

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 519

An Act to amend and reenact § 54.1-2971.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-45.3, relating to HIV testing of gamete donors.

[H 1922]

Approved March 23, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2971.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-45.3 as follows:

§ 32.1-45.3. Certain testing of gamete donors required; Board to establish testing protocol.

Any person using donor gametes to treat patients for infertility by artificial insemination, in vitro fertilization, gamete intrafallopian tube transfer, or zygote intrafallopian tube transfer or any other gamete, zygote or embryo transfer or other intervening medical technology using sperm or ova, shall, prior to using any donor gametes for such procedures, ascertain the HIV status of the donor through testing as provided in Board of Health regulations. The Board of Health shall promulgate regulations establishing a testing protocol for gamete donors.

As used in this section:

"Donor" means an individual unrelated by marriage to the recipient who contributes the sperm or ova used in the procedures noted above.

"Gametes" means either sperm or ova.

§ 54.1-2971.1. Disclosure for certain treatment of infertility.

Before a physician commences treatment of a patient by in vitro fertilization, gamete intrafallopian tube transfer, or zygote intrafallopian tube transfer, including the administration of drugs for the stimulation or suppression of ovulation prefatory thereto, a disclosure form shall have been executed by the patient which includes, but need not be limited to, the rates of success for the particular procedure at the clinic or hospital where the procedure is to be performed. The information disclosed to the patient shall include the testing protocol used to ensure that gamete donors are free from known infection with human immunodeficiency viruses, the total number of live births, the number of live births as a percentage of completed retrieval cycles, and the rates for clinical pregnancy and delivery per completed retrieval cycle bracketed by age groups consisting of women under thirty years of age, women aged thirty through thirty-four years, women aged thirty-five through thirty-nine years, and women aged forty years and older.