

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.