

HB 2384 -- Embryo Transfers

Sponsor: Tracy

This bill 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 relinquishing 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. This provision will not apply to an embryo in existence prior to the effective date of the bill.

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.