

2021 South Dakota Legislature

House Bill 1248**AMENDMENT 1248E FOR THE INTRODUCED BILL**

1 **An Act to ~~provide for certain reporting~~ require reports regarding the intentional**
2 **disposal, destruction, or other disposition of human embryos.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4
5 **~~Section 1.~~ That ~~§ 34-14-20~~ be AMENDED.**

6 ~~34-14-20. Human embryo--Definition.~~

7 ~~For purposes of §§ 34-14-16 to 34-14-20, 34-14-20.1, inclusive, the term, human embryo,~~
8 ~~means a living organism of the species Homo sapiens, at the earliest stages of development~~
9 ~~(including the single-celled stage), that is not located in a woman's body.~~

10 **Section 1.** That a NEW SECTION be added:

11 **34-14-20.1. Disposition of human embryo--Duty to report.**

12 Any facility that creates or handles a human embryo in this state shall, by January
13 fifteenth of each year, submit a form to the Department of Health indicating:

14 ~~(1) The number of embryos created in the preceding calendar year;~~

15 ~~(2) The number of embryos that were transferred to a woman's womb in the preceding~~
16 ~~calendar year;~~

17 ~~(3) (a) The number of embryos that were created in the preceding calendar year~~
18 ~~and stored, but never transferred to a woman's womb; and~~

19 ~~(b) The location at which the embryos were stored;~~

20 ~~(4) (a) The number of embryos in storage on the preceding December thirty first,~~
21 ~~regardless of their date of creation; and~~

22 ~~(b) The location of the storage;~~

1 ~~(5) (a) The number of embryos transferred during the preceding calendar year to~~
2 ~~a location other than the facility in which they were created or a woman's womb;~~

3 ~~(b) The location to which the embryos were transferred; and~~

4 ~~(c) The purpose for the transfer of the embryos; and~~

5 ~~(6) (a) The number of embryos disposed of in the preceding calendar year; and~~

6 ~~(b) The reason, by category, for the disposal of the embryos T~~

7 ~~(1) The number of embryos intentionally disposed of or destroyed, in this state, during~~
8 ~~the preceding calendar year;~~

9 ~~(2) The number of embryos shipped or transported out of this state, during the~~
10 ~~preceding calendar year, for their intentional disposal or destruction in another~~
11 ~~state; and~~

12 ~~(3) The number of embryos shipped or transported out of this state, during the~~
13 ~~preceding calendar year, for any purpose.~~

14 ~~The form required by this section must be provided by the department and may~~
15 ~~not include any personally identifiable information.~~

16 ~~The department shall make the information required by this section available on~~
17 ~~the department's website.~~

18 ~~For purposes of this section, facility means any public or private organization,~~
19 ~~corporation, partnership, sole proprietorship, association, agency, network, joint venture,~~
20 ~~or other entity that is involved in medical or scientific research or that, for any purpose,~~
21 ~~creates or handles human embryos as defined in § 34-14-20, and includes an embryo~~
22 ~~laboratory, as defined in 42 U.S.C. § 263a-7, on March 1, 2021.~~