S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 17, 2012

Introduced by M. of A. GLICK, JAFFEE, N. RIVERA, HOOPER, GALEF, TITONE -- Multi-Sponsored by -- M. of A. FITZPATRICK, MURRAY, P. RIVERA, SCHIMEL, TENNEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the promulgation of regulations relating to the commercial trade of human reproductive processes and limiting the number of live births from a single semen donor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 3, 4, 5, 6 and 7 of section 4365 of the public health law are renumbered subdivisions 4, 5, 6, 7 and 8 and a new subdivision 3 is added to read as follows:

3. THE COMMISSIONER, IN CONSULTATION WITH THE TRANSPLANT COUNCIL, SHALL PROMULGATE REGULATIONS ON THE COMMERCIAL TRADE OF HUMAN REPRODUCTIVE PROCESSES INVOLVING SEMEN DONATION. SUCH REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(A) GOVERNING LIMITS ON THE NUMBER OF LIVE BIRTHS CONCEIVED BY A SINGLE DONOR, WHICH SHALL NOT EXCEED TEN LIVE BIRTHS; AND

(B) THE ESTABLISHMENT OF A CENTRAL TRACKING REGISTRY OF SEMEN DONOR INFORMATION, AS REPORTED BY REPRODUCTIVE TISSUE BANKS, INSEMINATION/IMPLANTATION SITES AND SEMEN PROCESSING FACILITIES IN THE STATE. SUCH REGISTRY SHALL PROVIDE A MEANS FOR GATHERING AND MAINTAINING ACCURATE INFORMATION ON THE:

(I) NUMBER OF LIVE BIRTHS CONCEIVED FROM A SINGLE DONOR;

(II) HEALTH INFORMATION OF THE DONOR AT THE TIME OF THE DONATION; AND

(III) OTHER INFORMATION DEEMED APPROPRIATE BY THE COMMISSIONER.

IN ADDITION, REGULATIONS SHALL MAINTAIN THE ANONYMITY OF THE DONOR AND THE OFFSPRING AND GOVERN ACCESS TO INFORMATION MAINTAINED BY THE REGISTRY.

S 2. This act shall take effect immediately; provided that the commissioner of health shall promulgate regulations no later than six months after this act shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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