

By: Sparks

S.B. No. 2447

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reporting requirements for assisted reproductive
3 technology, including in vitro fertilization.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5 SECTION 1. Chapter 174, Health and Safety Code, is added to read as
6 follows:

7 CHAPTER 174. REPORTING REQUIREMENTS FOR ASSISTED REPRODUCTIVE

8 TECHNOLOGY PROVIDERS

9 Sec. 174.001. DEFINITIONS. In this chapter:

10 (1) "Department" means the Texas Health and Human
11 Services Commission.

12 (2) "Assisted reproductive technology provider" means
13 any licensed, registered, or certified medical facility, clinic, or
14 healthcare provider that engages in treatments or procedures that
15 involve the handling of a human egg, sperm, or embryo outside of the
16 body with the intent of facilitating a pregnancy, including
17 artificial insemination, intrauterine insemination, in vitro
18 fertilization, gamete intrafallopian fertilization, zygote
19 intrafallopian fertilization, egg, embryo, and sperm
20 cryopreservation, and egg, sperm, or embryo donation, including in
21 vitro fertilization, frozen embryo transfer, or zygote
22 intrafallopian transfer.

23 (3) "Embryo" means a distinct and living organism of
24 the species homo sapiens from the moment of fertilization until

1 death or eight weeks gestation, including the single-cell stage of
2 development and such embryos that are in a state of
3 cryopreservation or are otherwise unused.

4 (4) "Cycle" means a single procedure of in vitro
5 fertilization, zygote intrafallopian transfer, gamete
6 intrafallopian transfer, or egg retrieval. A complete cycle may
7 only refer to egg retrieval if no eggs are fertilized and implanted
8 into the patient or it may mean the complete process from egg
9 retrieval to the transfer of human reproductive material.

10 Sec. 174.002. REPORTING REQUIREMENTS. (a) Each assisted
11 reproductive technology provider in the state shall submit an
12 annual report to the department detailing the following information
13 for the previous calendar year:

14 (1) Number of embryos created in total through
15 assisted reproductive technology cycles;

16 (2) What happens to each of the embryos created;
17 (3) How many embryos are negligently destroyed each
18 year due to the failure of a cryopreservation tank or technical and
19 human error;

20 (4) How many embryos perish due to natural causes
21 during fertilization, development, or implantation in assisted
22 reproductive technology procedures;

23 (5) How many embryos perish due to preimplantation
24 genetic testing in assisted reproductive technology;

25 (6) How many embryos are intentionally destroyed at
26 the discretion of the assisted reproductive technology provider or
27 the prospective parents and, for each instance, a specified reason

1 that the assisted reproductive technology provider or prospective
2 parent chose to discard the embryo for one of the four following
3 options:

- 4 (A) Genetic or physical health concerns;
- 5 (B) Undesired biological sex;
- 6 (C) Unwanted or unused embryo; or
- 7 (D) Other, with a specified reason;

8 (7) How many embryos prospective parents relinquished
9 to an embryo adoption clinic;

10 (8) How many embryos prospective parents donate
11 for research purposes;

12 (9) How many embryos are created in each cycle
13 of assisted reproductive technology;

14 (10) The loss of reproductive material of prospective
15 parents due to unknown or undisclosed reasons;

16 (11) Any instances of an assisted reproductive
17 technology provider knowingly transferring non-viable
18 reproductive material into a prospective patient, with or
19 without the patient's knowledge;

20 (12) The number of embryos that are frozen in
21 cryopreservation storage units that year;

22 (13) The total number of embryos that are frozen
23 in cryopreservation storage units, including embryos frozen
24 in previous years;

25 (14) How many embryos are transferred fresh versus
26 frozen;

27 (15) How many embryos are transferred in a single

1 transfer cycle;
2 (16) How many embryos successfully implant, when
3 conceived with assisted reproductive technology, but are
4 miscarried, perish naturally in the womb, or are stillborn;
5 (17) How many pregnancies result from assisted
6 reproductive technology procedures;
7 (18) How many live births result from assisted
8 reproductive technology procedures; and
9 (19) How many cases of multiple gestation including
10 twins, triplets, quadruplets, or more, occur from assisted
11 reproductive technology procedures.

12 (b) The report shall not contain any personally
13 identifiable patient information.

14 Sec. 174.003. COMPILATION AND PUBLICATION OF REPORTS. (a)
15 The department shall compile the data submitted under Section
16 174.002 and prepare an annual report summarizing the statewide
17 statistics on assisted reproductive technology procedures and
18 outcomes within 12 months of receiving the assisted reproductive
19 technology data from providers.

20 (b) The annual report compiled under subsection (a) should
21 include:

22 (1) The total number of providers registered to
23 practice assisted reproductive technology;
24 (2) The total number of assisted reproductive
25 technology and egg retrieval cycles each provider performs;
26 (3) A percentage breakdown of the types of assisted
27 reproductive technology procedures clinics, as a whole, perform;

1 (4) The success rate of each form of assisted
2 reproductive technology, broken down by age, whether donor ovum or
3 sperm was used, and the total number of cycles required for the
4 successful birth of a live child per couple; and

5 (5) The total outcomes of each of the individual
6 fertility clinic data collection points from Sec. 174.002.

7 (c) The report shall be made publicly available on the
8 department's website no later than December 31 of each year.

9 Sec. 174.004. ENFORCEMENT AND PENALTIES. (a) The
10 department shall adopt rules necessary to implement this chapter.

11 (b) Failure to comply with the reporting requirements of
12 this chapter may result in administrative penalties, including
13 fines or other disciplinary actions as prescribed by the
14 department.

15 SECTION 2. This Act takes effect September 1, 2025.