRITTEN  
38 NONIDENTIFYING INFORMATION THAT INCLUDES THE HEALTH AND GENETIC HISTORY OF  
39 THE SPOUSE AND THE SPOUSE'S FAMILY IN A DOCUMENT THAT IS SEPARATE FROM A  
40 DOCUMENT CONTAINING IDENTIFYING INFORMATION.

41 F. FOR THE PURPOSES OF THIS SECTION:

42 1. "GAMETE" MEANS A SPERM OR OVUM.

43 2. "HUMAN EMBRYO" HAS THE SAME MEANING PRESCRIBED IN SECTION  
44 36-2311.

45 3. "IN VITRO" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2311.