SECOND REGULAR SESSION

HOUSE BILL NO. 2384

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TRACY (Sponsor), BROWN (149), SCHAAF, STREAM, SCHOELLER, DENISON, ZERR, LEARA, HOSKINS (121), GATSCHENBERGER, McGHEE, SANDER, DIECKHAUS, TILLEY, WELLS, McNARY, DUGGER, DUSENBERG, ALLEN, DETHROW, PRATT, FLANIGAN, HARRIS, FISCHER (107), DOUGHERTY, HODGES, McDONALD, KRATKY, ROORDA, RICHARD, LIPKE AND STEVENSON (Co-sponsors).

4988L.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 453, RSMo, by adding thereto four new sections relating to embryo transfer.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 453, RSMo, is amended by adding thereto four new sections, to be known as sections 453.250, 453.252, 453.254, and 453.256, to read as follows:

453.250. 1. Sections 453.250 to 453.256 shall be known and may be cited as the "Embryo Transfer Act".

2. As used in this section, the following terms shall mean:

(1) "Agent", a licensed attorney, fertility clinic, relative within the second degree of consanguinity, or other legal entity that participates in embryo transfer, except entities that participate in stem cell research;

(2) "Embryo" or "human embryo", an individual fertilized ovum of the human species from the single-cell stage to eight-week development;

(3) "Embryo relinquishment" or "legal transfer of rights to an embryo", the relinquishment of rights and responsibilities by the person or persons who hold the legal rights and responsibilities for an embryo and the acceptance of such rights and responsibilities by a recipient intended parent;

(4) "Embryo transfer", the medical procedure of physically placing an embryo into the uterus of a female;

EXPLANATION — Matter enclosed in bold-faced brackets **[**thus**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

(5) "Legal embryo custodian", the person or persons who hold the legal rights and responsibilities for a human embryo and who relinquishes such embryo to another person or persons;

(6) "Recipient intended parent", a person or persons who receives a relinquished embryo and who accepts full legal rights and responsibilities for such embryo and any child that may be born as a result of embryo transfer.

453.252. 1. A legal embryo custodian may relinquish all rights and responsibilities for an embryo to a recipient intended parent prior to embryo transfer. A written contract shall be entered into between each legal embryo custodian and each recipient intended parent prior to embryo transfer for the legal transfer of rights to an embryo and to any child that may result from the embryo transfer. The contract may cover more than one embryo collection from the donor. The contract shall include the designation by the recipient intended parent or parents of an agent of such parent or parents who is authorized to act on behalf of such parent or parents. The contract shall be signed by each legal embryo custodian for such embryo and by each recipient intended parent in the presence of a notary public and a witness. Initials or other designations may be used if the parties desire anonymity. The contract shall nullify any prior written agreement governing disposition of the embryo.

2. If the embryo was created using donor gametes, the sperm or oocyte donors irrevocably relinquish their rights to the embryo to an agent of an in vitro fertilization clinic.

3. Prior to relinquishment of an embryo, the legal embryo custodian shall establish that the embryo donor has been screened and tested negative for all infectious agents on the United States Food and Drug Administration's Complete List of Donor Screening Assays for Infectious Agents and HIV Diagnostic Assays. The provisions of this subsection shall not apply to an embryo in existence prior to the effective date of this section.

4. Upon embryo relinquishment by each legal embryo custodian under subsection 1 of this section, the legal transfer of rights to an embryo shall be considered complete, and the embryo transfer shall be authorized.

5. A child born to a recipient intended parent as the result of embryo relinquishment under subsection 1 of this section shall be presumed to be the legal child of the recipient intended parent; provided that each legal embryo custodian and each recipient intended parent has entered into a written contract.

453.254. 1. The court shall give effect to any written waiver of notice and service in the legal proceeding for embryo transfer.

2. In the interest of justice, to promote the stability of embryo transfers, and to promote the interests of children who may be born following such embryo transfers, the court in its discretion may waive such technical requirements as the court deems just and proper.

453.256. A completed embryo transfer contract shall terminate any future parental rights and responsibilities of any past or present legal embryo custodian or gamete donor in a child which results from the embryo transfer and shall vest such rights and responsibilities in the recipient intended parent.

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