

HCS HB 2384 -- EMBRYO TRANSFERS

SPONSOR: Davis (Tracy)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Children and Families by a vote of 7 to 3.

This substitute establishes the Embryo Transfer Act which authorizes a legal embryo custodian to relinquish all rights and responsibilities for an embryo to a recipient intended parent prior to an embryo transfer. A legal embryo custodian must have a written contract with each recipient intended parent prior to an embryo transfer for the legal transfer of rights to an embryo and to any child that may result from the transfer.

The contract must include the designation by the recipient intended parent of an agent who is authorized to act on behalf of the parent and must be signed by each legal embryo custodian for the embryo and by each recipient intended parent. The contract nullifies any prior written agreement regarding the disposition of the embryo. If the embryo was created using donor sperm and egg, the rights to an embryo created by an in vitro fertilization clinic will be irrevocably relinquished to an agent of the clinic.

Prior to the creation of an embryo, the legal embryo custodian must establish that the embryo donor has tested negative for all infectious diseases on the United States Food and Drug Administration's Complete List of Donor Screening Assays for Infectious Agents and HIV Diagnosis Assays and designate a legal embryo custodian for the embryo who is authorized to act in the event of the death or incapacitation of the person or persons creating the embryo.

Upon embryo relinquishment by each legal embryo custodian, the legal transfer of rights to an embryo will be considered complete, and the embryo transfer will be authorized. A child born to a recipient intended parent as the result of embryo relinquishment will be presumed to be the legal child of the recipient intended parent if each legal embryo custodian and each recipient intended parent has entered into a written contract. A completed embryo transfer contract will terminate any future parental rights and responsibilities of any past or present legal embryo custodian or sperm or egg donor in a child which results from the embryo transfer and vest the rights and responsibilities in the recipient intended parent.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that there are currently over 400,000 frozen embryos in the United States and there is a question as to what happens to those embryos if something were to happen to their biological parents. The bill requires the biological parents to name a legal custodian prior to the embryo being created so that if something happened to the biological parents, there would be a custodian who could take custody of the embryo. Currently under Missouri law, embryos are considered under the provisions regarding property law. This legislation makes it clear that the right to an embryo is severed upon the transfer of the embryo to the recipient parent.

Testifying for the bill were Representative Tracy; Missouri Right to Life; and Missouri Family Network.

OPPONENTS: There was no opposition voiced to the committee.