

Senate Engrossed

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

CHAPTER 128

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)

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

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

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

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

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

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

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

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

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

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

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

F. FOR THE PURPOSES OF THIS SECTION:

- 1. "GAMETE" MEANS A SPERM OR OVUM.**
- 2. "HUMAN EMBRYO" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2311.**
- 3. "IN VITRO" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2311.**

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.