

LEXSTAT CAL. PEN. CODE § 367G

DEERING'S CALIFORNIA CODES ANNOTATED
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PENAL CODE

PART 1. Crimes and Punishments

TITLE 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals

CHAPTER 12. Other Injuries to Persons

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Cal Pen Code § 367g (2004)

§ 367g. Sperm, ova, or embryos; Use and implantation without authorization; Penalties

(a) It shall be unlawful for anyone to knowingly use sperm, ova, or embryos in assisted reproduction technology, for any purpose other than that indicated by the sperm, ova, or embryo provider's signature on a written consent form.

(b) It shall be unlawful for anyone to knowingly implant sperm, ova, or embryos, through the use of assisted reproduction technology, into a recipient who is not the sperm, ova, or embryo provider, without the signed written consent of the sperm, ova, or embryo provider and recipient.

(c) Any person who violates this section shall be punished by imprisonment in the state prison for three, four, or five years, by a fine not to exceed fifty thousand dollars (\$ 50,000), or by both that fine and imprisonment.

(d) Written consent, for the purposes of this section, shall not be required of men who donate sperm to a licensed tissue bank.

HISTORY: Added Stats 1996 ch 865 § 2 (SB 1555).

NOTES:

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Stats 1996 ch 865 provides:

SECTION 1. The Legislature finds and declares the following:

(a) At least 60 California families allege that, in the last decade, medical personnel at fertility clinics at the University of California at Irvine and the University of California at San Diego transferred their sperm, ova, or embryos to researchers or implanted their sperm, ova, or embryos into other women without their signed written consent.

(b) The fertility industry is a multibillion dollar industry with hundreds of fertility clinics nationwide.

(c) The continued risk of these unethical transfers and implantations without informed consent warrants stronger legislative protections for California families undergoing in vitro and other assisted reproduction procedures.

(d) Physicians and other medical personnel must obtain signed written consent from patients before performing in vitro and other assisted reproduction procedures.